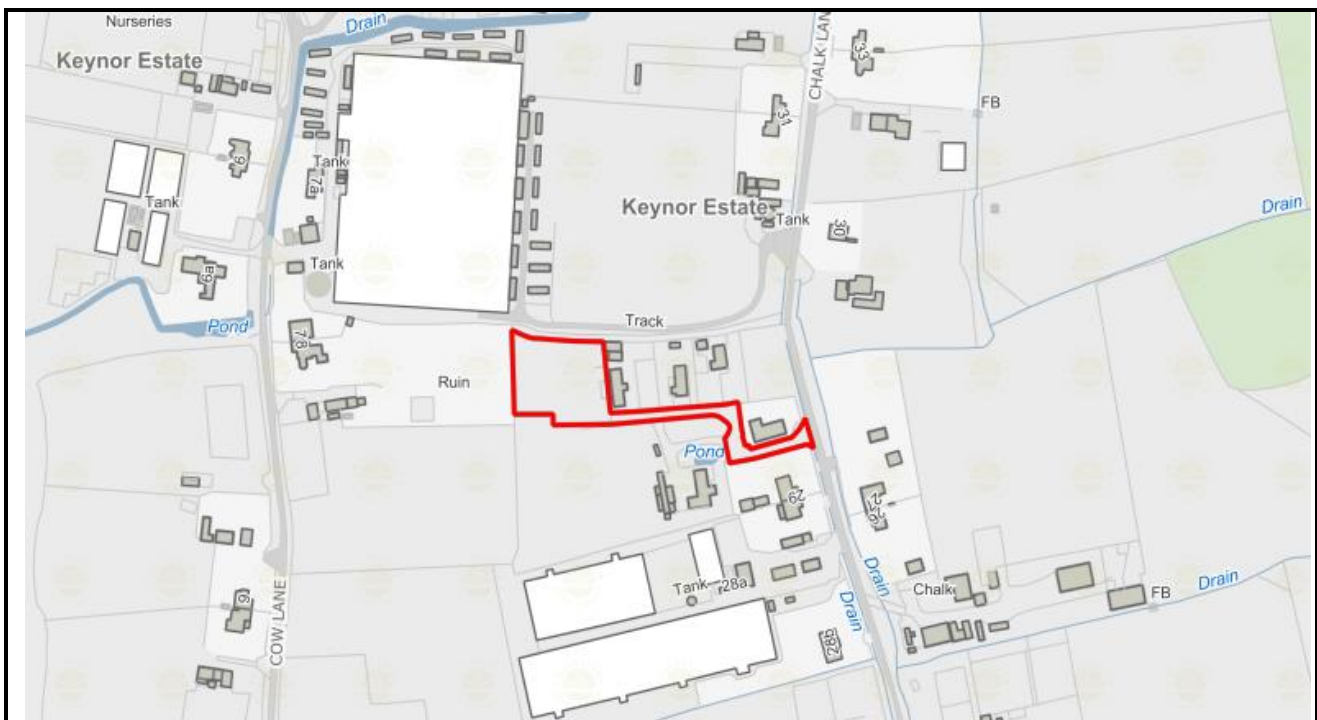



Parish: Sidlesham	Ward: Sidlesham With Selsey North
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SI/23/00086/FUL

Proposal	Change of use of land to a travellers caravan site consisting of a 4 no. pitches and associated development.		
Site	Land Adjacent to Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW		
Map Ref	(E) 485076 (N) 97272		
Applicant	Mr & Mrs Searle	Agent	Dr Angus Murdoch

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site, known as Melita Nursery, is located to the west side of Chalk Lane within the Parish of Sidlesham. The site is located outside of a defined settlement boundary, but with a settlement of both residential dwellings and commercial building. The site is a former horticultural nursery; however, the site is now a long-established Gypsy and Traveller site which originally comprised four mobile homes that were granted permission in 2005. The site currently comprises of 11 Gypsy and Traveller Pitches, 7 of which were granted at appeal in June 2022 but not yet implemented. In addition, one dwelling has been constructed to the front of the site, following the granting of a lawful development certificate for the change of use of the workshop to a dwelling. Two further plots are currently vacant, following receipt of planning permission for the construction of two dwellings. One further mobile home remains to the south of the site; however, this also has obtained a lawful development certificate for the change of use of the mobile home to a dwelling.

