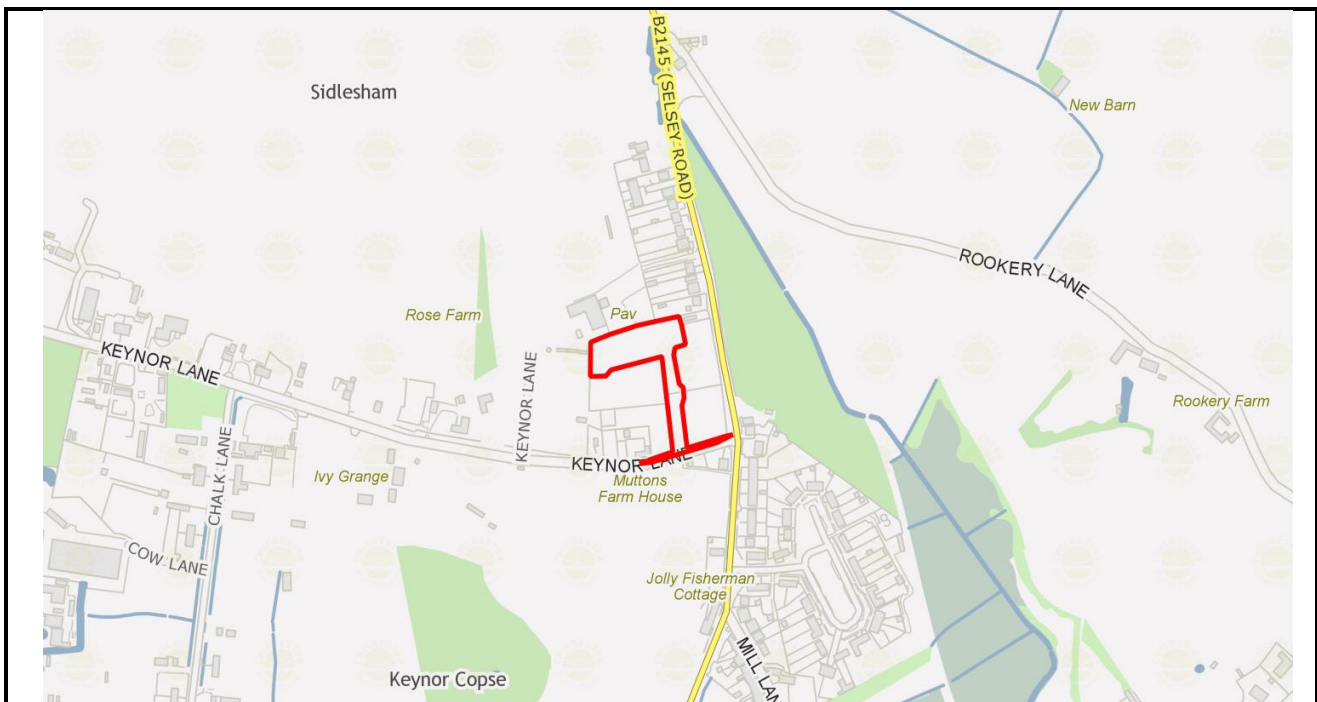



Parish: Sidlesham	Ward: Sidlesham With Selsey North
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**SI/21/00322/FUL**

<b>Proposal</b>	Alterations to allowed appeal under reference 18/01173/FUL to include; change the use of the land and increase number of gypsy-traveller pitches from 3 to 4 including; utility buildings, hard standing, landscaping and amended access position.		
<b>Site</b>	Land South Of Telephone Exchange Selsey Road Sidlesham PO20 7NG		
<b>Map Ref</b>	(E) 485659 (N) 97768		
<b>Applicant</b>	Mr W Hughes	<b>Agent</b>	Mr Ben Kirk

