

PLANNING APPLICATION REPORT

**REF NO:** P/80/23/PL

**LOCATION:** Lagnersh House  
Lower Bognor Road  
Lagness  
PO20 1LW

**PROPOSAL:** Use of land for the stationing of 4 No. mobile homes for occupation by people unable to afford rented housing. This application is a Departure from the Development Plan and may affect the setting of a Listed Building. (Resubmission of P/150/22/PL).

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	This is a retrospective application seeking permission to retain four mobile homes (caravans) used for permanent residential accommodation. The reference in the description to "occupation by people unable to afford rented housing" refers to the fact that the residents have not been able to save a deposit to rent a house elsewhere. The homes may be a temporary steppingstone for occupiers towards securing permanent 'brick-built' housing but whilst they are occupied, they will be as permanent occupation. Whilst the description refers to this being low cost housing, it should be considered in the same way as any other application for housing would be. The applicant is not claiming gypsy or traveller status.
SITE AREA	0.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	40 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but lower than Lower Bognor Road.
TREES	None affected.
BOUNDARY TREATMENT	Mix of hedging and low fencing.
SITE CHARACTERISTICS	Mix of gravelled hardstanding and grassed areas interspersed with trees, hedges, and other planting. To the immediate south lie the curtilages of Lagersh Barn and Lagnersh House and there is a further dwelling beyond Lagnersh Barn. The access to Lagnersh House goes past the access to the fourth caravan whereas the other three front onto a shared hardstanding. There is a further mobile home in the curtilage of Lagnersh House and this is understood to be used for purposes incidental to the residential dwelling. To the north is a camping/touring caravan site for which retrospective planning permission has been refused. The site is accessed by a hardstanding track from Lower Bognor Road.
CHARACTER OF LOCALITY	This is a rural area with agricultural fields to the north, east,

west, and (beyond the road) to the south.

<b>RELEVANT SITE HISTORY</b>
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P/45/23/PL	Use of land for up to 12 camping pitches (including up to 2 yurts), 3 No touring caravan / camper van pitches and associated toilet and washing facilities (resubmission following P/145/22/PL). This application affects a Public Right of Way and is in CIL Zone 5 (Zero Rated) as other development.	Refused 23-06-23
P/150/22/PL	Use of land for the stationing of 4no mobile homes for occupation by people unable to afford rented housing. This application is a Departure from the Development Plan and may affect the setting of a Grade II Listed Building.	Refused 20-04-23
P/145/22/PL	Use of land for up to 12 camping pitches (including up to 2 yurts); 3no touring caravan / camper van pitches, warden caravan and associated toilet and washing facilities. This application affects a Public Right of Way.	Refused 20-02-23
P/95/19/CLE	Lawful development certificate for the existing use of building as a single dwellinghouse.	Approve 13-11-19
P/119/18/PL	Erection of agricultural barn for storage of farm machinery & hay along with associated hardstanding.	ApproveConditionally 15-05-19
P/28/16/HH	Replacement outbuilding	ApproveConditionally 21-04-16

P/79/05 permitted the conversion of a barn into a separate dwelling (Lagnersh Barn). That dwelling applied for a replacement outbuilding (P/28/16/HH), but a site visit has confirmed that this permission has not been implemented and the existing one remains. P/119/18/PL allowed an agricultural storage building, but this was not implemented and the site of that is occupied by three of the mobile homes. P/95/19/CLE allowed an annex to Lagnersh House to be used as a separate dwelling. P/150/22/PL was refused under delegated powers for the following reasons:

(1) Based on the information submitted it has not been satisfactorily demonstrated that the site can be accessed by fire appliances or that adequate firefighting water sources are available to serve the site and so the proposal conflicts with Arun Local Plan policies D DM1 and T SP1, the Arun Design Guide and the

NPPF.

(2) The application has failed to provide sufficient ecological information in respect of the impact on designated sites and in respect of impacts on European Protected Species (bats). There is insufficient information to determine the impact on protected species and habitats contrary to policy ENV DM5 of the Arun Local Plan, the NPPF and associated Government advice. There is no information on biodiversity net gain.

P/145/22/PL and P/45/23/PL (both retrospective applications for the associated camping and touring caravan pitches) have been refused under delegated powers.

