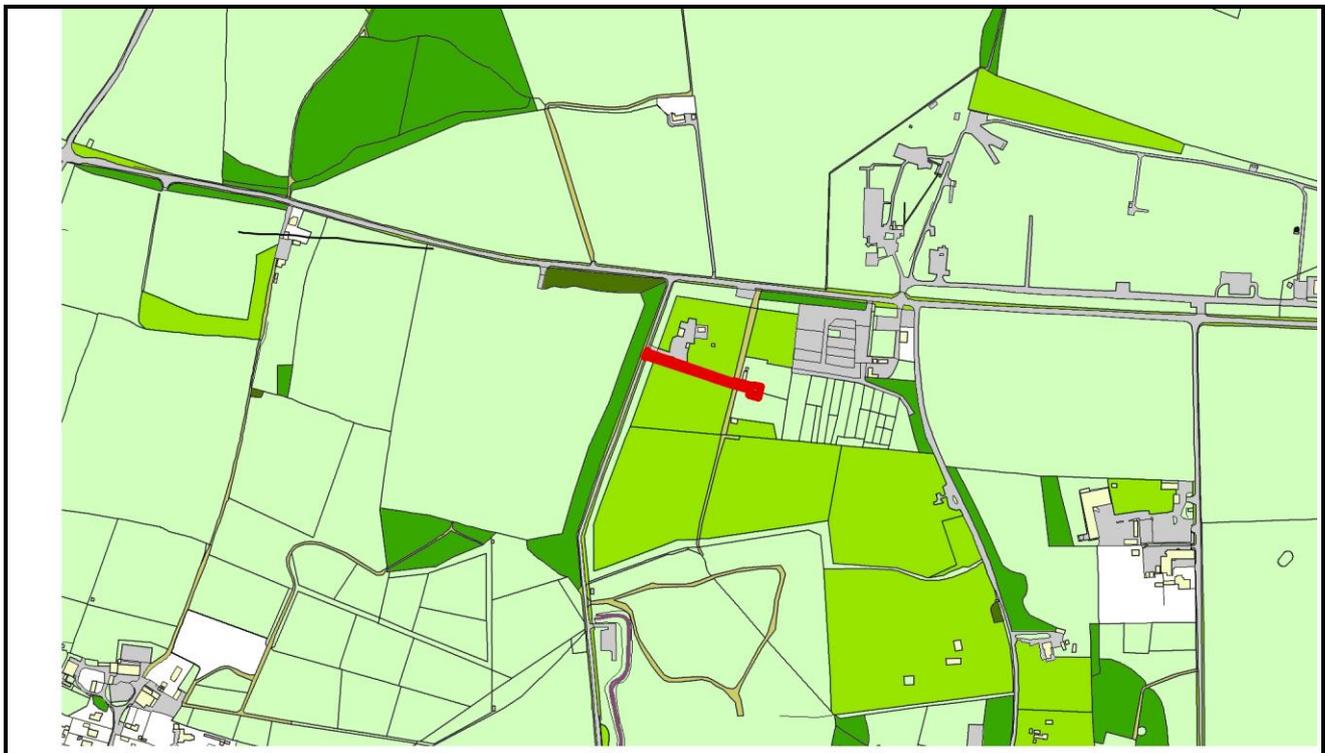


Parish: Westbourne	Ward: Westbourne
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WE/18/03132/FUL

Proposal	Change of use of land to a private gypsy and traveller caravan pitch consisting of 1 no. mobile home, 1 no. touring caravan and 1 no. utility/day room with associated works.		
Site	Racton View Marlpit Lane Hambrook Westbourne PO10 8EQ		
Map Ref	(E) 478457 (N) 108105		
Applicant	Mr Mervyn Paul (Sam) Middleton	Agent	

RECOMMENDATION TO DEFER FOR S106 THEN 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

1.1 Parish Council objection - Officer recommends Permit.

2.0 Site Description

2.1 The application site is located within the parish of Westbourne, close to its north east border. The site lies on the eastern side of Marlpit lane, set back from the road. Access to the site is obtained from Marlpit Lane to the west. The access track leads to the central part of the site which contains an agricultural building which was approved under application referenced 16/01108/FUL. The remainder of the site stretches north to Common Road and to the south which contains grazing.