**RECOMMENDATION TO PERMIT WITH S106**



	<p><b>NOT TO SCALE</b></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 Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The application site is located outside any settlement boundary on field at the corner of Keynor Lane and Selsey Road with a recreation ground to the north, a nursery with glasshouses to the west, and a listed dwelling known as Mutton's Farmhouse to the south. There are also several dwellings to the north east of the site that front Selsey Road. To the north east corner of the site a private stable block with associated yard and access was approved at appeal following an appeal against non-determination of application 18/02925/FUL. The Local Planning Authority (LPA) did not contest the appeal.
- 2.2 The site is screened from the adjacent recreation ground and dwellings by a hedgerow. The site has recently had some boundary vegetation removed making it more prominent from the adjacent roads at this time. The visible presence of glasshouses, the recreation ground floodlights and nearby phone mast surrounding the site, as well as the urbanising influence of the intermittent ribbon development along Selsey Road and Keynor Lane, gives the site a semi-rural context.
- 2.3 The application site is 0.58Ha with additional land surrounding the site (shown blue on the location plan) owned by the applicant amounting to a further 0.9Ha. The site was approved for the stationing of 3 caravans for residential purposes for gypsy traveller accommodation along with associated utility buildings, hardstanding and landscaping at appeal (APP/L3815/W/18/3209147) following refusal of application 18/01173/FUL. There were two related appeals, with one allowed (Appeal A) and one dismissed (Appeal B). The development allowed via appeal has commenced in so far as one of the mobile homes (adjacent to the stables) is present on the site. Boundary treatments have also been erected and vegetation clearance undertaken. Works have also been undertaken to the vehicular access off Keynor Lane.

## **3.0 The Proposal**

- 3.1 The application seeks planning permission for the use of the land and to increase number of gypsy-traveller pitches from 3 to 4 including utility buildings, hard standing, landscaping and amended access position.
- 3.2 During the course of the application, the proposal has been amended to reduce the number of pitches proposed. As originally submitted five pitches were proposed, however this would have resulted in a cramped form of overdevelopment that would have been detrimental to the amenities provided for the future occupants and also would have been out of character with the spacious and rural qualities of this part of the site and surroundings. Therefore, the proposal referred to the planning committee has been reduced to four pitches.

3.3 The application as amended is for the stationing of a further 1 caravan for occupation by Gypsy / Traveller family compared to the extant permission on the site (granted on appeal pursuant to application 18/01173/FUL). The application also includes amendments to the extant layout of the site to accommodate the additional pitch and the relocation of the access on to Keynor Lane, to be sited further west than that previously approved.

#### 4.0 History

17/02640/FUL	REF	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 no. gypsy-traveller families, with associated utility building, hard standing, widened gateway, landscaping and access.
18/01173/FUL	REF	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveller families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).
18/02925/FUL	NDET	Proposed private stable block and associated hard standing. New access to the highway.
19/02507/DOC	SPLIT	Discharge of condition 4, 5, 7, 8, 9 and 10 from planning permission SI/18/01173/FUL.
20/00193/DOC	PER	Discharge of condition 4, 5, 6, 7 and 10 from planning permission SI/18/02925/FUL (APP/L3815/W/19/3232132).
20/01916/DOC	SPLIT	Discharge of Conditions 4, 5 and 10 of planning permission SI/18/01173/FUL (APP/L3815/W/18/3209147).
20/01981/FUL	PER	Proposed private stable block and associated hard standing. New access to the highway. (Variation of condition 2 of permission 18/02925/FUL - amended the plan numbers to reflect the materials used in the construction of the building).
20/02956/DOC	PER	Discharge of condition 4 _ 5 from permission SI/18/01173/FUL (APP/L3815/W/18/3209147).

21/00404/FUL	REF	Erection of brick wall and timber field gates to form entrance along with planting of laurel hedge to replace boundary treatments permitted under application 18/02925/FUL.
18/00052/REF	ALLOW	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveller families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).
18/00053/REF	DISMIS	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 no. gypsy-traveller families, with associated utility building, hard standing, widened gateway, landscaping and access.
19/00032/NONDE T	ALLOW	Proposed private stable block and associated hard standing. New access to the highway.

## 5.0 Constraints

Listed Building	No
Conservation Area	No
Rest of Plan Area	Yes
AONB	No
Tree Preservation Order	No
Historic Parks and Gardens	No

## 6.0 Representations and Consultations

### 6.1 Parish Council

*Further comments (21/06/2021)*

The PC discussed the application and heard representations from the applicant. The main difference in the current update is that a total of 4 units stretching westwards from the stable block, all adjacent to the memorial playing field. It notes that the Planning Inspectorate granted permission at appeal for 3 units and believes this decision should be upheld. The PC further seeks the LPA to put an embargo on any further units on the remaining land which is shown as paddocks, a request we made when responding to the first version "The parish council requests that the planners put a condition on the site that will prevent any further units being placed on the site at some time in the future. We believe the planners should take a firm stance, and not allow the treatment of the overall site to snowball as has occurred in Birdham." The application also seeks to position the entrance to the site off Keynor Lane to the west of the original entrance. The PC considers this siting is too near the Mutton Farm bend, and in the interest of safety for the occupants of the site as well as the general public using Keynor Lane should be sited further to the

