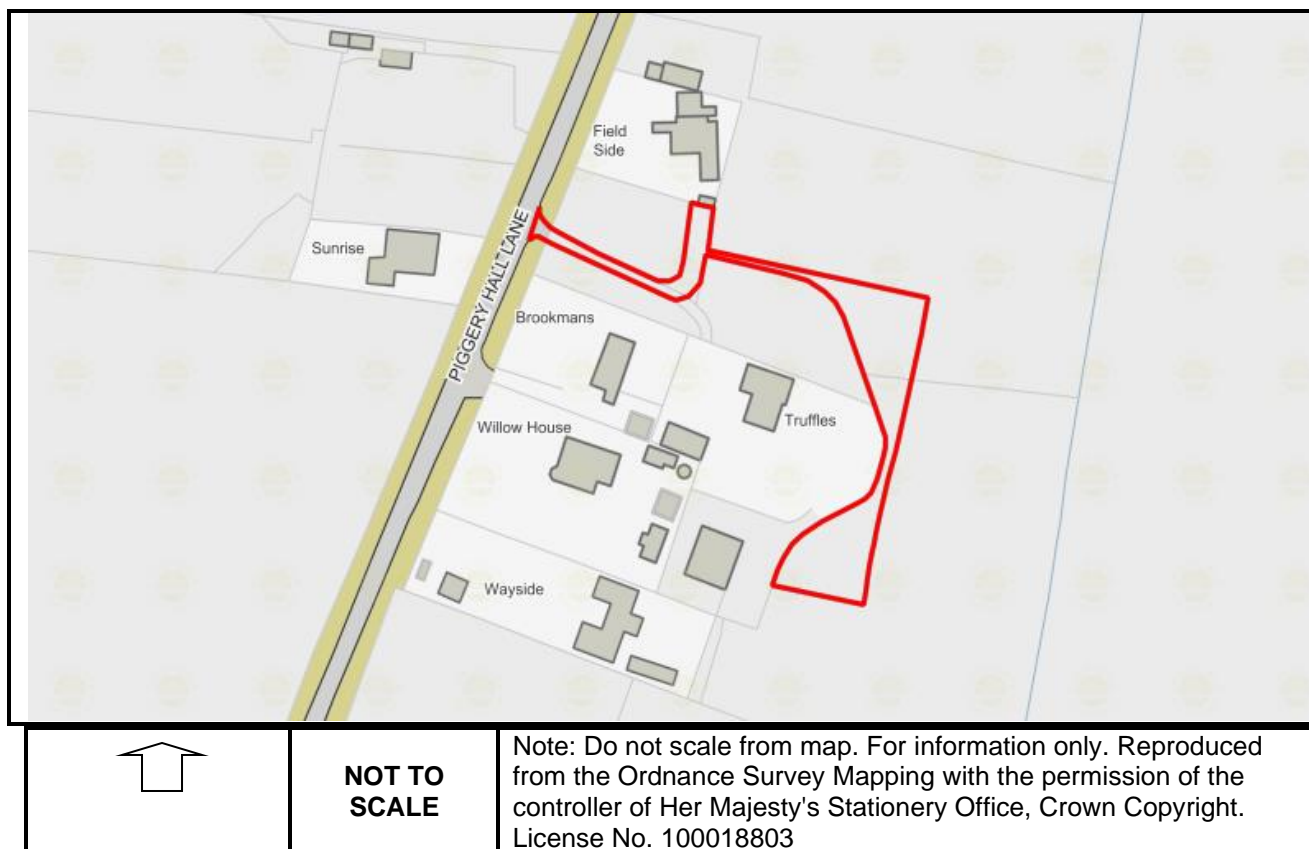


Parish: West Wittering	Ward: The Witterings
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WW/22/01646/FUL

Proposal	Change of use of land to tourist accommodation including siting of 2 no. shepherd's huts and associated works.		
Site	Land North-East of The Truffles Piggery Hall Lane West Wittering West Sussex PO20 8PZ		
Map Ref	(E) 480088 (N) 99026		
Applicant	Mr Tim Howarth	Agent	Mrs Kerry Simmons