2.2 This specific proposal relates to the north west corner of Melita Nursey, and comprises a broadly rectangular parcel of land, currently utilised as amenity space for the mobile home to the east. The site is accessed via the shared internal access track which joins Chalk Lane in the south east corner. The site is enclosed to the north and west boundaries by approximately 10ft conifer hedging. The southern boundary of the adjoining plots, together with the south side of the access track leading towards the site also comprise of conifer hedging. The site is effectively enclosed by established hedging and not widely visible from with the wider parts of Melita Nursey or within Chalk Lane.

2.3 The wider character of Chalk Lane comprises both horticultural and commercial development and residential dwellings. The road itself is characterised by the established trees, hedgerow planting and formalised vehicle entrances serving many of the residential dwellings.

3.0 The Proposal

3.1 The proposal seeks planning permission for four Gypsy and Traveller pitches, which would be accessed from the existing gravel track. The pitches would each comprise a single mobile home, with surrounding patio area, two vehicle parking spaces and bike storage. The pitches would be separated by hedgerow planting, with vehicle turning provided via the central extended gravel track and turning head.

4.0 History

19/03112/FUL	REF	Change of use of land to rear of dwelling for siting of residential caravans for 7 no. pitch Gypsy Traveller site with associated development (hard standing fencing and 3 no. utility buildings).
20/00924/ELD	PER	Existing lawful development certificate for the change of use of building to a single dwelling house.
20/01330/FUL	PER106	Change of use of land to travellers caravan site consisting of 2 no. pitches each containing 1 no. mobile home and ancillary development (re-submission of 19/02876/FUL).
20/01331/FUL	PER106	Change of use of land to Gypsy and Traveller caravan site consisting of a single pitch, 1 no. mobile home and 1 no. utility dayroom (resubmission of SI/20/00647/FUL)
20/01470/FUL	REF	Change of use of land to mixed use for siting of residential caravans for 3 no. pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings) on land forming part of 3 Melita Nursery -part retrospective.
20/01802/FUL	PER	Erection of replacement single storey dwelling following removal of existing dwelling and workshop.
20/01966/ELD	PER	Certificate of existing lawful development for construction and use of a building as a single dwelling-house falling with use class C3.
20/01967/ELD	PER	Certificate of existing lawful development for construction and use of a building as a single dwelling-house falling within use class C3.
20/02735/ELD	REF	Application for a certificate of existing lawful development for construction and use of a building as a single dwelling-house falling with use class C3.

21/00355/FUL	PER	Erection of 1 no. single storey dwelling following removal of 1 no. existing dwelling and workshop. Alternative scheme to that approved under application SI/20/01802/FUL.
21/00356/FUL	PER	Erection of 2 replacement single storey dwellings following removal of existing 2 no. dwellings. Alternative scheme to that approved under application SI/20/02566/FUL.
21/01234/FUL	PER106	Change of use of land to Gypsy and Traveller caravan site consisting of a single pitch, 1 no. mobile home and 1 no. utility dayroom (alternative layout and access arrangement to the scheme approved under application SI/20/01331/FUL).
21/01328/FUL	PER	Erection of 2 no. detached garages.
21/01619/ELD	REF	Existing lawful development for change of use to a single dwelling-house falling within use class C3.
21/03563/FUL	PER	Change of use of land to residential garden, repositioning of approved dwelling and erection of detached two bay car port.
22/00570/ELD	PER	Existing lawful development - construction of 1 no. dwellinghouse (Use Class C3).

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
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

Object on the grounds of overdevelopment, horticultural land not a garden, proposed waste water treatment and possible inaccurate notation on the plans of developments that have taken place on other parts of the Melita Nurseries total site. Also we would raise the question to CDC to review the number of gypsy sites which have been taken in Sidlesham compared with other villages in the last few years as it may be disproportionate

6.2 Natural England

No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

6.3 WSCC Local Highway Authority

The applicant proposes to utilise an existing access from Chalk Lane. The nearest public highway is Keynor Lane, located approximately 500m to the north of the site. The proposed development is not anticipated to lead to a significant material intensification of use of this access.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site, or within the vicinity of the junction with Keynor Lane. Therefore, there is no evidence to suggest that the existing arrangement is operating unsafely, or that the proposal would exacerbate an existing safety concern.

The site plan demonstrates two car parking spaces per pitch for this development, totalling eight spaces for the site. Whilst technically a withdrawn document, the Good Practice Guide on Designing Gypsy and Traveller Sites (2008) recommended a provision of two car parking spaces per pitch. Therefore, the LHA considers the proposed car parking provision sufficient to meet the anticipated needs of the site. There also appears to be plentiful space for on-site turning to be achievable.

