

Pippins, Yapton Lane, Walberton

Stationing of an additional 3no
residential mobile homes



Planning Statement

JUNE 2019

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1.0 SITE CONTEXT

- 1.1 Pippins is a detached two storey house located on the west side of Yapton Lane amongst a grouping of houses, agricultural greenhouses and commercial units.
- 1.2 The property is located a short distance to the south of the built up area of the village of Walberton. To the south there is a south coast railway and a short distance further on is the village of Yapton.
- 1.3 There are open fields on the east side of Yapton Lane.
- 1.4 To the south of the house there are four static caravans sited adjacent to the high conifer hedgerow.
- 1.5 There are 4no caravans on the site which have a rough north-south alignment and the western most caravan is occupied by the applicants' son. The council have accepted that this caravan is being used for purposes ancillary to the main house and therefore does not constitute development.
- 1.6 A retrospective application was submitted to retain the 3no caravans. This was registered under WA/86/17/PL and was refused planning permission on 19th February 2019.
- 1.7 An appeal was lodged against this refusal and in the decision letter dated 17 July 2018 planning permission was granted for the 3 caravans. The appeal decision letter is attached at Appendix 1 and will be referred to in detail later in this Statement.

2.0 PLANNING POLICY CONTEXT AND HOUSING SUPPLY

Policy

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Neighbourhood Plan

- 2.2 The Walberton Neighbourhood Plan was 'made' on 8 March 2017 following referendum on 1st February 2017 and therefore its policies carry weight during the determination of planning applications.
- 2.3 Section 5.4 deals with 'Housing' and sets out 5 Key Housing Aims, which include: 1. to prioritise the use of brownfield sites excluding such land developed under a temporary or personal consent; 3. to disperse the new housing on several smaller sites and avoid urbanising the villages; and, 4. to provide a mix of new housing.

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- 2.8 In the Examiners Report into the NP at paragraph 27 the Inspector commented that *"several sites have been identified for development purposes, some of these appear to lie outside the current boundaries drawn for the BUAB (see Emerging Policy SD SP2). Assuming that this is the position, then it is necessary for the boundaries of the BUAB to be re-drawn to accommodate those identified sites lying outside. It is therefore recommended that a new plan be drawn and designated to constitute the Proposals Map taking into account these various points so as to justify the inclusion of these and subsequent Policies into the Neighbourhood Plan"*.
- 2.9 In addition – and with specific reference to the Progress Garage site – the Inspector stated at paragraph 44: *"no justification has been provided as to why this site has been chosen outside the BUAB, and whether the BUAB is being extended or altered. It is therefore recommended that the boundaries of the BUAB be re-drawn, as referred to in paragraph 26, above, so as to justify the addition of this Policy"*.
- 2.10 It is therefore plain beyond peradventure that the NP Inspector made a clear expectation that if the Progress Garage site were to come forward then there should be a BUAB in the vicinity of the site. For whatever reason this has not happened. However the point is that there was an expectation that there would be a BUAB in the vicinity of the application site – and which may well have included the application site.

National Planning Policy Framework

- 2.11 National planning policy is now contained in the National Planning Policy Framework (NPPF) which was published in February 2019. A presumption in favour of sustainable development is at the heart of the NPPF.
- 2.12 Paragraph 79 of the NPPF states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*

- *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

- 2.13 The corresponding guidance in paragraph 50-001-20160519 of the Planning Practice Guidance (“the PPG”) states:

How should local authorities support sustainable rural communities?

It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in [the NPPF], in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence ...

- 2.14 [The NPPF] also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas [NPPF Part 4 “Promoting sustainable transport” para 103].
- 2.15 Accordingly, p79 of the Framework makes clear if a new dwelling in the countryside is ‘isolated’ then there needs to be special circumstances to justify the grant of planning permission. Thus, if it is not ‘isolated’ no such special justification is required.
- 2.16 The meaning of the word ‘isolated’ has been subject to recent litigation with the Court of Appeal making a ruling on 28 March 2018 in the case of *Braintree District Council v Secretary of State for Communities and Local Government; Greyread Ltd; and Granville Developments*. [Appendix 1]

- 2.17 In this case Lord Justice Lindblom makes the leading judgement and at paragraphs 31 to 32 he concludes:

31. In my view, in its particular context in paragraph 55 of the NPPF, the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.