RECOMMENDATION TO PERMIT WITH S106



**NOT TO
SCALE**

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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 lies within land associated with Truffles, a residential dwelling, with outbuildings, set within a small cluster of dwellings and a B&B, located to the east side of Piggery Hall Lane, within the Parish of West Wittering. The approximately 0.35 ha site comprises the existing vehicle access serving Truffles and extends eastwards along the northern boundary before opening into two triangular parcels to the northeast and southeast of the Truffles. The land to the north, east and south of truffles comprises of paddock, which has been in both agricultural and equestrian uses.
- 2.2 The surrounding area is rural in character, mostly comprising of undeveloped agricultural land, but frequently interspersed with clusters of residential dwellings, and appropriate countryside development, including small commercial enterprises, tourism uses including B&Bs and the Harbour Country Club. Whilst outside of the defined settlement boundary, the site is well connected to the nearby settlement hubs or services villages through the existing road network, public transport, and an extensive network of Public Rights of Ways (PRoWs). The Settlement Hub and Service Villages of East Wittering / Bracklesham, Birdham and West Wittering are located approximately 1.6km to the south, northeast and southwest of the site. These offer a range of employment and services for the surrounding areas, which support both the existing residential and tourism uses within this locality.

3.0 The Proposal

- 3.1 The proposal seeks the change of use of the land to tourist accommodation including the siting of two shepherds' huts and associated works, to include a bin/cycle store, and low-level post and rail fencing to delineate the extent of the tourism use within the paddock. Each shepherds' huts would be capable of accommodating two persons and the use would operate between the 1st May - 31st October each year.
- 3.2 The proposal has been revised during the application address the concerns of the Parish Council and third parties, with amendments including the extent of the red line, the proposed access and parking arrangements and a reduction in the number of shepherds huts from four to two.

4.0 History

21/01839/PA3Q	YESPAP	Class Q (b) Application for Prior Approval - Change of use of agricultural building from agriculture to 1 no. dwelling (C3 Use Class).
22/00485/FUL	PER106	Erection of 1 no. 4 bed dwelling - alternative to Class Q approval WW/21/01839/PA3Q
22/00938/FUL	WDN	Change of use to tourist accommodation including siting of shepherd's huts and barn and associated works.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

Further comments

Although Councillors were sympathetic to the applicant and appreciated all of the efforts to address the Parish Council's previous concerns, and also appreciated the desire of the District Council to increase tourism, the Parish Council is still very concerned about this site being in the countryside. Guidance 6 in the Village Design Statement states that "where settlement areas are bordered by an environmental designation, or 'green lung' developments should not encroach."

The NPPF is very clear on the protection of the countryside there must be an overriding weight to necessity for building in the countryside. There is concern about intensification and encroachment in the countryside and the law is very clear on intensification.

The Parish Council continues therefore to object to this application

Original comments

Objection on the grounds that this is an inappropriate development in the Countryside. There is no proven need for further tourist accommodation in the area and the positioning is dangerous with concern from WSCC Highways on the safety of cyclists on this road. Further, the redline application site is contrived and does not accord to any feature on the ground, this is not good planning practice and would be open to confusion and creep of the new use in the future. The proposal if granted will not limit the use of the site to just two caravans. Case law confirms that once the caravan use exists it is not possible for the LPA to control the number of caravans on the site. The Parish is concerned that if this is granted that the use will intensify and spread over a much larger area of the existing planning unit to the significant detriment of the countryside and the residential neighbours.

6.2 WSCC Local Highway Authority

Further Comments

The applicant now proposes a different access to the site, utilising the existing vehicular access that currently serves Truffles. From inspection of WSCC mapping, there are no apparent visibility issues with the existing point of access on to Piggery Hall Lane.

The proposed parking area has also been relocated, with a provision of two parking spaces proposed. Considering the number of shepherd's huts proposed, the LHA anticipates that the proposed level of parking will be suitable for the proposed use. Secure cycle parking has also been demonstrated. The access drive can be utilised for turning, allowing cars to exit the site in a forward gear.