Regarding cycles, the applicant has not provided details of cycle parking provision. If the LPA believes cycle parking is justifiable for this application, the applicant should provide secure cycle parking provision for each pitch in accordance with WSCC Parking Standards (1 per pitch).

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.

6.4 CDC Environmental Strategy

Further comments

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 building / trees facing south/south westerly positioned 3-5m above ground.

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must 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 site.

Original comments

Due to the location of the site, the propose works and the records protected species and habitats within close proximity of the site there is a moderate likelihood that protected species and habitats could be disturbed / harmed by the proposal. Due to the this and prior to determination we require that an extended phase one habitat survey is undertaken on the site to determine if there is potential for protected species. If there is potential for protected species, then further surveys would be required. These surveys plus any mitigation strategies required will need to be submitted as part of the planning application prior to determination.

Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met. This includes how the site will.

- Protect and enhance the environment
- Achieve a maximum consumption of 110l of water per day per person
- Complies with building for life standards or equivalent replacement
- Sustainable design including the use of re-used or recycled materials
- Minimise energy consumption through renewable resources
- Adapt to climate change
- Historic and built environment protected and enhanced
- Improvements to biodiversity and green infrastructure
- Maintain tranquillity and local character
- Provision of electric vehicle charging points

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

6.5 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 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 / drainage layout states that surface water is to be disposed of via soakaway, 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.

Although this does not lead to us having grounds to object to the application, we would like to flag that we have an issue with the unconsented culvert under the access from Chalk Road. The previous owner of the land (access) was given a period of grace but required to remove and reinstate (with details to be approved before construction). This requirement has not changed but will be dealt with outside of the planning process unless you deem it necessary to link the permissions / remedial works to ensure access to the site.

6.6 West Sussex Water and Access

Having viewed the plans for the planning application no. 23/00086/FUL for the change of use of land to a traveller's caravan site consisting of a 4 no. pitches and associated development, the nearest fire hydrant to this site is 290 metres away, 115 metres further than the 175 metres distance required for domestic premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document - B (AD-B) Volume 1 - 2019 edition: B5 section 14. Without the installation of an additional fire hydrant or an alternative water supply with a minimum 45,000 litre capacity there will be insufficient supply of water for firefighting in the event of a fire.

6.7 Third party objection comments

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

- a) Increase in occupation of the site
- b) The subdivision of the site
- c) Impact upon quiet and wildlife
- d) Impact on local infrastructure
- e) Increase in littering
- f) Refuse placed within drainage ditches
- g) Loss of horticultural land
- h) Increase in noise and disturbance
- i) Increase traffic congestion
- j) Noise impacts due to social gatherings
- k) Decrease in property values due to proximity to Gypsy and Traveller sites
- l) Attract anti-social behaviour
- m) Threat to the safety and wellbeing of local residents
- n) Create social and cultural barriers, leading to a further lack of integration and cohesion within the community.
- o) Lack specific details about how the site will be managed and maintained
- p) The site is overdeveloped

- q) Most of the properties on Chalk Lane & Cow Lane have now installed CCTV
- r) There have been numerous huge fires with acrid black smoke
- s) Policy H11 allocated sites but doesn't allocate this site
- t) Impact upon the character of the area
- u) Additional light pollution.

6.8 Third party support comments

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

- a) The site is the garden for 4 Melita Nursery
- b) Hasn't been in Horticultural use since original four mobile homes approved
- c) Garden is wasted space and would help meet traveller needs

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.

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 5: Parish Housing Sites 2012- 2029
- Policy 8: Transport and Accessibility
- Policy 32: Horticultural Development
- Policy 33: New Residential Development
- Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople
- Policy 39: Transport, Accessibility and Parking
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- 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

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 The Planning Policy for Traveller Sites (PPTS) came into effect in August 2015 and should be read in conjunction with the NPPF. Paragraph 4 of the PPTS sets out the governments aims for in respects of traveller sites, including increasing the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply. Policy H of the PPTS relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the Development Plan 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 PPTS.
- 7.6 Consideration should be given to Sections 1 (Introduction), 2 (Achieving Sustainable Development), Section 4 (Decision making), 5 (Delivering a sufficient Supply of Homes), Section 9 (Promoting sustainable transport), 12 (Achieving Well-Designed Places), 14 (Meeting the Challenge of Climate Change, Flooding, and Coastal Change) and 15 (Conserving and Enhancing the Natural Environments) of the NPPF. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

- 7.7 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in Summer 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024.

