

Pippins, Yapton Lane, Walberton

Continuation of use of land for the
stationing of 3no residential mobile homes



Planning Statement

NOVEMBER 2017

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- 1 Relevant extracts from Inspectors Report into Walberton NP
- 2 Relevant extracts from Walberton NP, Post Examination Version

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 These caravans 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. Accordingly, whatever the outcome of this application there will be at least one caravan remaining on the land.

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.

Background

- 2.2 When Planning Permission was granted in 2006 the local development plan was formed by the 2003 Arun District Local Plan and the West Sussex Structure Plan. National Planning Policy was set out in a series of Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) documents.
- 2.3 The officer's report for Planning Application BN/67/06 states that Policies DEV1, DEV2, NE8, LOC1 and LOC2 of the West Sussex Structure Plan and Policies DEV1, GEN3 and GEN7 of the 2003 Local Plan were of relevance in the determination of the application. PPS1, PPS7 and PPG21 were also relied upon.
- 2.4 Structure Plan Policy DEV1 required high quality development whilst DEV2 allowed mix-use development where it made the best use of land. NE8 sought to protect the character and environment of rural areas. LOC1 prioritised development within towns and villages,

particularly through the reuse of previously developed land, whilst LOC2 required development in the countryside to demonstrate it required a countryside location.

- 2.5 Arun Local Plan Policy DEV1 permits the conversion of rural buildings for business use dependent on several criteria. Policy GEN3 seeks to protect the countryside from inappropriate development. Policy GEN7 requires new development to be of a high quality design and layout, particularly through: the efficient use of land and buildings; design that responds positively to the development's surroundings; sustainable development; no unacceptable adverse impact on adjoining occupiers; and the retention of significant open or wooded areas which, in their own right, make a contribution to the local environment.

Current Policy Framework

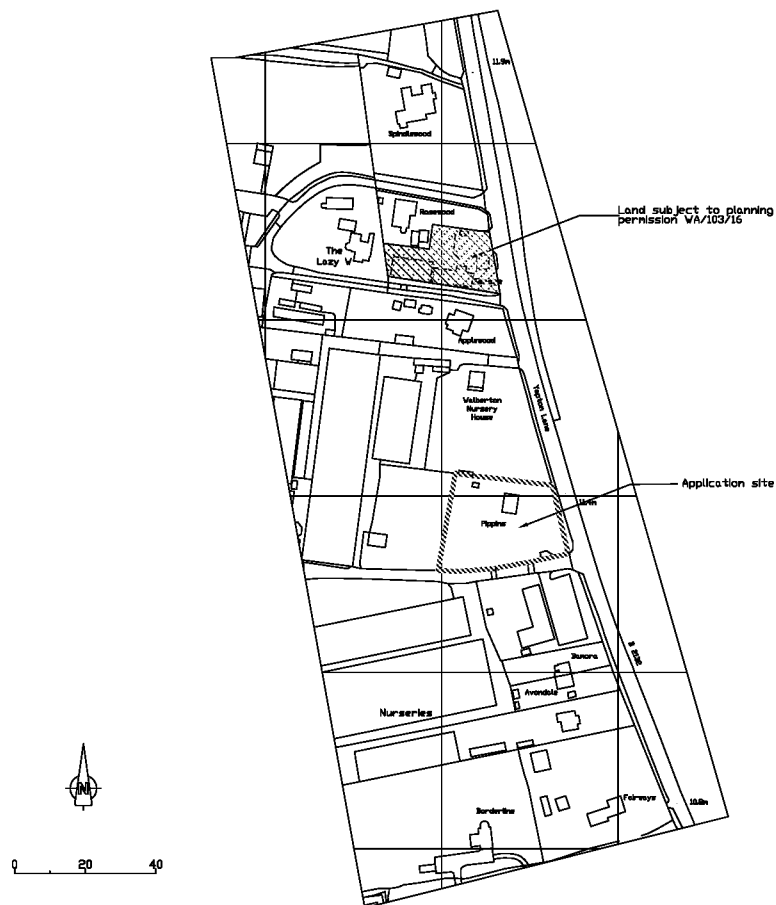
- 2.6 Whilst the 2003 Local Plan remains the development plan for the district, the wider planning landscape has changed considerably since 2006. Regional planning, previously contained in the West Sussex Structure Plan and the South East Plan, no longer exists in the planning system whilst national planning policy and guidance are now consolidated and contained in National Planning Policy Framework and the National Planning Policy Guidance. Neighbourhood Planning has also been introduced by The Localism Act in 2011.