## REPRESENTATIONS

One objection stating that the owner and her tenants do not have the right to access the mobile homes and use the neighbours land as a driveway. The objection alleges that the mobile homes have affected water pressure in the neighbouring property.

### COMMENTS ON REPRESENTATIONS RECEIVED:

The presence of a planning permission does not allow the person/s benefiting from that permission to use or misuse land that does not belong to them. Matters relating to the use of such land are not capable of being material planning considerations and are instead governed by civil law. Water supply is discussed in the conclusions.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - no objection and recommend a cycle storage condition. State no known issues with the use of the access and that the site offers plentiful car parking.

WSCC FIRE & RESCUE - no objection on the basis that the applicant install a water tank to provide water for firefighting.

WSCC PUBLIC RIGHTS OF WAY - no objection. State that the public footpath must not be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works.

COUNCIL's ECOLOGIST - no objection subject to conditions

COUNCIL's ARCHAEOLOGIST - require a standard archaeology condition should any further groundworks be undertaken.

On the previous application environmental health officer requested conditions related to lighting, max of 4 caravans and electric vehicle charge points. The drainage engineer raised no objections and requested no conditions previously.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

## POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary.

Pagham Harbour Zone B.

Class B Road.

Current/Future Flood Zone 1.

Area of Advert Special Control.

Adjacent a PRow (PAG/133/2).

Archaeological Notification Area; and

Strategic Gap.

## DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
DDM1	D DM1 Aspects of form and design quality
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
TOUDM1	TOU DM1 Tourism related development
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality

## PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

## SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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## 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.

Where applicable, Neighbourhood Development Plans, once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. There is no Pagham Neighbourhood Plan to consider, as the emerging Plan was withdrawn in September 2020.

#### **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 conflicts with relevant Development Plan policies in that it will authorise the location of residential dwellings in the countryside and in a designated strategic gap.

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**

There are other material considerations to be weighed in the balance with the Development Plan and these are discussed in the report below.

#### **CONCLUSIONS**

##### **INTRODUCTION:**

A mobile home is another term for a caravan but is associated with those used residentially (known as park homes) as opposed to those for holiday use (commonly known as static caravans). A caravan must be in accordance with the statutory definition of the caravan as set out in Section 29 (1) of the "Caravan Sites and Control of Development Act" 1960 and Section 13(1) of the "Caravan Sites Act" 1968 (as amended). Statutory Instrument no. 2006:2374 amended the 1968 Act in respect of the maximum dimensions for a caravan and these are now: (a) width of 6.7m; (b) length of 20m; and (c) internal floor to ceiling height of 3.05m.

##### **PRINCIPLE:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. In January 2023, the council published its Authority Monitoring Report (AMR) for 2021/22 and this shows that the Housing Land Supply (HLS) is now 2.36 years. On the basis of the new AMR, the policies most important for the determination of housing applications in the Arun Local Plan (C SP1) have reduced weight as

Arun cannot demonstrate an adequate supply of housing land.

Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused in the BUAB. The application conflicts with policies C SP1 and SD SP2.

The site is in a designated Strategic Gap and ALP policy SD SP3 states development in such areas will only be permitted where it does not undermine the physical and/or visual separation of settlements, does not compromise the integrity of the gap (including with reference to other existing development), cannot be located elsewhere and maintains the character of the undeveloped coast.

The proposal would predominantly comply with this policy as it has no physical or visual impact on the coalescence of settlements. There is no justification for why it has to be sited here other than the land being connected to the owner's dwelling. However, this conflict only results in a low level of harm.

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would be triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Part (i) does not apply to this determination as the site does not lie in a protected area. The part (ii) test will be applied at the end of this report.

#### Other Material Considerations:

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site has not been proposed through the HELAA 2021. The adjoining land to the east was considered (ref 18P3) and was concluded to be 'developable' (not deliverable). The presence of the adjoining HELAA site lends no support to the site.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but is meant as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS only applies to sites adjacent to settlement boundaries and this site does not meet this requirement.

