

Delegated Decision Sign off Sheet

Case Number:	WE/21/00051/FUL	Case Officer:	Calum Thomas
Proposal:	Increase number of permitted caravans from 1 no. static and 1 no. tourer to 2 no. static and 2 no. tourers and retention of stable block.		
Site:	The Stables , Cemetery Lane, Woodmancote, Westbourne PO10 8QB		
Applicant/Agent:	Agent Details : Mr Stephen Jupp 348 Chichester Road, Bognor Regis, PO21 5BX United Kingdom, ,		
Application Type:	Full Application		
Site Visit:	19 January 2021		
Map Ref:	(E) 476400	(N) 107520	
Parish:	Westbourne	Ward: Westbourne	

Red Card?	Y	Stat. Consultee Objections?	Y	Parish Objection	Y
Third Party Representations?	1	Overall Publicity Expiry Date:	10 May 2022	CIL Liable	N/A
Legal Agreement?	N	Extension of Time?		N/A	
Recommendation:	REFUSE		Expiry Date:	11 March 2021	
Decided Plan(s):					
Recommendation Date:	12 May 2022				
Recommendation By:	Calum Thomas				
Signed Off by:	Robert Young				

1. Site Description, Proposal and History

The Site and Surroundings

The application site known as 'The Stables' is located to the north east of the village of Westbourne, approximately 200m from the edge of the defined settlement boundary. The site is located to the north side of Cemetery lane, which is a part tarmac part gravel road. The site is located within the designed countryside and is surrounded by open fields to the north and south, which reaffirm the more rural character and feel of the site.

The site comprises of an existing Gypsy and Traveller site, which currently takes the form of a single mobile home, aligned north/south and set within an enclosed plot mostly laid to lawn with a small area of hardstanding for vehicle parking. The wider site, which also lies within the applicant's ownership takes the form of a rectangular field, enclosed on all sides within mature tree and hedgerow planting. There is a rectangular stable block setback within the site, adjacent to the eastern boundary of the site, with its retention subject to this application. There is a small area of hardstanding serving the stable block.

The site is set within a growing, Gypsy and Traveller enclave. The site lies to the west of the WSCC managed site (17 pitches) and a strip of land appearing to comprise of a single pitch and in some form of commercial use. Immediately east of the WSCC managed site lies a further site, comprising of approximately 13 mobile homes: with part of the site to the south appearing to be in commercial storage use. Beyond that, lies three further mobile homes, set within a more commercial yard. A ribbon of existing concrete hardstanding, which formed part of the previous use of the site (Army Camp) and was subject to permission for four pitches 14/01217/FUL which do not appear to have been implemented. Finally, separated by a field, lies a commercial site, currently being used for storage/distribution and is subject to an appeal (20/3255114).

The site and the surrounding development are highly visible from Cemetery Lane, a PRoW and there are some long range views from the PRoW to the west of the site and from Woodmancote Lane. There is extensive hedging to the east of the application sites that adjoining the WSCC maintained pitches, offering a high level of screening, helping to reduce any landscape impact.

The Proposal

The proposal seeks planning permission to increase the number of mobile homes within the site, from the one static and one tourer (permitted under appeal ref 16/3157057) to two static and two tourer and the retention of the timber stable block.

Relevant Planning History

89/00072/WE - O/I pair of chalet bungalows.
STATUS: REF 12th January 1990

93/01952/ELD - Use of land for the keeping of horses.
STATUS: PER 23rd February 1994

94/00711/OUT - One house.
STATUS: REF 1st June 1994

94/02150/OUT - One dwelling.
STATUS: REF 16th January 1995

96/01920/FUL - Construction of field shelter.
STATUS: PER 27th November 1996

96/01938/OUT - Wooden hay/straw barn, tack room and feed barn.
STATUS: PER 22nd January 1997

97/00569/REM - Wooden hay/straw barn, tack room and feed barn, built onto existing stables.
STATUS: PER 13th May 1997

