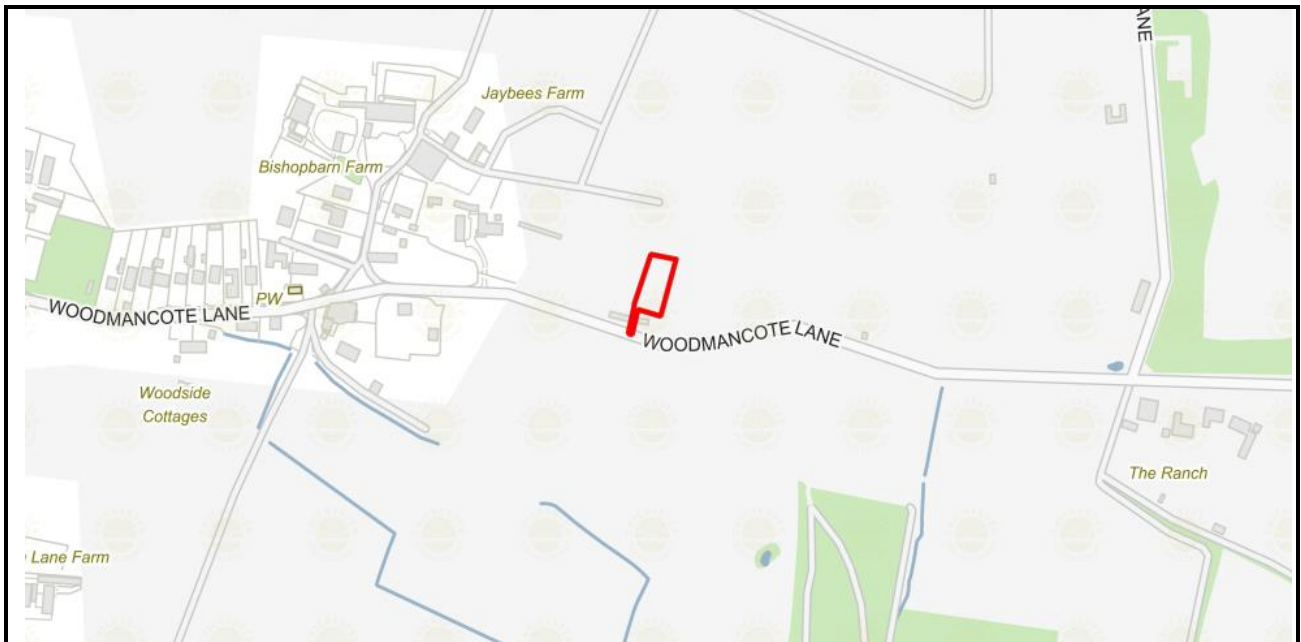



Parish: Westbourne	Ward: Westbourne
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**WE/23/02921/FUL**

<b>Proposal</b>	Change of use of land for the sitting of 1 no. showman's mobile home with storage of associated vehicles and equipment.		
<b>Site</b>	Land East Of Rownberts Woodmancote Lane Woodmancote Emsworth Hampshire PO10 8RD		
<b>Map Ref</b>	(E) 477678 (N) 107599		
<b>Applicant</b>	Mr And Mrs Murfin	<b>Agent</b>	Mr Richard Stubbs

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN 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 Council Objection – Officer recommends permit.

**2.0 The site and surroundings**

2.1 The application site is located to the north side of Woodmancote Lane and is outside of any designated settlement boundary.

2.2 The application site is located to the east of the dwelling known as Rownberts and consists of an existing field that is currently used as a paddock for keeping horses with an existing stable building located to the south. There is an existing access for the site from Woodmancote Lane in the south west corner of the application site. The boundary treatments for the south consist of mature planting and the other boundary treatments consist of post and wire fencing.

### **3.0 The Proposal**

3.1 The proposal seeks planning permission for the change of use of land for the siting of one showman's mobile home with storage of associated vehicles and equipment.

3.2 It is proposed to plant a new hedgerow along the western, eastern and southern boundary of the site and plant trees to enhance the existing trees along the eastern boundary of the wider field.

### **4.0 History**

22/01241/FUL      REF      Change of use of land for siting 1 no. show mans mobile home with associated storage.

