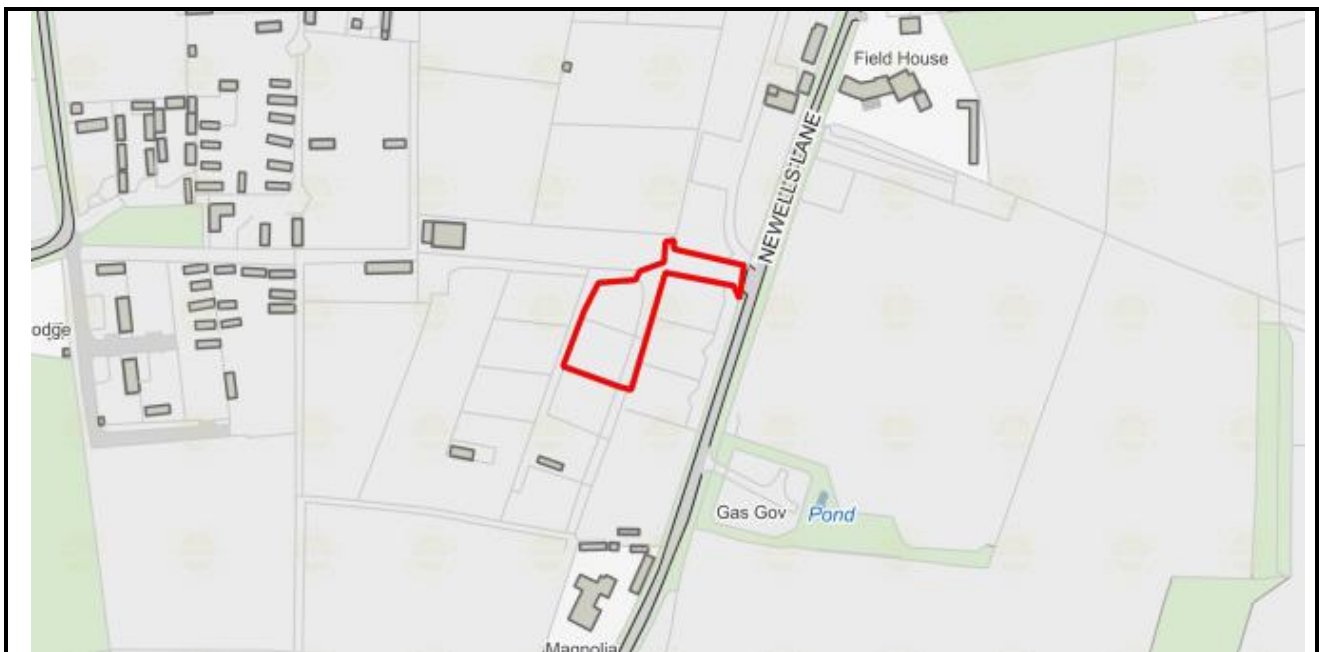



Parish: Funtington	Ward: Lavant
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**FU/23/02603/FUL**

<b>Proposal</b>	Construction of 1 no. shared utility building as an alternative to permission 18/00402/FUL.		
<b>Site</b>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex		
<b>Map Ref</b>	(E) 479935 (N) 106871		
<b>Applicant</b>	Mr M Bath	<b>Agent</b>	Mr Ben Kirk

**RECOMMENDATION TO PERMIT**



	<b>NOT TO SCALE</b>	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
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**1.0 Reason for Committee Referral**

1.1 Parish Objection - Officer recommends Permit

1.2 **This application was deferred at the 7 February 2024 meeting of the Planning Committee for the following reasons:**

- **A Committee site visit**

**1.3 In light of concerns raised by Members in respect of similar applications at the same committee meeting, officers have also provided comments on fire safety. These matters are referred to in the report in bold text.**

**1.4 The proposal has been amended from 1no shared utility building to 2no semi detached utility buildings.**

## **2.0 The Site and Surroundings**

2.1 The application site is located within the parish of Funtington, to the north west of Newells Lane. It is an area characterised by sporadic development, comprising residential, agricultural and equestrian. The site is accessed via an existing access from Newells Lane and is set back from the roadside.

