

Parish: Sidlesham	Ward: Sidlesham
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**SI/18/02377/FUL**

**Proposal** Retrospective application for the continued use of land for the stationing of a residential static caravan for occupation by an employee of Tony Partridge Autos.

**Site** Tony Partridge Autos Zsaras Yard Highleigh Road Sidlesham Chichester West Sussex PO20 7NR

**Map Ref** (E) 484559 (N) 98218

**Applicant** Ms T Sands

**RECOMMENDATION TO REFUSE**



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## **1.0 Reason for Committee Referral**

- 1.1 Red Card- Councillor Tull - The member has information or an opinion, which she wishes to raise in debate.

## **2.0 The Site and Surroundings**

- 2.1 The application site is located in Highleigh, within the rural parish of Sidlesham, located outside of any settlement boundaries and therefore is within the countryside. Highleigh Road to the west of the application site has a semi-rural and verdant character with mainly detached residential properties in spacious well landscaped plots. The locality is characterised by the mix of residential properties with open countryside and horticultural uses. The application site is set back from Highleigh Road on its eastern side with commercial nurseries to the south east.
- 2.2 The site is located to the south of an existing commercial business and forms the northern part of a larger piece of paddock land. A Public Right Of Way (PROW) runs to the east of the site. The site boundary consists of a 1.8m timber fencing to the east and a 2.5m hedge to the south and west, with industrial buildings and stables to the north.

## **3.0 The Proposal**

- 3.1 The application seeks retrospective planning permission for the permanent change of use of the land to residential and the permanent siting of a static caravan for the occupation by an employee of Tony Partridge Autos.
- 3.2 The static caravan that is currently located on the site measures 10 metres in length, 3.6 metres in width and 2.8 metres to eaves with a height from ground to ridge of 3 metres. The caravan is clad with white profiled metal sheeting and has a metal sheet roof. The static caravan is located to the south of the existing workshop buildings, within an area that is paddock with a 1.8 metres timber fence along the east and a hedge to the remaining boundaries.

## **4.0 History**

97/01935/COU	REF	Workshop metal work.
03/01006/FUL	PER	Replacement of existing stables in poor condition with new, with use of materials in keeping with area.
03/01480/FUL	REF	Single two storey residential dwelling.
17/03077/FUL	REF	Partial change of use of land to residential use and retention of mobile home.
89/00070/SI	REF	Storage and workshop for repairs to machinery and vehicles (EUC).

90/00030/SI	PER	Permission to retain existing use of premises as storage and workshops for machinery and vehicles.
97/00171/FUL	PER	Replacement workshop.
97/01235/ADV	PER	Pole Sign.
03/01006/FUL	PER	Replacement of existing stables in poor condition with new, with use of materials in keeping with area.
17/03077/FUL	REF	Partial change of use of land to residential use and retention of mobile home.

## 5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

## 6.0 **Representations and Consultations**

### 6.1 **Parish Council**

No objection in principle to the caravan but would like the consent to be temporary for a period of 3 years.

### 6.2 **Natural England**

We consider that without appropriate mitigation the application would be likely to have a significant effect through recreational disturbance on Pagham Harbour SPA and Ramsar, in combination with other residential proposals in the area.

In order to mitigate these adverse effects and make the development acceptable, an appropriate contribution should be made to strategic access management in accordance with Chichester DC policy guidance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

## 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. There is no made neighbourhood plan for Sidlesham at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

### Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 4: Housing provision  
Policy 8: Transport and Accessibility  
Policy 33: New Residential Development  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 42: Flood Risk and Water Management  
Policy 45: Development in the countryside  
Policy 48: Natural Environment  
Policy 49: Biodiversity  
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

### National Policy and Guidance

- 7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 11 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:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.4 Consideration should also be given to sections 5 (Delivering a sufficient supply of homes), 6 (Building a strong, competitive economy), 9 (Promoting sustainable transport), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), and 15 (Conserving and enhancing the natural environment) which are also relevant to this case.

#### Other Local Policy and Guidance

7.5 The following documents material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- CDC Waste Storage and Collection Guidance

7.6 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:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

### **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of the development
- ii. Impacts on visual amenities and character of the countryside
- iii. Impacts on the amenities of neighbouring properties
- iv. Ecological considerations

#### i) Principle of the development

8.2 Policy 2 of the Chichester Local Plan 2014-2029 identifies locations where sustainable development, infrastructure and facilities will be accommodated which in terms of scale, function and character support the role of the identified settlements within the policy. Policy 2 categorise these locations as sub-regional centre, settlement hubs or service villages. Development in the Rest of the Plan Area, outside the settlement categories, is restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification in accordance with Policies 45-46. The application seeks planning permission for the siting of a permanent static caravan for occupation by an employee of Tony Partridge Autos. The parish of Sidlesham and the settlement of Highleigh has not been identified as an area for growth. The nearest bus stop is 100 metres from the application site, which has two buses, one a weekday school bus and the other only operates on a Tuesday between 10am and 2pm, and therefore the site is not easily access by public transport. There is a primary school 0.8 km to the south of the application site, however there are no other local services or facilities nearby. Due to the limited number of local services within Sidlesham it has been considered as an unsustainable location because of its distance from services and amenities and the required reliance on the private car for transport. The provision of a dwelling in this location would not accord with policy 2 of the Local Plan unless it can be demonstrated there would be an essential need for a countryside location.