### **5.0 Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	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**

Westbourne Parish Council objects to the planning application on the following grounds:

The issues in the objection submitted in July 2022 for planning application 22/01241/FUL have not been addressed.

The proposal is located in an unsustainable location on the outskirts of Woodmancote, which is not a substantial hamlet where there are no local amenities or services. There is also no existing Gypsy/Traveller/Traveller Showmans pitches in this location and others are available elsewhere in the parish.

There should not be a dwelling in the countryside location and it is contrary to the Chichester Local Plan and Westbourne Neighbourhood Plan.

The fire officer has reported that the nearest hydrant is 200m away, which is over 140m beyond the point at which it is safe, and there is no turning provision. This means the site is not safe from an emergency fire perspective.

There is an unresolved enforcement notice at the site with works taking place before permission has been granted.

## 6.2 WSCC Local Highway Authority

This proposal is for the change of use of land for the siting of one showman's home and associated storage of vehicles and equipment. The site is located on Woodmancote Lane,

an unclassified road subject to national speed limit in this location. Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided consultation advice for this site for similar application 22/01241/FUL, raising no highway safety concerns. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

### Access and Visibility

The applicant proposes to utilise an existing established vehicular access on Woodmancote Lane, with no alterations to this arrangement proposed. The LHA notes that vehicular visibility appears somewhat restricted, due to the layout of the road. However, the LHA acknowledges that this is an existing access, and the proposed use is not anticipated to result in a significant material intensification of movements to or from the site. The LHA would request that vegetation either side of the access is cut back to ensure suitable visibility is maintained.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site.

Therefore, there is no evidence to suggest the existing access is currently operating unsafely or that the proposal would exacerbate an existing safety concern.

From inspection of the plans, the existing access gate appears wide enough for the proposed use. In addition, the gate is set back far enough for a car and trailer to be mostly removed from the highway and wait whilst the gate is in operation.

### Parking and Turning

From inspection of the plans, there is suitable space on-site to accommodate the anticipated parking demand and associated showman's vehicles, including space for on-site turning.

No details regarding cycle parking have been provided, although the LHA recognise the site's rural location whereby cycling may not be a viable option. If the LPA believes cycle parking is justifiable for this application, the applicant should demonstrate cycle parking in the form of covered and lockable cycle storage, in accordance with WSCC Parking Standards.

### Sustainability

The site is situated close to Woodmancote Village, which offers limited amenities and services. In addition, the nearby roads are unlit and lacks footways. Therefore, the LHA anticipates that residents may have a reliance on the private car. Cycling is a viable option for confident cyclists.

### Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

## 6.3 Natural England

No Objection - Subject to Appropriate Mitigation Being Secured

## 6.4 WSCC Fire and Rescue

Having viewed the plans for the planning application no. 23/0292/FUL for the Change of use of land for the sitting of 1 no. showman's mobile home with storage of associated vehicles and equipment; the nearest fire hydrant for the supply of water for firefighting is 320 metres away, 145 metres further than the 175-metre distance required for a domestic premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document-B (AD-B) Volume 1: B5 section 14 and agreed with West Sussex Fire & Rescue Service.

Evidence required to show there is suitable access for a fire appliance to attend the site in the event of a fire, including a turning facility to enable a fire appliance to exit without the need to reverse more than 20 metres to reach either a turning facility or the exit from the site. The access route will need to be capable of supporting 18 Tonne axial weight of a fire appliance, a minimum width of 3.1 metres through any gateway or narrowing and 3.7 metres width for the appliance to be operated when attending a fire situation, as identified in AD-B Volume 1: B5 section 13.

## 6.5 Third parties

No comments

## 7.0 Planning Policy

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. The Westbourne Neighbourhood Plan was made on the 21<sup>st</sup> September 2021 and forms part of the Development Plan against which applications must be considered.

