

PLANNING APPLICATION REPORT

REF NO:	AL/94/22/PL
LOCATION:	Nyton Rest Nyton Farm Shop Nyton Road Aldingbourne PO20 3TU
PROPOSAL:	Extension of duration of planning permission for a further 3 year period to run from expiry of current temporary permission granted under AL/61/20/PL for continued use of land for agricultural workers accommodation for an initial period of 2 years comprising 14 no. chalets, low level lighting, retention of existing hardstanding, utilisation of existing individual foul treatment plants and existing permitted access and associated works. This application falls in CIL Zone 3 (Zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for a 3-year continuation of the approved temporary use. The details are the same as before except that they now include details of the lighting that were subsequently approved through a discharge of condition.
SITE AREA	0.3772 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	2m high close boarded fencing to boundaries. There is an earth mound to part of the rear of the site.
SITE CHARACTERISTICS	The use has commenced, and the site reflects what is described by the approved plans - namely the siting of 14 chalets (hereafter referred to as caravans), 3 fire points, a portable washroom structure and parking spaces. Two of the caravans are for use by travelling show persons (to act as site managers) and the other twelve by agricultural workers. Each caravan has three bedrooms and access to utilities. The caravans are no higher than 3m from ground to roof.
CHARACTER OF LOCALITY	There are three permanent travelling show-persons plots on the adjacent land to the west, a further 11 such plots on land further to the north-west (AL/107/18/PL) and to the east and south, the Aldingbourne Nurseries site (including the Plymouth Brethren Church). To the north, is a large pony paddock. It is appropriate to describe the area as rural.

RELEVANT SITE HISTORY

AL/98/20/DOC	Approval of details reserved by condition imposed under ref AL/61/20/PL relating to Condition No 4 - external lighting	DOC Approved 11-01-21
AL/61/20/PL	Continued use of land for agricultural workers accommodation for a temporary period of 2 years comprising 14 No chalets, low level lighting, retention of existing hardstanding, utilisation of existing individual foul treatment plants and existing permitted access, and associated works. This application falls in CIL Zone 3 (Zero Rated) as 'other development'.	ApproveConditionally 28-10-20
AL/23/17/DOC	Application for approval of matters reserved by condition imposed under AL/47/14/PL relating to condition No. 6 (Landscaping scheme), 7 (Plot boundary fences), 8 (Surface water drainage), 9 (Scheme to improve current site access) & 10 (Lighting)	DOC Part Approved 08-03-18
AL/47/14/PL	Change of use from agricultural land to provide 4 No permanent plots for travelling show people and a pony paddock. This application is a departure from the Development Plan.	ApproveConditionally 02-09-14

The site is one of the permanent travelling show persons plots approved by AL/47/14/PL. This allowed 4 no. permanent plots for travelling show people with a pony paddock. Each plot was to be bordered by 2m high close boarded fencing with permeable hardstanding. The permission was subject to a condition limiting the occupancy of each plot to 1 household with no more than 8 mobile homes and 12 touring caravans stationed across 4 plots. The permission has been implemented but condition 6 (landscaping) has not yet been discharged.

AL/61/20/PL was approved at Planning Committee on 28/10/20 and allowed a 2-year permission for agricultural workers chalets. It was subject to a condition that required agreement of lighting details, this was discharged on 11/01/20 by AL/98/20/DOC. Alongside details submitted with AL/98/20/DOC, the applicant supplied photos to demonstrate the parking spaces and minibus drop-off area had been marked out as per the approved plan.