98/00552/FUL - Storage barn for agricultural equipment.
STATUS: PER 22nd July 1998

01/02960/FUL - Construction of field shelter, 3 no. stables and tack room.
STATUS: PER 18th February 2002

15/01114/FUL - Use of land as a single pitch private gypsy plot.
STATUS: REF 27th July 2015

16/01529/FUL - Use of land as a single pitch private gypsy plot. Resubmission of WE/15/01114/FUL.
STATUS: REF 3rd August 2016

21/00051/FUL - Increase number of permitted caravans from 1 no. static and 1 no. tourer to 2 no. static and 2 no. tourers and retention of stable block.
STATUS: PCO

15/01114/FUL - Use of land as a single pitch private gypsy plot.
STATUS: REF 27th July 2015

16/01529/FUL - Use of land as a single pitch private gypsy plot. Resubmission of WE/15/01114/FUL.
STATUS: REF 3rd August 2016

2. Representations and Consultations

Consultee Replies

Council

09.03.2021 -

Westbourne Parish Council objects to the planning application on the grounds that the Parish of Westbourne has one of the highest densities of Gypsy/Traveller/Travelling Showpersons pitches and plots in the Chichester District. Were the number of G&T residential pitches to grow disproportionately to the size of the local community, it would put pressure on the capacity of local services such as schools, nurseries and GP Surgeries. etc. This could, in turn, affect the quality of those services that the settled community can reasonably expect or had been receiving.

Furthermore, were the number of G&T residential pitches to grow disproportionately to the size of the local community it may also affect the character and structure of that community. For example, given the transient nature of the G&T lifestyle, it may lead to a lack of community stability, identity and social cohesion and also result in tensions between the settled community and the G&T community. The previous permission, which was granted at appeal, included a condition that the site would be limited to one static caravan. Westbourne Parish Council is of the view that this condition should stand. These concerns are set out clearly in the emerging Westbourne Neighbourhood Plan as follows:

"OA4-2 GTTPS PLOTS/PITCHES

Applications for additional Gypsies, Travellers and Travelling Showpeople pitches/plots within the Neighbourhood Plan area will be resisted, as the supply for the identified need for this type of accommodation has already been exceeded for the plan period within the District, which has been disproportionately met by provision within Westbourne Parish. This is to ensure that the current balance between the various sectors of the local community will be retained; any further provision of GTTSP plots or pitches would erode the current mix and balance of tenures and would not be acceptable to the community

12.02.2021 -

Westbourne Parish Council objects to the planning application on the grounds that the Parish of Westbourne has the highest density of Gypsy/Traveller/Travelling Showpersons in the Chichester District. Increasing the number of available plots and pitches is considered to be unsatisfactory and adds pressure on services within the Parish and on the community on the grounds of social exclusion. There have been a number of on-going enforcement issues because of problems caused in the local community. The previous permission which was granted at appeal gave a condition that the site would be limited to one static caravan and this condition should stand

Natural England summary

Further Comments 12.05.2022

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 02 December 2021.

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Original Comments 02.12.2021

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

WSCC Highways

The application site is located on a private road. The LHA would not anticipate that the public highway will be materially affected by the proposal. Any displacement of parking would be considered an amenity issue.

The applicant has proposed a NIL cycle parking provision, the LHA advises the Local Planning Authority (LPA) that if they deem cycle parking justifiable then the applicant should show this in the form of lockable covered storage.

WSCC notes that though the application site does not meet the parameters to request EV parking within WSCC parking guidance, the LPA may wish to consider securing such details if they deem appropriate.