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 5: Parish Housing Sites 2012- 2029
- Policy 8: Transport and Accessibility
- Policy 33: New Residential Development
- Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople
- Policy 39: Transport, Accessibility and Parking
- 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

### CDC Site Allocation Development Plan Document

#### Westbourne Neighbourhood Plan

- Policy OA1: Sustainable Development
- Policy OA3-1: GTTPS Plots/Pitches
- Policy LD1: Local distinctiveness

### National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from 19 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.
- 7.4 The Planning Policy for Traveller Sites (PPTS) came into effect in August 2015 and should be read in conjunction with the NPPF. Paragraph 4 of the PPTS sets out the governments aims for in respects of traveller sites, including increasing the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply. Policy H of the PPTS relates to

determining planning applications for traveller sites and requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It also advises that applications should be assessed and determined in accordance with the Presumption in Favour of Sustainable Development and the application of specific policies in the NPPF and PPTS.

- 7.5 Consideration should be given to Sections 1 (Introduction), 2 (Achieving Sustainable Development), Section 4 (Decision making), 5 (Delivering a sufficient Supply of Homes), Section 9 (Promoting sustainable transport), 12 (Achieving Well-Designed and Beautiful Places), 14 (Meeting the Challenge of Climate Change, Flooding, and Coastal Change) and 15 (Conserving and Enhancing the Natural Environments) of the NPPF. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

#### Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

- 7.6 The Chichester Local Plan 2021-2039: Proposed Submission (LPPS) has now completed its 'Regulation 19' consultation (17 March 2023). The Council's published Local Development Scheme in January 2023 anticipated that the plan would be submitted for examination in Summer 2023 but given the complexity of issues involved the anticipated submission date is now Spring 2024. Accordingly, the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision-making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.
- 7.7 Relevant policies from the published Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) are:
- Policy S1 Spatial Development Strategy
  - Policy S2 Settlement Hierarchy
  - Policy NE2 Natural Landscape
  - Policy NE5 Biodiversity and Biodiversity Net Gain
  - Policy NE6 Chichester's Internationally and Nationally Designated Habitats
  - Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
  - Policy NE8 Trees, Hedgerows and Woodlands
  - Policy NE10 Development in the Countryside
  - Policy NE15 Flood Risk and Water Management
  - Policy NE16 Water Management and Water Quality
  - Policy NE19 Nutrient Neutrality
  - Policy NE20 Pollution
  - Policy NE21 Lighting
  - Policy H1 Meeting Housing Needs
  - Policy H11 Meeting Gypsies, Travellers and Travelling Showpeoples' Needs
  - Policy H12 Intensification sites
  - Policy H13 Accommodation for Gypsies, Travellers and Travelling Showpeople
  - Policy H14 Gypsy and Traveller and Travelling Showpeople site design policy.

- Policy P2 Local Character and Distinctiveness
- Policy P3 Density
- Policy P4 Layout and Access
- Policy P5 Spaces and Landscaping
- Policy P6 Amenity
- Policy T1: Transport Infrastructure
- Policy T2 Transport and Development
- Policy T3 Active Travel - Walking and Cycling Provision
- Policy T4 Parking Provision

#### Other Local Policy and Guidance

7.8 Consideration has also been given to:

- Planning Obligations and Affordable Housing SPD (July 2016)
- Surface Water and Foul Drainage SPD (September 2016)
- CDC Waste Storage and Collection Guidance (January 2017)
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2022)
- Westbourne Village Design Statement

7.9 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:

- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

#### **8.0 Planning Comments**

The main considerations are:

- i. Previous application
- ii. Principle of the development
- iii. Design and impact on visual amenity/character of area
- iv. Impact upon the amenity of neighbouring properties
- v. Highway safety
- vi. Nutrient Neutrality
- vii. Recreational Disturbance
- viii. Fire and rescue
- ix. Other Matters

x. Planning Balance

Assessment

i. **Previous applications and Planning Appeals**

8.1 This application is a re-submission of application 22/01241/FUL, this was refused due to insufficient evidence of showperson status, visual harm due to proposed fencing, insufficient nitrate mitigation and the absence of Recreational Disturbance contribution. The proposal for this application is the same as the previous application. The application includes sufficient evidence of the applicants showperson status, the fencing has been removed from the proposal, a Nutrient Neutrality Mitigation Strategy which has been found acceptable by Natural England and the applicant has confirmed that they will enter into a legal agreement to secure the nutrient mitigation and the recreational disturbance contribution.

ii **Principle of the development**

8.2 In October 2023 the Levelling-Up and Regeneration Bill ("LURB") received royal ascent. The LURB replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states any determination to be made under the planning Acts, regard is to be had to (a) the development plan, and (b) any national development management policies. It goes onto advice determination must be made in accordance with the development plan and any national development management policies unless material considerations strongly indicate otherwise. If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy. The amended legislation gives statutory weight to 'national development management policies' (which do not form part of the development plan) and states that material considerations must 'strongly' outweigh the development plan and any national development management policies to warrant departure. Where the development plan conflicts with a national development management policy, national policy should take precedence.

