



TO: Planning Committee North

BY: Head of Development

DATE: 01 October 2019

DEVELOPMENT: Retrospective change of use of land for the stationing of caravans for residential purposes for four gypsy pitches, along with the formation of hardstanding and four utility/ day rooms ancillary to that use

SITE: Sussex Topiary Naldretts Lane Rudgwick Horsham West Sussex RH12 3BU

WARD: Rudgwick

APPLICATION: DC/19/1362

APPLICANT: **Name:** Tim Bloxham **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation raising material planning considerations made within the consultation period contrary to the recommendation of the Head of Development.

RECOMMENDATION: To approve application subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks retrospective full planning permission for the change of use of the land to provide 4no. gypsy pitches, along with the formation of hardstanding, and the erection of 4no. ancillary day rooms/utility buildings.

1.3 Each pitch would include a mobile home, day room/utility building, and space for 2no. vehicles. The pitches would be positioned around a central amenity space, with hardstanding laid around the amenity space to provide access and turning.

1.4 The proposed day room/utility buildings would provide a bathroom and living area, and would measure 4m x 4m, with a pitched roof measuring to an overall height of 3.5m. The exception to this is the day room located to the southern boundary, which is proposed to be a 'family' day-room. This would provide a w.c, shower room, and kitchen/living area, and would measure 6m x 6m. It is proposed to remove the roof of the existing building so that it would be lowered by 1m, with the ridgeline proposed to extend to an overall height of 3.5m. The day rooms/utility buildings would be finished in render with tile roof.

- 1.5 Additional soft landscaping in the form of native hedging and planting would be added to the immediate north and east of the pitches, with the southern and eastern boundaries bound by post and rail fencing.
- 1.6 A total of 12no. vehicle parking spaces would be provided within the site.

DESCRIPTION OF THE SITE

- 1.7 The application site is located outside of any defined built-up area boundary, and is located in the countryside in policy terms. The site is located approximately 850m from the built-up area of Bucks Green and approximately 1.2km from the built-up area of Rudgwick.
- 1.8 The site comprises a former horticultural nursery set within wider countryside, with sporadic residential development within the surroundings.
- 1.9 The application site is accessed from Naldretts Lane, and is enclosed by boundary hedging to the north, and mature trees and hedging to the western boundary. The wider site is separated to paddocks, with a mobile home and day room located to the east.
- 1.10 Partial construction works have taken place on the site, with the laying of hardstanding and concrete pads for the mobile homes. A day room/utility building has also been erected along the southern boundary, with the installation of a sewage treatment plant and gas tank to the far north of the site. The site has been the subject of recent enforcement action, and an enforcement notice requiring removal of the day room was served on 13 September 2019.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

- 2.3 **National Planning Policy Framework**

- 2.4 **Planning Policy for Traveller Sites (PPTS)**

- 2.5 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 4 - Strategic Policy: Settlement Expansion

Policy 15 - Strategic Policy: Housing Provision

Policy 16 - Strategic Policy: Meeting Local Housing Needs

Policy 21 - Strategic Policy: Gypsy and Traveller Sites Allocations

Policy 22 - Gypsy and Traveller Sites

Policy 23 - Strategic Policy: Gypsy and Traveller Accommodation

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 40 - Sustainable Transport
Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

2.6 **Rudgwick Parish Neighbourhood Development Plan**

- Designated (Regulation 7)

2.7 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/13/2170	REF (Approved at Appeal)	Change of use of land for the stationing of caravans for residential purposes for 4 No. gypsy pitches along with the formation of hardstanding and 4 No. utility/dayrooms ancillary to that use
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ENFORCEMENT HISTORY

- 2.8 The application site has been subject of an approval at appeal under reference DC/13/2170. This sought permission for the change of use of the land for 4no. gypsy pitches and associated operational development.
- 2.9 A recent compliance investigation has been undertaken following the receipt of complaints in respect of works being carried out on the site.
- 2.10 A site visit by the Compliance Officer found that the works carried out were not in accordance with the approved plans subject of the planning appeal, with the pads for the mobile homes incorrectly laid out, the septic tank positioned in a different place and of a different size, landscaping removed from within the site boundary, with the erected day room of a larger size than that approved.
- 2.11 Given these changes, which were considered to be fundamental to the permission as approved, it was determined that the planning permission approved at appeal had not been implemented. Given the date of the appeal decision, it was determined that the permission as approved was no longer extant, and the appropriate course of action was to submit a retrospective application for consideration.
- 2.12 Notwithstanding the above, complaints were received in respect of the day room erected on the site, with concerns raised that the building was being occupied as a residential dwelling. Given the size of the building and the potential length of time that the building may have been on the site, an Enforcement Notice was served on 13 September 2019 requiring the building to be removed from the site and the land returned to its original condition .