At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

7.8 Relevant policies from the published Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) are:

- Policy S1 Spatial Development Strategy
- Policy S2 Settlement Hierarchy
- Policy NE2 Natural Landscape
- Policy NE4 Strategic Wildlife Corridors
- Policy NE5 Biodiversity and Biodiversity Net Gain
- Policy NE6 Chichester's Internationally and Nationally Designated Habitats
- Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
- Policy NE8 Trees, Hedgerows and Woodlands
- Policy NE10 Development in the Countryside
- Policy NE15 Flood Risk and Water Management
- Policy NE16 Water Management and Water Quality
- Policy NE19 Nutrient Neutrality
- Policy NE21 Lighting
- Policy H1 Meeting Housing Needs
- Policy H2 Strategic Locations/ Allocations 2021 - 2039
- Policy H3 Non-Strategic Parish Housing Requirements 2021 - 2039
- Policy H11 Meeting Gypsies, Travellers and Travelling Showpeoples' Needs
- Policy H12 Intensification sites
- Policy H13 Accommodation for Gypsies, Travellers and Travelling Showpeople
- Policy H14 Gypsy and Traveller and Travelling Showpeople site design policy.
- Policy P2 Local Character and Distinctiveness
- Policy P3 Density
- Policy P4 Layout and Access
- Policy P5 Spaces and Landscaping
- Policy P6 Amenity
- Policy T1: Transport Infrastructure
- Policy T2 Transport and Development
- Policy T3 Active Travel - Walking and Cycling Provision
- Policy T4 Parking Provision
- Policy A8 Land East of Chichester
- Policy A13 Southbourne Broad Location for Development

Other Local Policy and Guidance

7.10 Consideration has also been given to:

- Planning Obligations and Affordable Housing SPD (July 2016)
- surface Water and Foul Drainage SPD (September 2016)

- CDC Waste Storage and Collection Guidance (January 2017)
- Chichester Landscape Capacity Study (March 2019)
- Landscape Gap Assessment for Chichester Local Plan Review 2035 (May 2019).
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2022)

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

- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Support communities to meet their own housing needs
- 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. Impact upon the Settled Community
- iii. Design and Impact upon Visual Amenity/Character of Area
- iv. Amenity of neighbouring properties and future occupiers
- v. Impact upon highway safety and parking
- vi. Water Drainage
- vii. Ecology
- viii. Recreational Disturbance
- ix. Other Matters
- x. Planning Balance

Assessment

i. Principle of development

8.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2005 requires application for planning permission to be determined in accordance with the Development Plan unless materials considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that Local Planning Authorities shall have regard to the provision of the Development Plan, so far as material to the application, and to any other materials consideration.

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 Planning Policy Traveller Sites (PPTS), Paragraph 4(a) and the Housing Act (1985) which requires an overall assessment of accommodation need for Caravan Dwellers, and the revised National Planning Policy Framework (NPPF) which requires an assessment of all Travellers.

- 8.4 Policy H of the PPTS relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the Development Plan 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 of the PPTS.
- 8.5 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, although it is established that the pitch/plot targets within the policy are out-of-date and that the latest evidence, in the form of the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) 2022 should form the basis for assessing the level of need. The criterion-based assessment within Policy 36, carries a reasonable amount of weight, with the inspector for appeal reference 20/3256674 concluding they were not out of date. It is nevertheless acknowledged they do not precisely replicate the requirements of national policy, rather, they are broadly in accordance, and it is considered reasonable to attach weight to them within the assessment of this application.
- 8.6 The revised GTAA has been produced as part of the evidence base for the emerging Local Plan 2021-2039. This has identified a requirement for a further 121 pitches for households that meet the planning definition (as per PPTS) and 34 pitches for those who don't meet the definition in the period 2022-2039. Of the 121 plots, 82 of them need to be provided in the first five- years (end of 2026).
- 8.7 The emerging Local Plan does all that it can to meet the need identified, including assigning plots to suitable strategic allocations. Namely the Southbourne Broad Location for Development (Policy A13), and Policy H11 includes a requirement of three Gypsy and Traveller pitches on any non-allocated site of 200 dwellings or more. In addition, Policy H12 looks at intensifying existing sites, identifying seven sites suitable for intensification, whilst also advising additional caravans on existing authorised sites which have adequate facilities and would not result in overcrowding of sites will be supported. However, if the need is to be met, the plan acknowledged considerable reliance inevitably must be placed upon windfall sites, owing to the lack of sufficient options for making suitable allocations to meet the outstanding need. The assumption is that windfall sites will need to continue to come forward to ensure the outstanding need can be met.