In summary, 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 111), and that there are no transport grounds to resist the proposal.

Original Comments

This proposal is for the change of use of land to tourist accommodation and siting of two shepherd's huts. The site is located on Piggery Hall Lane, a C-classified road subject to a speed restriction of 40 mph in this location. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided consultation advice for this site for application WW/22/00938/FUL, raising no highway safety concerns. The applicant withdrew the application.

The applicant proposes to the existing vehicular access, with no alterations to this arrangement proposed. From inspection of local mapping, there are no apparent visibility issues with the existing point of access on to Piggery Hall Lane. Considering the scale of the proposed development, the LHA does not anticipate that the proposals would give rise to a significant material intensification of movements to or from the site.

The applicant proposes a parking area with provision for two car parking spaces. Given that the development is for two shepherd huts, the LHA is satisfied with the proposed parking provision. From inspection of the plans, there is sufficient space for on-site turning to be achievable.

Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

The proposals also include the provision of a shared cycle store. The provision of secure cycle storage will help promote the use of sustainable transport methods.

The site is situated in a relatively rural location that lacks access to immediate services and amenities. There are bus stops located approximately 250m north of the site on the B2179, providing regular services to Chichester. However, Piggery Hall Lane is unlit and

lacks a footway. As such, some visitors may have a reliance on the private car. Cycling is a viable option for experienced cyclists.

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

6.3 CDC Economic Development

The Economic Development Service supports this application.

The proposed development of 2 Shepherd's Huts is an appropriate farm diversification initiative which would add modest value to the local tourist-based economy.

The overall goal of the Manhood Peninsula Destination Management Plan 2018-2023 is "To develop high quality sustainable visitor experiences that enhance and rely on the characteristics of the locality that have been shaped by the Manhood Peninsula's sea, coast, countryside, and the communities that live on it." Number 2 of the specific aims is cited as "To increase the benefits of the tourism economy for local communities and businesses by maximising visitor expenditure and minimising their environmental and social impacts". In any tourism location it is well documented that staying visitors increase the economic benefit for the local area.

According to a study carried out by Destination Research the total value of tourism for the district was £469,585,000 in 2019, which includes visitor spend and indirect spend. There were 498,000 staying trips and 5,122,000-day trips. The total spend for staying trips equated to £114,732,000 compared to £187,288,000 for day trips. Tourism employed over 6,600 full time equivalents in 2019 is an important part of our economy.

The inclusion of a cycle store is welcome as this provides an environmentally friendly means of transportation to explore the local area and connect with local cycle ways such as Salterns Way.

6.4 CDC Environmental Strategy

For this application we are satisfied that the HRA issue of recreational disturbance can be resolved 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.

Trees 1, 2 and 3 have been identified as having moderate bat roosting potential within the Ecological Appraisal (April 2022). Due to this these trees need to be retained and protected from harm during and post construction. If any works needs to take place to these trees or surrounding area then further bat surveys will be required.

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. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

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.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

The hedgerows on site are used by dormice for commuting and foraging and will need to be retained and enhanced for dormice. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Following submission of the Ecological Appraisal (April 2022), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs

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 (within 24 hours of any work).

We would like a bird box to be installed on the building / and or tree within the garden of the property.

6.5 CDC Environmental Protection

Consideration has been given to Smith Simmons and Partners Planning Statement April 2022. Given the scale and nature of the proposed development our department would raise no objection from an Environmental Health perspective.

6.6 CDC Drainage

Flood Risk: The site is wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. So we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: We have considered the proposal, and we are satisfied that it should not have a significant impact on existing surface water drainage / flood risk.

Due to the scale of the proposed development, we have no conditions to request.

