

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE ORDER) 2015 (as amended)

Agent :

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Applicant Details :

Mr Christopher Williams
Land To West Of Newalls Lane,
Newells Lane
West Ashling PO18 8DD

In pursuance of their powers under the abovementioned Act and Orders, the Council hereby notify you that they **REFUSE** the following development, that is to say:

**Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.
Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex**

as shown on plan and application no. FU/20/00956/FUL submitted to the Council on 28 April 2020.

The reason for the Council's decision to refuse to permit the above development are:

- 1) The development would be situated some 0.6km from West Ashling which contains the nearest bus stop that benefits from a regular service. West Ashling has no lit pedestrian walkways leading to the application site and the site is a considerable distance from the nearest service villages and settlement hubs. It is considered that due to the location of the nearest bus stop that the use of public transport would be unlikely for future occupants. The site is not well located to public transport routes as required by Policy 36 of the Chichester Local Plan and the proposal would be inherently unsustainable, promoting a reliance on the private motor vehicle as a result, whilst also being situated in a location that has the potential to be isolating and offers poor access to services and amenities for future occupiers. The proposal would be both environmentally unsustainable and socially unsustainable contrary to paragraphs 8 and 11 of the NPPF 2019 and Policy 1 of the Chichester Local Plan.
- 2) The site is located within an cluster of existing gypsy and traveller pitches, contributing to the growth and amalgamation of the existing Gypsy and Traveller pitches/plots in the area. This would result in the number and concentration of Gypsy and Traveller pitches/plots dominating the sporadic rural development of the settled community in this location. The proposal would therefore conflict with Policy 36 of the adopted Chichester Local Plan: Key Policies 2014-2029 and Policies and Annexe 1 of the Planning Policy Travellers Sites.

- 3) The proposal, would result in the the creation of Gypsy and Traveller development across the entire width of parcel of land between Newells Lane and Scant Lane, resulting the adjoining of the existing Gypsy traveller sites of Newells Lane, Tower View Nursery and those along Scant Road East into one large settlement. This would result in the erosion of the open character remaining to the centre of the wider parcel of land. The result would be a cluster of Gypsy and Traveller pitches that would far exceed the prevailing sporadic development that characterises the surrounding rural area. Furthermore, the density of development and number of residential developments would appear an incongruous feature within the rural landscape and would result in significant harm to the identified character of the site. The layout of the site would would see the majority of the site laid to hardstanding shingle, with only token grazing and amenity space. The reliance of hardstanding would result in a development more akin to an urban location as opposed to the rural area in which it is sited. The proposed layout would also appear unduly cramped and would promote a density of development that appearing incongruous with the verdant and spacious character of the wider rural area in which it is sited. The cramped layout and reliance on hardstanding would also be harmful to the amenity of future occupiers of the site. The proposal would therefore be contrary to Policies 36, 45 and 48 of the Chichester Local plan and the PPTS.
- 4) The application site is situated within a rural location and is covered in vegetation. There is mature planting along the northern and western boundaries of the site, a ditch to the western side of the site and an identified bat network to the west of the site. It is therefore considered probable that the site would provide valuable foraging and habitat environments for protected species and wildlife generally. No protected species surveys have been undertaken on the site and therefore the LPA is unable to establish that the proposal would not have a detrimental impact upon the biodiversity value of the site and the habitats or foraging opportunities of protected species. Without adequate information to demonstrate otherwise, the proposal has the potential to result in harm to the biodiversity value of the site. In addition, the proposal does not incorporate any ecological enhancements which increase biodiversity on the site, whilst the layout and reliance on hardstanding would impede the movement of ecology across the site and area generally. The proposal would as a result be contrary to policy 49 of the Chichester Local Plan and paragraph 175 of the National Planning Policy Framework.
- 5) The proposal would fail to demonstrate that sufficient grazing land is provided for the number of proposed stables. The proposed stables would add to the visually cramped appearance of the site and would be harmful to the verdant and spacious character of the rural area. No scheme for the management of waste or lighting has been submitted to the LPA. The storage of waste is of particular importance as the site is situated within zone 1- Subsurface activity source protection zone for the Spring Gardens abstraction. Overall, insufficient evidence and supporting information has been submitted to demonstrate that the proposal would accord with Policy 55 of the Local Plan to the potential detriment of animal welfare, environmental quality and appearance of the rural area.