8.3 The Housing Act 2004 placed a duty on Local Authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), and outlined how their needs would be met. This requirement was revoked by the Housing and Planning Act 2016 through the removal of Paragraphs 225 and 226 of the 2004 Act. The requirement is now in the Planning Policy Traveller Sites (PPTS), Paragraph 4(a) and the Housing Act (1985) which requires an overall assessment of accommodation need for Caravan Dwellers, and the revised National Planning Policy Framework (NPPF) which requires an assessment of all Travellers.

8.4 Policy H of the PPTS relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It also advises that applications should be assessed and determined in accordance with the Presumption in Favour of



Sustainable Development and the application of specific policies in the NPPF and Planning Policy H of the PPTS.

- 8.5 Policy OA3-1 of the Westbourne Neighbourhood Plan sets out that development proposals to meet the needs of Gypsy, Traveller and Travelling Showpeople community will be permitted where they:
- a. Can demonstrate a local connection;
  - b. Can demonstrate that there is no alternative available pitch which could be used in the locality;
  - c. Do not result in sites being over-concentrated in any one location or disproportionate in size to nearby communities;
  - d. Are capable of being provided with infrastructure such as power, water supply, foul water drainage and recycling/waste management without harm to the special qualities of the National Park;
  - e. Provide sufficient amenity space for residents;
  - f. Do not cause, and are not subject to, unacceptable harm to the amenities of neighbouring uses and occupiers;
  - g. Have a safe vehicular and pedestrian access from the public highway and adequate provision for parking, turning and safe manoeuvring of vehicles within the site; and
  - h. Restrict any permanent built structures in rural locations to essential facilities

Proposals for sites accommodating Travelling Showpeople should allow for a mixed use yard with areas for the storage and maintenance of equipment.

- 8.6 Policy 36 of the Local Plan is the most relevant Development Plan Policy for assessing applications for Gypsy and Travellers pitches. The policy sets out the need for pitches and plots for the period up to 2027, although it is established that the pitch/plot targets within the policy are out-of-date and that the latest evidence, in the form of the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) 2022 should form the basis for assessing the level of need. The criterion-based assessment within Policy 36, carries a reasonable amount of weight, with the Inspector for Appeal reference 20/3256674 concluding they were not out of date. It is nevertheless acknowledged they do not precisely replicate the requirements of national policy, rather, they are broadly in accordance, and it is considered reasonable to attach weight to them within the assessment of this application.
- 8.7 A revised Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2022) has been produced as part of the evidence base for the emerging Local Plan 2021-2039. This has identified a requirement for a further 36 plots for travelling showpeople who meet the planning definition (as per Planning Policy for Traveller Sites) in the period 2023-2039, with an immediate requirement for 21 plots to be provided in the period 2023-2028. There is also an additional need for 7 further plots which the GTAA identifies as 'undetermined' need.
- 8.8 The new Local Plan does look to provide some allocations in order to address a sizeable proportion of the outstanding need. More specifically, the new LP seeks to make provision for 19 plots. However, those plots cannot be relied upon at present, and in any case, the Council will still need to rely upon windfall in order to meet a sizeable amount of need level set out above.

8.9 In recent Appeal Decisions, notably 20/3254057 and 20/3257880 (Melita Nursery), 21/3268916 (Scant Road), 21/3272950 (Common Road), 21/3267477 (Monks Hill), and 20/3259313, 3254259, 3267885, 3285488 and 3266164 (Newells Lane) Inspectors found there to be a significant unmet need within the district and absence of a five-year supply (contrary to Policy B of the PPTS), which was found to be of critical importance and significant material consideration, in favour of granting planning permission. In the case of the Newells Lane decision, the Inspector concluded the unmet need 'has increased considerably since the last GTAA and represents a very significant shortfall and, to my mind, represents a failure of policy which weighs heavily in support of the development'. The findings of these Appeal Decisions are a significant material consideration.

