

Parish: Westbourne	Ward: Westbourne
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WE/17/00670/FUL

Proposal Change use of land for the retail use of selling christmas trees for the period of 1 month each year start 24/11 to 24/12.


Site Meadow View Stables Monks Hill Westbourne Emsworth West Sussex PO10 8SX

Map Ref (E) 475550 (N) 108450

Applicant Mr Frank Wickens

RECOMMENDATION TO PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

The application was deferred at the meeting on 19 July 2017 for officers to request the submission of additional information from the applicant. The additional information requested was:

- Where and how are trees stored on the site?
- How do access arrangements work for the day room?
- How many trees are on site at any one time?
- What is the total number of trees sold over the period of 1 month?
- What vehicles (size) are used for deliveries?
- What percentage of sales are via delivery vs. collection?
- What is the average trip generation per day?
- Confirmation that highways visibility requirements are achievable within the applicants land/ownership
- Confirmation of the number of parking spaces available for collection
- Confirmation as to whether any external cover is required.

2.0 The Site and Surroundings

2.1 The application site is a gypsy/traveller site which comprises 1 no. static caravan located to the west of the application site, 1 no. day/utility room to the south of the site and of 1 no. touring caravan to the east of the site. The boundary to the west and south alongside Monks Hill is largely screened by mature vegetation. To the east of the site are open fields within the applicants ownership and to the north, the boundary is largely open to the access track. Parking for approximately 10 vehicles can be accommodated within the application site on existing areas of hardstanding.

2.2 The application site is situated outside of any identified settlement boundary and is located to the east of Monks Hill, a two way road with an unrestricted speed limit. Access to the site is off Monk's Hill by way of a private entrance road. This private entrance road also allows access to existing equestrian land within the applicant's land ownership.

3.0 The Proposal

3.1 The proposed development is for the change of use of the land for the selling of Christmas trees for the period of 1 month: 24 November to 24 December.

3.2 The siting and storing of Christmas trees throughout this period relates to a specific part of the site **(to the right hand side of the day room)** which is largely enclosed by the mobile home, utility block and touring caravan. **No external cover is required and the existing access to the day room is not affected by the proposals.** The application site is accessed off Monks Hill via the existing access arrangements and an existing area of hardstanding would be used for the parking of vehicles.

4.0 History

01/00095/REN	PER	Continued use of field shelter with adjoining hay and feed store continued use of hay and straw store for private use.
94/01033/FUL	PER	Hay/straw store in addition to field shelter and feed store for private use.
96/00437/REN	PER	Continued use of field shelter with adjoining hay and feed store. Continued use of hay and straw store for private use.
04/00048/FUL	PER	Proposed double stable block to accommodate two domestic ponies.
04/02416/FUL	PER	Proposed 1 no. additional stable for domestic pony; 1 no. outdoor menage 40 m x 20 m with sand surface.
14/04206/FUL	REF	Material change of use of land for stationing of caravans for residential occupation with associated hard standing and utility block.
15/00025/REF	ALLOW	Material change of use of land for stationing of caravans for residential occupation with associated hard standing and utility block.
17/00670/FUL	PDE	Change use of land for the retail use of selling Christmas trees for the period of 1 month each year start 24/11 to 24/12.
17/00769/NMA	PER	Non-material amendment to planning permission WE/14/04206/FUL. To change colour and fenestration of windows and doors.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Westbourne Parish Council

Westbourne Parish Council objects to the planning application. When permission was granted for the development by the Planning Inspectorate, a condition was included by the Inspector that no commercial activity should take place on site. The Council considers that this condition should remain, even if the application is just for a one month period.

When the commercial activity is conducted, the signage placed around the village by the applicant is unsightly and is not in keeping with the local area of village. The Parish Council has received many complaints from local residents about this.

In addition, the site would require vehicles to stop on Monk's Hill on a length of de-restricted road and on a dangerous bend. The commercial activity would pose a danger to the local highway and local residents.

6.2 WSCC Highways

Following my email of 15th May, it has now come to my attention that the vehicle movements anticipated as a result of the proposed use would be negligible and not considered a 'severe' increase. Over the period of 28 days, 60-70 trees are anticipated to be sold with circa two cars at any one time parked within the site. A site visit was carried out and space on site for parking and turning was observed to be sufficient.

Whilst we do not raise any highway capacity concerns, on site it was observed that visibility upon exiting the access could be improved by the clearing/ cutting back of vegetation. If the LPA are minded to approve the proposals, I would advise that a condition be secured for maximum achievable visibility splays to be provided prior to commencement.

I would also advise that an informative be included to ensure that the applicant contacts the WSCC Highways Area Engineer regards permission/ licence for

placement of any signs within highway land. They may require evidence that signage is not to be placed in publically maintained land, subject to their policies, though this should be agreed prior to commencement.