- 6) Insufficient information has been submitted to demonstrate that surface water drainage within the site can be adequately addressed. As such the LPA cannot be certain that the proposal would not increase the likelihood and severity of surface water flooding in the locality, which would have a damaging impact upon both the built and natural environment. The proposal is therefore considered to be in conflict with Policy 42 of the Chichester Local Plan and Section 14 of the NPPF 2019.
- 7) 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. Sufficient mitigation against such an impact has failed to be made and therefore the proposal is contrary to Policy 50 of the Chichester Local Plan Key Policies 2014-2029. The development would therefore contravene the Conservation of Habitats and Species Regulations 2017 and section 15 of the the National Planning Policy Framework.
- 8) The proposal comprises new development with overnight accommodation, where the treated effluent from the development will discharge into a Solent European site, or any water body that subsequently discharges into such a site. Insufficient information has been submitted to assess the discharge of nitrogen and phosphorous into the Solent and thereby assess the significance of any impacts from the proposed development and to consider any mitigation measures that might be necessary. Without this information it cannot be established that the proposal would not be likely to have a significant effect on the Solent Special Protection Areas and other European sites and is therefore contrary to the aims and objectives of the National Planning Policy Framework (February 2019), and the Conservation of Habitats and Special Regulations (2017).

INFORMATIVES

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

2) This decision has been made on the basis of the following plans:

200, BP-01-2020, FGF-01-2020, LP-01-2020

The plans the subject of this decision can be found at the Council's website www.chichester.gov.uk quoting the reference number of the application. For all applications after May 2003, the relevant plans are listed as 'Plans-Decided'.

Date : 2 October 2020

Signed:



Andrew Frost
Director of Planning and the Environment
Chichester District Council

NOTES

Town and Country Planning Act 1990

Town and Country Planning (Control of Advertisements) Regulations 1992

Town and Country Planning (Trees) Regulations 1999

Your attention is directed to the following notes. They are for information only and do not pretend to set out the whole of the law on the subject. It would be well for you to consult your solicitor if you are in any doubt.

1. If the applicant is aggrieved by the decision of the District Planning Authority to refuse permission for the development, or is aggrieved by a condition imposed on a planning permission, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months* from the date of notice or determination giving rise to the appeal. (All appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/04A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. <https://www.gov.uk/planning-inspectorate>. Advertisements and ELD/PLD appeal forms are available from County House, Portland Square, Bristol; Tree Preservation Order appeals forms are available from Government Office from The Planning Inspectorate, The Environment Appeals Team, Trees and Hedges, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Email – environment.appeals@pins.gsi.gov.uk Telephone – 0303 444 5584. One copy of the appeal form must be submitted to the Director of Planning and the Environment, Chichester District Council, East Pallant House, Chichester, West Sussex PO19 1TY).

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed

by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

*** APPLICANTS SHOULD NOTE THAT THE PERIOD FOR MAKING AN APPEAL IN RESPECT OF HOUSEHOLDER APPLICATIONS (SUFFIX /DOM) IS 12 WEEKS FROM THE DATE OF THIS NOTICE; FOR ADVERTISEMENT APPLICATIONS (SUFFIX /ADV) IT IS 8 WEEKS; AND FOR TREE APPLICATIONS (SUFFIX /TPA) IT IS 28 DAYS.**

2. If permission to develop land is refused or granted subject to conditions, whether by the District Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part V of the Town and Country Planning Act 1990.
3. In certain circumstances a claim may be made against the District Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in the Town and Country Planning Act 1990.
4. By Section 195 of the Town and Country Planning Act 1990 where an application is made to a District Planning Authority for a Certificate of Lawful Use or Development and is refused in part, the applicant may by notice under this sub-section appeal to the Secretary of State and on any such appeal the Secretary of State shall:
 - (a) if and so far as he is satisfied that the Authority's refusal is not well-founded, grant to the appellant a Certificate of Lawful Use or Development accordingly or, as the case may be, modify the certificate granted by the Authority on the application, and:
 - (b) if and so far as he is satisfied that the Authority's refusal is well-founded, dismiss the appeal.
5. Applicants are advised to consult Regulation (15) of the Advertisements Regulations 1992 regarding appeals in respect of advertisements.
6. Where this notice conveys approval or permission, conditional or unconditional please note that the decision given does not purport to convey any consent or approval which may be required under the Public Health Acts and Building Regulations. Additionally applicants are advised to check the need for notice to be given under the Party Wall etc. Act 1996.
7. Where this notice conveys approval or permission subject to conditions, applicants are reminded that the onus is on them to ensure the conditions have been complied with. Under some circumstances a failure to comply with a condition may result in the whole development being unauthorised.