

Report following a request for further information, negotiations or consultation

**REF NO:** P/27/24/PL  
**LOCATION:** Lagnersh House, Holiday Site  
Lower Bognor Road  
Lagness  
**PROPOSAL:** Change of use from agricultural to recreational for the purpose of providing a campsite for 60 consecutive days per calendar year. This application affects a Public Right of Way and is in CIL Zone 5 (Zero Rated) as other development.

This application was deferred from the 07 August meeting with a request that legal advice be sought on whether there is a realistic prospect of refusing this as a planning application given the permitted development situation.

Members should note that the proposal is "Use of land as a seasonal camp site for a maximum of 50 tents, motor homes, and touring caravans at any one time. The land will be used for no more than 60 consecutive days between 29 March and 31 August in any calendar year."

And that the permitted development rights allow:

The use of any land as a recreational campsite for not more than 60 days in total in any calendar year, and the provision on such land of: (i) not more than 50 pitches; and (ii) any moveable structure reasonably necessary for the purposes of the permitted use.

In effect, the only difference between the proposal and the permitted development right is the proposal to allow touring caravans on the site.

The council's Planning Lawyer has provided advice to say that it could be considered unreasonable to refuse an application where there is a 'fall back' permission through permitted development rights. However, the most recent change to the General Permitted Development Order was not able to overcome the restrictions on the siting of caravans under the Caravan Sites and Control of Development Act 1960, so unless an exception applies under Schedule 1, planning permission and site licences are required for any use by caravans.

An application has been made which requests permission for a 'pop up' site which would include touring caravans and cannot therefore rely on a 'fall back' for the caravans. On appeal, it may be considered that permission should be granted given the limited material difference between a car towing a touring caravan entering and being on the site versus a motorhome (such as worst case, a large Winnebago etc), but a refusal would not likely attract costs.

Due to the issues raised in the previous debate, an additional condition has been added (numbered 10) to require that the applicant notify the Local Planning Authority each year of the start of the 60-day consecutive period. In addition, condition 13 has been added to remove permitted development rights for any further 60-day use by tents or motorhomes.

PLANNING APPLICATION REPORT

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 Lower Bognor Road  
 Lagness  
 PO20 1LW

**PROPOSAL:** Change of use from agricultural to recreational for the purpose of providing a campsite for 60 consecutive days per calendar year. This application affects a Public Right of Way and is in CIL Zone 5 (Zero Rated) as other development.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION** Use of land as a seasonal camp site for a maximum of 50 tents, motorhomes, and touring caravans at any one time. The land will be used for no more than 60 consecutive days between 29 March and 31 August in any calendar year. It is stated that no hardstanding will be required and that all camping will take place on the grass. Shower and toilet facilities will be in green painted moveable containers.

**SITE AREA** 2.16 hectares (ha).

**TOPOGRAPHY** Predominantly flat but lower than Lower Bognor Road.

**TREES** None affected by the development.

**BOUNDARY TREATMENT** Hedgerows interspersed with trees to the northern, western, and eastern boundaries. The southern boundary is part enclosed by fencing and landscaping and open to the access.

**SITE CHARACTERISTICS** The site is a predominantly grassed area extending north from Lagnersh House and accessed from the Lower Bognor Road. It includes areas of hardstanding for access and for touring caravans associated with the previous applications. To the immediate south are four mobile homes occupied residentially and beyond these, three dwellings. A Public Right of Way (PRoW) runs along the western boundary.

**CHARACTER OF LOCALITY** This is a rural area with agricultural fields on all sides.

**RELEVANT SITE HISTORY**

ENF/46/22	Alleged Unauthorised campsite	EN To Be Served
P/49/24/CLE	Certificate of Lawful Development for the existing use for the permanent siting and use of two mobile homes as independent residential units.	
P/80/23/PL	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	Refused 11-08-23

Plan and may affect the setting of a Listed Building.  
(Resubmission of P/150/22/PL).

**Appeal: Dismissed  
07-05-24**

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
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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
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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
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Applications P/145/22/PL and P/45/23/PL sought retrospective permission for a camping area for up to 12 tent pitches (including up to 2 yurts) and 3 touring caravan/camper van pitches with ancillary facilities. These were refused with P/45/23/PL being refused for the following reasons:

(1) The use of the access by camp site traffic results in noise disturbance, air pollution and a loss of privacy to the occupants of Lagnersh Barn. This results in adverse harm to the amenities of this property in conflict with Arun Local Plan policies D DM1 & QE SP1 and the NPPF.