CDC Costal and 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. Therefore, subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The application form selects "sustainable drainage system", this approach is acceptable in principle. We are satisfied that the proposal is unlikely to have a

significant impact on surface water flood risk. And therefore, due to the location, scale and existing impermeable areas we have no conditions to request. Third Party Comments

One letter of objection concerning:

- o Support of the PC comments
- o Increases pressure on local services
- o Social exclusion
- o Condition limiting the number of mobile homes on the site

3. Relevant Planning Policy

The principal policies and neighbourhood plans relevant to the consideration of this application are as follows:

Chichester Local Plan 2014-2029:

Policy 1 Presumption in Favour of Sustainable Dev
Policy 2 Dev Strategy and Settlement Hierarchy
Policy 33 New Residential Development
Policy 36 Plg for Gypsies/Travellers/Trav Shwppl
Policy 39 Transport, Accessibility and Parking
Policy 45 Development in the Countryside
Policy 49 Biodiversity
Policy 50 Dev and Dist of Birds in CC and Lgst Hbr

The Development Plan

Chichester Local Plan 2014-2029:

- a) Policy 1 - Presumption in Favour of Sustainable Dev
- b) Policy 2 - Development Strategy and Settlement Hierarchy
- c) Policy 36 - Planning for Gypsies, Travellers and Travelling Showpeople
- d) Policy 45 - Development in the Countryside
- e) Policy 48 - Natural Environment
- f) Policy 50 - Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

Emerging Chichester Local Plan Review 2035:

The council is currently progressing its local plan review; the last published stage (the current stage) is Regulation 18 and due to delays it is anticipated the plan will progress to Pre-Publication, Regulation 19 in late 2022. Currently, the emerging local plan carries little to no weight.

Gypsy and Traveller Development Plan Document (DPD):

The emerging local plan set out a strategy for responding to the identified need for gypsy and traveller accommodation. In addition, a Gypsy and Traveller Development Plan document (DPD) is also underway, and progress has included a 'call' for potential sites earlier in 2021 and a delivery study to consider further the potential of existing sites to meet identified need.

Timetables for the delivery of both documents are set out in the Council's Local Development Scheme (LDS) which was adopted in March 2021 and is available on the council's website at <https://www.chichester.gov.uk/localdevelopmentscheme>. However, the timescales have slipped due to delays in completing the delivery study, and it is the intention for the draft Gypsy and Traveller DPD to be published for consultation under regulation 19 consultation in late 2022.

Neighbourhood Plan (NP)

The Westbourne NP was made at full council on the 21st September 2021 and represents an up to date 'made' NP which is of material consideration to this application.

National Policy and Guidance

The following Sections of the NPPF 2021 have been considered:

- o Section 2 (Achieving sustainable development)
- o Section 4 (Decision making)
- o Section 9 (Promoting sustainable transport)
- o Section 14 (Meeting the challenge of climate change, flooding and coastal change.)
- o Section 15 (Conserving and enhancing the natural environment)

Planning policy for traveller sites (August 2015)

Other Local Policy and Guidance

Consideration has also been given to:

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

4. Planning Considerations

The main considerations are:

- i. Principle of development
- ii. Dominance in relation to the nearby settled community
- iii. Impact upon the character of the area (stable block)
- iv. Amenity of future occupiers
- v. Impact upon the amenity of neighbouring properties
- vi. Highway Safety
- vii. Recreational Disturbance
- viii. Nitrogen Neutrality
- ix. Ecological considerations
- x. Human Rights/Personal Circumstances

Principle of Development

The Housing Act 2004 placed a duty on local authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), and outlined how their needs would be met. This requirement was revoked by the Housing and Planning Act (2016) through the removal of Paragraphs 225 and 226 of the 2004 Act. The requirement is now in the PPTS Paragraph 4(a) and the Housing Act (1985) which requires an overall assessment of need for Caravan Dwellers, and the revised NPPF (2021) which requires an assessment of all Travellers.

Policy H of the Planning Policy for Traveller Sites (PPTS) 2015 relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It also advises that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and planning policy H for traveller sites. Policy 36 of the Local Plan is the most relevant Development Plan Policy for assessing applications for Gypsy and Travellers pitches. The policy sets out the need for pitches and plots for the period up to 2027. It is a criterion-based policy which sets out criterion to identify sites and to determine planning applications within the Plan area.