2.2 To the east of the site is a gypsy and traveller site and to the west there is a single unauthorised gypsy and traveller pitch. To the north west of the site is an area known as The Woodlands which operates a woodland management business.

3.0 Proposal

3.1 The application seeks planning permission for the change of use of land to a private gypsy and traveller caravan pitch consisting of 1 no. mobile home, 1 no. touring caravan and 1 no. utility/day room with associated works.

3.2 The proposals would utilise the existing access. The existing agricultural building would be retained, and the proposed utility room would be located to the west of the barn. The static caravan would be located to the immediate east of the barn. The provision of these structures would also result in a small increase to the existing hardstanding area.

4.0 History

14/03052/TPA	PER	Reduce by between 1-3m the west and east sectors and crown raise by up to 5.2m by removing deadwood and live limbs up to 10 centimetres in diameter (above ground level) on 7 no. Oak trees (T1-T7). All trees within Woodland, W1 subject to WE/08/00121/TPO.
15/01320/TPA	PER	Reduce by 1-3m west and east sectors and crown raise by up to 5.2m (above ground level) only removing deadwood and live limbs up to 10cm in diameter on 5 no. Oak trees (T1 - T5) within Woodland, W1 subject to WE/08/00121/TPO.
15/02208/PNO	NOPA	Proposed agricultural barn for feed storage together with secure storage of agricultural plant and machinery in connection with land maintenance.

16/01108/FUL	PER	Proposed agricultural barn for feed storage together with secure storage of agricultural plant and machinery in connection with land maintenance and access to track.
16/01547/FUL	REF	Retention of mobile home for a temporary period of 2 years.
16/03010/FUL	REF	Retention of mobile home for a temporary period of 3 years (revised application further to 16/01547/FUL). Appeal Dismissed
18/01727/NMA	REF	Non-material amendment to 16/01108/FUL, to insert 4 no. velux rooflights to south elevation.
18/02748/FUL	PER	Retrospective permission for insertion of 4 no. Velux roof windows to the southern elevation of the barn.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Westbourne Parish Council

Further comments (12/07/19)

Westbourne Parish Council objects to the planning application.

There is no need to increase the quantity of such units in the Parish of Westbourne which has already taken its fair share of Gypsy/Traveller allocations within the District and met the current allocations for the Parish based upon the assessment of need for the Local Plan. Whilst the applicant may well be of Gypsy and Traveller heritage, this in itself is not a reason to provide more units of accommodation than are actually required or needed within the Parish. The proposed application is also contrary to the Parish Councils emerging Neighbourhood Plan.

Original comments (15/04/19)

Westbourne Parish Council objects to the planning application as is contrary to the Parish Council's Neighbourhood Plan. The Parish of Westbourne has a history of unauthorised Gypsy and Traveller sites being set up and in some cases finally securing permission in retrospect. Over the years this has led to an intensification of such uses in the Parish the extent that it now has the largest concentration of such uses in the county, including the concentrations that also exist in neighbouring Parish of Funtington. The Parish Council has campaigned frequently on this issue via Local Plan consultations and in objections directly to senior members and officers at Chichester District Council and West Sussex County Council. The Council has managed to get support and policy recognition from the District Council that the excessive concentration leads to undesirable effects on Westbourne. The Parish Council finds itself in a position that if it now approved an additional unit, when it had already provided sufficient to meet the numbers required in current planning policy, it would be perpetuating the problems of the past and taking a contrary line to our previously stated position. The planning application should be considered with reference to the allocations in the current Local Plan and not set against those identified in the review as this is considered to be premature. In addition, the Council has concerns about the contaminated land and impact of activities on wildlife and habitats. The Parish Council has some sympathy with the personal circumstances of the applicant and urges him to find a solution to his housing needs within the allocated/approved sites that exist within the Parish.