east to improve visibility. The applicant has already constructed the 'roadway' within the site, but the PC sees no reason why the applicant could not be required to put a kink in this as it nears Keynor Lane to enable a safer entrance. The new plans do not indicate the materials of the proposed gateway which were shown on the first plans as post and rail with a 'five barred gate', and should not be constructed of brick etc as is currently the case at the 'telephone site' entrance to the stable block to which we are objecting (see next application below). Again the plans indicate that native hedging will be used, and the planners should advise that laurel hedging does not fall under that description. The PC therefore objects to the application as some of the proposals do not meet with its approval.

*Original comments (15/03/2021)*

Sidlesham Parish Council discussed the above Planning Application electronically. The application is a considerable change from the original application (18/01173/FUL) which showed 3 equally sized units spread across the field from the main road to Selsey westwards to house Mr Hughes relatives one of whom has medical problems. The new plan shows the large unit now installed next to the telephone exchange and the stables and then 4 further smaller units to the west. The council objects to this application on the grounds that the level of development represents inappropriate overdevelopment of the site. The second part of the application covers the entrance onto Keynor Lane. The council objects to this application and requests that the entrance is sited closer to the main road as was shown in the original application 18/01173/FUL, and together with post and rail fencing with a 5 barred gate set back as per original plan. It also insists that the hedging that has been removed is replanted with native species, again as shown in the original application. The parish council requests that the planners put a condition on the site that will prevent any further units being placed on the site at some time in the future. We believe the planners should take a firm stance, and not allow the treatment of the overall site to snowball as has occurred in Birdham. Sidlesham Parish Council would like to bring to the attention of the CDC Planning Department the confusion created by the description of this matter. You will see that the same title has been used for both this application and 21/00404/FUL, whereas the two applications do cover different aspects of this site. Previously with one exception the main field matter has had a different title such as Land South of Recreation Grounds at junction of Keynor Lane, and we would respectfully ask that this application is re-titled to ensure it is treated separately from the stables and entrance onto the main Selsey Road applications.

## 6.2 Natural England

No objection subject to Recreational Disturbance mitigation in accordance with the LPA's standing agreement.

## 6.3 WSCC Local Highway Authority (summarised)

*Further comments (29/06/2021)*

The amended plans show an increase from 3 to 4 pitches rather than 3 to 5, as previously commented on. No objections to proposals, please refer to previous comments.

*Original comments (25/03/2021)*

The Local Highway Authority does not consider that the proposal for 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. Conditions requested regarding access, parking, turning and cycling parking.

#### 6.4 CDC Environmental Protection – Noise (summarised)

No objection, condition recommended to control for hours of construction.

#### 6.5 CDC Drainage

Flood Risk: Parts of the site are within Flood zones 2 and 3 however this application sites the buildings within flood zone 1 (low risk). Therefore subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds. Surface water drainage- the application form states that surface water is to be disposed of via soakaways, this approach is acceptable in principle. Wherever possible, driveways, parking spaces, paths and patios should be of permeable construction. Due to the scale of the proposed development we have no conditions to request. Surface water drainage should be designed and constructed to meet building regulations.

#### 6.6 Third party objection comments

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

- a) Fence has replaced hedgerow with the football field
- b) Harmful impact on wildlife from vegetation works undertaken already
- c) Occupants are no longer travelling.
- d) Prime agricultural site and forms a break between residential parts of the village.
- e) Council have met their established need.
- f) Harm arising from increased caravan numbers, associated vehicles and environmental impacts remain.

#### 6.7 Applicant/Agent's Supporting Information

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

- a) Advice that new pitch is for Applicant's cousin.

### 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 Sidlesham 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 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 47: Heritage and design
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
- Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 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 in March 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. 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 2021), which took effect from 20 July 2021. 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 sections 12, 14, 15 and 16. The relevant paragraphs of the National Planning Practice Guidance have also been considered.