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

An enforcement notice was served, and this is the subject of an appeal (ENF/46/22).

P/150/22/PL, P/80/23/PL and P/49/24/CLE all concern the afore mentioned residential mobile homes. P/80/23/PL was dismissed on appeal. An appeal concerning the Enforcement Notice is ongoing.

<b>REPRESENTATIONS</b>
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Pagham Parish Council object for the following reasons:

- On two previous occasions, applications for similar proposals for camping facilities were refused by ADC and many of the refusal reasons are still relevant.

- The use of the access by camp site traffic results in noise disturbance, air pollution and a loss of privacy to the occupants of Lagnersh Barn thus adversely affecting their amenity.
- Insufficient ecological information in respect of the impact on designated sites and on bats.
- The application fails to demonstrate that the use of the site does not interfere with the line of the public footpath running along the western side of the site.
- The application description should include the number of camping pitches.
- No details on foul sewage removal / the septic tank is insufficient to service 50 pitches.
- A site of 50 pitches is not small-scale so is in conflict with ALP policy TOU DM1.
- There are no shops or other leisure facilities in the vicinity therefore more car journeys from the site.
- No details on the location of the water tank.
- Known flooding issues on Lower Bognor Road which will compromise access to/from the site.

One objection from the occupiers of Lagnersh Barn raising the following concerns:

- Yet another planning application for a campsite, which has been refused twice for the following unchanged reasons: noise disturbance, air pollution, loss of privacy to Lagnersh Barn, and firefighting facilities and access.
- There is a serious safety issue regarding access. The single lane shared between Lagnersh House and Lagnersh Barn from the B2166 often leads to congestion, with vehicles reversing onto the B2166 to allow camping vehicles to exit.
- Appeal for the mobile homes was dismissed. It is likely an Inspector would say no the campsite.
- There is a badger sett on the land; and
- The land has been assessed as being of archaeological interest.

Twenty-five letters of support including from Lagnersh House, Lagnersh Cottage, from previous guests and from businesses employed or used by the business:

- Traffic to the site is not noticeable.
- No issues accessing properties.
- The campsite is tidy.
- The campsite brings much needed custom to small businesses in the surrounding area; and
- No noise or disturbance.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The comments are noted and considered in the report conclusions.

<b>CONSULTATIONS</b>
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#### **CONSULTATION RESPONSES RECEIVED:**

SOUTHERN WATER - no objection and recommend no conditions.

WSSC HIGHWAYS - no objection and recommend no conditions. State:

- no reported accidents within 5 years at the junction of the access with Lower Bognor Road.
- there are no apparent visibility concerns with the existing point of access.
- anticipate that the slight intensification in vehicular movements to or from the site can be accommodated by the local highway network without adverse effect; and
- there is sufficient space within the site to accommodate vehicle parking.

WSSC PUBLIC RIGHTS OF WAY - no objection subject to guidance notes.

WSSC DRAINAGE - objection due to the absence of an acceptable Flood Risk Assessment (FRA) & Drainage Strategy relating to known surface water and groundwater issues in the vicinity and adjacent to the site.

WSSC FIRE & RESCUE - requests evidence to determine that there is a suitable supply of water for firefighting and that a fire vehicle can access the site.

ADC ECOLOGY - state the following:

- the BNG metric is fine. The gains of 35.88% for habitats and 27.07% for linear habitats exceed the minimum 10% requirement.
- the supporting biodiversity impact report was produced in June 2023 and relates to an earlier BNG assessment using Metric 4.0. Confirmation of the red line boundary is required to confirm if the ditches and hedges are outside as the report states.
- a draft Habitat Management and Monitoring Plan (HMMP), with companion document is required.
- the application has not submitted an ecological assessment to consider any impacts to species. There are ditches and hedgerows either side of the site. A survey is advised.

ADC ENVIRONMENTAL HEALTH - advise no comments or conditions.

ADC ECONOMIC DEVELOPMENT - keen to see additional, quality facilities for visitors and support this application.