6.2 Natural England

Thank you for contacting Natural England regarding the above-mentioned development. Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent *People Over Wind* Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-getenvironmental-advice>.

6.3 CDC Land and Coastal Drainage Officer

Flood risk - the application site is within flood zone 1 and we hold no historic records of flooding.

Therefore, we have no objection to the proposed scale or siting of development on flood risk grounds.

Surface water drainage - the application form states that surface water will be disposed of via soakaway. The application site is within a source protection zone, sufficient clearance to groundwater must therefore be provided, groundwater monitoring results have been provided evidencing that this is achievable. Due to the scale of development and its location we have no conditions to request. Surface water drainage should be designed and constructed in accordance with building regulations.

6.4 CDC Environment Officer

Bats - The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Conditions should be used to ensure this.

Reptiles - To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Recreational Disturbance - For this application we are satisfied that the only HRA issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

6.6 Third Party Representations

1 comment of support has been received (no additional comments provided)

7.0 Planning Policy

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 (CLP) and all made neighbourhood plans. There is no made neighbourhood plan for Westbourne Parish at this time. The plan has been through examination, however due to the result in changes in laws following European Court decisions there was a requirement to undertake a Habitats Regulation Assessment (HRA) and an Appropriate Assessment Statement. This has been subject to a public consultation. As a consequence of the HRA process a Strategic Environmental Assessment of the Neighbourhood Plan has been undertaken and the consultation period ended on 22 May 2019. The plan has not been examined following the further assessments and therefore at this stage the plan carries limited weight.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan

Policy 1 Presumption in Favour of Sustainable Dev
Policy 2 Development Strategy and Settlement Hierarchy
Policy 9 Development and Infrastructure
Policy 36 Planning for Gypsies/Travellers/Travelling Showpeople
Policy 39 Transport, Accessibility and Parking
Policy 40 Carbon Reduction Policy
Policy 45 Development in the Countryside
Policy 48 Natural Environment
Policy 49 Biodiversity
Policy 50 Development and Disturbance of Birds in Chichester and Langstone Harbour

Westbourne Neighbourhood Plan 2017-2029:

OA1: Sustainable Development Policy
OA4: Community Balance Policy
LD1: Local Distinctiveness Policy
BD2: Natural Environment Policy

7.3 National Policy and Guidance

The Core Planning Principles and relevant paragraphs of the NPPF have been considered including sections 2, 4, 14, 15. The Planning Policy for Travellers Sites (2015) is also relevant to the consideration of the application.

7.4 Other Local Policy and Guidance

- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- CDC Waste Storage and Collection Guidance

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

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

8.0 Planning Comments

8.1 The main considerations are:

- i. Principle of development and current gypsy site provision
- ii. Impact on the character and appearance of the locality
- iii. Drainage
- iv. Ecological considerations

- i. Principle of development and current gypsy site provision

8.2 The Housing Act 2004 places a duty on local authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), and outlines how their needs will be met.

8.3 Policy H of the Planning Policy for Traveller Sites (PPTS) 2015 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 for traveller sites and local development plan policies. 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. It is a criteria based policy which sets out criterion to identify sites and to determine planning applications within the Plan area.