- 8.3 Policy 45 of the Chichester Local Plan states that within the countryside, outside settlement boundaries, development will be granted where it requires a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately to existing settlements. The proposal seeks retrospective planning permission for the permanent siting of a static caravan, to meet the business needs of the applicants adjoining car business. The business is a car repair and resprays facility, which operates Monday to Saturday. The application has been submitted with a Planning Statement which sets out that on average the site has been the subject of 4 counts of trespass, break-ins and attempted break ins, although these have been thwarted by the applicants son who is living on site. Further details have been submitted regarding the thefts and attempted thefts that have occurred, some of which have been captured on video and details provided of the police investigations. The applicant also states that prior to the occupation of the mobile home, an intruder alarm was often ringing causing nuisance to local residents.
- 8.4 While some details have been provided of the thefts that have occurred, insufficient information has been provided detailing what security measures have been put in place to prevent thefts from the site. Furthermore insufficient information has been provided to demonstrate that it would be unviable to install tighter security measures. While it is acknowledged the desire to provide on-site accommodation in connection with the business, it is not however considered this would meet an 'essential need' to reside on site in this unsustainable countryside location, outside any settlement boundary and therefore the proposal would not comply with policy 45 of the Local Plan. It appears as though the need to reside on site is desirable over essential. The proposal would therefore fail to comply with local and national development plan policies seeking to ensure development is sustainable and meets an essential need.
- 8.5 The applicant states that the proposal has economic benefits in that the scheme will enable the occupier to continue working at the garage and providing a local car repair service to the occupants of Sidlesham. The applicant states that if he is unable to continue residence on site then the business will close as there will be no deterrent against theft and the business cannot sustain losses from theft. Policy 3 of the Local Plan and section 6 of the National Planning Policy Framework seek to support the rural economy and therefore the Local Planning Authority would generally be supportive of the retention of the business. However it is considered that insufficient information has been submitted to demonstrate that the need for a person to reside on the site or that the economic benefits of the business outweigh the harmful impacts of permitting development in an unsustainable location.
- 8.6 The submitted Planning Statement highlights a recent court judgement in Braintree DC v SOS concerning the meaning of 'isolated homes' within paragraph 79 of the NPPF, and argues that the site is not isolated and therefore the principle of development would be acceptable. The Inspector's decision in that case was made in the context of an absence of a 5-year housing land supply and therefore of housing policies which were out of date. The council has an up-to-date Local Plan and the a 5-year housing land supply, therefore the High Court judgement has little weighting in the consideration of this application. As the council has an up-to-date Local Plan, all policies within the plan carry full weight and are a material planning consideration in the determination of this application. There are no material considerations that indicate the proposal would otherwise be acceptable.

8.7 To conclude the proposed development would constitute an unsustainable form of development, as a result of the creation of a residential use in the countryside, with insufficient justification for requirement of a countryside location. As such the proposal would be contrary paragraphs 11 and 79 of the NPPF and Policies 1, 2, 33 and 45 of the Chichester Local Plan: Key Policies 2014-2029.

ii) Impacts on visual amenities and character of the countryside

- 8.8 Section 12 of the NPPF refers to the Government attaching great importance to the design of the built environment. Paragraph 127 requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy 33 of the Chichester Local Plan sets out that new residential development should provide for a high quality living environment in keeping with the character of the surrounding area and its setting in the landscape and where possible it should enhance the character of the surrounding area.
- 8.9 The static caravan is located to the south of a number of existing buildings used by the applicant in connection with his business. The buildings are contained to the south of a private track, with a clear southern boundary with an open field beyond. The caravan is sited within this open field, beyond the established area of the existing business. The application seeks permission for the permanent siting of a static caravan in this location and as such the development would have a permanent impact on the character of the area.
- 8.10 The development surrounding the site comprises of a mixture of architectural styles, but are mainly single and two storey dwellings constructed from brick or rendered with tile roofs. The dwellings are mainly large properties within spacious plots and set back from the road with off street parking. The building that forms part of the applicant business reflect their use as commercial buildings, with dwellings to the east being constructed from brick and tile with hipped roofs.
- 8.11 The caravan that is currently located on the site is clad with white profiled metal sheeting and has a metal sheet roof. The caravan would be visible from along the PROW which is to the east of the site and from the access road to the north. The static caravan does not respond to the local character, in terms of its design, siting and use of materials. It is therefore at odds with the established character of the area and would not result in a high quality design. The application would result in development of a poor quality of design, outside of the envelope of the existing business.
- 8.12 To conclude it is considered that whilst the static caravan is not highly visible from the wider area, it is considered by reason of its design, form and materials, the proposed static caravan would fail to comply with local and national development plans which seek to protect the visual amenity, character and distinctiveness of an area. As such the proposal would be contrary section 12 of the NPPF and Policy 33 of the Chichester Local Plan: Key Policies 2014-2029.