#### Travelling Showpeople Status and personal circumstances

8.10 The PPTS (Planning Policy Traveller Sites) informs that; For the purposes of this planning policy, "travelling showpeople" means: Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above'.

And goes on to advise that;

'4. For the purposes of this planning policy, "travellers" means "gypsies and travellers" and "travelling showpeople" as defined above.

5. For the purposes of this planning policy, "pitch" means a pitch on a "gypsy and traveller" site and "plot" means a pitch on a "travelling showpeople" site (often called a "yard"). This terminology differentiates between residential pitches for "gypsies and travellers" and mixed-use plots for "travelling showpeople", which may / will need to incorporate space or to be split to allow for the storage of equipment'.

8.11 The applicants, Mr and Mrs Murfin, have provided evidence of their Membership of the Association of Independent Showman, a letter from a family member confirming the family history of showmen, confirmation of a site meeting with CDC Health Protection Team regarding food hygiene for a mobile takeaway, a list of events including a number of carnivals and West Stoke tractor show, a copy of the Public Liability Certificate for a stall holder and a copy of the NMFT (National Market Traders Federation) membership certificate. Based on the details, it is considered that there is evidence that the applicants are persons of showpeople status who meet the definition within the PPTS.

8.12 The applicants have two mobile cooking facilities (catering vans), photographs have been provided of the caterings vans and trade stands at events. There are times that the applicants do not work together and need two vans for differing events.

8.13 The applicants have lived in Hambrook for at least 15 years. The larger family continues to grow and expand. Mr and Mrs Murfin has three daughters of the ages, 7, 19 and 20 years old. The existing site is reaching a position where the yard is too full for the families and associated equipment. The existing site has five mobile homes, all residents are travelling showpeople with associated equipment.

- 8.14 The proposed mobile home would have four bedrooms and would accommodate the whole family, consisting of Mr and Mrs Murfin and their three daughters. The older daughters work on a seasonal basis with their parents.
- 8.15 The owners of the land and residents of Rownberts, the dwelling to the west, are family member of the applicants. The proposed site will enable the family members to deliver and collect the 7 year old daughter from school and provide care. The daughter could attend Chidham School and not be travelling with the parents, being on a site next to family members would help to secure and maintain a place at the local school.
- 8.16 The personal circumstances of the family should be considered, information has been provided to demonstrate the proposed site would be a significant benefit to the well-being of one of the occupiers due to being near family members and a quiet environment.

#### Assessment against Policy 36

- 8.17 In assessing the suitability of sites for allocation in the Gypsy, Traveller, and Travelling Showpeople Site for the purposes of determining planning applications, proposals will be supported where it can be demonstrated that all the following criteria have been met:
- 1. It is well related to existing settlements with local services and facilities. Sites should either be within or close to such settlements or with good access to major roads and/or public transport thus affording good access to local services.**
- 8.18 The proposal is reasonably well related to the existing services, including Woodmancote Pub and a bus stop. There is good vehicle access to major roads, which afford access to local services within nearby settlement hubs that lie approximately 0.9km from Southbourne and 1km from Hambrook.
- 8.19 There is a Gypsy and Traveller site approx. 2.2km to the east in West Ashling, and the location was found to be sustainable in previous Appeal decisions, including 19/03220300 and again more recently in 21/3268916 (Land south of The Stables). In the latter Appeal, the Inspector opined the following:
- "...The site's future occupiers would be unlikely to be able to walk safely to the limited facilities in West Ashling. There would be likely to be a reliance on the private motor vehicle for trips to services and facilities in the nearest settlements. However, ...it is not uncommon for such uses to be in rural settings and for site occupiers to be reliant on the private car for most of their day-to-day journeys. The distances involved in this Appeal are not excessive by rural standards. This is consistent with paragraph 105 of the Framework which confirms that opportunities to maximise sustainable transport solutions will vary between urban and rural areas". The Inspector concludes "The proposal would be in an appropriate location, having regard to access to local services and facilities. It would therefore not be contrary to Local Plan Policy 36 and paragraph 25 of the PPTS".
- 8.20 Similarly, the Inspector for Appeal ref 20/3259313, 3254259, 3267885,3285488 and 3266164, for a site adjacent to the site above (Land west of Newells Farm), the Inspector opined the following in respects of the site location:

"The site is located outside the settlement boundary, in an area characterised by agriculture, open countryside interspersed by some agricultural and equestrian buildings, together with sporadic residential development that includes some existing residential caravan sites. West Ashling lies 0.6 km from the site, where there are some of the local facilities, such as a pub and school that are generally accepted to serve a local community. Accordingly, I do not consider that the site is 'away from existing settlements' for the purposes of the PPTS".