2.2 The application site is screened to the east by mature hedgerow and open agricultural land lies to the west, north and south.

2.3 The application site was granted planning permission, under ref 18/00402/FUL (Appeal ref: APP/L3815/W/19/3220300) for the stationing of caravans for residential purposes and utility/dayrooms ancillary to that use.

2.4 This application relates to two of the pitches that were granted permission. The pitches are owned and occupied by the same family.

## **3.0 The Proposal**

3.1 The planning permission allowed a utility building on each pitch. **The proposal is for the erection of a pair of semi-detached utility buildings to replace the two detached permitted buildings.**

3.2 **The proposed utility buildings have a kitchen, day room, utility room and 1no. bathroom in each unit. The footprint would be 13.9m x 5.9m. The roof would be dual pitched and the ridge height 4.2m. The materials would be facing brick walls and clay roof tiles.**

3.3 The permitted day rooms had a kitchen, day room, washroom and bathroom. They were 7.5m long and 4m wide, had a dual pitched roof with a ridge height of 4m. The permitted materials were facing brick and slate roof tiles.

3.4 The siting of the permitted day rooms was amended under condition compliance permission 21/02240/DOC to re-locate the buildings further towards the western boundary. The proposed utility buildings would be in this same position, aligned along the western boundary. **The boundary between the two pitches has been retained.**

## **4.0 History**

18/00402/FUL	REF	The use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/dayrooms ancillary to that use.
21/02240/DOC	SPLIT	Discharge of conditions 7, 8, 9, 10, 11, 12, 13 and 14 of decision APP/L3815/W/19/3220300 (planning application FU/18/00402/FUL).

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

## 6.0 Representations and Consultations

### 6.1 Parish Council

**The Parish Council were re-consulted on 28<sup>th</sup> February 2024, no further comments have been received.**

#### **Parish Council comments received 24<sup>th</sup> December 2023.**

Funtington Parish Council object to the above Planning Application.

It is accepted that each permanent Gypsy/Traveller site has room for 1 mobile home, one touring caravan, 2 parking spaces and one dayroom. The dayroom is an ancillary building to the main residence, the main residence being the mobile home.

Looking through previously approved Planning Applications for nearby Gypsy and traveller sites, the dayrooms on each plot are around 30 - 40m<sup>2</sup>. The proposed dayroom would be 82m<sup>2</sup>.

One large single day room to serve 2 pitches is entirely against the principle of the purpose of these dayrooms. The Governments publication - 'Designing Gypsy and Traveller Sites - Good Practice Guide', establishes that each pitch created is an

independent pitch catering for one family, and each pitch should have space for 1 mobile home, one touring caravan, 2 parking spaces and one dayroom.

Funtington Parish Council feel that because of the size of the proposed dayroom, which is equivalent in size to a 2-bedroom bungalow, if this proposed building is given planning permission, the proposed building could easily become/be used as, an additional dwelling on the site.

it would not be possible for Chichester District Council Officers to make sure that this building was used for the purpose as proposed.

## 6.22 Third party comments

No third party representations have been received.

## 7.0 Planning Policy

### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Funtington 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 33: New Residential Development

Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople

Policy 45: Development in the Countryside

Policy 48: Natural Environment

### Chichester Local Plan Review Preferred Approach 2016 – 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in early 2024. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2023).

## National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from December 2023. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and 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 of 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.**
- 7.5 Consideration should also be given to the following paragraph and sections: Sections 12 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account, paragraphs 135 and 180.