Neighbourhood Plan

- 2.7 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.
- 2.8 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.
- 2.9 The text supporting Policy HP 1 states that the reason for their spatial plan is to support "*development on previously developed (i.e. brownfield land) both inside and outside the Built-up Areas and development on other land within the Built-up Areas, but only if it is considered to be suitable for development against other Plan policies.*"
- 2.10 Accordingly it is clear that the NP seeks to facilitate brownfield sites in the rural area coming forward for housing.
- 2.11 As part of its housing allocations the NP allocated the Progress garage site in Yapton road as a site to provide 6 homes.



- 2.12 This site is just a short distance to the north of the current application site, as demonstrated in the location plan below. There is no requirement in the NP that the windfall sites must be within the built up area.



Drawing 1 – Location Plan
Scale 1:2500 @ A4

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- 2.13 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"*.
- 2.14 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"*.
- 2.15 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

- 2.16 National planning policy is now contained in the National Planning Policy Framework (NPPF) which was published on 27th March 2012. It replaced the majority of the PPS and PPG documents and is a material consideration in the determination of planning applications. In the absence of an up-to-date local plan, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. A presumption in favour of sustainable development is at the heart of the NPPF.
- 2.17 Paragraph 14 states that for decision making, this means approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.
- 2.18 Paragraph 49 states that Housing applications should be considered

in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 2.19 Paragraph 55 of the NPPF states that "*local planning authorities should avoid new **isolated** homes in the countryside*", unless they are for specific reasons, none of which are relevant here. However the same paragraph says that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Paragraph 64 also refers to good design and that design which fails to "*take the opportunities available for improving the character and quality of an area*" should be refused.
- 2.20 The Framework does not contain a definition of 'isolated'. However, in the recent case of *Braintree District Council v Secretary of State for Communities and Local Government & Ors.* [Case Number: CO/1207/2017] the judge, Mrs Justice Lang considered the Council's interpretation was too restrictive. She noted there were existing dwellings to the north and south of the development site – which was originally home to agricultural buildings that had been demolished.
- 2.21 Paragraph 187 states that Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

2003 Arun Local Plan

- 2.22 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

- 2.23 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.
- 2.24 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.
- 2.25 The *Framework* has a strong emphasis on good design (paragraph 50); it states that developments "*Deliver a wide choice of high*

quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities”.

- 2.26 The provision of three residential caravans is aimed at providing affordable temporary housing for people in urgent need of housing whilst their address their long term housing situation.
- 2.27 Neither the Local Plan or NP make any attempt of identifying the need for residential mobile home accommodation in the area.

Housing Supply

- 2.28 It is common ground that the 5 year supply of housing in Arun is currently around just 2 years.
- 2.29 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’.
- 2.30 These three caravans will go some way to meeting that unidentified need.

Brownfield? and Sustainability

- 2.31 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).
- 2.32 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”.
- 2.33 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”.
- 2.34 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*".

- 2.35 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.
- 2.36 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.
- 2.37 In this regard paragraph 55 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.
- 2.38 It is also our case that the site is in a sustainable location.
- 2.39 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.
- 2.40 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 34 of the Framework.
- 2.41 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.
- 2.42 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.