8.21 It is considered that the application site can be comparable to the location of these sites mentioned above and is therefore considered to be well-related to local services and facilities.

**2. Has safe and convenient vehicular access, be suitable in terms of topography and be in a location where the necessary infrastructure already exists or can reasonably be provided.**

8.22 The application site has an existing vehicular access which serves the existing stable buildings.

**3. Be able to achieve a reasonable level of visual and acoustic privacy for both people living on the site and for those living nearby. The site will provide an acceptable level of amenity for the proposed residents and will not have an unacceptable level of impact on the residential amenity of the neighbouring dwellings.**

8.23 The proposal is considered capable of complying with this criterion, as detailed further below.

**4. Not compromise the essential features of nationally designated areas of landscape, historic environment or nature conservation protection.**

8.24 The site does not comprise a nationally designated landscape, historic environment, or nature conservation protection area.

**5. Avoid locations where there is a risk of flooding, or which are adjacent to incompatible uses such as a refuse tip, sewage treatment works or significantly contaminated land.**

8.25 The site is suitably located within flood zone 1 and is located adjacent to compatible uses.

**6. That in rural and semi-rural areas sites should not dominate the nearest settled or Gypsy, Traveller and Travelling Showpeople communities**

8.26 The proposal for one plot is not considered to be of a scale which would dominate the existing settled community.

## **Summary**

8.27 In considering the above, Policy 36 of the Local Plan is out of date in terms of its delivery targets and therefore the identified need within the GTAA 2022 and the recent findings of several Inspectors are significant material considerations. In addition, whilst the emerging local plan seeks to allocate plots via a strategic allocation, it is accepted, windfall sites, such as this will come forward, in addition to the strategic allocations, to help the Council deliver the identified need with the district. The site is considered to comply with the criteria set out within Policy 36 and it is therefore considered to be a suitable site for the proposed development. Furthermore, there is a clear, identifiable need of the applicants, Mr and Mrs Murfin, which cannot be met on their current site due to site constraints and personal circumstances. Consequently, the principle of development is acceptable, subject to the material considerations set out below.

iii **Design and Impact upon Visual Amenity/Character of Area**

8.28 The NPPF states in paragraph 135 that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 180 advises that decisions should contribute to and enhance the natural and local environment.

8.29 Paragraph 25 of the PPTS advises that Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Policy 48 of the Chichester Local Plan requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site.

8.30 The proposal includes the change of use of the land to a travelling showpersons yard, this includes the siting of one mobile home with associated storage. The mobile home is proposed to be sited centrally within the application site with the access running along the west and parking and storage area located to the north of the application site.

8.31 The surrounding area is predominately rural in character with areas of paddock land and agricultural land bounded by mature vegetation. The application site would be sited to the east of the hamlet, Woodmancote, although it is distanced a little from the residential properties, it is considered that the proposal would be well-related to the cluster of buildings to the west and would not appear incongruous in the setting.

8.32 New hedgerow planting has been proposed within the site to screen the hardstanding, mobile home and associated vehicles and additional planting of trees to enhance the existing trees on the eastern boundary of the wider site. The proposed planting in addition to the existing substantial boundary vegetation would soften and screen the proposed development.

