

Parish: Westbourne	Ward: Westbourne
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WE/16/01078/COU

Proposal Change of use of land to a private gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. utility building, 1 no. touring caravan and associated works.


Site Land West Of The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex

Map Ref (E) 476550 (N) 107555

Applicant Mr W Green

RECOMMENDATION TO PERMIT



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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the Parish of Westbourne, to the east of the village. To the south of the site is the WSCC Gypsy and Travellers site, with open countryside beyond. To the north and west is open agricultural land, on which are a number of trees that offer some screening of the site. To the east is the remaining part of the land known as the Old Army Camp.
- 2.2 Access is achieved via an existing track which leads into the site from Cemetery Lane, currently serving an existing travelling showpersons site and the rest of the brownfield site. It leads to an area part of which is laid to grass, but also elements of hardstanding. A post and rail fence defines the northern boundary.

3.0 The Proposal

- 3.1 The proposal seeks permanent planning permission to change the use of the land for the stationing of a single static mobile home for residential purposes for 1 gypsy and traveller pitch.
- 3.2 The layout of the site would comprise the stationing of the static mobile home to the west of the site, with an amenity block and parking area. To the north there would be a paddock space, with existing hardstanding.
- 3.3 The day room would be rendered externally, would measure 3.1m x 6m, and include low eaves of 2.4m and a tiled pitched roof with a ridge height of 3.4m. The mobile home would be two-bed and retain its wheels and axles.

4.0 History

15/03979/COU	REF	Change of use of land to a private gypsy and traveller caravan site consisting of one no. mobile home, one no. touring caravan and one no. utility building and associated works.
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5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	SPZ buffer
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	No
Historic Parks and Gardens	NO

6.0 Representations and Consultations

Parish Council

6.1 Westbourne Parish Council objects to the application for the following reasons:

The site is adjacent to a large established gypsy and traveller site on Cemetery Lane. This comprises 18 pitches and an existing travelling show persons plot, with further approval by the Planning Inspectorate for an additional four gypsy/traveller pitches located nearby. When the 12 pitches at Hopedene, Emsworth Common Road are added, there will already be 36 gypsy/traveller pitches in the Parish of Westbourne. The provision of additional pitches and plots on the periphery of the modest and historic village of Westbourne is considered unacceptable. The cumulative provision would dominate the existing settled community and give rise to the increased likelihood of social tension both with the settled community and between occupiers on the application site and neighbouring sites.

The pitches and ancillary works would be located in an area of countryside outside of a defined settlement boundary where development is restricted to that which requires a countryside location. This is not a development that requires a countryside location, does not meet an essential local rural need, and does not support a rural diversification.

The site is located within the 5.6km zone of influence of the Chichester and Langstone Harbours 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 the increased recreational disturbance. The Parish Council does not consider that the applicant has made sufficient mitigation against such an impact. Westbourne Parish Council is currently consulting on its emerging Neighbourhood Plan and feedback from local residents includes concerns about the numbers of gypsy/travellers moving into the Parish.

The site is situated in an area designated as Local Gap in both the emerging Neighbourhood Plan and the revised Village Design Statement; further development in the Local Gap is to be robustly resisted.

Cemetery Lane is an unmade road, already full of large potholes and unsuitable for additional traffic which would add to the further deterioration of the road surface and negatively impact on the existing residents. It is the Parish Councils understanding that a large shed/mobile home is already in place on site without the required planning permission, and the site is being prepared for habitation. The Council considers it should be returned to its original countryside appearance.

WSCC Highways

6.2 West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. WE/15/03979/COU to which no objections were raised.

This proposal has been considered by means of a desktop study, as well as a site visit, using the information and plans submitted with this application, in conjunction with other available WSCC map information.

The site will be accessed via an existing access point on to the private Cemetery Lane. Cemetery Lane is also a footpath no. 2920 and therefore WSCC Public Rights of Way team have been consulted.

No vehicular access modifications area proposed. The existing access is of an established nature. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last three years. There have been no recorded injury accidents at the junction with Cemetery Lane. There is no evidence to suggest that the access is operating unsafely or that the proposed change of use would exacerbate an existing safety concern. The negligible increase in traffic arising from one caravan pitch is not anticipated to cause a highway safety concern at this point.