REPRESENTATIONS

Aldingbourne Parish Council state: "The Parish Council strenuously objects to the extension of the previous application. We have cited this as a development of concern with the Enforcement Officer at ADC and have had no reply in over 6 months as well as raising this as a concern over a number of years. We are requesting that nothing is agreed or approved for this site until an investigation is undertaken on whether any planning consents has been complied with and there has been non-compliance with all previous conditions agreed. We are asking that a site visit take place to ensure that the information in the application is factually correct. This is outside the ANP and is not a sustainable

development"

COMMENTS ON REPRESENTATIONS RECEIVED:

It is understood the Parish Council requested this development and wider site be monitored by planning compliance to ensure conditions are complied with. Due to a lack of resources this has not been possible. The site was subject of an unannounced visit by the case officer on 29/07/22. This confirmed that the permitted number of caravans (14) were present, as was the wash building (a laundry), two fire points and bin/recycling area. Despite having been marked out on the ground (by a photo supplied with AL/98/20/DOC), the four visitor parking spaces and minibus drop-off/pick-up space were no longer indicated with white lines. As the presentation shows, there is plenty of room to accommodate vehicles.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTH DOWNS NATIONAL PARK - no objection. The site is a notable distance from the boundary of the National Park in between which is intervening development including the A27. For this reason and the fact that the caravans & other buildings are relatively low level, the development would not have any significant impact upon the setting of the National Park. Nonetheless, Arun District Council has a statutory duty to consider National Park Purposes, and these should be acknowledged and considered by the case officer in their assessment of the application.

ADC ENVIRONMENTAL HEALTH - state no objections/comments.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built Up Area Boundary.
- CIL Zone 3.
- Current/Future Flood Zone 1.
- Within 12km of Singleton and Cocking Tunnels Special Area of Conservation; and
- WSCC Mineral Consultation Area (Sharp Sand & Gravel).

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
HDM3	H DM3Agricultural forestry and horticultural Rural dwellings
HSP5	H SP5 Traveller and Travelling Showpeople accommodation
LANDM1	LAN DM1 Protection of landscape character

QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way

Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
<u>Aldingbourne Neighbourhood Plan 2019-31 Policy EH1</u>	Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EH10	'Unlit Village' status
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Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019	Protection of bat habitation
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Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
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Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments
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**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant policies of the Aldingbourne Neighbourhood Development Plan are considered in this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: -

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it proposes to retain development in the countryside not in accordance with policy C SP1 or with any other policies in the Local Plan. However, the temporary retention of this development would not result in significant or adverse harm to the landscape and character of the area, the safety of the local highway or the

amenities of nearby occupiers.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

**OTHER MATERIAL CONSIDERATIONS**

It is considered that there are other material considerations to be weighed in the balance with the Development Plan and these are discussed in the conclusions.

**CONCLUSIONS**

**PRINCIPLE:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Arun Local Plan 2011-2031 (ALP), the Aldingbourne Neighbourhood Development Plan (ANDP), the South Inshore & South Offshore Marine Plan and the West Sussex Waste and Minerals Plans.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area, conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the ALP and the ANDP should be resolved in favour of the latter.

ALP policy C SP1 states development in the countryside outside the Built-Up Area Boundary (BUAB) will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. Policy H DM3 "Agricultural, forestry and horticultural rural dwellings" provides support for accommodation for rural workers and so it will be necessary to assess the proposal against the policy criteria. ANDP policy EH1 directs development to within the BUAB however it only precludes development outside the BUAB in areas west of Westergate Street or where it involves permanent housing.

ALP policy H DM3 allows for temporary accommodation for seasonal horticultural workers but only in exceptional circumstances where there is clear evidence that the structures are absolutely essential for the provision of staff accommodation to facilitate the economic running of a farm or horticultural holding and subject to certain criteria. The application states:

- The proposal provides essential accommodation for farm workers necessary for the economic running of farms but not a farm within which the application site is located.
- The accommodation of agricultural workers in temporary chalet/caravan accommodation also means that they do not take up valuable housing stock.
- A letter from Pro-Force (dated 15/03/22) is provided and this clearly indicates that there is a continued demand for the workforce and consequently the accommodation at the site.

It is material that the site is fully occupied by agricultural workers with no vacant accommodation and as per the Pro Force letter there is a continuing need for more accommodation. Nevertheless, the proposal

does not comply with all policy criteria as the accommodation is not to assist with agricultural activities on the same site and workers will be bussed to nearby locations. Neither this nor the original application made an assessment of alternative locations. However, criteria (b) to (g) are met as is demonstrated by the rest of this report.