#### Other Local Policy and Guidance

7.6 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

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

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

### **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon heritage assets
- iv. Impact upon amenity of neighbouring properties
- v. Impact upon highway safety and parking
- vi. Sustainability
- vii. Ecological considerations
- viii. Drainage
- ix. Recreational Disturbance
- x. Personal circumstances
- xi. Other matters

#### Assessment

i. Principle of development

8.1 The use of the land to provide accommodation for gypsy-traveller families with facilitating development (utility buildings, hardstanding, widened gateway, septic tank and landscaping), was established by Appeal APP/L3815/W/18/3209147. It was confirmed via the appeal that the applicants meet the gypsy status definition contained within Annex 1 of PPTS and the agent has demonstrated that the forth pitch would be occupied by a family member. It is considered that the principle of the use of the site has already been established by the recent allowed appeal. Therefore the main consideration is whether the intensification of the use to provide an additional pitch would be acceptable.



- 8.2 Paragraph 25 of the Planning Policy for Traveller Sites (PPTS) 2 states 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. The application site lies outside designated settlements or service villages in what is designated the Rest of Plan Area in Policy 2 of the Local Plan (LP), and the countryside under LP Policy 45. Moreover, the site lies outside areas allocated for development and would not meet listed rural exceptions. However, the PPTS goes on to say that councils should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community. This suggests that sites in rural areas are acceptable under PPTS. In addition, the PPTS was published after the adoption of the LP.
- 8.3 The Housing Act 2004 placed a duty on local authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), and outlined how their needs would be met. This requirement was revoked by the Housing and Planning Act (2016) through the removal of Paragraphs 225 and 226 of the 2004 Act. The requirement is now in the PPTS Paragraph 4(a) and the Housing Act (1985) which requires an overall assessment of need for Caravan Dwellers, and the revised NPPF (2019) which requires an assessment of all Travellers.
- 8.4 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.
- 8.5 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. The Council's figures currently demonstrate an identified 5 year supply of pitches, set at 15 years. Therefore the need as identified within CLP policy 36 has been met for the plan period until 2027.
- 8.6 Notwithstanding this, recent appeal decisions, including the appeal for the development on the application site, 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 96 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 the Council has an unmet need.
- 8.7 Whilst the GTAA 2019 (revised) forms part of the evidence base for the emerging local plan and has not yet been 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 supply evidence within the GTAA 2019 is therefore a significant material consideration which must carry weight in this decision.

- 8.8 The Council is in the process of assessing the best locations for pitches in the District to be assessed through the Local Plan process. The urgent need for permanent pitches and accommodation must be given significant weight and officers consider the principle of the intensification of the site is appropriate on this basis. In addition, the scheme is small in scale, seeking only a single private pitch for a resident of the neighbouring site. It also incorporates a sympathetic layout and sustainability and bio-diversity enhancements, through the reduction in hardstanding, increased hedgerow planting and the use of solar panels. As such, it is considered that the proposal site could be achieved without being of detriment to the countryside location, or result in the perception of dominance upon the settled community.
- 8.9 Sidlesham has approximately 500 dwellings and a population of about 1300 people. The application would provide homes for the three families already identified under the appeal and an additional pitch for the applicant's cousin. The addition of one mobile home and caravan, utility building and associated facilities would be considered to respect the scale of Sidlesham and would not dominate the village context. This was a principle established by the Inspector for the extant permission on the site which is a material consideration that must be given weight within the planning balance.
- 8.10 On the issue of dominance the Inspector previously found that the *'site is located within a loosely dispersed and recognisable settlement pattern, irrespective of whether it is or is not within a formal settlement boundary. One representation states that the field lies within the heart of the village. I agree with the appellants that PPTS recognises that sites will be found which are both outside formal designated settlements, and yet are not within rural areas'*. The Inspector also found that neither of the appeals would *'fail to respect the scale or dominate that village'*. It is therefore considered that it would be unreasonable to determine that the single additional pitch proposed would dominate the settlement or that it would constitute a harmful form of development.
- 8.11 CLP Policy 36 sets out the criteria under which development for Gypsies, Travellers and Travelling Showpeople will be determined. The first criterion of Policy 36 is concerned with the relationship of a site to existing settlements, and local services and facilities. The policy states that sites should either be within or close to such settlements or with good access to major roads and/to public transport thus affording good access to local services.
- 8.12 There is a nearby petrol station and convenience store, and a very regular bus service to Chichester with a stop close to the site. Whilst it could be argued that Sidlesham itself has limited facilities, future occupiers would have immediate access to what appears to be the major road artery for this area, as well as good public transport links to larger settlements and other local services. Notably the bus passes the Chichester Free School. Therefore the location meets the requirements set out in the first criterion.
- 8.13 It is considered for the above reasons, particularly the findings of the appeal Inspector that the provision of gypsy traveller pitches in this location is acceptable in principle, which is a material consideration that carries significant weight, that the proposed single additional pitch to provide a development of 4 gypsy traveller pitches is acceptable, subject to the further considerations below.