3. **OUTCOME OF CONSULTATIONS**

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Strategic Planning:** A Gypsy & Traveller Housing Needs Assessment was undertaken in 2012 which identified the need for 39 pitches in the period up to 2017. Sites were allocated in the HDPF to meet this need for this five-year period. The HDPF was clear that further work was needed to address needs beyond the first five years, but to help address this a criteria based policy (Policy 23) is included in the document to help guide the selection of additional sites for allocation, or considering applications for non-allocated sites. This approach was agreed by the Inspector who examined the HDPF.

Unfortunately some sites allocated in the HDPF have not come forward, and this contributes to the fact that the Council does not have a 5-year land supply for Gypsy and Traveller Sites.

Until a new Gypsy and Traveller policy is adopted by HDC, the need figure included in Policy 21 of the HDPF remains at 39 net new permanent pitches and HDC is unable to demonstrate a 5 year supply of gypsy and traveller pitches.

- 3.3 **HDC Landscape Architect:** No Objection. The 4-pitch development would sit well within the landscape – reflecting the adjoining sporadic scale of other small settlements/farm buildings. The siting of the development, surrounded by open ground to the east, reinforces this pattern. Providing soft landscaping is reinstated and implemented as proposed in the previous planning approval, no objections are raised on landscape grounds.
- 3.4 **HDC Environmental Health:** The capacity and treatment described for the Matrix Sewage Treatment Plant is satisfactory for the 4no. pitches.

The proposals for surface water drainage run-off should be examined by the Drainage Engineer. Building Regulations do not apply to caravan sites, so these cannot be relied upon to achieve sustainable drainage on the site.

- 3.5 **HDC Drainage Engineer:** No objection although it is noted that given the geology of the area that using soakaways to deal with surface water, i.e. infiltration, could prove difficult to achieve.

OUTSIDE AGENCIES

- 3.6 **WSCC Highways:** The Local Highway Authority 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 109), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority are minded to approve the application, conditions should be applied relating to car parking and cycle parking:

PUBLIC CONSULTATIONS

- 3.7 **Rudgwick Parish Council:** Objection on the following grounds:-
- Inappropriate development that would cause substantial harm that outweighs the benefits
 - Inconsistent with paragraph 170 of the NPPF
 - Conflicts with Policies 3, 4 and 26 of the HDPF
 - The application does not address the housing needs of the area

3.8 **Rudgwick Preservation Society:** Objection:-

- Inappropriate development that would cause substantial harm that outweighs the benefits
- Inconsistent with paragraph 170 of the NPPF
- Conflicts with Policies 3, 4 and 26 of the HDPF
- The application does not address the housing needs of the area

3.9 10 letters of objection were received from 8 separate households, and these can be summarised as follow:-

- Impact on character of the area
- Traffic increase and safety implications
- Overdevelopment
- Under enforcement of previous application
- No need for gypsy pitches
- Impact on property values
- Occupation of day room
- Overlooking
- Loss of landscaping
- Not essential to countryside location
- Impact on rural setting
- Surface water drainage issues
- Impact on ambience of countryside

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 The application relates to the change of use of the land to provide 4no. gypsy pitches, along with the laying of hardstanding and the erection of day rooms. The development as proposed is part retrospective.

Principle of Development

6.2 Policy 21 of the Horsham District Planning Framework (HDPF) states that provision shall be made for 39 net additional permanent residential pitches for Gypsies and Travellers within the period of 2011-2017. This is partly in order to fulfil the backlog of unmet need identified through the Council's current Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (2013). The policy confirms that Horsham District Council will make provision for further pitches over the rest of the Plan period from 2017 to 2031 through a Site Allocation DPD. It is however acknowledged that a number of sites allocated through Policy 21 of the HDPF have yet to come forward and therefore the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites.