- 2.43 There is also Yapton CE primary school a similar distance to the south.
- 2.44 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.
- 2.45 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.
- 2.46 In addition the 85 bus service provides a connection from Walberton to Chichester
- 2.47 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.

- 2.48 Therefore paragraphs 14 and 55 of the Framework are satisfied and paragraph 111 sets out the priority for this type of land to be prioritised for development.
- 2.49 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.
- 2.50 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.
- 2.51 Planning permission should therefore be granted.
- 2.52 Such a judgement should be reached regardless of the housing supply within the District.

Assessment of Scheme in Light of Absence of 5 Year Housing Supply

- 2.53 From the above findings it is clear that all planning policies pertaining to the supply of housing must be considered out-of-date [Framework, para 49].
- 2.54 The NPPF sets out a presumption in favour of sustainable development. It advises that sustainable development should be seen as the golden thread running through both plan-making and decision-taking.
- 2.55 I have set out in some detail above why it is clear that the evidence demonstrates that the proposed development constitutes sustainable development, and those findings remain pertinent.
- 2.56 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.
- 2.57 Throughout the *Framework*, there is a strong presumption in favour of development. It notes that Councils must demonstrate an adequate supply of housing. Arun District Council have identified a significant shortfall in their housing supply and therefore each site should be considered on its own merits against policies contained in the *Framework*.
- 2.58 The *Framework* 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.

2.59 This means, as the *Framework* at its paragraph 49 puts it, relevant policies for the supply of housing should not be considered up-to-date if, as here, the Council cannot demonstrate a 5 year supply of deliverable sites. The absence of this supply is not, of course, the only material consideration in the determination of the application. Nevertheless, and in view also of the Government's determination to boost significantly the supply of housing, it is a matter to which a significant amount of weight should be attached.

2.60 In such circumstances the NPPF states that housing policies – including those within a Neighbourhood Plan – should not be considered up-to-date. Where policies are not up-to-date, paragraph 14 of the Framework requires proposals to be determined in accordance with its presumption in favour of sustainable development.

2.61 This means, unless material considerations indicate otherwise, that **planning permission should be granted:**

*'unless any adverse impacts of doing **so would significantly and demonstrably** outweigh the benefits, when assessed against the Framework as a whole; or specific policies in this Framework indicate development should be restricted.'* [my emphasis]

2.62 For the purposes of this application, those are the tests that the decision maker must apply.

2.63 As set out in section 3 the land comprises 'brownfield' land and is development is prioritised under paragraph 111 of the Framework.

2.64 Thus, there are NO adverse impacts. Even if there were any they are no so great as to **significantly and demonstrably** outweigh the benefits of providing new housing on brownfield land.

2.65 For all of the reasons that I have set out above I conclude that planning permission should be granted.

3.0 CONCLUSIONS:

3.1 There is an acute housing shortfall in Arun, with less than a 3-year housing supply. A clear presumption in favour of new 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 There is full compliance with 2003 Local Plan Policy GEN2..
- 3.4 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.
- 3.5 The provision of 3no 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.
- 3.6 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.
- 3.7 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 an additional dwelling would have a positive social impact in contributing to the need for homes in the area where there is no five year supply of deliverable housing sites. 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.
- 3.8 The planning balance clearly indicates that planning permission ought to be granted.

Appendix 1

Relevant extracts from
inspector's report into
Walberton NP

WALBERTON

NEIGHBOURHOOD DEVELOPMENT PLAN
2015 – 2031

INDEPENDENT EXAMINATION

A Report to Arun District Council
By
Edward Cousins BA, LL.M, Barrister
July 2016

Section 5.4 – Housing Policies

The Proposals Map

26. Page 30 of the Neighbourhood Plan makes reference to the Proposals Map contained in Schedule 7 in the Regulation 15 Submission. The reference to Schedule 7 is in fact incorrect – Schedule 7 being the “Development Timeline”. It is recommended that this reference should be altered to Schedule 8 in the current version of the Neighbourhood Plan.