6.7 Third party objection comments

45 third party representations of objection have been received, eight by a single party, concerning the following matters:

- a) Inappropriate and unjustified development
- b) Isolated rural area
- c) Dangerous precedent for other properties across CDC
- d) The cumulative impact of these application
- e) Insignificant impact upon the economy
- f) There is no need for more tourism accommodation
- g) Urbanising paraphernalia
- h) Impacts of lighting
- i) The use of septic tanks
- j) Lack of policing the development
- k) The site lies within the zone of influence for Chichester and Langstone Harbours
- l) Impact on wildlife and ecology
- m) The supporting documentation doesn't list all relevant policies
- n) Increased traffic generation
- o) Opposing housing in the area so should be opposing this development
- p) Highway's safety concerns
- q) It's a commercial venture which will destroy the environment
- r) Huge inconvenience to neighbours
- s) Noise from the proposal
- t) Light pollution
- u) Mobile homes will appear on the site
- v) Inaccurate information supplied
- w) Reference to a D&A statement from the application at Truffles Barn
- x) Another application will be submitted to relocate the barn
- y) Work has already stated on site
- z) The inability to monitor the red line
- aa) Foreign travel available again - UK demand will reduce
- bb) Inappropriate scale of development
- cc) How will the ability of cyclists be assessed?
- dd) Lack of pavements
- ee) Ruining views and tranquillity
- ff) Planning experts are working the system
- gg) Existing sites are not full
- hh) Shepherd's Huts and wooden camping Pods are not new offerings, but established parts of the local tourism accommodation
- ii) The site is prone to flooding in winter
- jj) Issues with the application form
- kk) If permission is granted, it will make it easier for further applications in the future
- ll) If this is refused, there is nothing to stop the applicant applying for houses on the land
- mm) Security concerns
- nn) Lack of control over the number of shepherd's huts
- oo) Strain on the healthcare centres

2.8 Third party support comments

16 third party representations of support have been received concerning the following matters:

- a) Low impact development
- b) Sustainable imitative
- c) Benefits to the local economy
- d) Desirable type of accommodation
- e) Type of accommodation which allows people to get away from everyday life
- f) Typical visitors will be seeking the quiet of the site and will respect that
- g) B&B in the area only offer week bookings, small scale units offer more flexibility
- h) The structures will blend into the surroundings
- i) Tourism plays a massive part of the local economy
- j) It's a positive change to the locality
- k) The huts are being made by a local Artisan - supporting local business
- l) We should be encouraging staycations
- m) Ecological benefits
- n) Minimal disturbance to the local surroundings
- o) The existing campsite may not appeal to everyone - should be a wide range of tourism offering
- p) No significant increase in traffic
- q) Likely attract couples as smaller units
- r) A thoughtful application for small holiday accommodation
- s) Low intensity accommodation
- t) There is a shortage of this type of accommodation

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 West Wittering 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 4: Housing Provision
- Policy 31: Caravan and Camping Sites
- Policy 39: Transport, Accessibility and Parking
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity

- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

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 early 2023. 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 In addition, consideration should also be given to Sections 1 (Introduction), 2 (Achieving sustainable development), 6 (Building a strong, competitive economy), 12 (Achieving well-designed places), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment). 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:

- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- West Wittering Village Design Statement

- 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:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

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 amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Ecological considerations
- vi. Drainage
- vii. Recreational Disturbance
- viii. Other matters

Assessment

i. Principle of development

8.2 Paragraph 84 of the NPPF advises 'planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside'. In addition, Policy 31 (Caravan and Camping Sites) of the Chichester Local Plan (CLP) states:

Proposals for caravan, camping and chalet sites and associated facilities and intensification/alterations to existing sites will be granted, where it can be demonstrated that all the following criteria are met:

- 1. They meet a demonstrable need and require a rural location;
- 2. They are of an appropriate scale in relation to their setting and would not diminish local amenity;
- 3. They are sensitively sited and designed to maintain the tranquillity and character of the area;
- 4. They are sited to be visually unobtrusive and can be assimilated so as to conserve and enhance the surrounding landscape; and
- 5. The road network and the site's access can safely accommodate any additional traffic generated.