- 6.3 The Council began preparation of a revised Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document (DPD) – Preferred Strategy in 2017. This sets out a pitch requirement for 60 gypsy pitches over a ten year period (up to 2027), and a 15 year requirement for 78 pitches. The 10 year requirement, which is essential, includes a backlog of 40 gypsy pitches, a need for 1 pitch in years 1-5 (2017-2022) and a requirement for a further 19 pitches between 2022-2027. This document identified a supply of 68 gypsy pitches, which meets the 10 year requirement need for 60 pitches. However, following the drafting of this DPD, the site at Bromeliad Nursery, Billingshurst was withdrawn, which meant the removal of 15 pitches from the 68 pitches identified. On this basis, a supply of 60 pitches over the 10 year plan period (up to 2027) could not be demonstrated, and HDC is unable to demonstrate a 5-year supply of Gypsy and Traveller pitches.
- 6.4 For the purposes of planning policy, Annex 1 of the Planning Policy for Traveller Sites (PPTS) defines “gypsies and travellers” as *“persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*
- 6.5 Policy H of Planning Policy for Traveller Sites (PPTS) provides national guidance on determining planning applications for Traveller sites. Paragraph 22 of this document outlines that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 23 continues 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 the Planning Policy for Traveller Sites document.
- 6.6 Paragraph 24 of the PPTS states that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- a) the existing level of local provision and need for sites
 - b) the availability (or lack) of alternative accommodation for the applicants
 - c) other personal circumstances of the applicant
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - e) that they should determine applications for sites from any travellers and not just those with local connections
- 6.7 It is acknowledged that the sites allocated through Policy 21 of the HDPF have yet to come forward and therefore, the Council is currently still unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration in terms of the determination of this planning application and would weigh in favour of the proposal, subject to compliance with the criteria within Policy 23 of the HDPF and the relevant provisions of the PPTS.
- 6.8 Notwithstanding the identified undersupply of Gypsy and Traveller Sites, the application site has been subject to an earlier approval for 4no. gypsy pitches under planning reference DC/13/2170. This application was approved at appeal, where it was considered that the proposal was broadly consistent with the sustainability criteria of the PPTS, and would cause limited harm to the character and appearance of the area which was outweighed by the public benefit. The previous application was determined against the policies within the Core Strategy (2007) and Horsham District General Development Control Policies (2007), with the appeal determined after the Horsham District Planning Framework had been adopted. While the appeal was determined after adoption of the HDPF, the Inspector considered the application against the outdated policies within the Local Development Framework, albeit

that reference was made to “emerging” policies 21, 22, and 23 of the HDPF. In addition, the Inspector considered the conclusions of the Gypsy/Traveller, Travelling Showpeople Accommodation Needs Assessment (GTTSANA) which was published in 2012. On the basis of the GTTSANA, the Inspector outlined within the Appeal Decision that there was a clear existing need for gypsy and traveller sites in Horsham, and that there was not a sufficient supply to meet the requirement of the five year period up to 2020.

- 6.9 Policy 21 of the HDPF made provision for 39 net additional permanent residential pitches for Gypsies and Travellers within the period of 2011 – 2017 to address the needs over the 5-year period. It was recognised that additional work was needed to understand the needs of Gypsy and Travellers beyond 2017, with an additional requirement to address the 5-year land supply issue. The Council began preparation of a revised Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document (DPD) – Preferred Strategy in 2017 however the document did not proceed to formal submission. The need figure as referenced within Policy 21 of the HDPF remains, with a number of the sites allocated within this policy yet to come forward. As such, it remains that the Council are unable to demonstrate a 5-year supply of gypsy and traveller pitches. The Council remain in a similar position in regard to 5-year supply as that considered at the time the appeal was determined. The Inspector, in considering the 5-year supply issue, concluded that the Council could not demonstrate a 5-year supply of pitches, and it was recognised that the development would represent an adequate way to respond to this need. The need for additional Gypsy and Traveller accommodation was recognised as a matter that carried significant weight.
- 6.10 While the site has not been submitted in support of a particular identified familial need, the Applicant is known to the Council, and currently occupies a gypsy site within the District. From discussion with the Applicant, the intention is to move with his family (including his wife, daughters and grandchildren) to the site. In considering the appeal under reference DC/13/2170, the Planning Inspector acknowledged that the personal needs of the Applicants carried significant weight, with important weight attached to health matters, and some further weight attached to education access. However, the Inspector outlined that personal consideration did not need to be taken into account in the overall balance, and consequently a personal occupancy condition did not need to be imposed. Rather, a more general occupation condition, specific to persons who meet the definition of gypsy or traveller as defined in Annex 1 of the PPTS was imposed. Therefore, while the personal needs of the Applicant at the time was discussed and taken into account in the overall balance, the personal needs of the Applicant were not a defining reason to approve the original permission. The general occupation condition imposed on the approval would mean that any person meeting the definition could occupy the site.
- 6.11 Given the conclusions of the Planning Inspector when considering the appeal under reference DC/13/2170, it is considered that the general overriding need within the District for gypsy pitches, rather than personal need specifically, is of significant weight in the overall balance given the current identified need. A number of sites allocated through Policy 21 of the HDPF have yet to come forward and the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites. This is a significant consideration which weighs in favour of granting planning permission for the proposed development, subject to compliance with other relevant policies of the HDPF.