iii) Impacts on neighbouring amenities

8.13 Policy 33 of the Chichester Local Plan seeks to ensure a good quality of amenity for all existing and future occupiers of land and buildings. The nearest properties to the application are to the east Timber Lodge which is 20 metres away and to the west Orchard Croft which is approximately 30 metres away. Having regard to the distance the static caravan is from the neighbouring properties, it is considered the proposal would not have a significant detrimental impact on neighbouring amenity in terms of overlooking or overbearing impacts.

iv) Ecological considerations

8.14 Policy 50 of the Chichester Local Plan states that all net increase in residential development within the 5.6km 'Zone of Influence' of Chichester and Langstone Harbours Special Protection Areas (SPA) and 3.5km of Pagham Harbour SPA are likely to have a significant effect on the designated areas either alone or in combination with other developments and will need to be subject to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010. A Habitats Regulations Assessment Screening Opinion has been undertaken and it is considered that without appropriate mitigation the application would be likely to have a significant effect through recreational disturbance on Pagham Harbour SPA and Chichester Harbour SPA, in combination with other residential proposals in the area.

8.15 The applicant has paid the necessary contribution to mitigate the impacts of the development, however, this has not yet been secured by way a S106 planning obligation. Therefore the mitigation has not been secured and the proposal does not comply with policies 50 and 51 of the Local Plan. Although an additional reason for refusal as it stands, this matter could nevertheless be dealt with at appeal through the provision of an appropriate legal agreement and contribution.

Conclusion

8.16 It is considered that given the location of the proposal outside of any settlement boundary, and therefore within the designated countryside, the proposal would constitute an unsustainable form of development, as a result of the creation of a residential use in the countryside, with insufficient justification and requirement for the countryside location. Therefore the proposal, would be contrary to the overarching strategy of the Chichester Local Plan 2014-2029, which seeks to provide new dwellings in sustainable locations, within existing identified settlements as set out in policy 2 of the Local Plan. In addition, the proposal, by reason of its design and form as a static mobile home, would not constitute high quality development within the countryside and as a result fail to be in keeping with the visual amenities of the locality. As such the proposal would be contrary to sections 2, 5, 9 and 12 of the NPPF and Policies 1, 2, 33, 45 of the Chichester Local Plan: Key Policies 2014-2029. There is no presumption in favour of the development because a Habitat Regulations Assessment is required, the Council has an identified 5 year supply of housing and an up to date Local Plan, and a single dwelling would not provide a significant contribution to housing supply. As such, there are no material considerations that would outweigh the harm identified.

## Human Rights

8.17 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 refuse is justified and proportionate.

### **RECOMMENDATION**

REFUSE for the following reasons:-

1. The site is located within the designated countryside, outside any settlement boundary. The proposal would constitute an unsustainable form of development, as a result of the creation of a residential dwelling in the countryside, with insufficient justification and requirement for the countryside location. The proposal would be contrary to the overarching strategy of the Chichester Local Plan 2014-2029 which seeks to provide new dwellings in sustainable locations, within existing identified settlements as set out in policy 2 of the Plan. As such the proposal would be contrary to paragraphs 11 and 79 of the NPPF and Policies 1, 2, 33, 45 of the Chichester Local Plan: Key Policies 2014-2029.
2. The proposal, by reason of its design and form as a static caravan, would not constitute high quality development within the countryside and as a result fail to be in keeping with the visual amenities of the locality. As such the proposal would be contrary to section 12 of the NPPF and Policies 1, 2, 33, 45 of the Chichester Local Plan: Key Policies 2014-2029.
3. The site is located within the 5.6km zone of influence of the Chichester and Langstone Harbours Special Protection Area and within the Pagham Harbour Special Protection Area 3.5km Zone of Influence, where it has been identified that the net increase in residential development results in significant harm to those areas of nature conservation due to increased recreational disturbance. Whilst the applicant has agreed to enter into such an agreement the required Unilateral Undertaking has not yet been provided. Until such time as this has been provided, the proposal would be contrary to Policy 50 and 51 of the Chichester Local Plan: Key Policies 2014-2029 and contravene the Conservation of Habitats and Species Regulations 2017 and the advice in the National Planning Policy Framework.

For further information on this application please contact Caitlin Boddy on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PEZZEPERJJU00>