Conflict with policies designed to protect the countryside need to be weighed against material planning considerations.

#### **IMPACT ON SPECIALIST ACCOMMODATION:**

ALP policy H SP5 states permission will not normally be granted for development which results in the loss of lawful accommodation for Gypsy and Travellers and Travelling Show People unless alternative provision is made to make good any loss. The site has permission as a travelling show persons plot and can be occupied by one household unit. The proposal retains an existing mobile home in one corner of the site and includes two caravans occupied by travelling show persons who will act as on-site managers there is no loss of the approved accommodation.

#### **MINERALS SAFEGUARDING:**

The site is in a Sharp Sand and Gravel Mineral Safeguarding Area as defined by the West Sussex Joint Minerals Local Plan. Policy M9(b) of that Plan states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The site has permanent permission as a travelling show persons plot and so prior extraction of minerals under the site would not be possible. Such extraction is unlikely to be practical given the size of the site and the proximity of existing residential occupiers. WSCC Minerals & Waste have not responded. The proposal is otherwise acceptable in respect of policy M9.

#### **ACCESS & PARKING:**

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities, and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

ANDP policy GA1 requires that proposals are sustainably located and accessible to local facilities and services and sufficient capacity exists or can be provided to accommodate additional needs. Policy GA3 requires parking be provided to meet current standards. Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The Nyton Rest site as a whole is lawfully occupied as a travelling show persons site and the access also serves a residential barn conversion (former Nyton Farm Shop). WSCC Highways raise no concerns



with the existing access which has good visibility and has not been subject to any accidents in the last 5 years.

Whilst there are bus stops 360/460m from the site entrance to the south-east, this site is not a sustainable location for development as there is no pavement on Nyton Lane and no footpaths otherwise connecting the site. Cycling would be a viable option as it is not too far to cycle to the shops/facilities of Westergate however, persons living on the site will be largely reliant on some form of vehicle to access places of work and facilities/services. The proposal conflicts with ALP policy T DM1 and with ANDP policy GA1.

As per the previous application, the layout shows 4 visitor spaces, a minibus drop-off/pick-up location and there is space alongside the two retained show person caravans for car parking. The site visit confirmed none of these are physically marked out on the ground. However, there is plenty of space within the site for the parking of cars and other vehicles.

The Arun Parking Standards SPD does not set out parking standards for caravans or agricultural workers accommodation and it is not appropriate to impose a full residential standard (which would equate to 28 allocated spaces and 2 visitor spaces). Car ownership amongst temporary workers is unlikely to be high (indeed it was observed on the site visit that only 1 car and 1 minivan was present) and therefore the provision of the spaces indicated on the plan is appropriate. WSCC Highways raise no objections to the parking provision from a highway safety point of view.

The proposal conflicts with ALP policy T DM1 & ANDP policy GA1 but is in accordance with ALP policy T SP1. There is no conflict with the Parking Standards SPD.

## **LANDSCAPE & VISUAL IMPACT**

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. The Arun Design Guide is a material consideration but does not provide any guidance on caravan sites.

This site is a part of a much larger site with permission for 4 travelling show person plots. Each plot is fenced, has a mix of hardstanding and grass, and can be occupied by mobile homes, touring caravans, and other vehicles. Outside of these areas, the wider site has a large area of hardstanding and other built features. The site benefits from a dense tree screen along the southern and eastern boundaries to the adjacent Aldingbourne Nurseries site. The level of planting along the Nyton Road frontage is such that there are no views of the site.

The development is entirely single storey with no development higher than 3m and it will not be seen from nearby public viewpoints. It may be possible to view the site from higher ground to the North but at such a long distance, the caravans will readily assimilate in the landscape particularly noting the approved show persons plots on site and the adjacent site to the west/northwest.

Additional landscaping is not required given that a condition was imposed on AL/47/14/PL and although this remains outstanding, it has been requested and the submission of this will assist with further greening of the site. Whilst not essential to the continued use for seasonal workers caravans, this would have a positive benefit on the landscape.