8.3 The information accompanying the application highlights the increasing importance of the tourism industry within the UK and the contribution it makes to the economy both in terms of employment but also in terms of the spending power of visitors. It goes on to highlight the popularity of West Wittering and the Manhood Peninsular as a tourism destination, noting the range of tourism accommodation currently offered within the surrounding areas.

It also highlights the accessibility of the site, in terms of its proximity to the Saltern's Way foot/cycle path, the extensive network of PROWs and parishes proximity to the City Centre which offers an extensive range of tourist attractions.

- 8.4 One of the main aims of the Manhood Peninsula Destination Management Plan 2018-2023 is to 'increase the benefits of the tourism economy for local communities and businesses by maximising visitor expenditure and minimising their environmental and social impacts'. In addition, the West Wittering Village Design Statement acknowledges West Wittering to be a popular tourist destination, which experiences high visitor numbers, which in turn reflects the broad range of tourism accommodation provided within the area. In addition, the VDS notes the various attractions of West Wittering generate 'welcome revenue to the local shops, hostelries and eating places', which helps to support and sustain local businesses.
- 8.5 Policy 31 of the Local Plan acknowledges that the nature of camping and caravan sites means that they are likely to be sited within the rural area and directs development to sustainable locations where possible. Although within the rural area, this site is reasonably well located to the nearby settlement hubs and services villages and the city centre itself. The site is not isolated and neighbours a long-established B&B, and there is a clear justification and evidence of the attractiveness of West Wittering for tourists. As such, there is adequate justification to support this low-key tourism use within this rural location, and the proposal complies with criteria one of Policy 31.
- 8.6 The proposal is considered to comply with all other criteria of Policy 31 in terms of amenity, character, visual impact, and highway safety and this is assessed in more detail under the relevant sections of this report. Accordingly, for the reasons given above the proposal would fully comply with the requirements of Policy 31 and the principle of development is acceptable.

ii. Design and impact upon character of the surrounding area

- 8.7 Policy 47 relates to design and requires development to respect distinctive character and sensitively contribute to creating places of high architectural and built quality, respect existing natural landscapes, and maintain the predominantly open and undeveloped character of the area
- 8.8 The site is located to the east of Piggery Hall Lane and would be served from the existing access point serving Truffles, with the proposal not requiring an additional access point onto the public highway. The existing gravel driveway would remain unchanged, and parking would be provided on an existing gravel area adjacent to the northern boundary of the site. A small bin and bike store would sit within the gravel area, which would represent a modest addition to the site, which would not be widely visible. A condition has been suggested to secure details of the structure, but it is anticipated to be a lightweight timber structure. The footpath denoted on the site plan will remain a lawned footpath, which would be kept short, and no surfacing material is proposed.
- 8.9 The site lies within Area 6 of the VDS which identifies that 'well screened caravan parks are features of the landscape'. The Shepherd's huts are positioned to the northeast and southeast of Truffles, within a small part of the wider paddock. The extent of the change of use would be delineated by a low post and rail fence, which is a common feature within the countryside and would be suitably in keeping. The paddock benefits from an

established hedgerow boundary to the east and south, with it likely only glimpsed views would be afforded of the shepherd huts. The Shepherd huts utilise a muted palette of materials, with a soft form including a curved roof to minimise their visual impact, and they would be read in the context of the adjacent two storey dwellings.

8.10 There would be limited view of the shepherd huts from public vantage points; however, it is appreciated natural screening thins during winter months. The proposal seeks to operate between the 1st May -31st October (inclusive), limiting the operational times when there may be less screening of the active use from the natural growth. The number of shepherd huts and the proposed use would not be to the detriment of the tranquillity of the area and would conserve the character of the landscape in this location.

8.11 In considering the proposal is acceptable in terms of design, layout and the character of the area and complies with Policy 31 and 47 of the Local Plan.

iii. Impact upon amenity of neighbouring properties

8.12 Section 12 of the NPPF states inter alia that planning decisions should achieve well designed places, create places that offer good design quality, and a high standard of amenity for existing and future users. In addition, Policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties in terms of their outlook, privacy, or available sunlight and daylight.