8.8 In recent appeal decision, notably 20/3254057 and 20/3257880 (Melita Nursery), 21/3268916 (Scant Road), 21/3272950 (Common Road), 21/3267477 (Monks Hill), and 20/3259313, 3254259, 3267885, 3285488 and 3266164 (Newells Lane) Inspectors found there to be a significant unmet need within the district and absence of a five-year supply (contrary to Policy B of the PPTS), which was found to be of critical importance and significant material consideration, in favour of granting planning permission. In the case of the Newells Lane the Inspector concluded the unmet need *'has increased considerably since the last GTAA and represents a very significant shortfall and, to my mind, represents a failure of policy which weighs heavily in support of the development'*. The findings of these appeal decisions are a significant material consideration.

Assessment against Policy 36

8.9 In assessing the suitability of sites for allocation in the Gypsy, Traveller, and Travelling Showpeople Site for the purposes of determining planning applications, proposals will be supported where it can be demonstrated that all the following criteria have been met:

1. It is well related to existing settlements with local services and facilities. Sites should either be within or close to such settlements or with good access to major roads and/or public transport thus affording good access to local services.

8.10 The location of the application site, and whether Sidlesham comprises a settlement has been considered at a recent appeal (reference 20/3254057 & 3257880), where the Inspector opined:

19. Whether Sidlesham constitutes a settlement was debated at a recent appeal for a Gypsy and Traveller site on Keynor Lane (3209147 and 3209145). The Inspector determined that it did in the usual meaning of the word. It is not in dispute that appeal site lies within the settlement. The village forms a dispersed settlement with no recognisable centre. There is a Primary School approximately a kilometre away from the appeal site, a 10-minute walk. It is a similar distance to the nearest bus stop on Manhood Lane where services to Selsey and Chichester run half hourly, including weekend and evening services.

21. Sidlesham also has two churches, a recreation ground and a petrol filling station on Selsey Road incorporating a small shop providing basic food supplies. Being approximately 2km from the appeal site, the journey by foot to the shop would take around 20 minutes. Larger supermarkets, health care facilities and other services are available in Selsey or Chichester, accessible by public transport. Whilst future occupants may wish to use the car such trips would be short. It is notable that the area is generally flat so that cycling may be another option, particularly to access the shop in Sidlesham.

22. Paragraph 105 of the Framework recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision making. In this case, having regard to the nature of Sidlesham, the appeal site has better accessibility to some services than others. Whilst Sidlesham has limited facilities, there is a reasonable level of accessibility to public transport and to the major road in the area giving access to Chichester and Selsey. The appeal proposal therefore complies with criterion 1 of LP Policy 36.

Consequently, in light of the Inspectors findings, the proposal is compliant with criterion 1 of the Policy 36.

2. Has safe and convenient vehicular access, be suitable in terms of topography and be in a location where the necessary infrastructure already exists or can reasonably be provided.

8.11 The proposal has safe vehicle access, via the existing access track, which joins Chalk Lane. The proposal is part of a wider, established Gypsy and Traveller site where there are existing services, including water and electricity.

3. Be able to achieve a reasonable level of visual and acoustic privacy for both people living on the site and for those living nearby. The site will provide an acceptable level of amenity for the proposed residents and will not have an unacceptable level of impact on the residential amenity of the neighbouring dwellings.

8.12 The proposal is considered capable of complying with this criterion, as detailed further below.

4. Not compromise the essential features of nationally designated areas of landscape, historic environment or nature conservation protection.

8.13 The site does not comprise a nationally designated landscape, historic environment or nature conservation protection area.

5. Avoid locations where there is a risk of flooding, or which are adjacent to incompatible uses such as a refuse tip, sewage treatment works or significantly contaminated land.

8.14 The site is suitably located when considering the above criteria.

6. That in rural and semi-rural areas sites should not dominate the nearest settled or Gypsy, Traveller and Travelling Showpeople communities

8.15 The proposal for four additional pitches is not considered to be of a scale which would dominate the existing settled community. This is detailed further below.

8.16 In considering the above, Policy 36 of the Local Plan is out of date in terms of its delivery targets and therefore the identified need within the GTAA 2022 and the recent findings of several Inspectors are significant material considerations. In addition, whilst the emerging local plan seeks to allocate 12 pitches via a strategic allocation in Southbourne, it is accepted, windfall sites, such as this will come forward, in addition to the strategic

allocations, to help the Council deliver the identified need with the district. The site is considered to comply with the criteria set out within Policy 36 and it is therefore considered to be a suitable site for the proposed development. Consequently, the principle of development is acceptable, subject to the material considerations set out below.

ii. Impact upon the Settled Community

8.17 Paragraph 25 of the PPTS advises 'local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. The proposal would increase the total number of consented Gypsy and Traveller Pitches from 11 to 15 which in Officers view would not dominate the settled community.

