

PLANNING APPLICATION REPORT

REF NO:	AL/61/20/PL
LOCATION:	Nyton Rest Nyton Farm Shop Nyton Road Aldingbourne
PROPOSAL:	Continued use of land for agricultural workers accommodation for a temporary period of 2 years comprising 14 No chalets, low level lighting, retention of existing hardstanding, utilisation of existing individual foul treatment plants and existing permitted access, and associated works. This application falls in CIL Zone 3 (Zero Rated) as 'other development'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The site is one of the 4 permanent show persons plots approved by AL/47/14/PL and can lawfully be covered in hardstanding and have a certain number of caravans stationed on it. The applicant has chosen to station 14 chalets (hereafter called caravans) on the site, with 3 fire points and a washroom portable building. The site was completed in May 2020. Two of the caravans are for use by show persons (to act as site managers) and the other twelve by agricultural workers. Each caravan has three bedrooms and access to utilities. The caravans will be no higher than 3m from ground to roof.</p> <p>The supporting statement mentions low level 'dwarf lighting' but there are no plans to show this. The site is accessed as per the existing arrangement from Nyton Road. The applicant has also now included provision within the layout for 4 parking spaces and a minibus drop off/pick up point.</p>
SITE AREA	0.3772 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	2m high close boarded fencing to boundaries. There is an earth mound to part of the rear of the site.
SITE CHARACTERISTICS	The development has been implemented and the site resembles what is described by the plans and set out in the "Description of Application" section above. Polytunnels, mobile homes and sheds shown on the proposed site plan are existing structures.
CHARACTER OF LOCALITY	There are three permanent travelling show-persons plots on the adjacent land west, a further 11 such plots on land further to north west (approved by AL/107/18/PL in April 2019) and to

the east and south, the Aldingbourne Nurseries site (including Plymouth Brethren Church). To the north, is a large pony paddock. It is still considered appropriate to describe the area as rural.

RELEVANT SITE HISTORY

AL/23/17/DOC	Application for approval of matters reserved by condition imposed under AL/47/14/PL relating to condition No. 6 (Landscaping scheme), 7 (Plot boundary fences), 8 (Surface water drainage), 9 (Scheme to improve current site access) & 10 (Lighting)	DOC Part Approved 08-03-18
AL/47/14/PL	Change of use from agricultural land to provide 4 No permanent plots for travelling show people and a pony paddock. This application is a departure from the Development Plan.	ApproveConditionally 02-09-14

AL/47/14/PL was approved in September 2014 and allowed 4 No permanent plots for travelling show people with a pony paddock. Each plot was to be bordered by 2m high close boarded fencing with permeable hardstanding. The permission was subject to a condition limiting the occupancy of each plot to 1 household with no more than 8 mobile homes and 12 touring caravans stationed across 4 plots. Condition 6 (landscaping) is outstanding and the applicant has been reminded of the requirement to discharge this.

REPRESENTATIONS

Aldingbourne Parish Council object on the grounds that:

- (1) Loss of travelling show persons accommodation;
- (2) Countryside site so not in accordance with the development plan;
- (3) No clear evidence of an essential need for the agricultural workers accommodation;
- (4) No evidence as to whether the workers are required seasonally or all year round;
- (5) Not a sustainable location and therefore car reliant;
- (6) No information on level of occupation or trips to/from the site;
- (7) Parking needs to be clarified; and
- (8) Intensification of built development on this site leading to visual harm.

4 letters of objection raising the following concerns:

- (a) Visual harm to character & appearance of this rural area;
- (b) Harm to Conservation Area;
- (c) No on-site agricultural need;
- (d) Foul & Surface Water drainage issues;
- (e) Light pollution;
- (f) A29 here has no pavement/street lighting therefore not safe for pedestrians
- (g) Land is not previously developed;

- (h) Contrary to Aldingbourne Neighbourhood Plan;
- (i) Already hundreds of houses being built nearby;
- (j) The landowner is not the applicant; and
- (k) There are more than 14 caravans and the applicant is planning on putting in at least 40.