Sustainable Development

- 6.12 Policy 23 of the HDPF outlines the criteria that must be considered when determining planning applications for non-allocated sites. These provisions include that the site is located in or near to existing settlements, within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

- 6.13 Paragraph 13 of the PPTS states that Local Planning Authorities should ensure that traveller sites are economically, socially and environmentally sustainable. Paragraph 25 continues that Local Planning Authorities should limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan. 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.
- 6.14 The sustainability of the application site was considered by the Inspector in respect of earlier application DC/13/2170. In considering this earlier application the Inspector outlined that the application site is approximately 1.7km from Rudgwick, where the facilities and services available include a primary school, a surgery, a Post Office, and a convenience store. It was recognised that Rudgwick was close enough to the site to be reached on foot or by cycle, and car journeys would be short. The Inspector therefore concluded that the site is in a sustainable location for a gypsy site.
- 6.15 The spatial and policy context of the site and its relationship with Rudgwick has not changed considerably since the appeal decision. The Council are unable to demonstrate a 5-year supply of gypsy and traveller pitches, with the proposal representing an appropriate and sustainable way to respond to need. It is therefore considered that the conclusions of the Inspector in regard to the sustainability of the site remain of relevance and significant weight. On this basis, the application site is considered to be in a sustainable location for a gypsy site, and is considered to accord with the relevant criteria of the HDPF in this regard.

Landscape Character

- 6.16 The importance given to the continued protection of rural areas remains a key policy criteria in assessing new gypsy and traveller sites. The PPTS states 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*”. Furthermore, it advises that any sites in rural areas respect the scale of, and do not over dominate, the nearest settled community.
- 6.17 Paragraph 26 of the PPTS advises Local Planning Authorities to attach weight to the following matters when considering new gypsy site proposals:-
- a) effective use of previously developed land (brownfield), untidy or derelict land;
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 6.18 The application site is located within the Central Low Weald Landscape Character Area, as defined in the West Sussex Landscape Character Assessment. The area is described as a mainly pastoral landscape with a well-wooded character. Many small farms and cottages are concentrated along lanes and key characteristics include predominantly small to medium-sized pasture fields, enclosed by woodlands, shaws and hedgerows. The area around the application site reflects these features, with several strong lines of tree cover, and a cluster of buildings along Naldretts Lane near its junction with Haven Road.
- 6.19 The Inspector when considering the previous appeal on the site, assessed the impact that the development would have on the landscape character of the area. It was noted that the main part of the site, where the pitches would be formed, was well contained by tree cover. There were lines of conifers along the northern, southern, and part of the eastern sides, and

mixed tree cover on the western side where the site abutted a restricted byway. Within this area were remnants of hardstanding and dilapidated polytunnel frames and other structures, which meant that the site was unattractive; however, the effect on the surrounding area was considered limited due to the presence of tree cover and hedgerows, and its position back from Naldretts Lane.