- 8.4 Since September 2012, which is the base date of the provision figure in the adopted Local Plan, 61 Gypsy and traveller pitches have been granted planning permission and occupied. Currently at the time of writing the Council can demonstrate an identified 5 year supply of pitches of 14 years. The Council have therefore met their identified need for the period until 2027. The assessment of new sites and the need of occupiers would be considered on case by case basis with the already met need taken into consideration. The Council has published the Chichester Local Plan Review 2035: Preferred Approach (Local Plan Review). Consultation on the document took place between the 13 December 2018 and 7 February 2019. At this stage the preferred approach plan and its supporting documents has no or little weight (NPPF paragraph 48).
- 8.5 Notwithstanding this however, recent appeal decisions, notably appeals 3209147 and 3209145, Land South of Keynor Lane, concluded the council does not have a 5 year supply of sites within the district. This is in light of the publication of the Gypsy, Traveller and Travelling Showpeople Assessment (GTAA) 2019 (revised) which has identified the requirement for a further 66 pitches in five years from 2018, but the Inspectors' decisions also identified a number of other Inspectors in recent years had concluded that CDC has an unmet need.
- 8.6 Whilst the GTAA 2019 (revised) forms part of the evidence base for the emerging local plan and has not gone through examination, due to the requirement of the Council to update their figures on supply annually (PPTS policy B), reliance on the 2013 GTAA is no longer appropriate due to it being outdated. The GTAA 2019 is therefore a significant material consideration which must carry weight in any decision making process
- 8.7 The site also lies within the Parish of Westbourne, which has made progress with its Neighbourhood Plan. The submission neighbourhood plan includes a Land Use Policy (OA4-2) which resists any new Gypsy and Traveller pitches within the Parish unless there are exceptional circumstances:

Applications for additional Gypsies, Travellers and Travelling Showpeople pitches/plots within the Neighbourhood Plan area will be resisted, as the supply for the identified need for this type of accommodation has already been exceeded for the plan period within the District, which has been disproportionately met by provision within Westbourne Parish. This is to ensure that the current balance between the various sectors of the local community will be retained; any further provision of GTTSP plots or pitches would erode the current mix and balance of tenures and would not be acceptable to the community. Given the lack of identified need, any new consent would be wholly exceptional and in this regard if deemed to meet the exceptional circumstances the proposal would need to pass the strict physical tests applied within the National Park for this type of development.

8.8 At the present time the Neighbourhood Plan has not been made. The progress of the neighbourhood plan has been impeded as a result of changes in the law following various European Court decisions and the subsequent interpretation of new case law. In particular there are changes in relation to both the required Habitats Regulation Assessment (HRA) and Appropriate Assessment Statement and also, as a consequence of the need to undertake such an assessment, the need for Strategic Environmental Assessment. The Westbourne Habitats Regulations Assessment (HRA) and Appropriate Assessment Statement was published for a period of 5 weeks of public consultation ending on 2 May 2019. The representations received have been forwarded to the Neighbourhood Plan Examiner, however at this time the updated examiner report has not been received.

8.9 Policy OA4-2 is evidently an important policy for the Westbourne Neighbourhood Plan as it fundamentally resists additional Gypsy and Traveller pitches on the basis that the supply for the identified need has already been exceeded for the plan period within the District and has already been disproportionately met by provision within Westbourne Parish. However to resist proposals in principle on the basis that they would conflict with this emerging policy would be premature given that the updated examiners report has yet to be received and the Neighbourhood Plan does not form part of the Development Plan. In terms of applying weight to this emerging policy, paragraph 49 of the NPPF states:

However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

8.10 Policy OA4-2 forms part of community balance approach which according to the Westbourne Neighbourhood Plan 'seeks to...reflect Westbourne Parish's circumstances and particular needs.' The stance resisting any new gypsy and traveller pitches is formed in order to address the imbalance between the 'various sectors of the community who reside locally' and to reduce tensions. The Neighbourhood Plan states that in the content of CDC being able to demonstrate a five year supply of sites: 'Development of any further GTTSP sites in the Parish would be premature and disproportionate for Westbourne.' Whilst the emerging Neighbourhood Plan is at advanced stage with the examiner's report awaited, it is not known whether this policy would be recommended for modification or amendment prior to any recommendation from the examiner to proceed to a referendum.

Furthermore the proposals are for one additional pitch to the far north east of the Parish, where there is limited development. Notwithstanding the visual impacts of the development, Officers do not consider that the proposals would be 'so substantial, or its cumulative effect would be so significant...(to)...undermine the plan-making process...' particularly as the small scale nature of the proposal and its location is not central to the emerging Neighbourhood Plan.' Furthermore as stated above, the Council are unable to demonstrate an up-to-date 5 year supply of gypsy and traveler sites within the plan area and therefore there is an identified need which is an exceptional circumstance.