8.33 The application site would be set back from the highway and the land is well screened by mature boundary hedgerow. There is a stable and area of existing hardstanding by the entrance. The majority of the hardstanding and the storage of trailers and touring units would be behind the mobile unit when viewed from the access. It is considered that with a condition requiring details of planting and landscaping to be approved, the proposal would not result in significant harm to the character of the rural area. As such, it is

considered that the proposal would comply with paragraphs 35 and 180 of the NPPF and Policies 36, 45 and 48 of the Chichester Local Plan.

iv **Impact upon the amenity of neighbouring properties**

- 8.34 The NPPF states in paragraph 135 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.
- 8.35 There is a noticeable level of separation between the proposed plot and the neighbouring dwellings to the west of the application site.
- 8.36 The proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook and privacy. Therefore, it is considered that the development complies with paragraph 135 of the NPPF and policy 33 of the current CLP.

v **Highway Safety**

- 8.37 The existing vehicular access would be retained and sufficient space for parking and storage of vehicles would be provided to accommodate the anticipated parking demand and associated showmans vehicles. The caravans and trailers would be stored across the north side of the storage area allowing sufficient space for turning on site to the north of the mobile home.
- 8.38 The gate is set back from the highway to allow a car and trailer to be mostly removed from the highway. There is no evidence that the existing access is currently operating unsafely or that the proposal would exacerbate an existing safety concern. The current visibility from the access will be improved by removing vegetation either side of the access. The access is currently 4.5/5m wide, it is proposed to widen this to 5.5m and retain the two existing splays on either side in accordance with the proposed block plan showing the visibility splays of 70m to the west and 45m to the east.
- 8.39 Therefore, the proposal would accord with policies, 8 and 39 of the CLP which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

vi **Nutrient Neutrality**

- 8.40 The site is within the Chichester Harbour Fluvial Catchment area therefore a nutrient mitigation scheme is required for the new residential accommodation.
- 8.41 The nutrient budget generated from the development would be 1.23kg/TN/yr which represents a nitrogen surplus and so requires mitigation to achieve nitrogen neutrality. In order to achieve nitrogen neutrality, appropriate mitigation measures that would remove a minimum of 1.23kg/TN/yr must be secured to ensure that at the time of the LPA undertaking the Appropriate Assessment it is certain that the neutralising nitrogen benefits will be delivered in the long term. The Nutrient Calculation and Mitigation

assessment, (Holbury Consultancy Service, dated November 2023), is considered to be acceptable.

8.42 The mitigation measures indicate that in order to mitigate the increase in nitrogen, 0.15 ha of former agricultural land shall be removed from pony paddock to woodland. The agricultural land lies to the east of the application site. The repurposing of agricultural land, via tree planting or rewilding is a common practice of nitrogen mitigation, accepted by Natural England and therefore the proposed mitigation is considered to be acceptable. Natural England has been consulted upon in respect of the Council's appropriate assessment and has no objection to the proposed nitrate mitigation measures. The applicant will enter into a S106 agreement to secure the nitrates mitigation land and planting for the lifetime of the development. Once completed, the development would achieve nitrogen neutrality.

8.43 The mitigation area as outlined in blue on the site plan within the Nutrient Mitigation Scheme is larger than the required 0.15ha, this indicates the extent of the land that will be transferred to the applicants. The trees for the mitigation scheme will be planted within this land, a schedule showing the specific locations of the trees will be provided for the S106 agreement.

8.44 As part of the nutrient mitigation scheme, it is proposed to install a package treatment plant, Graf One2Clean system. A condition will be attached to the permission requiring the treatment plant to be installed in accordance with the submitted details.

### **Recreational Disturbance**

8.45 Policy 50 of the Chichester Local Plan and section 15 of the 2023 NPPF and the Habitats Directive are particularly relevant. The proposal comprises new development with overnight accommodation.

8.46 The site is located within the 5.6 km 'zone of influence' of the Chichester and Langstone Harbour Special Protection Area, 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.

8.47 This matter can be dealt with through the provision of an appropriate legal agreement and contribution.

### **Fire and Rescue**

8.48 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. This is not the case for the mobile home to be stationed on the site.

- 8.49 The Model Standards 2008 for Caravan Sites in England, provides guidance for fire safety requirements for caravan sites, but critically does not apply to Travelling Showpeople 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 Travelling Showpeople sites.
- 8.50 Notwithstanding the above, the planning agent has been in discussion with the WSCC Fire and Rescue Service and confirmed their clients agreement to provide a water source, either a fire hydrant or cold water tank. Similarly, the applicants have provided a plan which demonstrates adequate width and turning circles for large fire appliances (and other vehicles) is possible on-site. The width of the access route should be at least 3.1m to allow access and 3.7m width for the appliance to be operated. The access will be 5.5m wide and the track 4.9m. The siting of the mobile home has been moved towards the south by 3m to allow a larger turning circle. The trailers and vans will be stored to the north of the site and would not impact on the turning area within the site.
- 8.51 Accordingly, subject to compliance with condition, and acknowledging the applicants willingness to provide a fire hydrant or cold water source over and above typical requirements, Officers are satisfied adequate mitigation has been secured in respects of fire and access.