COUNCIL'S ARCHAEOLOGIST - requests a condition to ensure ground works below 300mm in depth are subject to observation, throughout the excavation works, by a qualified archaeologist and any discoveries of archaeological interest are recorded and reported to the Local Planning Authority.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted except as discussed below or in the conclusions:

WSSC FIRE & RESCUE - On the application for the mobile homes (P/80/23/PL) the Fire Officer visited the site and stated he was satisfied that access could be achieved with fire engines able to turn on site and drive away in a forward gear. The Fire Officer discussed with the owner the need to provide a water supply tank on the site and it was proposed that condition be imposed to require provision of a water tank on the site. The new applicant has supplied the same plan that demonstrates fire vehicle access and a condition can be imposed to secure the water tank.

ADC ECOLOGY - The applicant confirmed that the ditches and hedges are outside of the red line boundary. They provided a Preliminary Ecological Assessment (PEA) in July 2024. The council's ecologist has reviewed this and states:

- A previous PEA by the Ecology Co-op for P/45/23/PL (June 2023) identified a Badger sett.
- This ecological assessment is still valid and should be considered a material consideration for this application.
- The submitted PEA by Sylvatica Ecology Ltd dated the 3rd of July does not identify any badger setts.
- The report does recommend a 20-meter buffer zone for the boundary ditches around the site to protect wildlife from disturbance.
- Recommend a condition ensuring a 20m buffer zone is implemented around the relevant boundaries. This will protect any nearby badger setts and mitigate for potential disturbance to other species that may

be present such as reptiles, amphibians, and dormice.

## POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary.  
 Pagham Harbour Zone B.  
 Class B Road.  
 Current/Future Flood Zone 1.  
 High Groundwater levels.  
 Low Surface Water Flood Risk.  
 Area of Advert Special Control.  
 Adjacent a Public Right of Way (PRoW) ref PAG/133/2.  
 Archaeological Notification Area; and  
 Strategic Gap.

## DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
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
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SODM1	SO DM1 Soils
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 Plan's, 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 complies with relevant Development Plan policies in that it is an appropriate land use in the countryside and within a settlement 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**

It is material that Schedule 2, Part 4, Class BC of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows the use of any land as a recreational campsite for not more than 60 days in total in any calendar year, and the provision on such land of: (i) not more than 50 pitches; and (ii) any moveable structure reasonably necessary for the purposes of the permitted use. This allows for the siting of tents and motorhomes but not touring caravans.

The only requirement under this permitted development (PD) is that the operator to notify the Local Planning Authority each year prior to commencing. The operator must make on-site provision for users of the campsite of toilet and waste disposal facilities. On this basis, this only difference between the application proposal and the PD right is the potential siting of touring caravans.

#### **BIODIVERSITY NET GAIN**

This application is liable for Biodiversity Net Gain (BNG) and it is proposed to create 1.52 ha of on-site habitat (mixed scrub & trees) and 1.82ha of new hedgerow. This will result in a 35.88% net gain in habitat units and a 27.7% gain in hedgerows.

#### **CONCLUSIONS**

PRINCIPLE:

The site lies outside of the defined settlement boundary (BUAB) in the Arun Local Plan (ALP) and falls in the countryside. ALP policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria. Part (f) allows development in the countryside where it is in accordance with other policies in the Plan which refer to a specific use/type of development.

ALP policy TOU DM1 states that holiday accommodation outside the BUAB can be acceptable provided it is small scale and relates to quiet, informal recreation and enjoyment of Arun's countryside. In all cases, development in the countryside must demonstrate that it is compatible with the countryside location and is sensitively designed to minimise potential impact on the countryside.

The proposal complies with TOU DM1 in that it is small in scale and duration and allows for the enjoyment and use of the surrounding countryside. The proposal therefore complies with policy C SP1.

The site is in a 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 impact on the coalescence of settlements and there is little physical development involved with the use. There is no justification for why it has to be here other than the land being associated with the former owner's dwelling and the camp site having been here for some time already. However, given the low level of impact, this does not result in a material conflict with the policy.

On Tuesday 30 July, the government released a new version of the NPPF for consultation and this is now a material consideration (albeit with relatively low weight) in the determination of planning applications. However, there are no changes proposed to the content of any of the NPPF paragraphs referred to in the report under Fire Access, Heritage Advice and Residential Amenity and no other changes proposed by the NPPF consultation are relevant to the determination.