8.11 Overall, in light of Inspectors decisions and the publication of the GTAA 2019 (revised) which are material considerations of significant weight, the Council cannot currently demonstrate a 5 year land supply to meet an identified needs, rather than the targets as set out within the Chichester Local Plan 2014-2029 Policy 36.

8.12 The criteria for assessment of the principle of development are set out in para 24 of the PPTS as follows;

a) Existing level of local provision and the need for sites:

As stated above, the Council cannot demonstrate an up-to-date 5 year supply of gypsy and traveller pitch provision.

b) The availability (or lack) of alternative accommodation:

As part of the evidence base for demonstrating the 14 year supply of gypsy and traveller provision, the Council has produced its Five Year Land Supply 2018 – 2022 position. This states that 61 pitches have been granted permission since 2012 and there are 7 pitches which have been implemented but are not occupied.

The applicant has stated within their submission that there are no vacant pitches at the neighbouring 'The Paddocks' Travellers site (located to the north east of the site) and there are no other available sites. It is understood generally that there are no vacant pitches on public sites across the District, although other private pitches have not been demonstrated as unavailable. Instead the applicant relies on his own personal circumstances for a pitch on this site.

c) Other personal circumstances of the applicant:

The applicant has put forward a number of personal circumstances that primarily relate to the lack of alternative pitches locally, and to live on the land he owns where he keeps animals and machinery. He states:

'I can't live at the Paddocks as I no longer have access to it and there are no vacant pitches anyway. I don't have the money to buy another Pitch and none locally are suitable or available. The best place for me to be is at Racton View where I keep all my animals and machinery, and I can live my traveller way of life without bother to anyone I keep the site clean and tidy as you know, I keep my machinery there which would worry me if I wasn't there to keep an eye on things, I already had one digger burned out.'

The applicant originally applied for planning permission for the siting of an agricultural workers dwelling (application 16/03010/FUL), however this application was refused and the subsequent appeal against the enforcement notice upheld on the following basis:

'The main issue is whether there is an essential need for a full-time agricultural worker to be resident on the land. ... Fundamentally, there is no proven essential need for an agricultural worker to be resident on the land and, even if there were, there is no need for a resident full-time worker base on the proposed business. ...There is no real prospect that within three years the business would be viable and sufficiently profitable. The proposed development conflicts with LP policy 37... The ground (a) enforcement appeal and the planning appeal thus fail.'

This application is submitted on the basis that the applicant is a Gypsy and Traveller, whereby the following information has been submitted to demonstrate the applicant's ethnicity and nomadic way of life:

'I do live a nomadic way of life, I often attend horse fairs to trade, I can't give you specific dates as they change each year but I go to Wickham horse fair usually mid May then onto Bewley Horse fair end May, onto Epsom where I work building some of the fences and some grounds work usually 1st week June and then up to Appleby Mid-June. These often follow on from each other. I also travel to Netley Marsh Steam Rally in Hants for work, end July and also do work at Ringwood Racing throughout the year. I do travel for work but not as much as I used to because of ill health, the work can be anywhere I find myself often around the Horse fairs, my health issues aren't being helped by all these planning issues.'

Evidence has also been provided of the applicant's Scrapyard Licence. Given the evidence submitted, Officers consider that the applicant does meet the definition of a Gypsy and Traveller and does live a nomadic way of life to demonstrate this. The applicant clearly has an agricultural enterprise as well on the application site, which falls for consideration as material consideration of the application.

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;

Policy 36 of the Local Plan provides the locally specific criteria for allocation and assessment of new applications gypsy and traveller sites. An assessment of the application against this criterion is provided below.

e) that LPA's should determine applications for sites from any travellers and not just those with local connections;

The application has been put forward to meet the needs of specific gypsy and traveller. However if permitted the pitch would provide accommodation for any gypsy and traveller who meet the definition set out within the Planning Policy for Gypsy and Travellers 2015. Policy 36 of the Local Plan also provides the relevant criteria for assessing planning application for sites from any travellers.