27. However, a more important point is raised by ADC, namely, that neither plan which currently appears in Schedule 8 is designated as such as the Proposals Map. It is probable that the second plan at pages 54 and 55 of the Neighbourhood Plan (where the various sites are identified as A to G) is intended to be such, but this lacks a number of policy identifications, such as the built up area boundary (“BUAB”), and the Conservation Areas. A further consideration that arises is that, having regard to the fact 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

Policy HP8 – Progress Garage Yapton Lane, Walberton

44. By reference to the Comments, 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.

Appendix 2

Relevant extracts from
Walberton NP, Post
Examination Version

5.4 Housing

Introduction: The housing and land use policies focus on achieving the successful delivery of the community's vision and core objectives for the Parish and villages, set out in Section 4. These reflect the views of residents as expressed in responses to the Survey - of which there were 611 - and in subsequent comments recorded at the Open and Drop in Days and a Consultation Day. This interactive process and dialogue helped deliver the housing proposals and to formulate the Key Housing Aims. The reasoning includes an indication of the residents' response in the Survey.

The Plan's Policy 5.2 applies to this section, as it does to all other development. The majority of Plan housing policies relate to individual sites, which are shown on the Proposals Map in Schedule 7. Where appropriate, policies are accompanied by references to their conformity with the ADC 2003 Local Plan and the NPPF. At the time of writing, the future of the emerging Local Plan is in doubt; its policies may be referenced for completeness' sake only.

Key Housing Aims:

1. to prioritise the use of brownfield sites excluding such land developed under a temporary or personal consent
2. to avoid development on the large sites in the countryside in the Parish and to preserve gaps between villages
3. to disperse the new housing on several smaller sites and avoid urbanising the villages
4. to provide a mix of new housing including smaller and sheltered units for those wishing to downsize and affordable starter homes giving priority to local residents or those with a local connection
5. to ensure that all new building is of a design compatible with adjoining properties and its setting

Policy HP 1 Spatial Plan of the Parish

By reference to Emerging Policies SD SP2 – Built-up Area Boundary, C SP1 – Countryside, GI SP1 – Green infrastructure and development, SD SP3 – Gaps between Settlements, Policy H SP1 – Strategic housing, parish and town council allocations, and other relevant Policies, development proposals for new dwellings as specified in the Development Timeline in Schedule 7, and identified on the Proposals Map in Schedule 7, will be supported. Development proposals for other new dwellings outside the Built-up Areas will be resisted unless the Plan has made specific provision for those proposals.

However, when applying this policy, it should be noted that the PC supports the grant of planning permission at Fontwell Meadows for the revised Dandara proposals and the transfer of 4.5 hectares of Open Public Space to the Parish. See page 23 paragraph 2 – see p. 23 Paragraph 2.

Reason: The policy supports development on previously developed (i.e. brownfield land) both inside and outside the Built-up Areas and development on other land within the Built-up Areas, but only if it is considered to be suitable for development against other Plan policies. The policy recognises the desirability of integrating the pace of new development with the provision of local facilities and housing services so as to promote a sustainable infrastructure within the Parish. The policy also promotes the conservation of the gaps and countryside around the three villages and the Parish and incorporates the Key Housing Aims. Schedule 7 outlines the timescales involved in respect of these sites' development.