ii. Design and impact upon character of the surrounding area

- 8.14 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.
- 8.15 The field lies within the Manhood Peninsula Character Area (MPCA). The MPCA description states that the area is mainly flat open landscape. However, it also states that some parts have a patchwork of smaller enclosed pastures and horse paddocks which have a more intimate character. The Manhood Peninsula is seen as a pocket of tranquillity and this characteristic should be maintained. However, in this case the proximity of the adjoining Selsey Road, dwellings and the recreation ground lead the Inspector to conclude that; this particular site is notably lacking in tranquillity and that the scale of the proposal is such that the development would not diminish tranquillity in this context.
- 8.16 The field contributes to the openness of the underlying scattered building pattern of development within Sidlesham and prevents coalescence. The proposal would retain the linear row of pitches along the northern edge of the field and would retain the permitted pattern of development in the locality which would assist with the visual integration of the development. The proposal would also include boundary planting strips framing the applications site and within the wider site. The development would be connected to the access gate by a track. The opening for the track would necessitate gaps in the landscaping, and therefore views of the development would be glimpsed via the access and distance views from Keynor Lane and Selsey Road would be possible. The scale of the buildings would not change from the permitted scheme, and it is considered that the visual impact of the 4 pitches proposed, each with: a garden, parking, cycle storage, refuge facilities and suitable turning space, would not be significantly greater than the approved 3 pitches such that it would be reasonable to resist the proposal.
- 8.17 The amount of hardstanding would be commensurate with the permitted scheme and would not be considered to dominate the visual context of the wider site. The Highways Authority has not raised any objection to this amendment. Moving the access in this manner would have a similar impact to that of the existing access and in this context visual harm would not arise from this change.
- 8.18 Importantly the scale of the development, although increased from 3 to 4 pitches, would remain low key and in this context, the scale of the development and its appearance, subject to conditions securing landscaping, would amount to a density that would be in keeping with the surrounding context. Furthermore, the development would be in the context of the existing floodlighting and adjacent commercial glasshouses. Consequently, there would not be any significant adverse effect on the character and appearance of the area. Moreover, the pitches would include buildings of a modest single storey stature and space would be providing around and between the pitches, providing with valuable vegetated amenity space for the occupants and the semi- rural and spacious character of the locality.

The LPA could ensure management of landscaping, materials, renewable energy technology and biodiversity enhancements via suitable conditions which would all assist with the visual integration of the development. The landscape strips would accord with the MCPA management guidelines which suggest the use of hedges and tree planting to reinforce the character of the area.

8.19 Overall, when considering the limited wider views of the proposal, in connection with the context of the site the proposal is considered to be respectful to the character and quality of the locality, and as such would comply with NPPF section 12 and 15 and CLP policies 36 and 47 and 48.

iii. Impact upon heritage assets

8.20 The listing for the Grade II Mutton's Farmhouse states that it dates from the early 19th century and notes some architectural and period features. The dwelling is sited close to the lane, and its large rectangular plot is in one corner of the field. There are limited views of Mutton's Farmhouse across the field from Selsey Road. The previous appeals established that Muttons Farmhouse is mainly appreciated from Keynor Lane and that the fields subject to this application did not have a historic functional relationship with the listed building.

8.21 The importance of a building's setting is how it contributes to the asset's significance. It is argued that the fields subject to this application have limited contribution to the significance of the grade II listed Farmhouse. In this case the significance of the listed building is derived from its original detailing and historic fabric. The permitted land use would remain in accordance with the established principle of the use of the site for travellers and the revised proposal with an additional pitch would have very limited additional impact on the significance of the heritage asset.

8.22 Therefore the proposal would not be contrary to CLP Policy 47 which states that proposals should conserve or enhance the special interest and settings of designated heritage assets. Nor would the development be contrary to the provisions of Section 16 of the 2021 NPPF, which is concerned with the protection and enhancement of the historic environment. Therefore the proposal would be acceptable in this respect.

iv. Impact upon amenity of neighbouring properties and amenity for future occupants

8.23 Criterion 3 of Policy 36 of the Chichester Local plan requires proposal should achieve a reasonable level of visual and acoustic privacy for nearby residents, whilst the proposal will not have an unacceptable level of impact on the residential amenity of neighbouring dwellings.