32. What constitutes a settlement for these purposes is also left undefined in the NPPF. The NPPF contains no definitions of a "community", a "settlement", or a "village". There is no specified minimum number of dwellings, or population. It is not said that a settlement or development boundary must have been fixed in an adopted or emerging local plan, or that only the land and buildings within that settlement or development boundary will constitute the settlement. In my view a settlement would not necessarily exclude a hamlet or a cluster of dwellings, without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach. Whether, in a particular case, a group of dwellings constitutes a settlement, or a "village", for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. In the second sentence of paragraph 55 the policy acknowledges that development in one village may "support services" in another. It does not stipulate that, to be a "village", a settlement must have any "services" of its own, let alone "services" of any specified kind.

- 2.18 He continues at paragraph 41, stating:

Reading the policy as I would read it, as we were urged to do by the Secretary of State through Mr Whale, and as I think the Government plainly did intend, reflects common sense – as well as being the literal and natural construction. As the judge acknowledged (in paragraph 27 of her judgment), a policy directed to enhancing and maintaining the "vitality" of rural communities is a policy that embraces the "social" dimension of sustainable development. And as she said, to restrict the concept of an "isolated home" to one that is "isolated from services and facilities" would be to deny the policy's support – indeed, would turn it against – proposed dwellings that "could contribute to social sustainability because of [their] proximity to other

homes". This would seem contrary to the aim of the policy to maintain and enhance "the vitality of rural communities", and would diminish the acknowledged benefit of development in one settlement supporting "services" in another.

- 2.19 I submit that it must follow from this judgement that the application site is not isolated from the long line of continuous linear housing development that runs along the west side of Yapton Lane.
- 2.20 On this basis the special circumstances set out in paragraph 79 of the Framework do NOT have to be demonstrated in order to justify the grant of planning permission for a residential use in this location.

2003 Arun Local Plan

- 2.21 The saved policies of the 2003 Arun Local Plan still form the development plan for the district and therefore those policies applied in the 2006 permission are still relevant. The plan, however, predates the 2004 Compulsory Purchase Order and the National Planning Policy Framework and is therefore considered out of date. The emerging plan carries only limited weight and therefore planning decisions should be made in accordance with the Framework.

Assessment of Scheme Against Framework

- 2.22 The emphasis of the *Framework* on 'sustainable development' arises regardless of whether or not a Council is able to demonstrate a five-year supply of housing.
- 2.23 The *Framework* also recognises that the supply of new homes can sometimes be best achieved through a number of small sites coming forward. The proposal represents a small-scale development which meets a specific local need.
- 2.24 The provision of three residential caravans is aimed at providing affordable temporary housing for people in urgent need of housing whilst they address their long term housing situation.
- 2.25 Neither the Local Plan or NP make any attempt of identifying the need for residential mobile home accommodation in the area.

Housing Supply

- 2.26 Whilst it is the position of the Council that they have a 5 year supply of housing, this figure is heavily dependant on a considerable number of unidentified sites coming forward, a substantial proportion of which are within the countryside.

- 2.27 Moreover there is no actual assessment of the need for caravans. Occupiers of caravans is not exclusive to travellers and gypsies – there are many people who choose to live in a caravan, or have no option to live that way due to the cost of ‘bricks and mortar’.
- 2.28 These three additional caravans will go some way to meeting that unidentified need.