8.13 In considering the merits of a proposal, the criteria of particular relevance are set out within policy H of the PPTS and Policy 36 of the adopted local plan. Para 23 of Policy H advises that LPAs should strictly limit new traveller sites in the open countryside away from existing settlements or outside areas allocated in the development plan. LPAs should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid placing an undue pressure on the local infrastructure. Criterion 1 and 6 of policy 36 relate directly to these requirements and this application is assessed as follows:

1) Well related to existing settlements/close to major roads and/or public transport:

8.14 Whilst the site is located outside and away from any defined Settlement Boundary (as defined in the Chichester District Local Plan), Common Road runs from west to east which leads to the village of Funtingdon, which provides a shop and Post Office (approximately 1.5km away). Southbourne and Nutbourne train station are also located approximately 2.5km away and the Emsworth Surgery (which the applicant uses) is located 4.0km from the application site. In addition Funtington Primary School is located approximately 1.6km away from the application site. It is considered that there would be sufficient services and facilities within a reasonable distance of the site to enable the occupiers to access these services, and also to use public transport to access the nearby towns.

8.15 Having regard to the definition of sustainability as set out in the NPPF, and paragraph 11 of the PPTS, the site would not be sustainable for most forms of residential use and would not meet the requirements of the NPPF for permanent settled residential accommodation. However, given the nature of the proposal for gypsy and travellers it is considered to be in a location with sufficient links to local infrastructure to be considered acceptable.

2) Safe and convenient vehicle access, suitable topography and already served by the necessary infrastructure:

8.16 The site would utilise an existing access onto Marlpit Lane, which would not be altered as part of the proposals. The land is currently owned and managed by the applicant, therefore the provision on site accommodation in the form of gypsy and traveller pitch would result in the reduction in vehicle movement. In addition there have been no recorded accidents or incidents to indicate the existing access was operating unsafely and this basis the proposed are considered to be acceptable in this regard. The proposed site layout would also ensure there would be adequate provision for parking and turning space within the site. In addition details of residential refuse storage and collection from the development could be secured through an appropriately worded planning condition. Overall it is concluded the proposal would comply with policy 39 of the Local Plan.

3) Able to achieve a reasonable level of visual acoustic privacy, provide an acceptable level of amenity for proposed or existing neighbouring residents:

8.17 The site is located to the east of Marlpit Lane and to the south of Common Road. The proposed development would be sited alongside the existing agricultural barn on the site and positioned approximately 140m from the access road and 150m from Common Road. The proposed development would form a grouping of buildings/structures around the existing barn which is considered to be an appropriate approach which contains the buildings well within the. No additional landscaping or visual or acoustic privacy measures have been proposed nor considered necessary given the set back position of the development within the site. The proposed development would not be visible from the Marlpit Lane or Common Road. The proposed structures would also be located over 80m from The Paddocks Traveller site to the north east and would not result in any visual impacts, noise and disturbance to these pitches. The closest bricks and mortar property is located to the far west of the site over 600m from the site. It is considered that due to the distance, orientation, low level nature of the proposal 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.

4) Not compromise the essential features of nationally designated areas of landscape, historical or nature conservation protection:

8.18 The site is located outside any specific landscape designations, with the South Downs National Park boundary located approximately 450m to the north west and the Chichester Harbour Area of Outstanding Natural Beauty located approximately 2.7km to the south. Whilst the site is located reasonably close to the South Downs National Park boundary, given its location to the south of Common Road and its contained nature it is not considered that the proposals would affect views from within or towards the South Downs National Park. Furthermore the site is well screened from public vantage points, with the nearest public right of way being located 200m to the east along The Bridle Way, which benefits from extension boundary screening which prevents visibility to the west across and towards the site. The proposed change of use and associated development would not therefore have an adverse impact on the character of the area or wider landscape setting of the SDNP. Similarly given its distance to from the AONB boundary, the proposals would not have any adverse impact on the setting of the AONB landscape.