8.18 This matter has been considered recently at an appeal to the south of the application site (reference 20/3254057 & 3257880) with the inspector opining:

25. The village of Sidlesham has around 500 dwellings with a population of approximately 1300 people. It is not disputed that the appeal proposals [7 pitches] would not dominate the wider settled community on this basis.

26. However, the Council argues that Appeal A, the 7-pitch scheme, creates a risk of perceived dominance within the area around Chalk Lane. Chalk Lane forms part of a loop with Cow Lane to the south of Keynor Lane. I am advised that there are approximately 47 dwellings served by these roads as well as commercial, agricultural and horticultural uses. There are a further 30 dwellings along Keynor Lane and another 110 dwellings in the wider area along Selsey Road/Mill Lane.

27. Appeal A would increase the number of residential plots on Melita Nursery, to a total of 15. Numerically this number would not in my view dominate the number of dwellings in the immediate area. Furthermore, due to the enclosed nature of the appeal site, such intensification would not be visible to anyone passing along Chalk Lane. I accept that there would be some increase in activity, through vehicle movements etc. However, the lane also gives access to several commercial activities. The likely increase in traffic on this quiet lane would not be significant. I am also advised that there are several static caravans occupied by seasonal workers associated with the horticultural units in the locality. In this context, I am not persuaded that Appeal A would result in an overdominance of gypsy and traveller pitches in the immediate area.

28. The PPTS also requires that schemes avoid placing undue pressure on local infrastructure. The main parties agree that neither appeal would have this effect. I am aware that local residents have raised concern with regard to school places and doctors etc however I have no evidence to suggest that those services are under pressure such that the proposal would have an unacceptable impact.

29. In conclusion on this issue, I find that in respect to both appeals, the site provides a suitable location for a Gypsy Traveller site in accordance with the PPTS and Policy 36 of the Chichester Local Plan

8.19 In considering the Inspectors findings, the further increase of four pitches, would not dominate the dwellings within the immediate area. The proposal, much like the appeal scheme, would not be visible from Chalk Lane and any increase in activity, including vehicle movements would again not be significant. The scale of development would not put undue pressure on local services. Consequently, the proposal would be of an appropriate scale, and respect the scale of and would not dominate the settled community. Therefore, the proposal would accord with Paragraph 25 of the PPTS and Policy 36 of the Chichester Local Plan.

iii. Design and Impact upon Visual Amenity/Character of Area

8.20 Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, and create places with a high standard of amenity for existing and future users.

8.21 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 48 of the Chichester Local Plan requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site.

8.22 The proposal seeks four broadly rectangular pitches comprising of a mobile home, modest patio area, vehicle, and cycle parking, that are arranged around the shared access track. The pitches will be mostly grass and introduce only a modest amount of hardstanding within the site. The size of the pitches remains spacious, despite being smaller than those immediately south of the site. The pitches are larger than those approved by the recent appeal to the south, which the inspector found to be acceptable and not resulting in a cramped layout (Paragraph 36 20/3254057 & 3257880).

8.23 The site is enclosed to the north and south by existing conifer hedging and additional planting is to be provided between each plot and on the southern internal boundary. In addition, the southern boundary of the adjoining plots, together with the south side of the access track leading towards the site also comprises of conifer hedging, effectively screening the site from with the wider parts of Melita Nursey or within Chalk Lane. The existing view into the wider side from Chalk Lane will remain retain its pleasant green appearance and would be unchanged by this proposal.

8.24 In the wider context, the area beyond the application site is characterised by sporadic development which includes several commercial nurseries along Chalk Lane and dwellings fronting the road. It is considered that, given the surrounding character, the siting of the proposal, set well back from the road, would be read within the context of existing traveller site, with the modest scale of the proposal causing limited visual intrusion within the wider landscape.

8.25 The Inspector concluded in relation to the appeal scheme *'the site is not visible from public viewpoints or from Chalk Lane and the development would cause no harm to the character of the surrounding countryside. The proposal would therefore comply with the PPTS and also LP Policies 36 and 45'* (Paragraph 39 20/3254057 & 3257880). There is no compelling evidence to justify an alternative conclusion being draw in respects of the application site, which is equally as well screened from public viewpoints and Chalk Lane.