#### **AGRICULTURAL LAND:**

The site is understood to have been used for sheep grazing. The Agricultural Land Classification (ALC) Provisional (England) dataset from Defra suggests this land is likely to fall in Grades 1 or 2.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. The policy then makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures.

There is no evidence of need for the development and no response to the policy requirements within the planning submission. It is material that the proposal does not include any new physical development and therefore, future use for grazing or crop production could still occur (i.e., there will be no permanent loss of or harm to the existing soils). It is material that the council's historical aerial photography dating to 1991 shows no evidence of crop use. It is material that the use (minus touring caravans) could be carried out under PD rights.

An appeal for a residential site in Yapton (Clays Farm) was allowed despite the site being Grade 2 agricultural land. The Inspector noted the site was not being used for agriculture and that there was no evidence that the site would be so used in the future. The Inspector stated whilst this does not in itself



justify the loss of agricultural land, it does act to reduce the level of economic harm caused by its development. The Inspector considered that the loss of the grade 2 agricultural land represented only moderate harm and that the benefits of the development outweighed this harm.

Although the benefits of a campsite are different to a housing development, the proposal will result in economic benefits, and it is clear from the response of the council's economic development officer that there is a need for small scale tourist accommodation. Whilst there is a conflict with the policy, material considerations exist such that it would not be sustainable to refuse the proposal on this basis.

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

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes and to ensure access to Public Rights of Way (PRoW).

WSCC Highways do not object and recommend no conditions. This follows their approach in assessing previous applications. WSCC Public Rights of Way (PRoW) also state no objection subject to guidance notes which will be included as an informative. There are no conflicts with planning policies designed to ensure safe highway access or to protect public rights of way.

#### **FIRE ACCESS:**

ALP policy T SP1 states schemes should accommodate the efficient delivery of goods and supplies. The NPPF is a material consideration and states at para 116 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."

Previous applications were partly refused because it had not been demonstrated that the site could be accessed by fire appliances or that adequate fire hydrants are available. The WSCC Fire Officer visited the site (P/80/23/PL) and advised no objections subject to a condition to secure a water supply in case of fire. There is no conflict with relevant policies and the previous refusal reason would no longer apply.

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

ALP policy D DM1 requires development to reflect or improve on the character of the site/surrounding area. Policy TOU DM1 requires tourist development to be sensitively designed to minimise potential impact on the countryside. The ADG does not refer to camping or caravan development.

The proposal is entirely in a former field situated north of the existing dwellings and a significant distance from the road. Whilst the presence of the PRoW will allow the public to view the site at close hand, it is not out of character to have holiday camping/caravanning sites in the countryside and such caravans and tents will not be permanent, only being present for 60 days during the spring and summer months.

No new physical/permanent infrastructure is proposed, and it is proposed that camping will take place on the grass such that there will be little to no evidence of the use during the autumn and winter months. The site is screened by boundary hedgerows which are being retained. The shower and WC facilities are

single storey and so do not result in visual harm outside of the site area. They are moveable so can be relocated when not in use. The proposed 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 asserts that it dates to 1725. Both buildings are on the council's tithe maps. Lagnersh Barn should be treated as a Non-Designated Heritage Asset (NDHA).

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.

The submission includes a Heritage Environment Desktop Assessment which states the impact of the proposed campsite on the setting of the listed building is negligible due to the distance from the farmhouse (approx. 155m) and the fact that this would be a seasonal use with a limited number of pitches in a large field, ensuring the open countryside character remains.

The Conservation Officer commented informally on P/145/22/PL that there would be no harm to the Grade II Listed house due to the distance. On this basis, 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, this is a significant distance from the site but the access to the camp site does run right past the building and the vehicle movements between the site and the road could have an impact on the experience of this building. The applicant has not considered the barn in the assessment but there is no doubt that it has some historical significance given that 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 with the benefit of planning permission into a dwelling.

It is material that such vehicle movements could take place without the benefit of a planning permission due to the PD rights. Whilst the PD rights would not allow access by touring caravans, there is little material difference in visual terms between these and other vehicles including motorhomes. Therefore, it is determined that 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 that a desk based archaeological assessment be submitted.

The application is accompanied by a Heritage Environment Desktop Assessment. The council's archaeologist raises no objections subject to a condition to ensure ground works below 300mm are observed by a qualified archaeologist. Notwithstanding that the works have taken place, the condition could still be imposed in case of future excavations. 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 135 of the NPPF requires that development ensure a high standard of amenity for existing and future users.