Brownfield? and Sustainability

- 2.29 As detailed above the land is within the curtilage of a dwelling in the countryside. Following the recent High Court judgement in *Dartford Borough Council v Secretary of State for Communities & Local Government* (CO/4129/2015).
- 2.30 The principle issue before the Court was whether the definition of “previously developed land” (commonly known as “brownfield land”) within the NPPF and Planning Policy for Traveller Sites (“PPTS”) excluded all private residential gardens, or just those “in built up areas”.
- 2.31 The Deputy Judge held that the wording of the exemption to previously developed land, within the NPPF was significant. It reads “land in built-up areas such as: private residential gardens” (underlining added). As such, the Deputy Judge found that only residential gardens within the “built-up area” were exempt from the definition of previously developed land whereas, residential gardens outside “built up areas” were “brownfield”.
- 2.32 The Court held there to be a rational explanation for the distinction, namely that undeveloped land in the urban area was at more of a premium and thus required greater protection. Although such a consideration did not feature in the Written Ministerial Statement or Letter to Chief Planning Officers on the issue of “garden grabbing” which accompanied the amendments to national policy in 2010, those documents had to be read alongside the wording of the amendment to national policy (then contained within PPS3 “Housing”) which, in common with the NPPF, preceded the exclusion of residential gardens with the phrase *“land in built-up areas”*.
- 2.33 This has the effect of making the land fall within the definition of “Previously Developed Land” [PDL]. The decision is significant in this regard. It holds that residential garden land, outside “built-up areas” is “brownfield” land not, as had widely been understood, “greenfield” land.
- 2.34 That finding has consequences in terms of its priority for development. Paragraph 111 NPPF provides that brownfield land is where development ought to be prioritised.

- 2.35 In this regard paragraph 79 indicates that promotion of sustainable development in rural areas can be achieved by locating housing where it will enhance or maintain the vitality of rural communities. For example development within a small group of housing may support services in a nearby village – provided that isolated homes in the countryside are avoided. Moreover where the development would lead to an enhancement to the immediate setting is a cited example for constituting special circumstances, which would justify new isolated homes.
- 2.36 It is also our case that the site is in a sustainable location.
- 2.37 The Institution of Highways Document (IHT) document '*Guidance for Providing Journeys on Foot*' suggests that an acceptable commuter walking distance is 1km and the preferred maximum walking distance is 2km.
- 2.38 This needs to be qualified since the Framework makes clear that the assessment of sustainability should be different in rural areas as opposed to urban areas – see para 103 of the Framework.
- 2.39 In order to assess the walking distance to the bus stops I have used the web-based program 'Geodistance.com' which provides a very accurate method of measuring walking distances.
- 2.40 The measurements indicate that The Holly Tree public house, in the centre of the village is 1.32km from the application site. Walberton & Binsted CofE primary school is recorded as being 1.43km walk. They both can be reached along pavements. This means that the range of services within Barnham are less than a 1.5km walk.



- 2.41 There is also Yapton CE primary school a similar distance to the south.

- 2.42 The 66 bus service bus stop is also at the entrance to the Windmill Shopping Centre and this demonstrates that a local bus service is also easily accessible.
- 2.43 Walberton and Yapton are connected by the 66 bus service which provides a direct connection to Barnham railway station; Barnham and Westergate secondary schools; Bognor Tesco's and Sainsbury's and Bognor town centre/railway station.
- 2.44 In addition the 85 bus service provides a connection from Walberton to Chichester
- 2.45 On the basis of this analysis I am satisfied that, in line with paragraph 30 of the Framework, there are sustainable transport options in this location as an alternative to car use.
- 2.46 Therefore paragraphs 11 and 79 of the Framework are satisfied and paragraph 111 sets out the priority for this type of land to be prioritised for development.
- 2.47 Paragraph 7 establishes three dimensions of sustainable development: economic; social and environmental. The economic dimension relates to building a strong and competitive economy; the social dimension relates to supporting strong and vibrant communities; and the environmental dimension relates to protecting and enhancing the environment.
- 2.48 It is clear that in this case the proposal satisfies the three dimensions of sustainable development and therefore the provisions of paragraph 14 apply, namely that there is a presumption of granting planning permission.
- 2.49 Planning permission should therefore be granted.
- 2.50 Such a judgement should be reached regardless of the housing supply within the District.

Findings of the Inspector at Appeal

- 2.51 In paragraph 4 of the Appeal DI the inspector identifies 2 main issues:
- (i) The effect of the proposal on the character and appearance of the area, and*
(ii) Whether or not the site is suitable for development having regard to its accessibility to local services and facilities.
- 2.52 On the first issue the inspector concludes that:
- As the site is almost entirely contained, and the caravans are seen within the context of existing area of built form, I find*

that the proposal integrates comfortably with its surroundings and complies with Policy GEN7 of the LP in respect of responding to the local character of the site and area. The proposal would comply with the Walberton Neighbourhood Plan (NP) Policy VE8 with regards to its environmental aims and Policy HP13 in respect of the character and appearance of the area.