8.19 With regards to impacts of the development on designated areas of nature conservation, the site does not fall within a SSSI or SSSI impact zone. The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area, which is nationally designated. The impacts of the development on the SPA and any subsequent mitigation will be considered later in this report.

8.20 On this basis the proposals would not compromise the essential features of nationally designated areas of landscape protection. Considerations on the impact of the development on the Chichester and Langstone Harbours Special Protection Area will be considered below.

5) Avoid area of flood risk or locations adjacent to incompatible uses or hazards including contaminated land:

8.21 The site is not located within Flood Zones 2 or 3. Furthermore the existing site contains a notable of hardstanding around the existing agricultural barn which would only be extended to accommodate the proposed static caravan. It is therefore considered that the proposed development would not be at risk of flooding more than the existing site. On this basis the proposals are considered to comply with Policy 36(5) of the Local Plan.

6) Respect the scale of the nearest settled community and not dominate it or place undue pressure on the local infrastructure:

8.22 Whilst the concerns of the Parish Council are noted, in particular with regards to there being no need to increase the quantity of gypsy and traveller units in the Parish of Westbourne which has already taken its fair share of Gypsy/Traveller units, the proposal is for one additional pitch in a well contained site, a notable distance from the settled community, as well as being located nearby an existing Traveller site. Whilst the site is located within Woodmancote, which already accommodates a number Gypsy and Traveller pitches, it is not considered reasonable to resist the application on the basis that one additional pitch on a large and well contained site would dominate the existing settlement. Therefore the proposals, by reason of scale would not significantly harm social cohesion.

Conclusion on compliance with the Local Plan and the PPTS

8.23 On this basis the proposals are considered to comply with Policy 36 of the Local Plan and Paragraphs 23, 24 and 26 of the PPTS as they would be well related to the existing settlement; provide safe and convenient vehicle access; would not result in harm to neighbour amenity; not result in harm to the character and appearance of the area of designated landscapes; would avoid an area of flood risk; and would respect and not dominate the scale of the nearest settlement.

ii. Impact upon the character of the locality

8.24 The site lies to the west of Marlpit Lane, which runs from north to south and is enclosed with vegetation and trees overhanging the lane. Access to the site is from a gated single track access with vegetation on either side. The narrow width and length of the access and vegetation limits views of the development from the roadside to the west. There are also very limited views of the site from the north from Common Road and from the east from the public right of way. On this basis the proposed development would not be a readily apparent feature of countryside views or affect significant vistas. To the immediate north east of the site is further gypsy and traveller pitches, therefore the development would not be out of keeping with the immediate context and given the limited views of the proposals from public vantage points, the proposals would not result in additional visual harm to the character and appearance of the area.

iii. Drainage

8.25 The proposal seeks to connect to provide a package treatment plant for foul drainage. For surface water drainage it is proposed to use a sustainable drainage system. No details have been provided of either systems, however the Council's Coastal and Land Drainage Officer has confirmed that there is no objection to the proposals subject to compliance with a condition securing details of the surface water drainage scheme, including Winter Monitoring. As such it is considered proportionate to secure further details about the discharge of surface water and foul sewage by planning condition, in the event that permission is granted.

iv) Ecological considerations

8.26 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area, and as such could have significant environmental impacts on this internationally important designation. On April 13th the Court of Justice of the European Union published its ruling in the Case C323/17 with regards to the Habitats Directive. The case ruled that mitigation cannot be taken into account when considering the screening test for Likely Significant Effects. Therefore, many developments cannot now be screened out of requiring a full appropriate assessment. The Council previously screened the proposed development and concluded that the proposed additional pitches would likely have a significant impact upon the Special Protection Area due to recreational disturbance, however this impact was considered to be suitably mitigated through a financial contribution. In this instance a full Appropriate Assessment has been carried out, and it concluded that the impacts of the proposed development could be adequately mitigation through a financial contribution towards the Solent Recreation Mitigation Strategy. It is therefore considered that subject to receipt of the necessary financial contribution, the proposal complies with the provisions of Policy 50 of the CLP the proposal would not result in a significant environmental impact on the Chichester and Langstone Harbours Special Protection Area.