The applicant alleges that the ALP makes no attempt of identifying the need for affordable temporary housing such as residential mobile home accommodation in the area. Similar arguments were made in respect of an enforcement appeal concerning a residential mobile home at Hales Barn Farm, Arundel Road, Aldingbourne. The Inspector made no determination on this as the appeal succeeded on a different matter. The council's view at that time was that:

- Whilst we do not suggest that the current occupiers of the mobile home have a gypsy or traveller background, it should nonetheless be noted that the Coastal West Sussex Gypsy and Traveller Accommodation Assessment (GTAA) of October 2018 includes an assessment of the additional need for

Gypsy and Traveller households in Arun that did not meet the Planning Definition for such users. This set out a need for 13 mobile home/caravan pitches between 2018 and 2036 (of which 8 are needed between 2018 and 2023). This assessment was undertaken to aid the local housing authority in planning for such needs through assessing the wider housing needs of the area.

- The local housing authority is under a duty (section 8 of the Housing Act 1985) to periodically assess wider housing needs or people resorting to live in the area - including for non-Gypsy & Traveller and Travelling Showperson households living in caravans and those other households living in houseboats.

- It is the Council's view that the Objectively Assessed Needs (OAN) for the Local Plan were based on a census of households present in the authority and that projections forward will include the range of needs (including for Gypsy & Travellers and those others who wish to live in a mobile home), therefore the OAN and housing targets will reflect this and so accommodation types including mobile homes will count towards the housing target.

- The Local Plan was found to be sound and NPPF compliant by an independent examiner and adopted on that basis.

These arguments still hold true and the applicant's arguments re the failure of the ALP to plan for low-cost housing do not carry any weight.

The applicant refers to an appeal decision concerning three residential mobile homes at Pippins (WA/86/17/PL). This site was in the countryside and the application was retrospective. The Inspector found no harm to character. In the absence of other harm, the Inspector stated the conflict with countryside policy did not weigh significantly against the development. The Inspector found that whilst future occupiers would be dependent on the car to access facilities/services, the NPPF is clear that solutions to maximise sustainable transport may vary between urban and rural areas.

Sustainability:

ALP policy SD SP1 "Sustainable Development" states the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (para 8) which itself sets out that in order to achieve sustainable development; economic, social, and environmental gains should be sought jointly and simultaneously through the planning system.

The site is outside the BUAB but is only 420m from the settlement boundary (direct to the closest point). Lower Bognor Road is not suitable for pedestrians due to having no separate footpath and no lighting however it is possible to cycle to/from the site. The nearest bus stops are at the Royal Oak Pub to the north-west which is a walk (on roads) of approximately 800m. Whilst residents at the site are likely to be reliant on the private car, cycling is a viable alternative.

Whilst unlikely to meet any modern standards for energy efficiency, the mobile homes will be suitable for older people being entirely on one level. Whilst mobile homes do not represent affordable housing, they are widely considered to be a form of "low cost" housing and are more affordable than traditional bricks & mortar market housing. The retention of the homes will result in additional Council Tax revenues. There is a slight impact on wildlife habitat, but this has already taken place. No trees are to be felled or pruned.

The proposal as a whole just meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development would apply.

**PUBLIC FOOTPATHS, HIGHWAY SAFETY & PARKING:**

ALP policy T SP1 seeks to ensure development provides safe access 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 new development be in easy access of established non-car transport modes/routes and to ensure access to Public Rights of Way. There is a public footpath running through the site.

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."

WSCC Highways raise no objections. They are solely concerned with the safety of the junction with Lower Bognor Road and the impact of the use of existing roads. They do not comment on the dimensions or use of the access roads in the site. Given WSCC advice, a refusal on grounds of highway safety and conflict with policy T SP1 would not be sustainable.

There may be some impact on the use of the public footpath, but this will be due to vehicle movements on the access track. Vehicles will be travelling slowly allowing plenty of warning to pedestrians and there are places along the track to step off should a large vehicle be passing. A refusal based on such concerns would not be sustainable. Although the first camp site application was partly refused on this basis, this was due to the potential for tent pitches to be sited on the footpath line and this is not the case with this application. There is no conflict with the respective policies.

#### **FIRE ACCESS:**

ALP policy T SP1 states schemes should accommodate the efficient delivery of goods and supplies. The NPPF which is a material consideration states at para 112 that "... applications for development should: d) allow for the efficient delivery of goods, and access by service and emergency vehicles". ALP policy D DM1 requires that development comply with the Arun Design Guide (ADG) which states "All development should include access routes suitable for emergency vehicles, including fire engines. These routes should be easy to maintain, and applicants may be required to provide appropriate management arrangements."