The camp site raises no concerns with residential amenity (including noise disturbance) as the site is a significant distance from residential properties (at least 115m). However, access to the site effectively adjoins the side elevation and enclosed rear garden of Lagnersh Barn and the previous applications were partly refused on the basis that the use of the access by camp site traffic results in noise disturbance, air pollution and a loss of privacy to the occupants of Lagnersh Barn.

The occupiers of Lagnersh Barn previously alleged that their amenities had been compromised by way of large vehicles moving slowly/carefully to negotiate the access road or waiting whilst the gate is opened. At such times, persons in large vehicles are able to see into the private garden above the fence line, fumes from all vehicles exhaust into their lounge window (which directly adjoins the access drive) and all the while, their amenity is further affected by noise from such vehicles. The issue of privacy is not due to larger vehicles carrying out deliveries/collections to/from the site.

There are additional impacts arising from persons/vehicles passing over their wider garden land (which the access runs through), but these are tied in with land ownership issues and are not capable of being determined through planning.

It is accepted that the use of the camp site is seasonal (April to September) and there would be some periods of the year when there are no impacts. Some of the residents' previous concerns were a result of other unauthorised development on site (i.e. the mobile homes). During the summer months the impacts are primarily associated with the campsite, and this is when it would be expected to have windows open and to use private gardens. It is accepted that some of the instances of vehicles pausing on the access are to open the gate (which the neighbour closes because it is their gate), however it is conceivable (and the neighbours previous CCTV evidence supports this) that larger vehicles have trouble negotiating the access at this point due to the neighbour often having their car parked on the right hand side of the driveway just after their garden. Crucially, there is a slight bend in the drive at this point.

These impacts remain with this application. However, it is material that such vehicle movements could take place without the benefit of a planning permission due to the PD rights. Whilst the PD rights would not allow access by touring caravans, there is little material difference between these and other large vehicles including motorhomes. Indeed, motorhomes are likely to have a greater impact on privacy due to the driving position compared to a normal vehicle towing a caravan. Despite the previous refusal and the continuation of the amenity concerns, a refusal on such grounds would not be sustainable.

#### **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/proposed lighting in the application. Lighting associated with activities by holidaymakers would be difficult to control but a condition could be imposed to seek approval of any details of permanent fixed lighting. Such a condition could be worded to ensure that any new lighting does not adversely affect bats or other wildlife species.

#### **WATER SUPPLY:**

ALP policy W DM1 states development must provide sufficient water supplies prior to occupation. The neighbouring resident previously alleged that the campsite does not have permission to use the water

supply that serves existing dwellings and that as a result of the campsite 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 by the case officer, but it is not possible to confirm that it is 'low' or that this is the result of the camp site. 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.

#### **FLOODING & SURFACE WATER DRAINAGE:**

The whole of the site lies in Flood Zone 1 and so is low risk. ALP policy W DM3 states development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development.

The objection of the Lead Local Flood Authority (WSCC) is noted but it is material that (a) no physical development is proposed, (b) no drainage objections were received to any of the four recent applications and (c) that this proposal would be permitted development were it not for the inclusion of touring caravans - and there is no material difference between touring caravans and motorhomes in terms of drainage.

It is accepted that Lower Bognor Road floods due to surface water inundation. This flooding is outside of the site and so there is no planning reason to refuse on this basis. It is material that the camp site will operate during the summer months when the risk of flooding will be lower.

Whilst there is conflict with the ALP policy and an unresolved objection, the material considerations as identified allow for a deviation from policy and it would not be sustainable to refuse on this basis.

#### **FOUL DRAINAGE:**

ALP policy W DM1 states all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. There is no requirement for a full Drainage Impact Assessment as the site does not lie within the Lidsey Treatment Catchment designation.

The application form states foul sewage is disposed of by an existing septic tank and the applicant has advised that it is a large commercial tank and when the campsite is operating at full capacity it is emptied twice yearly by Active Pump Services Limited. There is no conflict with policy W DM1 as it is clear that provision for foul drainage has been made on the site. Southern Water make no objections.

#### **BIODIVERSITY:**

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

An ecology survey was received with P/45/23/PL. This included a section on the use of the site by badgers (although this was redacted in the public document in accordance with the Environmental Information Regulations). The councils ecologist reviewed this (June 2023) and advised no objection subject to conditions regarding mitigation, construction management and biodiversity enhancement.