COMMENTS ON REPRESENTATIONS RECEIVED:

ALDINGBOURNE PARISH COUNCIL:

In respect of (4), there is no detail as to whether workers are required for a specific season, seasons or all year round. Given they will be bussed to nearby sites, it is likely they will be working on various agricultural operations over various seasons and so likely all or most of the year. The other matters will be discussed in the reports conclusions.

LOCAL RESIDENTS:

Items (a), (c), (f) & (h) will be considered in the report's conclusions

(b) Notwithstanding that the proposal is entirely within an existing fenced site, it is 322m from the Norton Conservation Area and 450m from the Church Road, Aldingbourne Conservation Area. As such there is no harm to the setting of these areas;

(d) Council drainage engineers raise no objection. The site has a foul sewer connection and the intensification of this is subject to separate Southern Water consent;

(e) The application mentions low level lighting but no details are provided. Details will be secured by condition;

(g) The site is part of an implemented permission for travelling show persons plots therefore has already been developed;

(i) Noted but the application does not require permanent residential dwellings;

(j) This is not required under the planning system; and

(k) There are no more on site than proposed. The applicant confirms no more are being delivered. Fire rules require 6m between caravans which reduces the amount of caravans that can be accommodated.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTH DOWNS NATIONAL PARK AUTHORITY - object in regard to the degree of harm to the setting of the National Park landscape. Set out the following comments:

- the Council has a statutory duty to consider the Purposes of the National Park when making its determination. These being (1) to conserve & enhance the natural beauty, wildlife and cultural heritage of the area; (2) to promote opportunities for the understanding & enjoyment of the special qualities of the National Park by the public; and (3) to seek to foster the social and economic wellbeing of the local communities within the National Park;
- the Site is located within and surrounded by open countryside which has a close relationship to the boundary of the National Park, approximately 1,100 metres away to the north east, and consequently the setting of the National Park;
- the site and the wider area contributes to the undeveloped, rural and open character of the area, within the setting of the National Park;
- development within the setting of the National Park should positively contribute to ecosystem services and achieve environmental net gain;

- the hardstanding will detract from the natural, rural and undeveloped nature of the surrounding fields;
- the outbuildings, caravans and mobile homes will contribute to the suburbanisation and deterioration of the rural landscape, which is largely undeveloped and comprises large grazing/agricultural fields with defined hedgerows/tree lines;
- the site may also be visible from public rights of way in the vicinity (to the south west);
- in order to conserve the dark night skies within the National Park, lighting within its setting should be sensitive and positively respond to this designation; and
- there is no information on wildlife impact. This is of particular importance as the site falls within the 12km buffer of the Singleton and Cocking Tunnels SAC.

If the Local Planning Authority wish to grant permission it should consider additional landscaping, reducing the amount of hard surfacing, incorporating sustainable drainage systems to manage surface water runoff and seek to control lighting.

WSCC HIGHWAYS - request more information with the following comments:

- the plans show that the access width and gate set back is suitable.
- no visibility issues at the point of access onto Nyton Road and no personal injury accidents in the vicinity of the existing point of access within the past 5 years;
- the application states 18 car parking spaces are proposed but these are not shown;
- whilst access and routes in the site appear sufficient for these types of vehicles it is unclear how many workers will be accommodated and how many private car/minibus movements are anticipated;
- whilst there are some bus services running 500-600m of the site, there are no footways in this location to serve the bus stops and services to Chichester are infrequent;
- it is anticipated that trips will predominantly be by vehicle and thus the applicant should clarify how many cars/minibus trips are expected daily both to and from the site; and

ADC LANDSCAPE OFFICER - any comments to be reported at the meeting.

ADC DRAINAGE ENGINEERS - note that the existing hard standing has approval and has satisfied the surface water drainage condition in application AL/23/17/DOC. Therefore, request no conditions.

ADC ENVIRONMENTAL HEALTH - make no comments.