The WSCC Fire officer previously had concerns regarding access to the site by fire vehicles plus the availability of water supplies for firefighting. The fire officer has visited the site and is satisfied that access can be achieved with fire engines able to turn on site and drive away in a forward gear. The fire officer has discussed with the owner the need to provide a water supply tank on the site. This can be conditioned. There is no conflict with relevant policies and the previous refusal reason would no longer apply to this application.

#### **LANDSCAPE & CHARACTER:**

ALP policy D DM1 requires development to reflect or improve on the character of the site/surrounding area. The ADG does not refer to caravan development. Policy LAN DM1 states development should respect the particular characteristics and natural features of the relevant landscape character areas. As per the Arun Landscape Study 2006 (ALS), the site forms part of the "Five Farms Coastal Plain" landscape character area (LCA5). This is defined as having a slight landscape value and a low to medium capacity.



The development does not result in any significant impact on local character or the wider landscape as the mobile homes are entirely contained in the site and are well screened by trees (and other features) from external views of the site. They are single storey compact structures which further limits their visibility. The homes are some distance from the road and although the traffic movements may be noticeable, these will only be slight given the low number of mobile homes. Whilst the presence of the public footpath on the western side of the access track will allow the public to view the site at close hand, the site is not unattractive such that this would be harmful to public amenity. The use will not result in any significant harm to the countryside in visual terms and there are no conflicts with the policies.

#### HERITAGE ASSETS:

Lagnersh Farmhouse is a Grade II Listed Building dating from 1740. Whilst the neighbouring Lagnersh Barn has no historical designation, the owner has asserted it dates to 1725. Both buildings are present on the council's tithe maps. Lagnersh Barn should be treated as a Non-Designated Heritage Asset (NDHA). This building has some historical significance given it is of a similar age to the listed farmhouse and has a traditional Sussex Barn design. It is distinctive building which has been tastefully converted into a dwelling.

ALP policy HER SP1 states development likely to prejudice designated or non-designated heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. The NPPF provides guidance on how to determine impacts on heritage assets.

Para 194 requires applicants to describe the significance of affected designated heritage assets, including any contribution made by their setting. Para 195 then requires Local Planning Authorities (LPAs) to identify and assess the particular significance of the heritage asset that is affected by a proposal. The LPA must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance 'less than substantial harm' with the level of public benefits associated with the proposal (as set out in para 202). The test for NDHA's is set out at para 203 stating that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The submission includes a Heritage Environment Desktop Assessment, but this refers to the impact of the campsite on the heritage asset (so not the mobile homes). The council's conservation officer has not commented. Whilst there is a case for an insufficient information argument, it is clear that the mobile homes are some distance from Lagnersh House (the closest being circa 65m), that they are single storey compact structures and there are trees and a further permitted mobile home in the intervening space. The mobile homes will not harm the significance of the listed building or its setting. It is not necessary to weigh up public benefits and there is no conflict with the NPPF or ALP policy HER DM1.

In respect of the impact on the NDHA Lagnersh Barn, whilst this is closer to the nearest mobile home (32m), both the aforementioned permitted mobile home and a storage building lie in between. There is no harm or loss to the significance of this asset. Although the access to the mobile homes does run right past the building, the associated vehicle movements are likely to be low and so will not themselves result in harm to the heritage asset. There is no conflict with the relevant policies.

#### ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted with the application.

The application is accompanied by a Heritage Environment Desktop Assessment which the council's archaeologist has reviewed. No objection is raised subject to a condition to ensure any further ground works are subject to assessment. It would not be reasonable to require removal of the mobile homes to allow surveys to take place. There is no conflict with policy HER DM6.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. This would include consideration of noise and air pollution where not covered by policies QE DM1 and QE DM3. Para 130 of the NPPF requires that development ensure a high standard of amenity for existing and future users.

The nearest mobile home the subject of this application is some 32m from the neighbouring property Lagnersh Barn. There is a storage barn and a further (permitted) mobile home in between. Although the neighbour has previously alleged noise disturbance from the mobile homes, this is likely arising from the permitted home which is closer. There would be no significant amenity impacts associated with the mobile homes subject of this application.