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the NPPF (paragraph 32) and there are no transport grounds to resist the proposal.

Conditions recommended.

CDC Licensing Officer

- 6.3 If permission is granted please could an informative be attached to the permission reminding the relevant person they may need to seek a licence for the caravan.

CDC Environmental Health

- 6.4 Change of use of land to a private gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. utility building, 1 no. touring caravan and associated works Land west of The Old Army Camp, Cemetery Lane, Woodmancote

Comments for this application are the same as for the previous application (15/03979/COU) and are repeated here for convenience: Given that there will be building works associated with the amenity building and drainage connections, condition N21G should be applied as parts of the site were previously in use as a military site. All waste arisings must be disposed of in accordance with current Waste Regulations.

During construction, measures to reduce dust and other emissions should be taken to minimise the impact on neighbouring caravans. If there is a requirement for oil storage, condition L09F should be applied. Please note: these comments are only in relation to Contaminated Land and Air Quality issues.

CDC Planning Policy Officer

- 6.5 In summary;

In a previous planning appeal decision (APP/L3815/A11/2153950) dated December 2011 the Inspector considered the applicant to be a person of nomadic habit of life, and therefore a Gypsy for the purpose of planning policy. However, subsequently in August 2015 the planning definition of gypsies and travellers was amended in the Planning Policy for Traveller Sites document (PPTS). Consequently the applicant needs to demonstrate that they and other potential residents are gypsies and travellers under the new planning definition. If insufficient evidence is submitted then there would be a policy objection as the proposal would be contrary to policy 2 of the Chichester Local Plan.

It is acknowledged that there is a small need for gypsy and traveller pitches, particularly given a five year supply of 4.3 years. Nonetheless, there are a number of gypsy and traveller, and travelling showpeople sites along Cemetery Lane and in the local area, which could lead to clustering and intensification in this area. However, it is considered that the current proposal for one additional pitch, particularly in light of the recent

planning appeal decision at Land west of Harwood, would not in all likelihood lead to the nearest settled community or gypsy, travellers and travelling showpeople communities being dominated. Overall, therefore, if it can be demonstrated that the applicant is a gypsy and traveller under the new definition within PPTS then there would not be a policy objection to the proposal.

Natural England

- 6.6 The application is within 5.6km of the Chichester and Langstone Harbour SPA and will lead to a net increase in residential accommodation. Subject to a financial contribution as required through Chichester District Councils intermin policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site.

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 Funtington at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople
- Policy 39: Transport, Accessibility and Parking
- 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 14 of which states:

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

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

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

- 7.4 Consideration should also be given to paragraphs 4 and 17 (Core Planning Principles).
- 7.5 In addition to the overarching policies in the NPPF, it is also relevant to have regard to the supporting document, Planning Policy for Travellers Sites August 2015.

Other Local Policy and Guidance

- 7.6 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

- B1 - Managing a changing environment
- B2 - Greener living
- B3 - Environmental Resources
- C3 - A culturally enriched and empowered community
- D4 - Understanding and meeting community needs

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are:

- i) Principle of development and identified need
- ii) Impact on the character of the area
- iii) Impact on neighbouring amenity
- iv) Sustainable development
- v) Drainage
- vi) Impact on highway safety
- vii) Nature conservation

Assessment

- i) Principle of development and identified need
- 8.2 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 and the NPPF unless material considerations indicate otherwise. Policy 36 of the Chichester Local Plan (CDLP) deals specifically with the provision of gypsy and traveller sites and sets out criteria which applications should meet.
- 8.3 The Coastal West Sussex Authority Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTA) identified a total need for a minimum of 59 pitches for gypsies and travellers within the plan area during the plan period, with a specific need for 37. gypsy and traveller pitches before 2017.
- 8.4 A number of pitches have been granted in recent years and as such this requirement has now been met up to 2017. However the Council must also evidence an up-to-date 5 year supply; there is a requirement for an additional 4 no. pitches for the period 2016-2021 which has yet to be met. In such cases, applications should be assessed on a case-by-case basis, affording significant weight to this identified need.
- 8.5 There are two public Gypsy and Traveller sites in Chichester District (Easthampnett and Westbourne), these however are fully occupied and are subject to a significant waiting list. There are therefore no public pitches available to the applicant.