The Gypsy, Traveller and Travelling Showpeople Assessment (GTAA) 2019 (Revised) forms part of the evidence base for the emerging local plan, but has not yet been through examination, due to the requirement of the Council to update their figures on supply annually (PPTS policy B); it is nevertheless accepted that reliance upon the 2013 GTAA is no longer appropriate, due to it being outdated. In addition, recent appeal decisions notably appeals 3227455 Southbourne, 3209147 and 3209145, Land South of Keynor Lane, concluded that the Council does not have a 5-year supply of sites within the District.

The Inspectors' decisions in relation to Keynor Lane also noted that several other Inspectors in recent years had concluded that CDC has an unmet need. This is set within the context of the publication of the GTAA 2019 (revised) which has identified the requirement for a further 66 pitches in five years from April 2018 - March 2023.

Since April 2018, 22 additional pitches have been approved and implemented, and a further 11 have received permission but are yet to be implemented, at the time of writing this report (November 21). Therefore, there is a shortfall of 33 pitches between now and March 2023.

In terms of our 5-year supply of pitches (2021-2026), the remaining unmet need of 33 pitches, plus Since April 2018, 23 additional pitches have been approved and implemented, and a further 10 have received permission but are yet to be implemented, at the time of writing this report (January 2022). Therefore, there is a shortfall of 33 pitches between now and March 2023.

In terms of our 5-year supply of pitches (2021-2026), the remaining unmet need of 33 pitches, plus the identified need from the GTAA 2019 (revised) of 6 pitches between (April 2023 and March 2026), results in a total unmet need of 39 pitches between October 2021- March 2026.

The Council is bringing forward a new Local Plan, which will set out a strategy for responding to the identified need for gypsy and traveller accommodation, and a Gypsy and Traveller Development Plan document. The Council undertook a call for gypsy and traveller sites earlier this year to inform these documents, and a delivery study is being prepared to consider further the potential of existing sites to meet identified need.

Timetables for the delivery of both documents are set out in the Council's Local Development Scheme (LDS) which was adopted in March 2021. The LDS states the Local Plan will reach proposed submission consultation in March 2022. The intention (as stated in the LDS) was for the draft Gypsy and Traveller DPD to be published for consultation under regulation 18 consultation in August 2021. Due to delays in the completion of the study, the current timetable requires formal review, but it is envisaged that it will be published for consultation in late 2022.

In addition, the Council has published the Chichester Local Plan Review 2035: Preferred Approach (Local Plan Review). Consultation on the document took place between the 13 December 2018 and 7 February 2019. At this stage the preferred approach plan and its supporting documents has no or little weight (NPPF paragraph 48).

Notwithstanding the above, Paragraph 25 of the PPTS advises that Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Policy 45 of the CLP seeks to ensure that proposals respect and enhance the landscape character of the surrounding area.

The Westbourne NP is made and forms part of the Development Plan in which this application must be assessed against. Policy OA 3-1 as set out below is the most relevant policy when considering the principle of this application. The policy states:

Development proposals to meet the needs of the Gypsy Traveller and Travelling Showpeople community (as defined in Planning Policy for Traveller Sites (2015) or any subsequent policy will be permitted where they:

- a) *Can demonstrate a local connection;*
- b) *Can demonstrate that there is no alternative available pitch which could be used in the locality;*
- c) *Do not result in sites being over-concentrated in any one location or disproportionate in size to nearby communities;*
- d) *Are capable of being provided with infrastructure such as power, water supply, foul water drainage and recycling/waste management without harm to the special qualities of the National Park.*
- e) *Provide sufficient amenity space for residents;*
- f) *Do not cause, and are not subject to, unacceptable harm to the amenities of neighbouring uses and occupiers;*
- g) *Have a safe vehicular and pedestrian access from the public highway and adequate provision for parking, turning and safe manoeuvring of vehicles within the site; and*
- h) *Restrict any permanent built structures in rural locations to essential facilities.*

