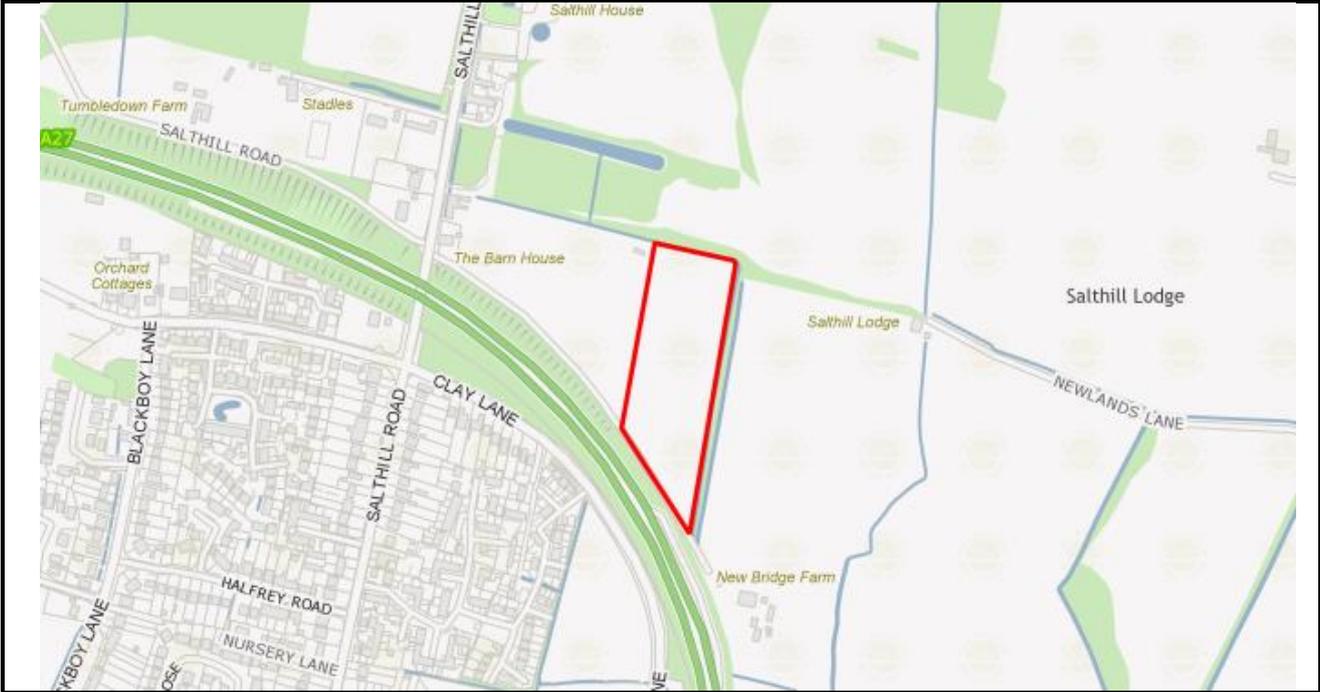


Parish: Chichester	Ward: Chichester West
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**CC/19/02579/FUL**

<b>Proposal</b>	Change use of land to travellers caravan site consisting of 4no. pitches each containing 1no. mobile home, 1no. touring caravan, 1no. utility dayroom; play area and associated works.		
<b>Site</b>	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex		
<b>Map Ref</b>	(E) 483941 (N) 105685		
<b>Applicant</b>	Mr & Mrs Strudwick & Gibbs	<b>Agent</b>	Dr Angus Murdoch

**RECOMMENDATION TO REFUSE**



	<b>NOT TO SCALE</b>	<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 Red Card: Cllr Bowden Important information/opinion to raise in debate

## **2.0 The Site and Surroundings**

2.1 The application site is located outside of any settlement boundaries and is therefore within the open countryside. The application site is immediately north of the A27, to the west of the settlement boundary of Chichester and to the north of the settlement of Fishbourne. The site is accessed from Salthill Road via a track along the northern side of the A27. To the north of the application site is a footpath, with trees and hedges along the north and eastern boundary. The application site is an agricultural open field, devoid of any existing built form.

## **3.0 The Proposal**

3.1 The application proposes the change of use to a travellers caravan site consisting of the siting of four pitches each containing 1no. mobile home, 1no. touring caravan, 1no. utility dayroom and a play area. During the course of the application the four pitches have been reduced in their width, three of the pitches measure 25 metres in width and 60 metres in length, with one pitch measuring 30 metres in width and 40 metres in length. Each pitch would be served via a new road along the east of the application site, 200 metres in length. To the east of the pitches would be grazing land.