## Other Local Policy and Guidance

- 7.6 The following documents are material to the determination of this planning application:
- Planning Policy for traveller sites (August 2015).
  - Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2022)
- 7.7 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 development
  - ii. Design and impact upon character of the surrounding area
  - iii. Impact upon amenity of neighbouring properties
  - iv. **Fire and Access**

i. Principle of development

- 8.2 The application site lies in the designated Countryside where development is restricted in accordance with Policies 1, 2 and 45 of the Chichester Local Plan to development that meets a small scale, essential, local need and requires a countryside location, unless otherwise provided for within the CLP. In addition, Policy 45 advises permission will be granted for sustainable development which is well related to an existing farmstead or group of buildings, is complement to and does not prejudice viable agricultural operations and any proposal ensures that their scale, siting, design, and materials would have a minimal impact upon the landscape and rural character of the area.
- 8.3 The application site has planning permission for 2no. residential caravans and day rooms. **The proposal seeks permission for a pair of semi-detached utility/dayroom buildings to replace two smaller detached day room buildings.**
- 8.4 Whilst technically a withdrawn document, the 'Designing Gypsy and Traveller Sites' document advises an amenity building would be a typical feature of a Gypsy and Traveller pitch and should include a kitchen and bath/shower room. In addition, it was recommended a day/living room, which could be combined with the kitchen (forming a kitchen/living/dining area) be included.
- 8.5 **The two pitches are owned and occupied by the same family. Each pitch would be independent with a static and touring caravan, and utility and day room building. It is therefore considered that the principle of the development is acceptable.**

ii. Design and impact upon character of the surrounding area

- 8.6 Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, and create places with a high standard of amenity for existing and future users. Paragraph 180 advises that decisions should contribute to and enhance the natural and local environment.
- 8.7 The permitted day rooms comprise of a kitchen, day room, washroom and bathroom. They were 7.5m long and 4m wide, had a dual pitched roof with a ridge height of 4m. **The proposed utility buildings would have a kitchen and day room, utility room and a bathroom. The footprint would be 13.9m x 5.9m. The roof would be dual pitched, the building would have a ridge height of 4.2m and eaves height of 2.3m.**
- 8.8 The ridge height of the proposed day rooms is 20cm higher than the permitted day rooms. The footprint of the proposed combined utility buildings would be approximately 22sqm larger than the combined footprint of the two permitted day rooms. Notwithstanding this modest increase in the size of the dayroom provision, it is considered that the scale would be typical of a 'day room' or amenity building for two Gypsy and Traveller pitches.
- 8.9 **It is considered that the utility buildings would be well-related to the other caravans within the site. The buildings would be centred between the two pitches and aligned along the western boundary. The two pitches would remain separate from each other retaining the boundary between them. The design of the semi-detached day rooms matches the permitted day rooms and appears as an ancillary utility**

**building. It is considered that there is a comparable visual impact when considering the permitted individual day rooms that would be sited along the western boundary to the rear of the site and the proposed semi-detached day rooms due to their siting, size and appearance.**

8.10 The application site is set back from the highway behind other pitches and the access track. There is mature boundary hedgerow along the eastern boundary. It is considered that there would be minimal impact on the character of the surrounding area resulting from the proposal.

8.11 The proposed materials would be facing brick and clay roof tiles, this is considered to be in keeping with the character of the application site and the surrounding rural area.

8.12 The facilities proposed in the utility buildings are the same as the permitted structures. They would be modest and functional and would therefore be ancillary to the residential caravans. The use of the building is proposed to be controlled by condition.

8.13 In light of the above, it is considered that the proposal, by reason of its siting, size, design and appearance, would be appropriate having regard to the existing site and would not cause significant harm or detriment to the wider area and therefore would accord with local and national development plan policies. Therefore, it is considered that the development would comply with NPPF paragraphs 135 and 180, CLP Policies 2, 33, 36, 45 and 48 and the Planning Policy for Traveller Sites.

iii. Impact on the amenity of neighbouring properties

8.14 The buildings would be well-distanced from neighbouring properties, and as a result would have no impact on the amenities of the nearest properties.