8.24 The siting of the development is such that the development would not have an adverse effect on the living conditions of existing occupiers. The adjoining recreation ground, with its floodlighting, generates its own noise and disturbance. In this context the development would be sufficiently distanced from the neighbouring properties and private gardens so not to have an adverse effect on the acoustic privacy of existing or future occupiers.

8.25 Paragraph 26 of the PPTS states that when considering planning application local planning authorities should attach weight to sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase openness. Furthermore, the paragraph states the promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children. The requirements of these aspects would be respected via the layout and design of the proposed development and secured via conditions.

8.26 Given the forgoing it is considered that the development complies with national and local planning policies and the development would be acceptable in respect of its impact upon the amenity of neighbours and the future occupiers of the site.

v. Impact upon highway safety and parking

8.27 Paragraph 111 of the revised 2021 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.

8.30 The application proposes an alteration to the position of the approved access with Keynor Lane, moving the access further westwards away from the T junction with Selsey Road. The required visibility splays would be achievable. The highways authority is satisfied that if the access could comply with its regulations through the imposition of conditions.

8.31 Although some concerns were previously raised regarding the speed of existing traffic on this road, the gate is close to the junction and traffic would be slowing down as it passed the gate. The Inspector, in considering the extant proposal at appeal did not find any concerns with the proposed access arrangements, and the small change to the position of the access would materially change the highways impacts.

8.32 It is therefore considered that this 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 111 of the NPPF), and that there are no transport grounds to resist the proposal.

vi. Sustainability

8.33 The proposal includes; electric vehicle (EV) charging points and the provision of solar panels to roof slope of the refuge and cycle storage buildings. It is considered that these proposed measures are acceptable to provide renewable energy technology and would enhance the environmental qualities of the development. The proposal is therefore considered to be acceptable in this respect.

vii. Ecological considerations

8.34 Policy 49 of the CLP asserts that the biodiversity value of the site is safeguarded and demonstrable harm to habitats or species which are protected, or which are of importance to biodiversity is avoided or mitigated. Furthermore, in accordance with policy 49 of the CLP developments should incorporate measures to enhance biodiversity on a site. Section 15 of the NPPF also stresses the important of protecting and enhancing biodiversity.

8.35 The existing fields are grazed and offer limited opportunities for wildlife habitats and foraging. The site boundaries however offer a network of vegetation for habitats and species and notwithstanding the vegetation clearance that has occurred, which is a separate matter, the proposal would provide enhanced planting and a condition is recommended to ensure that existing hedgerows are enhanced with native species. It is also recommended that no external lighting be provided on the site other than in accordance with a scheme that would include full details of the lighting, and would have to include measures to prevent light spill in the interests of protecting the foraging habitats of wildlife.

viii. Drainage

8.36 Criterion 5 of Policy 36 of the Chichester Local Plan advises that sites for Gypsies, Travellers and Travelling Showpeople should avoid locations where there is a risk of flooding. Additionally, Policy 42 of the CLP seeks to avoid inappropriate development in areas at current or future risk, and to direct development away from areas of highest risk.

8.37 The application site is located wholly with EA Flood Zone 1, an area with the lowest level of flood risk and the ground levels are not proposed to be lowered. The surface water would be dealt with via a soakaway, which is considered acceptable subject to an adequate soakaway being constructed on site. It is considered that an adequate soakaway would be obtained during the building control process and therefore officers consider this aspect of the proposal acceptable. The CDC Engineer is supportive of this approach and has not recommended surface water conditions given the scale of the development.

8.38 A mains foul connection is proposed to Sidlesham Wastewater Treatment Works (WwTW) which has capacity and therefore this is considered acceptable.

ix. Recreational Disturbance

8.39 The site falls within the 'Zone of Influence' for the Chichester Harbour and Pagham Harbour Special Protection Areas (SPA) where policies 50 and 51 of the Local Plan states all net increases in dwellings must provide appropriate mitigation measures to enable the LPA to ascertain that the development would not adversely affect the integrity of the SPA.