## **4.0 History**

None relevant

## **5.0 Constraints**

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

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

We regret the loss of this greenfield site and the openness of the countryside in this area and would request ecological mitigation. Subject to such mitigation being provided, no objection subject to the comments of WSCC as the Highway Authority.

## 6.2 WSSC Local Highway Authority

Highways:

Summary:

This proposal is for the change of use of land to traveller caravan site consisting of four pitches, each containing one mobile home, one touring caravan, one utility dayroom, play area and associated works. The site location is on a privately maintained single lane track. Access to the maintained highway is at the junction with Salthill Road, a C-classified road subject to a speed limit of 30 mph in this location.

Access and Visibility:

The access onto Salthill Road will be utilised for this proposal and no alterations are proposed. There are no apparent visibility issues at this access. An inspection of collision data provided to WSSC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site access. Therefore, there is no evidence to suggest the access is operating unsafely or that the proposal would exacerbate an existing safety concern.

The LHA does note that the privately maintained lane that leads to the site is too narrow for two vehicles to pass one another. However, this is the existing arrangement, with the lane currently generating a number of agricultural movements per day; this is therefore an amenity issue. As mentioned above, the site is currently operating with no known safety concerns.

The LHA would like to point out that the access currently has a height restriction barrier near the access onto Salthill Road. Is the applicant is aware of this?

Parking and Turning

The application form states that each plot will have one car parking space and one touring caravan parking space. Whilst technically a withdrawn document, the Good Practice Guide on Designing Gypsy and Traveller Sites (2008) recommended a provision of two car parking spaces per pitch. There appears to be sufficient space within each plot to accommodate two car parking spaces and a touring caravan space.

There is also sufficient space for vehicles to turn and exit onto the maintained highway in a forward gear.

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 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition should be applied:

Car parking space (details required)

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

Public Right of Way (PROW);

Thank you for the opportunity to comment on the above is application, given this proposal does not directly impact on FP2930 which runs on the northern boundary to this site. However, we must ask that the applicant take into consideration and action accordingly the following comments.

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSSC), as highway authority, and possibly also a legal Order process by (Chichester District Council) as the local planning authority. Further advice can be provided on request.

The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSSC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSSC PROW Team prior to development commencing.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSSC PROW Team.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSSC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of (2) weeks is needed to consider an application.

### 6.3 Highways England

Recommend that conditions should be attached to any planning permission that may be granted;

1) No surface water shall be permitted to run off from the development hereby permitted on to the highway or in to any drainage system connected to the strategic highway, nor any connections made to the strategic highway drainage network.

Reason: To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage.

2) No direct access connection shall be made from the development hereby permitted to the A27.

Reason: To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage

### 6.4 Third party objection comments

Five third party representations of objection have been received concerning the following matters:

- a) The proposal would have a harmful impact to local wildlife and biodiversity
- b) The proposal would have a harmful impact to the landscape
- c) The proposal would result in an increased number of vehicles harmful to the local highways network.
- d) The access to the site is dangerous.

## 6.5 Applicant/Agent's Supporting Information

The applicant/agent has provided the following support information during the course of the application:

- a) Ideal for a small Gypsy caravan site as there are already 2 caravans either side of my land and 1 opposite at Tumbledown Farm. Clearly as these are not for Traveller use, they seem to be acceptable.
- b) The site is highly sustainable being under half a mile from Fishbourne train station. There are bus routes and Chichester is situated within 2 miles, where there is access to healthcare, schools, and shops.

## 7.0 Planning Policy

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

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

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople  
Policy 39: Transport, Accessibility and Parking  
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

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

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 early in 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. It is anticipated that the new Plan will be adopted by the Council in 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

## National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.5 Consideration should also be given to the following paragraph and sections: sections 2 (achieving sustainable development), 4 (decision making) and 12 (achieving well-designed places). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

7.6 The Planning Policy for Travellers Sites (PPTS) (2015) is also a material consideration.

7.7 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

## Other Local Policy and Guidance

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

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

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:

- Support communities to meet their own housing needs
- 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**

8.1 The main issues arising from this proposal are:

- i. Principle of development and current gypsy and traveller site provision
- ii. Impact upon the character and appearance of the locality
- iii. Highways matters
- iv. Ecological considerations
- v. Impact upon Chichester Harbour Special Protection Area (SPA)
- vi. Drainage
- vii. Planning balance

### Assessment

i. Principle of development

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), to and outline how their needs will be met. The Council published a Gypsy Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in 2013, and this document formed the evidence base for the adopted local plan.