- 2.53 On the second issue the inspector found that the site could not "be realistically considered as isolated" and therefore paragraph 55 [now 79] did not apply in this case.

2.54

- 2.55 Undertaking the planning balance the inspector concluded:

I have found that the development would not be harmful to the area's character and appearance and there would be no conflict with Policy GEN7 in this regard. Whilst the siting of the caravans beyond the settlement boundary would give rise to some conflict with the LP, most particularly Policies GEN2 and GEN3, I consider that conflict, in the absence of other harm, does not weigh significantly against this development.

As I have found that the development would not be harmful I consider there to be no adverse impacts that would significantly and demonstrably outweigh the limited social and economic benefits arising from the construction and occupation of one dwelling. I am therefore of the opinion that for the purposes of the totality of the development plan and the Framework that this would be a sustainable form of development which weighs greatly in its favour.

- 2.56 Whilst the inspector considered that future occupiers would be dependant on the car to access facilities and services he noted that the Framework made clear that solutions to maximise sustainable transport may vary between urban and rural areas.

- 2.57 Moreover at paragraph 12 he considered the land to fall within the definition of PDL and therefore would accord with Policy HP1 of the NP with regards to the location of development beyond the built up area boundary.

3 PLANNING BALANCE AND CONCLUSIONS:

- 3.1 There is an acute housing shortfall in Arun, with a need for a substantial number of unidentified sites to come forward. A clear presumption in favour of new sustainable housing development exists and restrictive countryside policies are of no effect. The tilted balance applies in this case.
- 3.2 The Walberton Neighbourhood Plan has a requirement for brownfield sites and this proposal would make a valuable contribution towards this goal.
- 3.3 The site is within a 2km walk from the facilities within Walberton. It is within an enclave of existing housing and cannot be considered to represent 'isolated' housing.
- 3.4 The provision of 3no additional residential mobile homes on PDL is a form of sustainable development. The surrounding land is already used as garden so there will be no material change in the character or use of the land.
- 3.5 The use of part of the well enclosed garden of the property for providing 3no mobile homes will not be so noticeable as to give rise to any harm to interests of acknowledged importance, nor would there be a noticeable difference in traffic movements.
- 3.6 Reference has made in the documents to the presumption in favour of sustainable development set out in the Framework. This refers to three strands of sustainability, being economic, social and environmental. In this case, there would be limited economic benefits as residents would support local services once the dwelling is permanently and independently occupied, increase Council Tax receipts and contribute a small amount of new homes bonus. The provision of three additional residential units would have a positive social impact in contributing to the need for homes in the area. There would be some environmental harm arising from the very minor increase travel by private car, although the annex is also accessed by private car such that this harm would be minimal. As a result, this would not significantly and demonstrably outweigh the positive economic and social benefits.
- 3.7 The planning balance clearly indicates that planning permission ought to be granted.

Appendix 1

Appeal Decision Letter

Appeal Decision

Site visit made on 26 June 2018

by J Ayres BA Hons, Solicitor

An Inspector appointed by the Secretary of State

Decision date: 17th July 2018

Appeal Ref: APP/C3810/W/18/3197909
Pippins, Yapton Lane Walberton BN18 0AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Ayers against the decision of Arun District Council.
 - The application Ref WA/86/17/PL, dated 28 November 2017, was refused by notice dated 19 February 2018.
 - The development proposed is continuation of use of land for stationing of 3no residential mobile homes.
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Decision

1. The appeal is allowed and planning permission is granted for continuation of use of land for stationing of 3no residential mobile homes at Pippins, Yapton Lane Walberton BN18 0AS in accordance with the terms of the application, Ref WA/86/17/PL, dated 28 November 2017 , subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 1 – Location Plan; Drawing 2 – Block Plan; Drawing 3 – Site Plan.

Preliminary Matters

2. The Council's emerging local plan is progressing. At the time of my decision the development plan is the Arun District Local Plan 2003 (LP), and I have determined this appeal in accordance with the LP.
3. The site has been used for the stationing of the four caravans since 2016. The Council has confirmed that one of the caravans is used by the appellant's son and that the proposal relates to the remaining three caravans. I have assessed the scheme having seen the caravans in situ.