COMMENTS ON CONSULTATION RESPONSES:

SOUTH DOWNS NATIONAL PARK AUTHORITY - the site has a permitted use for the stationing of mobile homes for accommodation of travelling show persons. The permeable hardstanding has approval and there is similar existing development in the vicinity. Whilst the proposal is a more intensive use, it is not considered it results in significant adverse harm to the purposes of the National Park and the temporary use allows the local planning authority to review the impacts in 2 years.

WSCC HIGHWAYS - In response, the applicant has supplied an amended plan which includes 4 parking spaces and a minibus drop off/pick up point. Furthermore, a supporting letter dated 07/10/20 sets out the following additional information:

- No more than 3 people per agricultural worker chalet but likely a total occupancy of 30 people based on 6 no. chalets occupied by 2 no workers & 6 no. chalets occupied by 3 no. workers;
- There will be no spouses or children present on the site;
- No workers will have cars and therefore travel to agricultural sites will be by minibus (likely 17 seat capacity);

- 4 parking spaces are provided for visitors;
- Max of 2 minibus movements out and 2 minibus movements in per working day (which may include weekends);
- Visitor trips to the site are likely only in the evenings or on weekends when agricultural workers are on their free time. Therefore, likely 4 no. movements in and out by private cars;
- On a Saturday or Sunday there may be more social visits into and out of the site for those that remain on site over the weekend and this may result in perhaps an additional 4-8 no. car movements in and 4-8 no. out;
- Shopping will occur on trips back via minibus to the application site otherwise shopping trips will be made in workers free time and via local bus service or by cycle; and
- Parking for the two retained show person chalets will be alongside the particular chalet.

WSCC Highways have been asked to provide further comments based on the changes to the plan and the accompanying letter and any response from them will be reported at the Meeting.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;

CIL Zone 3;

Current/Future Flood Zone 1;

Within 12km of Singleton and Cocking Tunnels Special Area of Conservation; and

WSCC Mineral Consultation Area (Sharp Sand & Gravel).

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM3	H DM3 Agricultural forestry and horticultural Rural dwellings
HSP5	H SP5 Traveller and Travelling Showpeople accommodation
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Joint Minerals Local Plan 2018:

	Joint West Sussex M9 Safeguarding Minerals
<u>Aldingbourne Neighbourhood Plan 2016 POLICY EH1</u>	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH10	Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Parking and new development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 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.

Policies of the Aldingbourne Neighbourhood Development Plan (ANDP) are considered in this report. Aldingbourne Parish Council are working on a new Plan which has been submitted for Regulation 14 consultation. In accordance with para 48 of the NPPF, it is necessary to have regard to it as a material planning consideration.

The emerging ANDP replaces one policy (H1), adds two new policies (EH1 2019 & EH2 2019) and amends a fourth (LC7). In the context of this report, it is relevant to note that policy H1 (housing design) is to be replaced with a housing allocations policy concerning two large sites in the area and that EH2 2019 sets policy for the Singleton and Cocking Tunnels SAC (albeit only for the development of greenfield sites - so not relevant to this application).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it proposes development in the countryside not in accordance with policy C SP1 or with any other policies in the Local Plan. The proposal results in a loss of existing Travelling Show persons accommodation in conflict

with policy H SP5. The temporary retention of this development would not result in significant or adverse harm to the landscape and character of the area, the safety of the local highway or the amenities of nearby occupiers.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

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

ALP policy C SP1 states development in the countryside will only be permitted where it relates to certain criteria or is in accordance with other policies in the Plan which refer to a specific use or type of development. Policy H DM3 "Agricultural, forestry and horticultural rural dwellings" is relevant and so it is necessary to assess the proposal against its criteria.

ANDP policy EH1 states development will not be allowed outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. As such, the proposal would be in accordance with EH1 if it meets the criteria of ALP policy H DM3.

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

The applicant does not refer to this policy in the supporting statement but there is a short statement as to need which is summarised below:

- Due to the Covid-19 Pandemic, there is a requirement for some 80,000 agricultural workers in the UK (source: www.fwi.co.uk/business/business-management/staff/coronavirus-uk-eases-restrictions-on-foreign-seasonal-workers); and
- The majority of these are likely to be required in the south of England.