The applicant has provided a Preliminary Ecological Assessment (PEA) which identifies no impacts to protected species or important habitat but does not contain the same level of detail regarding badgers. However, the report undertaken by P/45/23/PL remains valid and is a material consideration in this assessment. It is also material that were it not for the inclusion of touring caravans in the proposal, this would be permitted development and there would be no requirement to carry out any wildlife surveys.

The council's ecologist has reviewed the submitted PEA alongside the previous report and advises no objection subject to a condition to secure a buffer to the site boundaries. It is also noted that the PEA states that bird and bat nesting boxes should be provided so these will also be subject to a condition.

The application is liable for statutory Biodiversity Net Gain (10%) and the application proposes to create 1.52 ha of on-site habitat (mixed scrub & trees) and 1.82ha of new hedgerow. This will result in a 35.88% net gain in habitat units and a 27.7% gain in hedgerows.

There is no conflict with ALP policy ENV DM5.

#### **PAGHAM HARBOUR:**

ALP policy ENV DM2 requires that new development likely to have an impact on Pagham Harbour which is in a 400m to 5km distance ('Zone B') of Pagham Harbour should make a financial contribution towards the provision of accessible natural open green spaces to serve the area. The application site lies within the designated Zone B.

Although ADC's published guidance on the level of the required contribution only refers to residential developments, tailored contributions are imposed on other forms of development. As the Pagham Harbour designation extends into the Chichester District Council (CDC) area, it is relevant to consider their guidance. CDC's policy note entitled "Recreational Disturbance of Birds in Special Protection Areas (SPAs) - Guidance for planning in the Chichester Local Plan area" (April 2020) has been consulted and on the basis of this, a contribution of £7,808.22 has been calculated. This is based on:

- The calculation based on Chichester's policy note for the caravan/camping pitches is the no. of days open divided by 365 x the number of pitches x £950.
- The site would be open for a maximum of 60 days.
- A 50% reduction would apply in winter, but no use is proposed in this period so does not apply in this case; and
- As such the calculation is  $60/365 \times 50 \times £950$ .

The applicant has agreed in principle to this contribution and has been invited to provide a draft legal agreement to secure the contribution. Members will be advised on progress with this at the meeting.

Arun District Council are required by the Conservation of Habitats and Species Regulations 2017 (as amended) to assess proposal in respect of the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site. This has been done and a copy of the council's screening report is provided on the website. This concludes no likely significant effects on and no adverse effect on the integrity of the SPA or Ramsar site. Natural England have responded to say they concur with the assessment conclusions and that if all mitigation measures are appropriately secured, they are satisfied that there will be no adverse impact on the Pagham Harbour SPA from recreational pressure.

#### **SUMMARY:**

The proposal concerns a small-scale campsite which follows two refusals. The previously identified

conflict in terms of residential amenity impacts remains despite the more limited time period of this proposal. It is material that the proposal could take place (excepting the accommodation of touring caravans) under PD rights. The addition of the touring caravans does not alone result in materially harmful impacts. On this basis, it is recommended that permission be granted subject to the following conditions and the required Pagham Harbour Legal 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 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). 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 decision will be subject to a legal agreement relating to £7,808.22 towards the agreed Pagham Harbour strategic access management scheme.

### **CIL DETAILS**

This application is not CIL liable.

### **RECOMMENDATION**

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

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- Dwg 1 Annotated Location Plan (received 02/04/24).

- Dwg 2 Block Plan; and
- Dwg 2A Fire Access Plan.

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

- 3 Within 2 months of planning permission being granted, the applicant/owner shall install suitable fencing to ensure the provision of a 20m wide wildlife buffer to the hedgerows/ditches on the northern, western and eastern boundaries. The fencing to be used shall be sufficient to prevent access to these areas by dogs or other domesticated animals.

Reason: In accordance with the recommendations of the submitted Preliminary Ecological Survey (July 2024), to conserve and enhance protected and Priority species and 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), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV DM5.

