

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

Agent :

Joseph Jones
Saga Ct
Unit 3
Sibleys Rise Great Missenden
HP16 9QQ

Applicant Details :

Mr Frazer Sibley
C/O Agent

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 of use of land for the stationing of 4 no. static caravans and 4 no. touring caravans for a Gypsy Traveller site, including parking, hard standing and associated infrastructure.
Land West Of Newells Lane West Ashling PO18 8DD**

as shown on plan and application no. FU/20/00234/FUL submitted to the Council on 21 February 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 semi-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 and, therefore, contrary to paragraphs 8 and 11 of the NPPF 2019 and Policy 1 of the Chichester Local Plan.
- 2) The site is located within a cluster of existing gypsy and traveller pitches and the cumulative provision of 4 additional pitches and plots, within the rural area which is characterised by sporadic residential development, would fail to respect the scale of and would dominate the existing settled community within this rural area. The proposal, therefore, conflicts 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) Insufficient information has been provided with regard to foul sewerage arrangements to demonstrate the proposed development would not have a negative impact up on the level of nitrates entering Chichester Harbour. In the absence of sufficient evidence and/or appropriate mitigation measures, agreed in consultation with Natural England, the proposal is contrary to Paragraph 180 of the NPPF.
- 4) The application site is located within Source Protection Zone 1C. Insufficient information has been submitted to assess if the development can meet requirements to prevent, minimise and/or control pollution. The proposal would therefore fail to ensure the development would not pollution on health, living conditions and the natural environment. The proposal, therefore, conflicts with Policy 42 of the Chichester Local Plan and Section 15 of the National Planning Policy Framework, including paragraph 180.
- 5) Given the extent and unknown type of hardstanding proposed and the lack of clarity as to how surface water would be dealt with onsite, officers are unable to assess whether the proposal would result in an increased 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, therefore, conflicts with Policy 42 of the Chichester Local Plan and Section 14 of the NPPF 2019.
- 6) Insufficient information has been provided in regards to the biodiversity of the site, which it is considered necessary to provide a phase one extended habitat survey of the site to identify any protected species and outline any mitigation work necessary. In the absence of such survey, officers are unable to be certain that the application would not result in an unacceptable harm against protected species or result in a net increase in biodiversity. In addition, it is considered that the proposal fails to make adequate biodiversity enhancements and as a consequence of the amount of hardstanding proposed. As such the proposal is considered to be contrary to Policy 49 of the Chichester Local Plan.
- 7) The site is located within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours 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 not been 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 the advice in the National Planning Policy Framework.

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.

2) This decision is based on the following plans: 01, LP-01-2020-FEB, DR-01-2020, LS-01-2020, FGF-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'.

Signed:

Date : 4 December 2020



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.