8.13 The shepherd huts are separated from the neighbouring properties by Truffles, Truffles Barn and established planting both within the site and one the boundaries within neighbouring properties, which provide an extensive buffer between the proposal and neighbouring properties. The closet neighbouring property is approximately 55m to the west, which together with the adequate buffering is considered to result in an acceptable relationship with neighbouring properties.

8.14 The Council's Environmental Protection team consider that noise impacts from the proposed development are likely to be minimal, given the small-scale nature of the proposal, which not be reflective of the existing resident activities within the immediate setting of the site.

8.15 In considering the proposal is acceptable in terms of design, layout and the character of the area and complies with Section 12 of the NPPF and Policy 31 and 33 of the Local Plan.

vi. Impact upon highway safety and parking

8.16 Paragraph 111 of the NPPF states '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. In combination, Policy 39 of the Chichester Local Plan requires developments have safe and adequate access to the public highway and parking needs can be met within the site.

8.17 The proposal would utilise an existing access onto Piggery Hall Lane, which is a C-classified road subject to a speed restriction of 40 mph in this location. There are no apparent visibility issues with the existing point of access on to Piggery Hall Lane and the proposal would not result in a significant material intensification of movements to or from

the site. The proposal makes provision of an adequate number of vehicle parking spaces for the number of shepherds huts proposed. As such, WSCC Highways are satisfied with the proposed vehicle access and parking arrangements.

8.18 In terms of the sustainability of the site, there is likely to be a degree of reliance upon private motor vehicles for visitors accessing the accommodation. However, there are adequate services and attractions within a reasonable proximity to the site which would allow more sustainable modes of transport to be an option for some guests, especially those which are visiting the area to explore outdoor pursuits. In addition, there is a bus stop located within 250m of the site, which provides direct links to Chichester and East and West Wittering and PRowS provide walking routes to nearby services.

8.19 In considering the above, the proposal is considered to result in an acceptable impact upon the highways network and would provide options for sustainable transport. As such, the proposal complies with Paragraph 111 of the NPPF and Policy 31 and 33 of the Local Plan.

v. Ecological considerations

8.20 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced whilst the NPPF makes it clear in paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity.

8.21 The proposal has been accompanied by an Ecological Appraisal, which has assessed and documented the ecological value of the site, including the importance of the hedgerows for bats and dormice. It has detailed appropriate mitigation measures, including protection measures of hedgerows and trees during the siting of the shepherds' huts. It has also suggested the several ecological enhancements, including the provision of a bat and bird box, which can be provided within the established trees within the site, and can be adequately secured via condition. The site is sensitive to additional light pollution, and a condition is proposed to secure details of external lighting to ensure appropriate downward facing lighting is obtained.

8.22 In considering the above, the proposal would result in an enhancement to the biodiversity of the site, in accordance with Paragraph 174 and Policy 49 of NPPF.

vi. Drainage

8.23 The site is within Flood Zone 1 which is at low risk of flooding, and the provision of shepherd's huts within this location is acceptable. The site experiences localised wet periods, but these are within the winter months when the shepherds hut would not be occupied. There are no requirements for a surface water drainage strategy, as the rainwater would infiltrate into the ground beneath and around the shepherd huts. The Councils Drainage Engineer has reviewed the proposal and has raised no objection nor requested any conditions to be imposed upon the application.

8.24 The site lies outside of the Chichester Harbour Fluvial Catchment, to the north of the Chichester District in a location where it is not necessary to demonstrate nutrient neutrality. Nevertheless, the foul water will be collected in small storage tanks under/behind the huts, and then periodically pumped out into the existing foul drainage

system. It has been indicated a flat tank produced by Glampsan will be utilised, which are specially designed tanks for 'off grid' solutions for shepherd's huts and similar low key uses. The tanks are designed to be easily emptiable, with a portable domestic sewerage pump and flexible hosing. As such, the proposal would comply with Policy 42 of the Local Plan.

vii. Recreational disturbance

8.25 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area (SPA) where a net increase in overnight accommodation would likely cause harm to the special qualities of the European designated site because of recreational disturbance. In accordance with Policy 50 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required to mitigate recreational disturbance because of the proposal.