8.40 A financial contribution towards the Bird Aware Solent Scheme and the Management of the Paghham Harbour Nature Reserve has been secured to mitigate the impact of the recreational disturbance that would arise for the proposed development. As the competent authority an Appropriate Assessment has been undertaken and since the likely significant effect on the SPAs has been mitigated appropriately the Appropriate Assessment has been passed.

x. Personal circumstances

8.41 As stated in the report above the gypsy status of the applicant (Mr Hughes) was established during the appeal related to the extant permission. An additional pitch is now proposed and it has been confirmed that the pitch is to be occupied by Mr Hughes' cousin. The Hughes family are an established local gypsy family and it has been submitted that it is the applicants desire to provide safe accommodation for his family. The current circumstances of the applicant are such that the applicant is able to demonstrate a significant tie to the local area, along with practical purposes to provide a new pitch on the application site, both of which form a material consideration in determining this application, however no specific detailed personal circumstances to justify the increase in the pitches on the site has been submitted to be balanced with the other material considerations. However, it is considered that due to the identified need for gypsy and traveller accommodation within the plan area, and because the proposal would be acceptable in all other respects a personal condition is not required to make the proposal acceptable in principle. Therefore, a condition to provide a personal permission only would not meet the legal tests of necessity or reasonableness.

8.42 It is considered that the proposed development should not be limited by a personal occupancy condition due to the known unmet need in the locality, and this would follow the Inspector's decision for the extant scheme. Nonetheless it would be reasonable to manage the use of the site to persons with Gypsy Traveller status (as before) via a condition controlling occupancy of the pitches.

xi. Other matters

8.43 Interested parties and the Parish Council raised other objections but none of these were matters that added weight to the case against the application before the LPA at this time or indicated that permission should be refused. Each case must be considered on its own merits and in accordance with the development plan and material considerations relevant at the time meaning that prospects for the site are not a relevant consideration. Although it is material that an appeal for development that ran parallel with and closer to the Keynor Lane frontage was dismissed, and that the development remains across the back edge of the site in line with the scheme allowed at appeal.

8.44 It is also material to note that in refusing the 2 applications on the site previously the Council were found to have acted unreasonable and costs awarded in favour of the Applicant as the Council had not given sufficient weight to the current Gypsy and traveller need within the District and had considered out of date information.

8.45 It is appreciated that works have commenced, and that vegetation clearance has taken place. Notwithstanding the Discharge of Condition application (for the related allowed appeal) the recommendation is accompanied by various conditions to secure various aspects of the new scheme and ensure these materialise, although the applicant could choose to implement either scheme.

### Conclusion

8.46 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 in accordance with the PPTS. 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 and the principle of development has already been established by the extant permission on the site. relevant planning history and the site would be integrated into the existing building pattern. Additionally, apart from a very short stretch where the site would be adjacent to the rear of a residential plot, which is in any case screened, the site would surrounded by commercial, recreational or equestrian land uses.

8.47 Given the site is large enough to accommodate the scheme for 4 pitches, an additional pitch when compared with the extant scheme, without causing harm to the semi-rural character of this part of the site and surroundings or dominance of the settled community, whilst providing suitable living standards for future occupiers, on-site renewables and ecological enhancements it is considered that the proposal accords with the relevant national and local planning policies and the recommendation is to permit the proposal.

### Human Rights

8.48 In reaching this conclusion the Human Rights of the applicants and those within the settled community have been considered under Article 8 and Article 1 of the First Protocol of Human Rights. The application has been assessed, upon its own merits in line with National and Local Planning Policy, with a decision issued accordingly.

The Coastal West Sussex Gypsy and Traveller accommodation Assessment (GTAA) April 2019 requires the LPA to have regard to the following factors when considering an application:

1. do the children of the applicant go to the local school
2. do the applicants have a particular medical condition that requires them to live on this site
3. are they members of the established community already on this or adjacent sites or is this just a speculative application?

The applicants have not provided any further supporting information which would be considered within this application. Given that the recommendation is to permit the application based on the information available, it was not considered necessary to receive any additional information to support a positive recommendation



## **RECOMMENDATION**

**PERMIT WITH S106** subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

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

3) No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Block Plan Visibility splays and numbered 210119\_002\_r.0. The scheme shall be implemented as approved before first occupation or completion of the development, whichever is the sooner. The splays shall thereafter be maintained and kept free from all obstructions over a height of 0.6 metres above the adjoining carriageway or as otherwise approved.

Reason: In the interest of highway safety.

4) Before the commencement of any ground excavations, or importation of stone or any other materials associated with the development, details showing the identification of areas to be used for turning and storage areas for use during the construction phase, loading weight of vehicles and frequency of traffic, and arrangements for waste disposal shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be implemented and adhered to throughout the entire construction period.