8.26 Consequently, the proposal would result in an acceptable form of development, which would be in keeping with the character and appearance of Melita Nursery and would not cause harm to the character of the surrounding countryside and therefore would comply with the PPTS and Policy 36 and 45 of the Local Plan.

vi. Amenity of neighbouring properties and future occupiers

8.27 The NPPF states at Paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places). Policy 36 of the Chichester Local Plan states that proposal will be support where they provide an acceptable level of amenity for the proposed residents and will not have an unacceptable level of impact on the residential amenity of the neighbouring dwellings. 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 is a material consideration.

8.28 The pitches are appropriate in size and scale and provide adequate parking/storage, lawned areas and landscaping, which ensures they will result in an adequate level of amenity of the future occupiers. The pitches are positioned to ensure they do not give rise to an unacceptable impact upon the amenities of neighbouring properties, in terms of their outlook, privacy or available light. The pitches are of appropriately distanced from the existing pitches to the south and east and there is a noticeable level of separation between the pitches and the neighbouring dwellings towards the front of the Melita site and along Chalk Lane.

8.29 Consequently, the proposal is considered to result in an acceptable level of amenity for existing and future occupiers of the development and therefore accords with Paragraph 130 of the NPPF, Paragraph 26 of the PPTS and Policy 33 of the local Plan.

v. Impact upon highway safety and parking

8.30 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the CLP asserts that development should be designed to minimise additional traffic generation. The assessment of access, highway safety and parking has been undertaken in consultation with WSCC Highways

8.31 The proposal has been reviewed in consultation with WSCC Highways, who have raised no objection on highways safety. The proposal utilises an established vehicle access onto Chalk Lane which appears to be working safely and allows the intended occupants to safely enter and exit the site in a forward gear. The proposal is not considered to give rise to a significant intensification in vehicle movements and therefore, it has been demonstrated to the satisfaction of the LHA and to Officers that the proposal would impair the function of the local highway network. As such the proposal is acceptable on highways grounds and would accord with Paragraph 111 of the NPPF and Policy 39 of the CLP.

vi. Water Drainage

- 8.32 The site is wholly within Flood Zone 1 (low risk) and the Local Planning Authority have no additional knowledge of the site being at increased flood risk.
- 8.33 The proposal would dispose of surface water via soakaway, which is an acceptable approach in principle and the final design should be designed and constructed to meet building regulations. The access track would be permeable gravel and much of each site would be permeable grassed area. The limited amount of impermeable hardstanding within each plot is considered acceptable.
- 8.34 The Councils Drainage Engineers have raised the unconsented culvert under the northern access from Chalk Road which serves the single plot to the north east corner. As this lies outside of the control of this application, it wouldn't be reasonable to seek to regularise it as part of this proposal and the existing requirement to remove and reinstate the watercourse should be perused outside of the planning process.
- 8.35 The development would discharge foul water into the existing mains sewage network, which is again acceptable in principle and any connections should be made in consultation with Southern Water. Currently, there is no requirement for development within Sidlesham to demonstrate nitrate neutrality, as the wastewater treatment works do not discharge treated foul sewerage into the Chichester Harbour.
- 8.36 Consequently, it has been demonstrated to the satisfaction of the Councils Drainage Engineers that the proposal would adequately deal with onsite surface water. The proposal therefore complies with Policy 42 of the Local Plan.

vii. Ecology

- 8.37 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded. The Councils Environmental Strategy Officer has reviewed the proposal alongside the Preliminary Ecology Appraisal (PEA) and is satisfied with the conclusions and recommendations set out within the PEA. In addition, several on-site biodiversity enhancements including the installation of bird boxes, infilling any gaps within the hedgerows with native planting, and the provision of gaps under any fencing to allow the movement of small mammals, have also been suggested and would be secured via the suggested condition. Therefore, subject to compliance with conditions, it is considered that the proposal would not have a detrimental impact upon the biodiversity value of the site.
- 3.38 A condition has also been suggested to secure four electric vehicle charging point, together with secure cycle parking, to encourage sustainable modes of transport.

viii. Recreational Disturbance

- 8.39 The site is located within the 5.6km buffer zone of the Chichester and Langstone and Pagham Harbours Special Protection Area where a net increase in dwellings would likely cause harm to the special qualities of the European designated site because of recreational disturbance. In accordance with Policy 50 and 51 of the Local Plan a financial contribution towards the Recreational Disturbance mitigation schemes is required to mitigate the identified harm.