Conclusion

8.27 In light of inspectors decisions and publication of the GTAA 2019 (revised) which are material considerations of significant weight, the Council cannot currently demonstrate a 5 year land supply to meet identified needs, rather than the targets set out within the Chichester Local Plan 2014-2029 Policy 36. The applicant has identified they meet the definition of a gypsy traveller for the purposes of annexe 1 of the PPTS. The proposal would meet the criteria of Policy 36 of the Local Plan which comprises of the most relevant and adopted Development Plan Policy for assessing applications for Gypsy and Travellers pitches. In this instance the proposals to provide an additional gypsy and traveller pitches would not result in a fundamental change to the character of the area, or result in any adverse harm to the visual amenities of the area. It would provide an additional pitch and contribution to the provision of sites within the Chichester Plan are. The application is therefore considered to be acceptable, subject to a number of conditions, including a limitation on the use of the site by gypsies and travellers only, together with conditions relating to the number and siting of the touring caravans. Furthermore subject to receipt of the necessary financial contribution, the proposal complies with the provisions of Policy 50 of the Local Plan. The application is therefore recommended for approval.

Human Rights

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

Equalities

8.28 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.

RECOMMENDATION

DEFER FOR S106/DELEGATE TO OFFICER 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 not be carried out other than in accordance with the approved plans:

Reason: To ensure the development complies with the planning permission.

3) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites dated August 2015 (or its equivalent in replacement national policy).

Reason: To accord with the terms of the application and in the interests of proper planning.

4) Prior to any development above slab level of the utility building or first occupation of the caravans hereby permitted, whichever is the sooner, a scheme for foul and surface water drainage shall first be submitted to an approved in writing by the Local Planning Authority. The scheme shall include a foul drainage assessment and shall be designed so as to ensure that: there is no infiltration of foul or surface water drainage into the ground except where it has been demonstrated that there would be no resulting risk to controlled waters; the discharge to any watercourses shall not exceed greenfield runoff rates; any discharge to drainage ditches shall be fit for purpose, demonstrating any pipe has sufficient capacity; and an agreed management and maintenance regime is in place. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: To ensure adequate provision for drainage of the application site and the protection of the Source Protection Zone.

5) Prior to first occupation of the development hereby permitted, details of refuse and recycling storage facilities shall be 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.

6) **No part of the development hereby permitted shall be first occupied** until the car parking and touring caravans spaces has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

7) No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than seven shall be static caravans, shall be stationed on the site at any time and at no time shall the touring caravans be occupied for human or residential occupation.

Reason: To accord with the terms of the application and to ensure satisfactory planning of the area.

8) No commercial activities shall take place on the land, including the storage of materials. No more than one commercial vehicle per pitch 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 neighbouring amenity and to ensure the protection of this countryside location.

9) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To accord with the terms of the permission and in the interests of protection of this countryside location

10) The utility building hereby permitted shall be used for purposes ancillary to the use of the land as a gypsy and traveller site and shall not be occupied as a permanent means of habitable accommodation at any time.

Reason: To comply with the terms of the application and to protect the amenities and 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
PLAN - Block Plan (A4)	SM5	2	27.03.2019	Approved
PLAN - Proposed Floor Plan (A4)	SM1		21.02.2019	Approved
PLAN - Proposed West Elevation (A4)	SM2		21.02.2019	Approved
PLAN - Proposed North Elevation (A4)	SM3		21.02.2019	Approved
PLAN - Proposed South Elevation (A4)	SM4		21.02.2019	Approved

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PISU7ZERMCS00>