The proposal will not harm the landscape character or local visual amenity and is not in conflict with ALP policies D DM1, D SP1 or LAN DM1. There will not be any adverse impact on the statutory purposes and

duty of the National Park.

#### **RESIDENTIAL AMENITY:**

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The nearest bricks & mortar type dwelling is no. 4 Aldingbourne Nurseries which is approximately 80m to the south-east or no. 1 Aldingbourne Barn (former Nyton Farm Shop), some 64m to the north-east. These are too far away to have their amenities adversely affected by the agricultural workers caravans. There are existing residential mobile homes on site and on adjacent plots and these are much closer. However, the single storey nature of the caravans/mobile homes and the existing 2m high screen fencing means there will be no direct line of sight to/from the site therefore no loss of privacy or loss of light. Therefore, there is no conflict with policies D DM1 or QE SP1 in respect of residential amenity.

#### **LIGHT POLLUTION:**

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Further, that schemes proposing outdoor lighting be accompanied by an assessment. ANDP policy EH10 states proposals which detract from unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

The lighting detailed in the application was approved through the discharge of a condition associated with AL/61/20/PL. It consists of Deluce Lighting Thermal Photocell controlled lights mounted approximately 1m above ground level on chalets 1, 3, 5, 6, 8, 10, 11, 12, 14. and the washroom. There is no conflict with ALP policy QE DM2 or ANDP policy EH10.

#### **BIODIVERSITY:**

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). ANDP policy EH12 2019 states proposals for development of greenfield sites must evaluate whether there is a potential for the loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature tree lines.

This site is not green field and is not adjacent to woodland although the south and east boundaries are marked with trees. The site has permission as a travelling show persons plot, and the development does not result in a loss of trees or materially increase activity levels to the detriment of wildlife species. The lighting that has been agreed was done so in consultation with the Councils ecologist who raised no objections. There is no impact on the bats associated with the SAC

The application (as per the previous approval) does not include measures to improve biodiversity, but this is appropriate as the site is not greenfield and has already been developed such that there is no loss of/harm to biodiversity. On balance, the proposal is in accordance with ALP policy ENV DM5 and ANDP policy EH6.



SUMMARY:

This proposal is contrary to development plan policy in respect of development in the countryside and development that is vehicle reliant. However, this should not automatically result in a refusal unless there is corresponding harm. This report demonstrates there will be no visual harm to the landscape, no harm to highway safety, no harm to residential amenity and no material impact on biodiversity.

It is material that the applicant applied for a temporary 3-year permission and the accommodation is required to satisfy a pressing need for agricultural workers. The continued temporary nature of the proposal means there will be no permanent harm to the countryside. This material consideration allows for a decision to be taken other than in accordance with the development plan and as per paragraph 11(c) of the NPPF, it is recommended that the permission is granted in accordance with the following conditions.

**HUMAN RIGHTS ACT**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

**CIL DETAILS**

This application is not CIL liable as caravans are excluded from the regulations.

**RECOMMENDATION**

APPROVE CONDITIONALLY

- 1
- The development hereby approved shall be carried out in accordance with the following approved plans:

Location and Block Plan.

Proposed Site Plan ref 1483-02 Rev B.  
Proposed Sections ref 1483-04 Rev A; and  
Proposed Lighting Plan Dwg No 1483-04.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1 and T SP1 of the Arun Local Plan.

- 2      The agricultural workers chalets shall cease to be occupied after 3 calendar years from the date of this permission. Thereafter, the chalets and other operational development hereby permitted shall be removed from the site and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, within 2 calendar months of the cessation of the use.

Reason: The applicant has requested a further 3 year temporary permission and a permanent permission would not be in accordance with policies C SP1 and H DM3 of the Arun Local Plan.

- 3      INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 4      INFORMATIVE: The applicant is reminded that the landscaping scheme condition 6 imposed on AL/47/14/PL has not been agreed despite this being raised on the decision notice for AL/61/20/PL and therefore an application should be submitted to rectify this situation immediately.

<b>BACKGROUND PAPERS</b>
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[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**AL/94/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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