- 4 A) Prior to the first use of the site post receipt of this planning permission but after the approval of the Biodiversity Net Gain Plan, a 30-year Habitat Management and Monitoring Plan (HMMP) for the provision of a minimum 10% Biodiversity Net Gain (BNG) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP shall be based upon Natural England's Habitat Management and Monitoring Plan Template and shall include the HMMPT Companion Document and a list of what will form part of the Habitat Management and Monitoring Reports submitted for Part B) of this condition.

B) From the date of last occupation, or the date that the BNG creation and enhancement works have been completed, whichever is the earliest, a BNG Habitat Management and Monitoring Report must be submitted to and approved in writing by the Local Planning Authority by years 2, 5, 10, 15, 20, 25 and 29.

The development shall proceed on the basis of all approved documents and timings as approved under A) and B) for the duration of the HMMP.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and Arun Local Plan policies ENV SP1 and ENV DM5. This must be a pre-commencement condition because it relates to the creation and retention of biodiversity net gain in accordance with schedule 7A to the Town and Country Planning Act 1990.

- 5 Within 1 month of 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. The agreed water tank shall be provided prior to first use and retained in perpetuity.

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

- 6 Within 2 months of planning permission being granted, the applicant/owner shall install two bird and two bat boxes on trees within the site. These shall be sited at a minimum of 3m above ground level and shall face either southwest or southeast. These nesting boxes shall be permanently maintained in good working condition as such thereafter.

Reason: In accordance with the recommendations of the submitted Preliminary Ecological Survey (July 2024) and to ensure the development provides the maximum possible provision

towards creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policy ENV DM5.

- 7 No more than fifty tents, motorhomes or touring caravans shall be sited at any time. This permission does not permit the siting of any form of static caravan.

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.

- 8 The tents, motorhomes and touring caravans shall be used for holiday accommodation only and shall not be occupied by any person as their sole or main place of residence.

Reason: The establishment of a permanent residential use of the site would be contrary to Arun Local Plan policies C SP1 and D DM1 and would be detrimental to the character of the area.

- 9 The use shall be for a maximum of 60 consecutive days during the period of 29 March and 31 August in any calendar year. There shall be no siting of tents, caravans or motorhomes outside the 60-day period. The operators of the site shall maintain an up-to-date register of the names and addresses of all persons staying on the site including the periods in which they stayed and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The establishment of a permanent use of the site would be contrary to Arun Local Plan policies C SP1, TOU DM1 and D DM1 and would be detrimental to the character of the area.

- 10 The applicant/owner shall notify the Local Planning Authority in writing each year of the start of the 60 consecutive day season.

Reason: The establishment of a permanent use of the site would be contrary to Arun Local Plan policies C SP1, TOU DM1 and D DM1 and would be detrimental to the character of the area.

- 11 No new permanent lighting shall be implemented at the site unless and until full details (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) have been submitted to and approved in writing by the Local Planning Authority. Any proposed lighting scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also:

(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 contour 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.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.



All approved external lighting shall be installed 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: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety and to minimise unnecessary light spillage outside the development site in accordance with Arun Local Plan policies QE SP1, QE DM2, T SP1 & ENV DM5.

- 12 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 in writing to the Local Planning Authority.

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

- 13 Notwithstanding the provisions of Class BC of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting this Order) no additional 60-day consecutive use by tents or motorhomes shall be allowed on the site at any time during each calendar year unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: This permission has been granted on the basis of the permitted development fall-back position and an additional 60-day use would be contrary to Arun Local Plan policies D DM1 and QE SP1 in respect of the residential amenities of neighbouring properties.

- 14 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

- 15 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.

- 16 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to £7,808.22 towards the agreed Pagham Harbour strategic access management scheme.

- 17 INFORMATIVE: A formal application for connection to the public sewerage system may be

required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

18 INFORMATIVE: Public Right of Way ref PAG/133/2 runs alongside the western edge of the site (within the application red edge). Please note the advice from WSCC Public Rights of Way:

"The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by (Arun District Council) as the local planning authority. Further advice can be provided on request.

The path must not be obstructed by caravans, tents, yurts, vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during and after works have been completed. These will constitute an offence of obstruction under the Highways Act 1980. The legal line of the footpath must be open and available for use at all times. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

The development proposes shared use of a PROW with vehicles, which increases the risk of accident or injury to a PROW user. The applicant must introduce signage to advise vehicle drivers of the hazard and to act responsibly and have a speed restriction along the access drive and within the site itself.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to

development commencing.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment."

<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)

**P/27/24/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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