6.3 Third Party Objection

One letter of objection was received throughout the consultation period which detailed the following issues:

- The position of the site concerned together with the speed of traffic would cause a road safety hazard
- There would be the inappropriate use of parking at the playground car park on Monks Hill and probably parking on the road itself
- There would be signs on nearby roads and in Westbourne village (they are often hand painted and ugly)
- Signs are usually never removed or at best only after several months have passed
- Such signage is out of keeping with the village
- There is no demonstrable need for any further outlets to sell Christmas trees locally
- There are nearby well organised garden centres at Stanstead House and at the Wyvale garden centre where there is ample organised and safe parking for vehicles
- In addition there may well be other selling eg logs without planning permission
- The proposed site would be an eyesore which would affect the rural charm of Westbourne with its views of the National Park

7.0 **Planning Policy**

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. **Westbourne Neighbourhood Plan has recently been subject to consultation following submission to the LPA under Regulation 16. The Consultation Period ended on 24 July 2017. The Examiner has been appointed and the Neighbourhood Plan is now at Examination.**

National Policy and Guidance

7.2 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay;*
- and*

- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

7.3 Consideration should also be given to paragraph 17 (Core Planning Principles).

Other Local Policy and Guidance

7.4 The contents of Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) provides a material consideration for the purposes of the determination of this application.

7.5 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of Development
- ii) Impact on the Open Character of the Countryside;
- iii) Transport, Accessibility and Parking; and
- iv) Advertisement/Signage

Assessment

i) Principle of Development

8.2 The application seeks temporary planning permission, for the period of one month per annum, around the Christmas period, for the importing and selling of Christmas trees. The application is retrospective in nature as these activities have been undertaken from the land within the period applied for since 2015. Policy 2 (Development Strategy and Settlement Hierarchy) of the Chichester Local Plan Key Policies (2014-2029) supports retail development where it falls within the sub-regional centre and identified settlement hubs and service villages. This application falls within a countryside location, outside any sub-regional centre or identified settlement hub.

8.3 The proposed development is small scale and restricted to a period of one month a year. The impetus underpinning Policy 2 of the Local Plan is to guide permanent retail development to appropriate areas. However, the nature of the retail development

proposed is more akin to that which may occur within the countryside under permitted development rights (Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) (GPDO) Order 2015 (as amended)), but which, due to the presence of buildings on the site and the period of time exceeding 28 days, cannot be exercised here.

8.4 When planning permission was granted on appeal for the change of use of the land for the stationing of caravans for residential occupation, the appeal Inspector placed a condition on the permission preventing any form of commercial activity from taking place on the land, including the storage of materials. This application for commercial use on the site is for a limited time each year only and would provide a form of income for the gypsy occupiers whilst they are not travelling. The proposed commercial activity is considered to be of a small enough scale to ensure the commercial use on the site is secondary to the residential use of the site and due to the specific nature of the product for sale, would be unlikely to expand into other ventures.

ii) Impact on the Open Character of the Countryside

8.5 Policy 48 (Natural Environment) of the Chichester Local Plan Key Policies (2014-2029) requires development to have no adverse impact on the tranquil and rural character of the area.

8.6 The site is located in close proximity to the existing settlement of Westbourne and the location of the christmas trees **(to the right hand side of the day room)** would be shielded along all boundaries with the exception of the north, by existing development. This existing development that shields the exposure of the activities would ensure that the impact upon the rural characteristics of the environment would unlikely be any greater in comparison to the existing development on the site.

8.7 The nature of the activities is small scale and localised. **The applicant has provided further information on the scale of the activity and has advised there are no more than 50 christmas trees on site at any one time and that the total number sold during the one month period is between 100 and 150.** The applicant has stated that the christmas trees are all brought to site from his own car **(Subaru Forester)** and trailer **(8ft by 5ft in dimensions)** and that he makes christmas tree deliveries **(on average 60-70 trees are delivered and 40-70 sold on site)** to reduce the number of cars coming onto the site. **Over the time period concerned there are normally 2 cars per day visiting the site and the busiest day would have 5 cars during the whole day.** On this basis **that the number of trees to be sold is unlikely to be greater than 150**, it is assessed that the vehicles visiting and parking on the site would be intermittent and limited and would not demonstrably harm the rural characteristics of the area.

8.8 Equally, it is noted that the limited period for which permission is sought would not result in any demonstrable or irreversible harm throughout the period outside that which is permitted.

8.9 Taking account of the surrounding cluster of development, the proposed siting of the christmas trees and exposure of existing development, the grant of planning permission for a limited period of 1 calendar month a year (24.11-24.12) **for the selling of up to**

approximately 150 christmas trees would have no significant impact on the natural tranquilly of the surrounding area.