Taking each criterion in turn:

- a) The application has been accompanied by information in support of the local connection, and that the additional mobile home shall be for the applicant's daughter and her children, who have recently relocated from temporary council accommodation in Oving to reside closer to one another. One of the applicant's grandchildren attends Westbourne primary school, with the two elder grandchildren attend Bourne Community College. As such, connections within Westbourne generally can be demonstrate. In addition, the applicant, Mr Lamb has occupied this pitch since its implementation following the grant of planning permission in February 2017, and the site is now his permeant base, with the proposal resulting in an enlargement of a lawful pitch, to accommodate the owner's daughter and grandchildren.
- b) It is appreciated the waiting list for public pitches is long and low turnover levels means they are unlikely to adequately meet the demands of this application. However, the applicants have not sought to demonstrate/evidence the availability of any private pitches within the area, and therefore have not adequately addressed this criterion.
- c) This matter forms the council's main reason for refusal, and shall be addressed in full in the subsequent sections
- d) Numerous pitches already exist within this location, and therefore no issues and raised regarding this criterion
- e) The development provides adequate amenity space for further occupiers
- f) This criterion is addressed fully below; however, the council do not raise issue regarding this criterion
- g) This criterion is addressed fully below; however, the council do not raise issue regarding this criterion
- h) The development does seek the retention of a stable block, which shall be subject to full consideration below.

In light of the above, whilst there is a clearly identified need for additional gypsy and traveller pitches, within the district as a whole, there is no identified need within the parish of Westbourne. The proposal for an additional pitch, is not considered to meet the policy requirements for new gypsy and traveller developments, and would further erode the current community balance, resulting in a perception of dominance of the settled community. The harmful explored fully below is not considered to not outweigh the identified need, thus the proposal is therefore not considered to be acceptable in principle.

Dominance in relation to the nearby settled community

Paragraph 14 of the Planning Policy for Traveller Sites (PPTS) states that "when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community". Paragraph 25 goes on to say that "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". Policy 36 of the Chichester Local Plan states that in rural and semi-rural areas sites should not dominate the nearest settled or Gypsy, Traveller community. Policy OA3-1 of the Westbourne NP states proposal should not result 'in sites being over-concentrated in any one location or disproportionate in size to nearby communities.

The Westbourne Neighbourhood Plan is supported by a detailed quantitative assessment presented in a Statement of Common Ground between Chichester District Council and Westbourne Parish Council. This details that the parish of Westbourne provides 38 pitches and plots, which equates to 25% of total plots and pitches within the entire District Council Area. This is the greatest absolute number of plots and pitches of any parish in the Chichester District and represents the second highest density of plots and pitches in relation to resident population per head. This demonstrates that Westbourne has provided a comparative over-concentration of pitches and plots and any further provision of GTTS plots or pitches would be likely to erode the current community balance, contributing to a perception of dominance of the settled community.

The application site is located within a wider area of establish gypsy and traveller pitches, with their being 27 pitches within the immediate area, albeit some of which are not currently lawful. In addition, a recently refused application 18/01730/FUL, sought an additional 9 pitches which if successful at a subsequent appeal could bring the overall total to 36 pitches. Therefore, in combination with this additional pitch, the proposal could result in a total of 37 pitches within this relatively small area. The total number of pitches, cumulatively with other gypsy and traveller pitches in the immediate vicinity, would result in the significant overconcentration of gypsy and traveller pitches within this relatively small area and would result in a level of development considered to dominate the settled community. The proposal is therefore considered to be contrary to the Planning Policy for Traveller Sites, Policy 36 (criterion 6) of the Chichester Local Plan and Policy OA3-1 of the Westbourne NP.