### **Other Matters**

- 8.52 There is an open enforcement case, ref 23/00288/OPEDDEV, regarding works that were carried out on the site involving ground works, the removal of a tree and one of the stable buildings however a site visit in October 2023 confirmed that not further works have taken place.

### **Planning Balance**

- 8.53 Sufficient information has been provided to evidence the applicants are Travelling Showpeople and the proposal would contribute to the identified need within the GTAA 2022. The proposal would not result in a significant adverse impact on the visual amenity or character of the rural area. The Nutrient Neutrality Mitigation would be acceptable and Recreational Disturbance can be mitigated via a S106 agreement.
- 8.54 The significant benefits of delivering one additional plot would outweigh any identified harm and therefore the recommendations fall in favour of recommending permission be granted. In considering the above, the absence of a five-year supply, together with a significant unmet need for Travelling Showpeople plots, identified within the GTAA 2022 and the absence of significant harm to arise from the development the proposal is acceptable subject to conditions and S106 planning obligation.

### **Human Rights**

- 8.55 The Human Rights of all affected parties have been taken into account and the recommendation to permit is considered justified and proportionate.



### **Conclusion**

8.56 Based on the above assessment, it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise therefore, subject to conditions permission should be granted

### **RECOMMENDATION**

**DEFER FOR SECTION 106 THEN 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 site shall be occupied only by persons meeting the definition of travelling showpeople as defined in Annex 1 of the Planning Policy for Traveller Sites, dated August 2015 (or its equivalent in replacement national policy).

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal

4) No more than 3 caravans shall be stationed on the site at any time, of which no more than 1 shall be a static caravan. All such caravans stationed on the site shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal and in the interests of amenity

5) No development shall commence until details of the proposed overall site wide surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design shall follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS manual produced by CIRIA. The details shall include a section drawing of the proposed permeable surfacing with suitable permeable sub-base (MOT Type 3 or similar) of sufficient depth below.

The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. The site shall not be occupied until the complete surface water drainage system has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained.

6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the failure to provide within 6 months of the date of this decision details showing the proposed location of one fire hydrant or cold water storage and access/turning area 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 approved details shall be installed in accordance with the approved location. Thereafter, the fire hydrant or cold water storage and access/turning area 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.

7) No part of the development hereby permitted shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

8) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

9) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the failure to provide within 6 months of the date of this decision on-site hard and soft landscaping works in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. The scheme shall include plans showing details of the hard surfacing material, a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and details of the proposed infrastructure and regime for

watering and ongoing maintenance. Any trees or plants which, are removed, die, or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development

10) The development hereby permitted shall not be occupied until the package treatment plant, Graf One2Clean system, has been installed in accordance with the Technical Note from Holbury Consultancy Service (21.11.2023), unless otherwise agreed in writing by the authority.

Reason: In the interest of ensuring the proposal is Nitrate Neutral and does not result in an increased nitrate level within the Chichester Harbour.

11) 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.

12) No commercial activities shall take place on the site at any time, including the storage of materials, and no burning of any item or waste materials of any kind may take place at the site.

Reason: In the interests of protecting the amenity of the surrounding area.

13) No more than two commercial vehicles shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.

Reason: In the interests of protecting the amenity of the surrounding area.

14) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order) no walls, fences or other means of enclosure (including bunding) other than those shown on the approved plans shall be erected within or on the boundary of the site unless details of their height, materials and location shall have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual and neighbour amenity

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no area of hardstanding other than those shown on the approved plans or those approved under Condition 8 above shall be laid on the site unless details of their materials and location shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual and neighbour amenity

## 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
PLAN - LOCATION PLAN	002		21.12.2023	Approved
PLANS - Plans PLAN -	00715309-0718A9		21.03.2024	Approved
PLANS - Plans PLAN -	Block Plan		21.03.2024	Approved

## 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=S6MUCVER0ZU00>