8.10 Therefore, the development would accord with the contents of Policy 48 (Natural Environment) of the Chichester Local Plan Key Policies (2014-2029).

iii) Transport, Accessibility and Parking

8.11 Policy 39 (Transport, Accessibility and Parking) of the Chichester Local Plan Key Policies (2014-2029) requires development to provide for safe and sufficient access that should not add to problems of safety, congestion, air pollution or other damage to the environment.

8.12 The applicant has advised that the Christmas trees are collected by him from Cranleigh, Surrey and normally three trips of 40-50 trees at a time are required. The first 50 are bought onto site on the 24th November and then the further 2 trips are undertaken as and when necessary. The trees are collected in the applicant's car and trailer.

8.13 To the north of the application site is an area of hardstanding used in connection with the existing use of the site which allows for the parking of approximately **10 vehicles**. Given the scale of the facility that would be restricted to the area detailed on the plans, this would not give rise to significant parking issues at peak hours of demand.

8.14 No objections have been raised from West Sussex County Highways regarding the proposed parking on site or the use of the access (the applicant has confirmed it is possible to achieve a visibility splay of 2.4m by 55m to the south and 2.4m by 45m to the north **on land within his ownership** and this will be conditioned to be retained for the duration of the permission to allow for maximum visibility when exiting the site). **West Sussex County Highways has been reconsulted on the application following the submission of additional information from the applicant as requested by the Committee. No additional comments from West Sussex County Highways have been received.**

8.15 It is also detailed within the applicant's submission that they operate a delivery service too, at customer request, which further reduces the requirement for vehicles frequenting the site.

8.16 In light of the above considerations, it is assessed that the development would provide for safe and sufficient access in connection with the development. Therefore, the development would accord with the contents of Policy 39 (Transport, Accessibility and Parking) of the Chichester Local Plan Key Policies (2014-2029).

iv) Advertisement/Signage

8.17 Concern was raised during the public consultation period about the proliferation of advertisements throughout the temporary use of the site. However, any advertisement, unless otherwise permitted, would require express consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

8.18 The applicant has provided details (photographs) of two advertisements he wishes to erect to advertise the selling of Christmas trees. One of the signs measures approximately 3.6m by 3.6m and will be placed on the tree at the southern entrance to the site. The other sign will measure 0.9m by 0.6m and the applicant wishes this to be placed opposite the entrance to the site. The location of this advertisement falls outside the ownership of the applicant and outside the red and blue line boundaries as denoted on the location plan, it would therefore be for the applicant to gain any further consents required to display such signage. **The applicant has confirmed he understands the need for separate advertisement consent for the signage.**

8.19 Should any advertisements be placed on any land without the benefit of consent then the Local Planning Authority possesses sufficient controls to remove unauthorised advertisements through the planning enforcement process.

Conclusion

8.20 Based on the above, it is considered the principle of the proposed development is acceptable as the development is for a limited period only and is normally able to be undertaken for 28 days under consent granted by the GDPO without the benefit of planning permission and the associated controls. The proposed development complies with development plan policies 1, 2, 39 and 48 and therefore the application is recommended for approval.

Human Rights

8.21 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be carried out in accordance with the approved plans: Plan 2 Proposed Site Layout Plan.

Reason: For the avoidance of doubt and in the interests of proper planning.

2) The use shall not commence until visibility splays of 2.4m by 55m to the south and 2.4m by 45m to the north are provided at the site access onto Monks Hill in accordance with a plan to be submitted to and approved by the local planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety.

3) The retail use hereby permitted shall solely comprise the selling of Christmas trees during the period of 24 November to 24 December each year only. **The site shall be laid out in accordance with Plan 2 Proposed Site Layout Plan at all times during this period.**

Reason: To clarify the extent of the permission and to safeguard the long term tranquillity of the countryside.

4) The activities hereby permitted by this consent shall not be undertaken by any other persons, other than the occupants of the gypsy/traveller accommodation at Meadow View Stables, Monks Hill, Westbourne.

Reason: To ensure a sufficient level of visual amenity and to maintain the tranquility of the countryside.

5) The development hereby permitted shall run in parallel with planning permission ref: WE/14/04206/FUL (APP/L3815/W/15/20006346).

Reason: For clarity and in the interest of proper planning.

INFORMATIVES

1) 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.

2) The applicant must contact WSCC Highways Area Engineer and/or any other land owner regarding permission/licence for the placement of signs within the highway land or land outside the applicant's control. This temporary permission does not override the need for separate advertisement consent where this is required.

For further information on this application please contact Claire Coles.