8.6 The applicant is identified as a gypsy and traveller under the definition in the PPTS. The family is well known in the local area, with strong local connections. Supporting evidence has been provided to demonstrate the need for a settled pitch in this location. The applicant's children reside in the WSCC site to the south with his ex-wife, with some children frequently residing at his premises. He requires a need to be in close proximity to the site, to ensure the children maintain close contact with one another and for settled access to education. It is considered that the applicant meets this assessment; however it is considered necessary that a condition to restrict the occupation of the site to gypsies and travellers be applied to any permission to ensure that the terms accord with the justification for provision of the pitch.

8.7 Overall it is considered that having regard to the identified need in the district for gypsy and traveller pitches and the circumstances of the occupier, that the principle of development is acceptable, subject to other material considerations, as outlined below.

ii) Impact on the character and appearance of the area

8.8 Criteria 4 of Policy 36 of the local plan reflects Policy C of the PPTS and requires that development does not compromise nationally important features. Policy H of the PPTS advises that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan, however where sites are within the rural area LPAs should ensure that sites respect the scale of an do not dominate the nearest settled community and avoid placing undue pressure on the local infrastructure.

8.9 The site is located in an area with existing gypsy and traveller pitches (19 in number) to the south of the site, with a further 5 pitches recently permitted on appeal to the east of the land known as the 'Old Army Camp' WE/14/01217/FUL. Beyond this there are settled residential properties. It is considered the addition of a single pitch to the rear of an existing gypsy and traveller site would not result in a significant increase in gypsy and travelling sites that would overwhelm the nearby settled community. The proposal would be contained in the west of the larger site, maintaining areas of greenspace and it is considered this location would allow it to integrate well to the existing developments without causing material harm or detrimental impacts on the residential development to the east and the wider settled community of Westbourne. In coming to this conclusion regard has been had to the recent appeal decision (WE/14/01217/FUL) whereby the Inspector made it clear that the accumulation of gypsy and traveller pitches in one location is not sufficient in itself to indicate an adverse impact on the nearest settled community, but that the cumulative scale of gypsy and traveller pitches must have regard to the size and location of the nearby settled community. Westbourne is a village with a significant population and it is not considered that the cumulative impact of one additional plot on the application site alongside the existing gypsy and traveller pitches in this location would overwhelm the nearby settled community.

8.10 The site is located outside any specific landscape designations. It is well screened from public vantage points by existing vegetation and boundary screening and given the low level development proposed it is not considered the site would have an adverse impact on the character of the area or wider landscape setting.

8.11 Overall the proposal by reason of its small scale nature, location close to existing pitches and the ability to reinforce the natural boundary screening would not cause due harm to the character and appearance of the area.

iii) Impact on the amenities of surrounding properties

8.12 Policy 36 of the Local Plan requires that development would provide for a reasonable level of visual and acoustic privacy for occupiers and neighbours. The closest neighbouring site is the gypsy and traveller site to the south. It is considered that due to the distance, orientation, low level nature of the proposal and boundary screening, that there would not be an unacceptable impact on the amenities of neighbouring properties, in particular to their outlook, privacy, available light or noise generated by the development, which would be residential in nature.

iv) Sustainable Development

8.13 The previous use of the site was a former army camp and is classed as previously developed land. The mobile home is presently stationed on the land, however is not yet occupied by the applicant. It is situated outside any defined Settlement Policy Boundary, but would form part of a cluster of development, with the WSCC gypsy and traveller site situated to the south of the site. The site is approx. 530m from the village of Westbourne and there would be reasonable access to the facilities and services located there. There is no objection from WSCC Highways Authority about the access to the site.