iv. Fire and Access

8.15 **The issues of Fire Hydrants and Access are covered by Building Regulations, namely Section 13: Vehicle access and Section 14: Fire mains and hydrants – flats of Approved Document B (fire safety) volume 1: Dwellings 2022 amendments. However, the requirements only apply to buildings and dwellinghouses (which does not include caravans). Paragraph 13.1 advises ‘access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouse’. In addition, Paragraph 14.8 (Provision of private hydrants) advises a building requires additional fire hydrants if it has a compartment with an area of more than 280 square metres and it is being erected more than 100m from an existing fire hydrant. Comments were not received from WSCC Fire and Rescue for this application however the distance of nearby application sites to a fire hydrant has been a material concern when assessing the applications for neighbouring sites and should be considered for the proposed utility buildings.**

8.16 **The Model Standards 2008 for Caravan Sites in England, provides guidance for fire safety requirements for caravan sites, but critically does not apply to Gypsy and Traveller sites. It would be unreasonable to apply this guidance to this**

application. Designing Gypsy and Traveller Sites (good practice guide) provided guidance for fire safety requirements but was withdrawn on the 1 September 2015. As a withdrawn document, it would be unreasonable to require strict compliance with this document, despite its usefulness as general guidance. Consequently, despite the concerns raised in respects of the distance to the nearest fire hydrant and the access for fire appliances, there appear to be no requirements for Gypsy and Traveller sites.

8.17 Notwithstanding the above, Officers have discussed this with the planning agents, who have confirmed their clients agreement to provide a single private fire hydrant, which would service all pitches within the application sites including the pitches subject to this application. Similarly, the applicants have provided a plan which demonstrates the site layout is capable of complying with the Section 13: Vehicle access of Approved Document B. It demonstrates adequate width and turning circles for large fire appliances (and other vehicles) is possible on-site. The applicants have also advised that from a practical point of view, adequate space is provided on-site in any event to allow static caravans to be manoeuvred onto the site. Accordingly, subject to compliance with condition, and acknowledging the applicants willingness to provide a fire hydrant over and above typical requirements, Officers are satisfied adequate mitigation has been secured in respects of fire and access.

## 9.0 Conclusion

Based on the above, it is considered that the proposal is acceptable. The proposal therefore complies with Development Plan Policies 33, 36, 45 and 48 and guidance within the NPPF and is recommended for approval.

## 10.0 Human Rights

In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account 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 begun before the expiration of three years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"



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

3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

**4) The development hereby permitted shall not be first brought into use until details showing the proposed location of one fire hydrant shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. The fire hydrant shall be connected to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting shall be installed in the in accordance with the approved location and to BS 750 standards. Thereafter, the fire hydrant shall be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.**

**Reason: In the interests of amenity and in accordance with Chichester Local Plan (2014 - 2029) Key Policies 8 and 9 and in accordance with The Fire & Rescue Service Act 2004.**

5) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting that Order, the development hereby permitted shall only be used as an ancillary utility/day room for the residents of the application site, as identified on the approved plans, and for no other purpose whatsoever.

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of sustainability, amenity, protecting the character of the area and in the interests of protecting residential amenity.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

## Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
<b>PLAN - PROPOSED FLOOR PLAN WITH ELEVATIONS</b>	<b>2311NE_R0</b>	<b>REV 000</b>	<b>19.02.2024</b>	<b>Approved</b>
<b>PLAN - EXISTING LOCATION PLAN</b>	<b>2311NE_R0</b>		<b>19.02.2024</b>	<b>Approved</b>
<b>PLAN - PROPOSED BLOCK PLAN</b>	<b>2311NE_R0</b>	<b>REV 001</b>	<b>19.02.2024</b>	<b>Approved</b>
<b>PLAN - PROPOSED VEHICLE ACCESS</b>	<b>2311NE_R0</b>	<b>000</b>	<b>15.02.2024</b>	<b>Approved</b>

### 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.

For further information on this application please contact Emma Kierans on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S48A53ERFW300>