This is not considered to make an exceptional case to demonstrate the need for these workers. The accommodation is not to assist with agricultural activities on the site and workers will be bussed to nearby locations. The applicant does not talk about alternative locations. Criteria (b) to (g) are met as is demonstrated by the report.

The Council recently dealt with applications for agricultural workers accommodation at Newlands Nursery, Pagham which were submitted due to the impending closure of accommodation at Bracklesham Bay. Given these applications were refused, it is likely that there is still demand in the area for new accommodation. This is illustrated by the fact that the caravans have already been sited and occupied by agricultural workers.

Nevertheless, the proposal does not accord with development plan policy concerning proposals in the

countryside. This conflict will need to be weighed against any material planning considerations.

IMPACT ON SPECIALIST ACCOMMODATION:

ALP policy H SP5 states permission will not normally be granted for development involving the loss of lawful accommodation for Gypsy and Travellers and Travelling Showpeople unless alternative provision is made to make good any loss.

The site has permission as a travelling show persons plot and can be occupied by one household unit. The proposal retains an existing mobile home in one corner of the site and includes two caravans occupied by travelling show persons who will act as on-site managers therefore there is not a total loss of the approved accommodation and the amount of show person accommodation will slightly reduce. This loss will not be permanent as permission is sought for two years. Whilst there is conflict with policy H SP5, it is not significant.

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. It states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". Policy T DM1 requires development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

ANDP Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires development to be located in places accessible to public and community transport. ANDP policy GA3 requires that parking be provided in accordance with the standards adopted at the time.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The site is lawfully occupied as a travelling show persons site and the access serves a residential barn conversion (former Nyton Farm Shop). WSCC Highways raise no concerns with the existing access which has good visibility and has not been subject to any accidents in the last 5 years.

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

WSSC Highways requested details of parking provision and likely movements to/from the site. The applicant has now provided a revised plan showing 4 visitor spaces plus has indicated that the two retained show person chalets will have their parking alongside.

The Arun Parking Standards SPD does not set out parking standards for caravans or agricultural workers accommodation and it is not appropriate to impose the residential standard (which would equate to 28 allocated spaces and 2 visitor spaces). It is not considered that car ownership amongst workers will be high and therefore the provision of the spaces indicated on the plan is appropriate. WSSC Highways have been asked to provide further comments based on the changes to the plan and the accompanying letter and any response from them will be reported at the Meeting.

The proposal conflicts with ALP policy T DM1 & ANDP policy GA1 but is in accordance with ALP policy T SP1. There is no conflict with the parking policies in the development plan.

LANDSCAPE & VISUAL IMPACT

Policy D DM1 requires development makes the best possible use of land by reflecting or improving upon the character of the site and the surrounding area, in terms of scale, siting, layout, density, building materials and landscaping. It states development is expected to incorporate existing and new tree planting as an integral part of proposals. LAN DM1 states "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas".

Para 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para 122 states planning decisions should support development that makes efficient use of land but that the desirability of maintaining an area's prevailing character and setting should be taken into account.

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

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

It is not considered additional landscaping is required. The landscaping condition on AL/47/14/PL remains outstanding and the submission of this (as requested) will assist with further greening of the site. Whilst not essential to the application, this would have a positive benefit on the landscape.

The proposal is not considered to result in harm to landscape character (including the setting of the National Park) or local visual amenity and is not in conflict with ALP policies D DM1 and LAN DM1.

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development

including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Policy QE SP1 states the Council will ensure development does not have a significantly negative impact upon residential amenity.

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

LIGHT POLLUTION:

ALP policy QE DM2 states new outdoor lighting should not have any adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Light levels should be the minimum required for security and working purposes. ANDP policy EH10 states proposals which detract from unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

The application discusses dwarf lights but provides no details. A condition should be imposed to secure these details. The fact that lighting is described as "dwarf" suggests it will be low level and not likely to be particularly noticeable in the night sky. The other show person plots on the wider site have a mix of 3m high column lights, gate mounted lantern lights and lights attached to the mobile homes. As such, the addition of new low level lighting will not result in a new source of light in the nightscape.