Main Issues

4. The main issues are;
 - (i) The effect of the proposal on the character and appearance of the area, and
 - (ii) Whether or not the site is suitable for development having regard to its accessibility to local services and facilities.

Reasons

Character and appearance

5. The appeal site forms part of the garden of Pippins, a detached two storey house. Pippins is one of a number of houses along Yapton Lane, interspersed with agricultural greenhouses and commercial units. There is a distinct linear form of development along this side of Yapton Lane. This in contrast to the more open character on the other side of Yapton Lane, where the land appears more exposed and undeveloped, with stretches of agricultural land and fields which creates a more rural character.
6. The caravans are shielded from view by mature planting along the side and front boundary. They are not visible from Yapton Lane, and are barely visible from the access to the nursery. Any views of the caravans present a single storey, wood cladded design. This does not appear incongruous or alien in comparison to the other outbuildings serving properties along Yapton Road and in relation to the single storey building next to Pippins, and the commercial nursery structures beyond the site.
7. As the site is almost entirely contained, and the caravans are seen within the context of existing area of built form, I find that the proposal integrates comfortably with its surroundings and complies with Policy GEN7 of the LP in respect of responding to the local character of the site and area. The proposal would comply with the Walberton Neighbourhood Plan (NP) Policy VE8 with regards to its environmental aims and Policy HP13 in respect of the character and appearance of the area.

Location of development

8. The site is located between Yapton and Walberton, it is outside of either settlement boundary however it is closer to Walberton.
9. Paragraph 55 of the National Planning Policy Framework (the Framework) advises that new isolated homes in the countryside should be avoided, unless there are special circumstances. However, the term isolated should be given its ordinary, objective meaning of "far away from other places, buildings or people: remote". The appeal site is one of a number of residential dwellings along Yapton Lane, and the linear form of development is established, linking the settlements of Yapton and Walberton. I therefore do not consider that the site can be realistically considered as isolated and therefore paragraph 55 does not apply in this regard.
10. Walberton can be accessed via Yapton Lane, and is some 1.5 kilometres from the site. There is no lighting along Yapton Lane, and it is unlikely that occupiers would choose to travel to the village by foot, especially during the winter months or in bad weather. Travel by bicycle would be possible, although due to the lack of lighting, and the relatively high speed of traffic travelling along Yapton Lane, it would not be suitable for those with young children or those who are elderly or physically impaired. It is therefore probably that future occupiers would be dependent on the private vehicle to access facilities and services.
11. Paragraph 29 of the Framework acknowledges that solutions to maximise sustainable transport may vary between urban and rural areas. When

considering the scheme in the context of the existing built form and relationship to settlements, I find that the proposal would not conflict with Policy GEN 7 of the LP with regards to the design of the development. However, there would be some conflict with GEN7 with regards to the use of the private car. Due to the location of the site beyond the settlement boundary the use of the appeal site would conflict with Policies GEN 2 and GEN 3 of the LP in this regard.

12. As the site falls within the definition of previously developed land, and taking account the proposal's compliance with other policies in the NP and development plan, it would comply with Policy HP1 of the NP with regards to the location of development beyond the built up area boundary.

Planning Balance and Conclusion

13. The parties agree that the Council is unable to demonstrate a five year supply of housing land. It follows that, for the purposes of paragraph 49 of the Framework, policies for the supply of housing are to be considered out of date. I have therefore determined the appeal in accordance with paragraph 14 of the Framework.
14. I have found that the development would not be harmful to the area's character and appearance and there would be no conflict with Policy GEN7 in this regard. Whilst the siting of the caravans beyond the settlement boundary would give rise to some conflict with the LP, most particularly Policies GEN2 and GEN3, I consider that conflict, in the absence of other harm, does not weigh significantly against this development.
15. As I have found that the development would not be harmful I consider there to be no adverse impacts that would significantly and demonstrably outweigh the limited social and economic benefits arising from the construction and occupation of one dwelling. I am therefore of the opinion that for the purposes of the totality of the development plan and the Framework that this would be a sustainable form of development which weighs greatly in its favour.
16. For the reasons given above I conclude that the appeal should be allowed.

Conditions

17. I have not included a condition relating to commencement due to the retrospective nature of the use. I have specified the relevant plans for certainty.

J Ayres

INSPECTOR