Reason: In the interest of highway safety.

5) Before the utility blocks are built to above existing ground level, a full schedule of all materials and finishes, and samples of all materials and finishes to be used for external walls and roofs for those buildings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried in accordance with the approved schedule of materials and finishes.

Reason: In the interest of visual amenity.

6) No part of the development hereby permitted shall be first occupied until 1.no Electric Vehicle (EV) charging point per pitch has been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the Electric Vehicle Charging point has be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

7) No part of the development hereby permitted shall be first occupied until the car parking 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.

8) No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

9) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented;

- a) Installation of a bat brick/box to the day room or within a tree sited within the grounds of the property, facing a south/south westerly and positioned 3-5m above ground.
- b) Installation of a bird box to the day room or within a tree sited within the grounds of the property.
- c) Infilling of any gaps within the existing hedgerows using native hedge species

Once carried out, the ecological enhancements shall be retained in perpetuity and any part of the hedgerow that, within a period of 5 years after planting, is removed, dies or becomes seriously damaged or defective, shall be replaced as soon as is reasonably practicable with a native hedge mix fully in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the planting, mix of species, density, spacing and size at time of planting.

Reason: In the interests of securing a biodiversity enhancement.

10) Before first occupation of the development hereby permitted, a scheme of hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of:

- i) Boundary treatment and means of enclosure;
- ii) Details and samples of hard surfacing materials;
- iii) A planting plan, including a plant schedule with species, planting density and numbers;
- iv) A programme of works, including establishment maintenance.

The scheme shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: In the interest of visual amenity and ecology.

11) Before first occupation details for foul drainage shall have been submitted to and approved in writing by the local planning authority, and shall have been implemented in accordance with those approved details.

Reason: In the interest suitable foul waste facilities in the interest of living standards and the natural environment.

12) Prior to first occupation of the development hereby permitted storage building for refuse and recycling shall be implemented in accordance with the approved plans. Thereafter the approved scheme shall be implemented before first occupation of the site and subsequently shall be used for those purposes only.

Reason: In the interest of visual amenity, living standards and the environment.

13) After first occupation of the approved development, no vehicles over 3.5 tonnes are to be kept on the site at any time.

Reason: In the interest of visual amenity and highway safety.

14) No commercial activities shall take place on the site at any time, including the storage of materials. No burning of any materials or waste materials shall take place at the site at any time.

Reason: In the interest of visual amenity, highway safety and living standards.

15) The site shall not be occupied by persons other than Gypsies or Travellers as defined in Annex 1 of Planning Policy for Traveller Sites, published in August 2015.

Reason: For clarification and to accord with the justification for the development in the Rest of the Plan Area.

16) No more than 8 caravans shall be stationed on the site at any time, and no more than 4 of those 8 permitted caravans shall be a static caravan. All caravans stationed on the site shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act, as amended.

Reason: In the interest of protecting visual amenity and highway safety.

17) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Monday to Friday and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external lighting anywhere on the site, other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Any scheme shall include the location, luminance and design of the lighting, including measures to avoid light spillage. Thereafter the lighting shall be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the wildlife in the area.

19) The proposed driveway and any new external surfaces shall be constructed of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous surface within the site and thereafter shall be maintained as such in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - LOCATION PLAN	210119_000	REV R0	14.05.2021	Approved
PLAN - BLOCK PLAN	210119_001	REV R0	14.05.2021	Approved
PLAN - BLOCK PLAN SHOWING VISABILITY SLAYS	210119_002	REV R0	14.05.2021	Approved
PLAN - DETACHED DAY ROOM	210119_200	REV R0	14.05.2021	Approved
PLAN - PROPOSED PLAN EV CHARGING, BIKE AND BINS	210119_201	REV R0	14.05.2021	Approved
PLAN - STATIC HOME	210119_202	REV R0	14.05.2021	Approved
PLAN - BLOCK PLAN AND SITE PHOTOS	210119_300	REV R0	14.05.2021	Approved
PLAN - PROPOSED LANDSCAPING PLAN	210119_400	REV R0	14.05.2021	Approved

## INFORMATIVES

1) The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, [sussex.surrey@english-nature.org.uk](mailto:sussex.surrey@english-nature.org.uk)) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

3) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Maria Tomlinson on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNWSM4ERLL600>