Impact upon the character of the area (stable block)

Policy 45 of the Local Plan, advises development outside of settlement boundaries must require a countryside location and meet an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement. Policy 45 goes onto advise, *Planning permission will be granted for sustainable development in the countryside where it can be demonstrated that all the following criteria have been met:*

1. *The proposal is well related to an existing farmstead or group of buildings, or located close to an established settlement;*
2. *The proposal is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses; and*
3. *Proposals requiring a countryside setting, for example agricultural buildings, ensure that their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.*

The proposed stable block has been sensitively sited along the eastern boundary of the site and is well related to the existing mobile home within the site. It is positioned up against the well-established boundary planting, limiting wider visual impacts of the stables, which in any event has been constructed in dark stained timber and is reflective of the rural character of the area. In addition, the site is used by the applicants for domestic equestrian use, whereby the provision of a stable block would be entirely appropriate and justified. As such, the stable block is an acceptable addition, which complies with policy 45 of the local plan.

If officers were minded to approve this application, a condition would be imposed to ensure the stable block is retained for domestic purposes and not used commercially, to ensure there no wider impacts upon the character of the area.

Amenity of future occupiers

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.

The additional mobile home is positioned to the rear of the existing mobile home and shares the same area of hardstanding. It will result in a slightly tighter layout than what was previously proposed, however this is not considered to be unacceptable given the layout of the wider site. The remainder of the site is laid to lawn, is generally well kempt, has its own private vehicle access and there is a stable block with land for horse grazing to the north. The proposal is considered to result in an acceptable level of amenity for the current and future occupiers. Therefore, the proposal would therefore comply with Policy 36 (Criterion 1, 2, 3 and 4) of the Chichester Local Plan and paragraph 26 of the PPTS and Policy OA3-1 of the Westbourne NP.

Impact upon the amenity of neighbouring properties

Policy 36 of the CDLP requires that development would provide for a reasonable level of visual and acoustic privacy for occupiers and neighbours. It is considered that due to the distance, orientation, low level nature of the proposed mobile homes, that there would not be an unacceptable impact on the amenities of neighbouring properties, in particular to their outlook, privacy, available light or noise generated by the development, which is residential in nature.

Highway Safety

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

The proposal seeks one additional mobile home, which shall utilise the existing vehicle access onto Cemetery Lane, which appears to be operating safely. The scale of the residential development is modest, being for a single additional mobile home and therefore the proposal is considered unlikely to result in a significant intensification in respects of vehicle movements and therefore is acceptable on highways grounds.

The site, whilst outside of the settlement boundary would have good access to major roads, off Cemetery Lane which would afford future occupiers, access to local services, albeit ones which are heavily reliant upon private vehicles.

Consequently, the proposal would accord with Criterion 1 and 2 of Policy 36 and Policy 39 generally, of the CLP.

Recreational Disturbance

The application site lies within the 5.6km zone of influence around the Chichester and Langstone Harbours Special Protection Area (CLHSPA) where new development is likely to have a significant impact upon the internationally designated site as a result of recreational disturbance. Policies 50 of the CLP require new development to mitigate the impact of the increase in recreational disturbance, either by way of a package of bespoke avoidance/mitigation measures or by way of a financial contribution towards mitigation strategies for the SPA. Given the application will be recommended for refusal, mitigation contribution and a hard copy of the Unilateral Undertaking were not sought, therefore the proposal would fail to accord with policy 50 of the CLP. In the event

of an appeal and the provision of a hard copy of the agreement, the LPA would maintain their right to withdraw any reason for refusal relating to this matter.

Nitrogen Neutrality

The proposal comprises new development with overnight accommodation, where an increase in nitrates would result in a significant effect on the European designated site comprising the Solent Maritime Special Area of Conservation (SAC).

Natural England updated their methodology for calculating the level of nitrogen resulting from new development on the 16th March 2022. It advises reliance upon the previous methodology, under which the previous mitigation proposal was devised is no longer appropriate, consequently requiring the mitigation proposal to be revised and a further AA to be carried out.