The access to the site effectively adjoins the side elevation and enclosed rear garden of Lagnersh Barn. The occupiers of this property previously alleged that their amenities had been compromised by way of large vehicles moving slowly or waiting whilst negotiating the access road and being able to see into their garden above the fence line, by way of vehicles exhausting fumes into their lounge window and by noise disturbance from passers-by/vehicles in the vicinity of their property. There are additional impacts arising from the passing over their wider garden land (which the access runs through), but these are tied in with land ownership issues which are not capable of being determined through planning.

The neighbour has extensive photographic evidence of large vehicles in the vicinity of his property due to the presence of a CCTV system and alleges that such instances are so regular that they can no longer open their lounge window or enjoy the enclosed part of their garden. These concerns give rise to the argument that the use of the access into the site is adversely affecting the amenities and living conditions of the occupier of Lagnersh Barn in conflict with the stated policies.

These impacts are greatest in summer when combined with the use of the camp site, but it is not appropriate to consider the camping use as it is a separate application and both applications have already been refused including for amenity reasons. The impacts of the mobile homes alone are likely to be slight given the small number of homes and limited vehicle movements. Their permanent residential nature is in character with existing approved uses in and around the site.

The proposal is acceptable with regard to policies designed to protect 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. There is no information on existing or proposed lighting but there does not appear to be any existing lighting on the site or physically on the mobile homes. A condition will be imposed to control the details of any future lighting, and this will be worded to ensure that any new lighting does not adversely affect bats or other wildlife species.

CRIME:

ALP policy D DM1 requires that developments provide security measures that make places feel safer and ensure natural surveillance. The neighbouring resident has previously alleged that the use of the site has led to instances of criminal damage and trespass to their property. Some of these issues relate to alleged trespass on their land (which the access passes through) and which is not capable of being a material planning consideration.

This does not generate a conflict with policy as it is clear that the mobile homes are not hidden from view and are subject to natural surveillance from communal areas and the public footway. Case law has held that the fear of crime is only a material consideration where the use, by its very nature, would provide a reasonable basis for concern. The use of residential accommodation would not normally be of concern, rather it is the location and use of its access that is the issue. For these reasons, it is not possible to determine a conflict against policy D DM1.

WATER SUPPLY:

ALP policy W DM1 states development must provide sufficient water supplies prior to occupation. The neighbouring resident alleges that the campsite does not have permission to use the water supply that serves existing dwellings and as a result of the camp site and other unauthorised development, the water pressure in their property is now so low that at certain times of the day, normal water based daily activities are not possible.

The water pressure has been observed in the neighbour's property, but it is not possible to confirm that it is 'low' or that this is the result of the mobile homes. The application does not comment on water supplies, but it is clear that there is a water supply to serve the use and in the absence of any evidence from the water supplier that there is no agreement for the supply to be shared then there is no case for conflict with policy W DM1.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The previous application was partly refused as despite this being a countryside site bordered by hedgerows, the application was not accompanied by ecological information, and this resulted in an objection from the council's ecologist.

There are formal records of rare bat species in the local area. The occupier of Lagnersh Barn has alleged that there are rare bat species in the structure of their home. The case officer observed the presence of droppings on the building and the ecologist having seen a photo of this has, previously confirmed it indicates the presence of a bat roost.

This time around, the applicant has supplied a Bat Scoping Survey which states:

- Overall, the suitability of the buildings to support roosting bats is rated as low and the trees as moderate.
- The site was assessed to have low potential for foraging and commuting bats, with the highest suitability found at the hedgerows on the site boundaries.
- To mitigate disturbance to roosting, foraging, and commuting bats from artificial lighting, the proposed development should include an ecologically sensitive lighting scheme.
- The site can be enhanced for bats and birds by incorporating roost and nest boxes on the trees; and
- There are ecological buffer zones running alongside the eastern and western boundaries which will be planted up species-rich wildflower, providing a wider variety of invertebrate prey for foraging bats.

The council's ecologist has assessed the bat scoping survey and now advises no objection subject to conditions. On this basis, the second refusal reason is also now withdrawn and there is now no conflict with policy ENV DM5.