8.40 The following contribution shall be obtained via the S106 agreement:

- (£ 938) + Monitoring and Obligation fee (£130)

8.41 Subject to the completion of a Unilateral Undertaking, securing the required recreational disturbance fee of £1876.00 the proposal would comply with Policy 50 and 51 of the CLP and the requirements of the Habitat and Protected Species Regulations 2017, and the proposal would be acceptable in this respect

ix. Other Matters

8.42 The Parish Council has raised a concern that the proposal would result in inappropriate development within a designated Horticultural Development Area (HDA). Whilst the site does fall within an HDA, the purpose of a HDA in line with Policy 32 is to positively encourage horticultural development within these designated areas. The policy does not however preclude other forms of development from being undertaken within these areas. Furthermore, the site is not currently in use for horticultural purposes and given its established uses as a Gypsy and Traveller site, it is highly unlikely that the refusal of this application would result in the site being returned to a horticultural use.

x. Planning Balance

8.43 The Council cannot demonstrate a five-year land supply to meet an up-to-date locally assessed need (rather than the target in the Local Plan Policy 36), which is a significant material consideration of significant weight. The proposal would contribute towards the significant unmet need for Gypsy and Traveller sites. There are also recent appeal decisions relating to pitches that form part of the wider site that are a material consideration with significant weight.

8.44 The application relates to an existing site, the development of which in the manner proposed would result in four additional pitches that would remain in keeping with the character, appearance, and layout of the wider site. The proposal would not result in an unacceptable intensification of the site that would be perceived as dominant upon the existing settled community and seeks an appropriate number of additional pitches. The proposal incorporates biodiversity enhancements. The proposal is acceptable with regards to highways matters, with the modest intensification in terms of vehicle movements not considered to be of detriment to the amenities of the neighbouring properties. The proposal will not result in any adverse landscape impacts, by virtue of the existing boundary screening and sensitive siting. The use of a planning obligation to secure the necessary Recreational Disturbance contribution further ensure the acceptability of the proposal. Consequently, there is sound justification for the support of this proposal.

Conclusion

8.45 In considering the above, the absence of a five-year supply, together with a significant unmet need for Gypsy and Traveller pitches, identified within the GTAA 2022 and the absence of any harm to arise from the proposed development ensure the proposal is acceptable subject to conditions and S106 planning obligation.

Human Rights

8.46 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) December 2022 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?

8.47 The applicants have not provided any further supporting information which would be considered within this application. As the recommendation is to permit and the application does not seek a personal permission, it has been assessed on the basis of the information available, it was not considered necessary to receive any additional information to support a positive recommendation.

RECOMMENDATION

DEFER FOR SECTION 106 THEN PERMIT 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 site shall be occupied only by persons meeting the definition of gypsies and travellers as defined in Appendix 1 of the Planning Policy for Traveller Sites, dated August 2015 (or its equivalent in replacement national policy).

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

4) No more than 8 caravans shall be stationed on the site at any time, of which no more than 4 shall be a static caravan. All such 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 1968.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal and in the interests of amenity

5) No part of the development hereby permitted shall be first occupied until 4.no Electric Vehicle (EV) charging points have 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 shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority via a discharge of condition application.

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

6) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. 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

7) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

8) **No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

9) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed means of enclosure(s), details and samples of the hard surfacing material, a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and details of the proposed infrastructure and regime for watering and ongoing maintenance. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, are removed, die, or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development

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

- a) The provision of a bat and bird box within each pitch
- b) The provision of hedgehog nesting box within each pitch
- c) 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.

11) The following ecological mitigation measures shall be adhered to at all time during construction;

- a) 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.
- b) 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.

12) 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.

13) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no walls, fences or other means of enclosure (including bunding) other than those shown on the approved plans or those approved under Condition 9 above shall be erected within or on the boundary of the site unless details of their height, materials and location shall have previously been submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual and neighbour amenity

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

Reason: In the interests of protecting the amenity of the surrounding area.

15) No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.

Reason: In the interests of protecting the amenity of the surrounding area.

16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no area of hardstanding other than those shown on the approved plans or those approved under Condition 9 above shall be laid on the site unless details of their materials and location shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual and neighbour amenity

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 -	SD172/1	REV 3	27.04.2023	Approved
PLAN -	SD172/2	REV 3	27.04.2023	Approved
PLAN - SITE LOCATION PLAN	SD172/10	1	27.02.2023	Approved
PLAN - PROPOSED MOBILE HOME FLOOR AND ELEVATIONS	SD172/3	1	27.02.2023	Approved

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

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.
- 2) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

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=ROF3YLER10R00>