8.14 It is considered that in terms of the definition of sustainability as set out in paragraph 7 of the NPPF and within the PPTS, the site would not meet the requirements of the NPPF for permanent residential accommodation, however given the nature of the proposal for gypsy and travellers, the links and distance to local infrastructure and the identified need in the Local Plan area, that it is considered the site would be acceptable in these regards.

v) Drainage

8.15 Policy 36 of the Local Plan (criteria 5) refers to flooding and contaminated land. The site is not located on land identified as being in a flood zone by the Environment Agency. The site would retain existing hardstanding and grassed areas. Given the location of the site, the buildings and hardstanding, it is considered proportionate to require by imposition of a condition, surface water drainage details and the prevention of ground water contamination.

vi) Impact on highway safety

8.16 The site would utilise an existing access off Cemetery Lane. WSCC have advised they have no objection to the access for one single pitch. There would be adequate provision for parking and turning space adjacent to the mobile home, within the existing hardstanding.

vii) Nature Conservation

8.17 The site lies within the 5.6km buffer of Chichester Harbour, a designated Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC), Ramsar site, and a Site of Special Scientific Interest (SSSI). The LPA has a duty to protect this area under the Habitat Regulations and through the NPPF and policy 50 of the adopted Local Plan. Residential development within this buffer could have a significant effect on the features for which the site is internationally and nationally designated. As set out and explained in the Interim Statement on Development and Disturbance of Birds in Special Protection Areas (SPA) and identified Compensatory Habitats, each proposed site for residential occupation attracts a charge of £176 to off-set recreational disturbance and fund mitigation within the harbour. This applies to all sites for residential occupancy including gypsy and traveller sites and affordable housing. The applicant has agreed to make this contribution to offset the impact on the SPA.

Significant Conditions

8.18 The application is considered acceptable, subject to a number of conditions, including restricting the use of the site to gypsies and travellers only, together with conditions relating to the number and siting of the touring caravans. Additionally it is proposed to require further details relating to the proposed surface water drainage arrangements..

Conclusion

8.19 Based on the above assessment, it is considered that although the proposal in part conflicts with the development plan policies, the unmet need for gypsy and travellers pitches in general is afforded weight in favour of the proposal and complies with the advice in the NPPF and the PPTS, therefore the application is recommended for approval.

Human Rights

8.20 In reaching this conclusion the Human Rights of any affected parties have been taken into account. The proposal requires engagement of the 1998 act, however, taking account of rights under Article 8 of Section 1 and Article 1 of the First Protocol of Human Rights it is concluded that the recommendation to permit is justified and proportionate.

Equalities

8.21 In reaching this conclusion officers have given particular weight to the Equality Act 2010 which states in section 29 that 'a person must not, in the exercise of a public function [which includes the determination of planning applications] do anything that constitutes discrimination, harassment or victimisation'. Officers have sought guidance as to the extent to which this section requires 'positive discrimination' or indeed requires weight to be given to the disabilities of an applicant above and beyond weight normally accorded to 'personal circumstances', but have not been able to identify any government advice or case law which is relevant.

"In addition to the provisions of section 29 of the Act, s149 of the Act provides the following:

Public sector equality duty:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These duties are triggered by the exercise of functions which include the determination of planning applications that have equality implications. This section must be treated as engaged in this particular case and therefore 'due regard' must be given to the

applicant's particular needs. It is not sufficient to have equality in mind at a general or policy level.

However, the duties do not require a particular outcome. What the decision making body chooses to do once it has had the required regard is for it to decide subject to the ordinary constraints of public and discrimination law.

In conclusion, the actual needs of the applicant need to be weighed against the harm that this development would cause to neighbours, along with all of the material planning considerations. The decision must be proportionate in the light of all the circumstances of this case".

RECOMMENDATION PERMIT

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|---|---------|----------------------------------|
| 1 | B01G No | Departure from Plans |
| 2 | U02158 | Occupation |
| 3 | U02159 | Hardstanding |
| 4 | U02160 | 2 caravans |
| 5 | U02161 | Day room use |
| 6 | U02163 | landscaping |
| 7 | U02170 | Groundwater contamination |
| 8 | U02172 | Surface water |
| 9 | L09F | Oil Tanks to be Bunded/Landscape |

INFORMATIVES

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|---|--------|--|
| 1 | U02173 | Caravan Informative |
| 2 | W44F | Application Approved Without Amendment |

For further information on this application please contact Caitlin Boddy.