8.26 Chichester Harbour is at risk of increased disturbance of the over-wintering bird species so mitigation is required for increases in visitors during the winter period only (1 October - 31 March inclusive). As the proposal would only operate for 31 days within this period (1st - 31st October) a pro-rata payment has been sought via a Unilateral Undertaking. As such, the proposal complies with Policy 50 of the Local Plan.

viii. Other matters

8.27 The Parish Council refer to Guidance 6, within the Village Design Statement which states 'where Settlement areas are bordered by an environmental designation (see 4.2) or "green lungs" developments should not encroach'. As the site lies outside of the settlement area, not within an environmental designation (such as the AONB) and outside of the illustrated "green lungs", the guidance is not considered to be relevant to the development proposed.

8.28 Several third-party comments raised questions regarding the accuracy of the submitted documents and plans; however, the information submitted is considered to be of a satisfactory standard to accurately assess this application. The absence of measurements annotated on the proposed site plan is acceptable, given it is possible to scale these from the plans.

Conclusion

8.29 In considering the above, the proposal would result in an appropriate low key tourism use, which would make a small contribution towards the economic objectives of the district by increasing opportunities for overnight tourism accommodation. The proposal is located within a suitable location and would not result in any adverse impacts upon the character of the countryside, neighbour amenity, highways safety or flood risk and would result in a biodiversity enhancement. The proposal therefore complies with the development plan policies and therefore the application is recommended for approval.

Human Rights

8.30 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 permit is justified and proportionate.

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

1. The provision of a bat box within a tree sited within the application site.
2. The provision of a bird box within a tree sited within the application site.
3. The provision of hedgehog nesting boxes within the site.
4. The enhancement of existing hedgerows through the infilling of any gaps with native hedgerow planting.

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

4) The following ecological mitigation measures shall be adhered to at all times during construction;

- a) Due to the potential for bats within the existing hedgerows to be retained a buffer around the hedgerows shall be maintained during the course of the development. The buffer shall be clearly marked with a temporary fence and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time.
- b) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive and shall undergo a soft demolition.
- c) If any works need to take place to the trees or for vegetation clearance on the site, they 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 (within 24 hours of any work).

Reason: In the interests of protecting biodiversity and wildlife.

5) The development hereby permitted shall be carried out in strict accordance with the methodology and mitigation recommendations as set out within the Ecological Appraisal prepared by The Ecology CO-OP (P4762), unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

6) The foul drainage shall comprise of a Flat Tank 500 produced by Glampsan (or similar equivalent) which shall be located underneath or alongside the shepherds' huts and shall be emptied in accordance with manufacture recommendations, into the existing onsite foul sewerage drainage system.

Reason: To ensure the shepherds huts are adequately drained of foul sewerage.

7) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the development hereby permitted shall be used as a tourist accommodation including siting of 2 shepherd's huts. The huts shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A register of all occupiers, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary accommodation.

Reason: To ensure that the accommodation is only used as holiday / tourist accommodation, since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

8) The use hereby permitted shall not take place except between 1st May and 31st October (inclusive) in each calendar year.

Reason: To accord with the terms of the application and in the interests of the amenity of the area.

9) The shepherd's huts shall not be positioned on the site, other than in accordance with the location shown on the approved site plan. There shall be no more than two shepherds' huts sited at any one time and at no time shall there be tented or another forms of accommodation on the site.

Reason: To accord with the terms of the application and in the interests of the amenity of the area.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in

writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no additional means of boundary treatment shall be provided anywhere on the site without a grant of planning permission.

Reason: In the interests of protecting the rural character of the locality.

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 - PROPOSED SHEPHERDS HUT	22016-402		14.07.2022	Approved
PLAN - EXISTING SITE PLAN	22016-121	REV B	06.09.2022	Approved
PLAN - PROPOSED SITE PLAN	22016-122	REV B	06.09.2022	Approved

INFORMATIVES

1) 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 Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RE4NP9ERI4D00>