An updated Nitrate Mitigation Proposal has been provided, which identifies 0.912 kg of nitrogen per year will need to be offset, by way of on-site mitigation. The proposal would incorporate the re-wilding of 0.114ha of land, within the applicant's ownership and adjacent to the application site, to mitigate the additional nitrogen. The proposal would require the planting of broad leaf trees, (100 trees per ha) and wild meadow grassland - as detailed fully within the Nitrate Budget Report - The Stables, Westbourne, v2 March 2022.

This proposal has been tested via an AA which has been reviewed by Natural England, who have raised no objection subject to securing the proposed mitigation in perpetuity. As the mitigation would be within the 'blue line' and land within the applicant's ownership, the use of a planning condition, to secure and monitor this mitigation, in perpetuity would be appropriate.

Consequently, the proposed nitrate mitigation scheme would ensure that the proposal would not impact upon the European designated sites because of nitrates, subject to ongoing compliance with any planning conditions imposed to secure such mitigation and therefore, the proposal would comply with policy 49 of the CLP and section 15 of the NPPF.

Human Rights/Personal Circumstances

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

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

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

This application has been accompanied by personal information which is set out in the principle of development section, and the LPA acknowledge the additional mobile home would provide accommodation for the applicant's daughter and her children. The personal circumstances have therefore been considered by the LPA, forming a significant material consideration.

Planning Balance

The Council cannot demonstrate a 5-year land supply to meet an up-to-date locally set target (rather than the target in the Local Plan Policy 36). As such, this is a material consideration of significant weight. There is also a significant level of unmet need in the District and again that it is a significant material consideration in favour of the proposal. However, the site would result in the overconcentration of gypsy and traveller pitches within this relatively small area and would result in

a level of development considered to dominate the settled community, which would be contrary to criterion 6 of Policy 36 of the Chichester LP and criterion c) of Policy OA3-1 of the Westbourne NP. In addition, the applicant has failed to satisfactorily demonstrate there are no alternative available pitches which could be used in the locality, contrary to criterion b) of Policy OA3-1 of the Westbourne NP. In considering the above, at present the unacceptable and harmful elements of the scheme would clearly and demonstrably outweigh the need to provide more pitches in this instance and as such, the is recommended for refusal.

Officer Recommendation

REFUSE.

Human Rights:

The Human Rights of all affected parties have been taken into account and the recommendation is considered justified and proportionate.

5. Recommendation

Officers Recommendation is to REFUSE the following: Increase number of permitted caravans from 1 no. static and 1 no. tourer to 2 no. static and 2 no. tourers and retention of stable block. for the following reasons:-

1) The proposed addition of 1 no. gypsy and traveller pitch would result in the overconcentration of gypsy and traveller pitches within this relatively small area and would result in a level of development considered to dominate the settled community, which would be contrary to criterion 6 of Policy 36 of the Chichester LP and criterion c) of Policy OA3-1 of the Westbourne NP. In addition, the applicant has failed to satisfactorily demonstrate there are no alternative available pitches which could be used in the locality, contrary to criterion b) of Policy OA3-1 of the Westbourne NP.

2) The site is located within the 5.6 km 'zone of influence' of the Chichester and Langston Harbour Special Protection Area where it has been identified that the net increase in residential development results in significant harm to those areas of nature conservation due to increased recreational disturbance. Insufficient mitigation against such an impact has been made and therefore the proposal is considered to be contrary to Policy 50 of the Chichester Local Plan Key Policies 2014-2029. The development would therefore contravene the Conservation of Habitats and Species Regulations 2017 and section 15 of the National Planning Policy Framework.

3) This decision relates to the following plans: 1 Rec C, 2 Rev C, 3 Rev D and 4.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Approved Plans

Details	Reference	Version	Date Received	Status