**PAGHAM HARBOUR:**

ALP policy ENV DM2 requires residential developments in a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new unit was agreed by the Council's Cabinet on 10 April 2017.

The site lies in zone B and so it is necessary to apply this requirement. The net increase in 4 homes results in a contribution of £3,484 at the current rate which will then go towards agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area. The application is accompanied by a draft s106 legal agreement which, once signed, will secure this contribution, and, on this basis, there will be no conflict with policy ENV DM2. The agreement will be signed by the time of the committee meeting. The position will be checked with Natural England and any comments from them will be reported to members at the meeting.

**SUMMARY:**

The proposal concerns an unauthorised development presently operating in conflict with planning policies designed to protect the countryside and the integrity of a strategic gap. Given the lack of visual harm, the removal of the two previous refusal reasons and the material considerations (including the planning appeal that the applicant refers to), it would not be sustainable to refuse on the basis of inappropriate development in the countryside/strategic gap.

As per para 11(d) of the NPPF (the 'presumption' for sustainable development), the benefits of the proposal would be such that any harm arising from this small development in the countryside would be outweighed. It is recommended the application be approved subject to the following conditions and the signed Pagham agreement.

**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.

**SECTION 106 DETAILS**

This recommendation is made subject to a Section 106 legal agreement relating to a contribution of £3,484 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

**RECOMMENDATION**

**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

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

Location Plan Dwg 1; and  
Block Plan Dwg 2 Rev A.

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

- 2 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Scoping Report (The Ecology Co-op, June 2023) as submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 3 No more than four caravans shall be stationed on the site at any time.

Reason: In order to protect the visual amenity of the local area, the character of the countryside and the amenities of local residents in accordance with policies D DM1, QE SP1 and C SP1 of the Arun Local Plan.

- 4 Within 3 months of the planning permission being granted, the owner/applicant shall submit to the Local Planning Authority for approval in writing, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Bat Scoping Report (The Ecology Co-op, June 2023). The enhancement measures shall thereafter be implemented within a further 3 months in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats in accordance with policy ENV DM5 of the Arun Local Plan and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 5 Within 3 months of the planning permission being granted, the owner/applicant shall submit to the Local Planning Authority for approval in writing, a "lighting design strategy for biodiversity" designed to prevent light spill upon boundary features or provide confirmation that no lighting is present on the application site. The strategy shall:

(a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and  
(b) show how and where external lighting will be installed (through provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed within a further 3 months in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 6 Within 3 months of the planning permission being granted, the owner/applicant shall submit details of covered and secure cycle storage spaces for each mobile home for approval in writing by the Local Planning Authority. Thereafter, these storage spaces shall be provided within a further 3 months in accordance with the approved details and retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 7 Within 3 months of the planning permission being granted, the owner/applicant shall submit details of a water tank for approval in writing by the Local Planning Authority. This must be located on the site and provide a supply of water for firefighting to meet with the requirements of The Building Regulations 2010 (as amended) Approved Document B - Volume 1, B5, section 14. Thereafter, the water tank shall be provided within a further 3 months in accordance with the approved details and retained in perpetuity.

Reason: In the interests of amenity and in accordance with policies D DM1 and T SP1 of the Arun Local Plan and with reference to the Fire & Rescue Service Act 2004.

- 8 Within 2 months of the planning permission being granted, the owner/applicant shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against

any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 9 Any new ground works below 300mm in depth shall be subject to observation, throughout the excavation works, by a qualified archaeologist and any discoveries of archaeological interest shall be recorded by a qualified archaeologist and reported to the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6.

- 10 **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 in the NPPF.

- 11 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £3,484 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

- 12 **INFORMATIVE:** The granting of this permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.

- 13 **INFORMATIVE:** Each unit should be stationed a minimum of 6m from another unit. No caravan should be positioned within 3m of the site boundary.

- 14 **INFORMATIVE:** In addition to the above, the supporting documents declare that the site has been used for the proposed purpose since 2021; the applicant is advised that a licence under the Caravan Sites and Control of Development Act, 1960, is required. The applicant should note that it is an offence to operate a site without an appropriate licence in place. More information, including application forms and fees, can be found online: <https://www.arun.gov.uk/camping-and-caravan-sites/>.

## **BACKGROUND PAPERS**

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](#).

**P/80/23/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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