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. 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 criterion 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. Against the 2013 GTAA, the Council considers that it is able to demonstrate an identified 5 year supply of pitches as identified within the adopted Local Plan. The assessment of new sites and the need of occupiers would be considered on a case by case basis with the already met need taken into consideration.

- 8.5 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).
- 8.6 Notwithstanding this, recent appeal decisions, notably appeals 3209147 and 3209145, Land South of Keynor Lane, concluded that the Council does not have a 5 year supply of sites within the District. This is in the context 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. The Inspectors' decisions in relation to Keynor Lane also noted that a number of other Inspectors in recent years had concluded that CDC has an unmet need.
- 8.7 The GTAA 2019 (revised) forms part of the evidence base for the emerging local plan updates the position established by the 2013 GTAA, and whilst it has not yet been through examination, it is a significant material consideration which must carry weight in this decision.
- 8.8 It is considered for the above reasons, in principle the provision of gypsy and traveller pitches in suitable locations would be acceptable, subject to the other material considerations.
- ii. Impact upon the character and appearance of the locality
- 8.9 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 45 of the CLP seeks to ensure that proposals respect and enhance the landscape character of the surrounding area.
- 8.10 The West Sussex County Council Landscape Character Assessment places this site in Landscape Character Area SC6. SC6 forms part of three character areas which lie in a line between Funtington in the west and Arundel in the east. They form a transition between the open lower Coastal Plain to the south and the wooded Downs to the north. The landform is very gently undulating in the west, more intricate in the east, encompassing the distinctive landscapes of Binsted valley. Over much of the area, strong networks of hedgerows, hedgerow trees and woodlands enclose small to medium-sized fields. At the northern edge, larger woodlands and forests merge with those on the gently dipping slopes of the western Downs, where historic parklands are distinctive features. Whilst the busy A27 trunk road briefly cuts across the southern edge, there are few urban influences in much of the area. As a result, it retains a mostly undeveloped, rural character.
- 8.11 The proposal would result in a large amount of hardstanding, sprawling across an open field. Each of the four pitches would be served by a road along the western boundary of the site, no landscaping is proposed long this boundary. The immediate area is devoid of any other development, and while there is some screening along the boundary with the A27, the site would be visible from public views.

The submitted plans show little room for landscaping along the western side, however a 200 metre strip of landscaping would take time to lessen the impact of the proposed amount of development. As such the long access track would also add to the visual prominence of the proposed development due to its excessive length to reach the site and its location cutting straight through the field. The cumulative impact of the proposed caravans and day rooms, subdivision of the site, access track, hard landscaping and associated domestic paraphernalia would be at odds with, and harmful to, the rural character of the locality.

8.12 Overall the proposal would result in unacceptable encroachment into the protected open countryside, causing harm to the character and appearance of the surrounding area and therefore is contrary to policy 45 of the CLP.

iii. Highways matters

8.13 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan asserts that development should not create problems of safety.

8.14 To the north of the application site is a Public Right of Way (FP2930), which the Highways Authority have advised would not be impacted by the proposal. The officer makes a number of recommendations for during the construction works and re-enforces that the PROW should not be obstructed.

8.15 With regard to access and visibility to the site, the access onto Salthill Road will be utilised for this proposal and no alterations are proposed. The Local Highway Authority (LHA) has advised that there are no apparent visibility issues at this access and an inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site access. Therefore, they consider there is no evidence to suggest the access is operating unsafely or that the proposal would exacerbate an existing safety concern.

8.16 The LHA commented that the lane is privately maintained leading to the application site and that it is too narrow for two vehicles to pass one another. However, they note that this is the existing arrangement, with the lane currently generating a number of agricultural movements per day and would not result in a highway safety issue and as outlined above, the site is currently operating with no known safety concerns.

8.17 Regarding parking the LHA have advised that, whilst technically a withdrawn document, the Good Practice Guide on Designing Gypsy and Traveller Sites (2008) recommended a provision of two car parking spaces per pitch. There appears to be sufficient space within each plot to accommodate two car parking spaces and a touring caravan space. Furthermore, there is also sufficient space for vehicles to turn and exit onto the maintained highway in a forward gear.