It is not considered that there is any conflict with ALP policy QE DM2 or ANDP policy EH10.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

ANDP policy EH6 states proposals must be designed to incorporate biodiversity and enhance ecological networks to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature.

The site is in 12km of the Singleton and Cocking Tunnels Special Area of Conservation. Policy SD10 of the South Downs National Park Local Plan states that development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure that key features (foraging habitat and commuting routes) are retained.

This site is not green field and is not adjacent to woodland although the south and east boundaries are marked with trees. The site has permission as a travelling show persons plot and the development does not result in loss of trees. The condition on lighting will be assessed to ensure lights are bat friendly. Therefore, there will be no harm to bats crossing the site or otherwise using nearby trees.

The application does not include measures to improve biodiversity but this is not reasonable as the site is not greenfield and has already been developed. The proposal does not improve biodiversity but is not

considered to result in any harm therefore, on balance it is in accordance with ALP policy ENV DM5 and ANDP policy EH6.

MINERALS:

The site is located in a Sharp Sand and Gravel Mineral Safeguarding Area defined by the West Sussex Joint Minerals Local Plan (2018). Policy M9 (b) states proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

In respect of this site, given it already has permanent permission as a travelling show persons plot, it is not considered that extraction of minerals under the site would be possible. Such extraction is unlikely to be practical given the size of the site and the proximity of existing residential occupiers.

The proposal does not strictly comply with the criteria in Policy M9 but it is considered that the conflict should be afforded very low weight.

SUSTAINABLE DEVELOPMENT & NPPF PRESUMPTION:

Policy SD SP1 "Sustainable Development" states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Para 11 of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. The Council can demonstrate a Housing Land Supply (HLS) of 2.9 years and there is a significant shortfall and hence, its policies most important for determining applications for residential development are considered to be out of date.

To be able to benefit from the presumption, the proposal must be assessed as being sustainable development and this assessment should consider environmental, social and economic factors. As has been considered, the site is not sustainably located and access to/from the site will largely be reliant on a vehicle which will have some harm to the environment. There is a slight social impact in respect of the lowering of accommodation for travelling show persons. The accommodation of persons working on agricultural sites in the area will be positive to the economy. On balance, it is not considered the proposal represents sustainable development and the presumption is not triggered.

SUMMARY:

This proposal is contrary to development plan policy in respect of development in the countryside, development that is vehicle reliant and the slight loss of existing traveller and travelling showpeople accommodation. However, in respect of the countryside location, it is not considered this should automatically results in a refusal unless there is corresponding harm.

The report demonstrates there will be no visual harm to the landscape, on highway safety or on biodiversity. It is material that the applicant applied for a temporary 2-year permission and the accommodation is required to satisfy a pressing need for agricultural workers. This temporary permission means there will be no permanent harm to the countryside and no permanent loss of show person accommodation. It is considered that this material consideration allows for a decision to be taken

other than in accordance with the development plan.

It is recommended that permission is granted in accordance with the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

Location and Block Plan;
Proposed Site Plan ref 1483-02 Rev B; and
Proposed Sections ref 1483-04 Rev A.

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

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

Reason: The applicant has requested a 2 year temporary permission and a permanent permission would not be in accordance with the Arun Local Plan, policies C SP1 and H DM3.

- 3 Within 2 months of the permission being granted, the approved car parking spaces shall be fully laid out and clearly marked out. Thereafter these areas shall not be used for any purpose other than for the parking of vehicles.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 4 Within 2 months of the planning permission being granted, the applicant shall submit full details of external lighting in use or required on the site to the Local Planning Authority for approval in writing. The details shall include the type of light appliance, the height and position of fittings, illumination levels and light spillage. The scheme should seek to conform with the recommendations within BS5489:1-2013 but minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and thereafter maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 5 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 6 INFORMATIVE: The applicant is reminded that the landscaping scheme condition 6 imposed on AL/47/14/PL has not been agreed and therefore an application should be submitted to rectify this situation immediately.

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.](https://www.arun.gov.uk/weekly-lists)

AL/61/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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