Policy HP 8 Progress Garage Yapton Lane Walberton



The Plan allocates this brownfield site as shown on the Proposals Plan for six houses

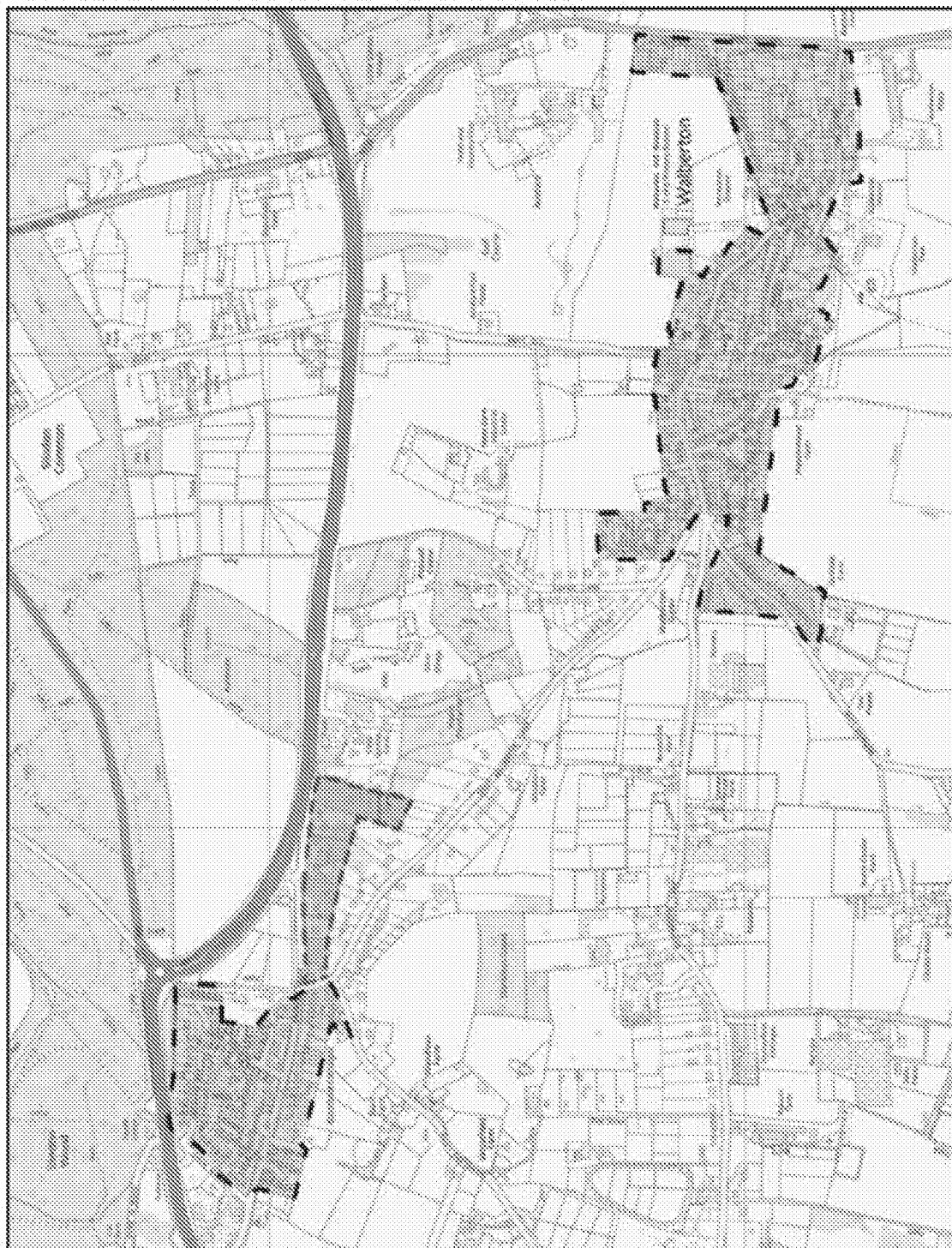
Reason: A brownfield site on the edge of Walberton and outside the Built Up Area likely to become available within 2-5 years and to provide 6 homes.

Community response:

The site was opposed in 54 responses.

Schedule 8

EXISTING BUILT UP AREA BOUNDARIES AND EXTENSION POLICY HP1



-  Built up area boundaries 2003
-  Settlement extension

Schedule 7 continued
PROPOSALS MAP