8.18 For the above reasons and subject to the suggested condition by the LHA, it is considered the proposal would not 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 109), and that there are no transport grounds to resist the proposal.

iv. Ecological considerations

8.19 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded. The existing site is currently open field, with mature trees and hedges along some of the boundaries. As such there is the opportunity to improve biodiversity on the site that can be secured via condition. This could include bird boxes, hedges and further soft landscaping. It is therefore considered the proposal would comply with policy 49 of the Chichester Local Plan. Subject to compliance with conditions, officers are satisfied that the proposal would not have a detrimental impact upon the biodiversity value of the site.

v. Impact upon Chichester Harbour Special Protection Area (SPA)

8.20 Policy 50 of the Chichester Local Plan acknowledges the collective impact which all new dwellings (including caravans) within 5.6km of the Harbour have on the ecology of areas designated within the Solent area under European Species and Habitat Directives and the derived UK Regulations. It adopts the approach, recommended by Natural England, that a contribution is made on a per bedroom basis towards a mitigation project 'Solent Disturbance Mitigation Project'.

8.21 In April 2018 the scale of charging altered to following a sliding scale contribution based on the number of bedrooms, which is used to fund a package of wardens, education, green infrastructure improvements and monitoring. The contribution amount as of April 2020 averages £904 per net additional dwelling. The scale charges differ according to the number of people expected to live in the property which is calculated per bedroom. As mobile homes vary in the number of bedrooms, the charge is taken to be the average amount per mobile home, which for this application equates to £904.

8.22 The LPA have undertaken an appropriate assessment and subject to the mitigation being paid and a planning obligation being provided to tie the mitigation to the permission the requirements of policy 50 would be met. As the recommendation is for refusal, a S106 or mitigation payment hasn't been sought and therefore the proposal is contrary to Policy 50 of the Chichester Local Plan Key Policies 2014-2029, and the lack of mitigation forms part of the reason for the refusal. In the event of an appeal the applicant could provide the mitigation and the necessary planning obligation, and in such circumstances the LPA would remove this reason for refusal.

vi. Drainage

8.23 Policy 42 of the Chichester Local Plan seeks to ensure that new development is not at risk of flooding and it would not result in a net increase of surface water runoff. The application site is located within flood zone 1 and proposes to discharge to a septic tank for foul sewage and to soakaway for surface water. Conditions could be used to secure the details of both systems to ensure they are acceptable and are managed and maintained in perpetuity. The application would therefore not result in a net increase in surface water and as such accords with policy 42 of the Chichester Local Plan.

vii. Planning balance

8.24 The Council cannot demonstrate a 5 year land supply to meet an up-to-date, locally set target (rather than the target in the Local Plan Policy 36). As such, this is a material consideration of significant weight. There is also a significant level of unmet need in the District and again that it is a significant material consideration in favour of the proposal. However, the proposal would result in unacceptable encroachment into the protected open countryside, causing harm to the character and appearance of the surrounding area. This harm is considered to be significant to the degree that outweighs the council's unmet need and therefore on balance the proposal is considered unacceptable.

Conclusion

8.25 Based on the above it is considered the proposal would result in unacceptable encroachment into the protected open countryside and the applicant has failed to make sufficient mitigation against the impact of the proposal to the SPA. The proposal therefore is contrary to development plan policies 45 and 50 and therefore the application is recommended for refusal.

Human Rights

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

**RECOMMENDATION**

REFUSE for the following reasons:-

1) The proposal, by reason of the undeveloped nature of the site, the introduction of significant built form and its location adjacent to the boundary to the roadside and close to the A27, with the resulting prominence of the proposal, would give rise to significant adverse impacts on the character of the undeveloped rural landscape, causing harm to the rural landscape character of this countryside location. The proposal would therefore be contrary to policies 1, 36 and 45 of the Chichester Local Plan 2014-2029 and paragraphs 17 of the National Planning Policy Framework.

2) 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 increased recreational disturbance. The applicant has failed to make sufficient mitigation against such an impact and therefore the proposal is contrary to Policy 50 of the Chichester Local Plan Key Policies 2014-2029. The development would therefore contravene the Conservation of Habitats and Species Regulations 2017 and the advice in the National Planning Policy Framework.

## 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 - Site location plans	01		08.10.2019	Refused
PLAN - SUBSTITUTE PLAN 13/12/19 - TYPICAL PLOT LAYOUT (A1)	04	REV A	18.12.2019	Refused
PLAN - SUBSTITUTE PLAN 13/12/19 - PROPOSED BLOCK PLAN (A1)	02.1	REV A	18.12.2019	Refused
PLAN - SUBSTITUTE PLAN 13/12/19 - SITE LOCATION PLANS (A1)	03	REV A	18.12.2019	Refused

## INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

For further information on this application please contact Daniel Power on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZ3PS1ER0WT00>