- 6.20 It was considered that the overall structure of Sussex Topiary, with the paddocks and site itself enclosed by tree cover, meant that the site reflected the characteristic features of the Landscape Character Area. It was acknowledged that the siting of the day rooms and caravans, alongside the renewed hardstanding, would represent a more pronounced form of development, however it was considered that the additional urbanising effect on the landscape would be limited by the position and containment of the pitches. It was acknowledged that partial views of structures on the western part of the site would be possible from the byway through the tree cover, but it was noted that additional planting could be undertaken to strengthen this cover. It was not therefore considered that the development would appear intrusive from these viewpoints. Weight was given to the conifer hedge that ran between the pitches and the field fronting Naldretts Lane, which allowed only extreme limited glimpses of the development from the road. It was therefore considered that the proposed development would have a limited urbanising effect on the character of the area, and there would be some limited harm in appearance from the byway. However, the need for the gypsy site was considered to outweigh the harm identified.
- 6.21 Since determination at appeal, it is noted that certain landscape features have been removed on the site, including the conifer hedging which separated the southern section of the site from the northern field fronting Naldretts Lane. It is however recognised that the treeline and hedging to the boundaries remain, with additional planting proposed to replace the removed conifer hedge. In addition, as part retrospective, development has taken place on the site, with slight alterations to the layout of the development including the orientation and position of the concrete pads, and the increase in size of one of the day rooms.
- 6.22 While acknowledged that certain natural features have been removed, the proposal seeks to plant native hedging between the southern section of the site where the caravans are proposed to be located, and the northern field that fronts Naldretts Lane. Such planting is considered to strengthen the cover and limit glimpses of the development from the road, and it is considered that such planting could be secured by an appropriately worded condition.
- 6.23 It is recognised that the proposed layout has altered since the appeal decision, however the number of pitches remain the same, with these positioned within the same section of the site. On this basis, it is considered that the actual visual impact of the development has not materially changed from that previously approved.
- 6.24 The conclusions of the Inspector in respect of landscape character remain of significant weight in consideration of the current proposal. While noted that some natural features have been removed, and the layout of the site has altered slightly, it is noted that the development would remain in the same section of the site and additional planting is proposed. Given the conclusions of the Inspector, and the intent to provide additional planting within the site, it is not considered that a reason for refusal on landscape character grounds could be substantiated for the provision of 4 pitches and associated day rooms.
- 6.25 It is recognised that the day room as built has been subject of an Enforcement Notice. This Notice outlines that the building is not essential to its countryside location, and would result in an independent dwelling in the countryside that does not accord with the spatial strategy and countryside protection policies within the Development Plan. In addition, it outlines that the scale and mass of the building is considered to result in a dominant addition that would urbanise and formalise the rural landscape setting.

- 6.26 While this Enforcement Notice is of significant weight when considering the current application, it is noted that a day room of a more limited height would be used in association with the proposed gypsy pitches, with the proposal seeking to reduce the overall height of the building. The building would therefore be used as ancillary to the use of the site, which could be conditioned as such. This larger day room is proposed to be used as a “family day room” for occupiers of the site as a whole, with the Agent providing details of sites within the District where similar scaled day rooms have been permitted. While noted that the “family day room” would be of a greater footprint and scale to the other day rooms proposed, it is considered on balance that the resulting building would not be so large as to result in landscape harm. The reductions proposed would ensure that the building would incorporate no more facilities than required, with the proposed condition ensuring that the building is occupied as ancillary to the main use of the site. As such, it is not considered that a reason for refusal on the grounds of the footprint and scale of the “family day room” could be justified.
- 6.27 On this basis, it is considered that the use and scale of the building would be materially different to that subject of the Enforcement Notice, with the building proposed to be used as ancillary to the main use of the site and the building of a lesser scale and height. It is therefore considered that the proposed building in respect of its use and overall scale would be acceptable, and would be in keeping with the wider use and form of the proposed use for the site.
- 6.28 It is therefore considered that the day room at the amended scale would be acceptable, and it is suggested that a condition ensuring that the use be ancillary to the wider use of the site be imposed to ensure that it is occupied as ancillary to the main use.

Amenity Impacts

- 6.29 Policy 23 of the HDPF states that development will not have an unacceptable impact on the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings. Policy 33 of the HDPF continues that development should be designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.30 The application site is located to the south of Naldretts Lane, with the surrounding residential properties positioned between approximately 120m and 200m to the east and north of the site respectively.
- 6.31 While acknowledged that a number of objections have been received on the grounds of potential impact on neighbouring properties, given the level of activity which would be associated with 4 pitches together with the separation distance between the site and the nearest neighbouring properties, it is not considered that the proposal would result in such harm to the privacy or amenity of occupiers to justify a reason for refusal. This view is consistent with preceding decisions on the site.

Highways Impacts

- 6.32 Policy 40 of the HDPF seeks to direct development to areas which are integrated with sustainable transport networks, encourage sustainable transport choices and ensure that new development is safe for all modes of transport, including vehicles, cyclists and pedestrians. Policy 41 of the HDPF aims to ensure that developments are served by adequate parking facilities including provision for cycle, motorcycle, low emission vehicles and the mobility impaired.
- 6.33 When considering the appeal under reference DC/13/2170 the Inspector outlined that Naldretts Lane is a narrow road, with no footways, and provides vehicular access for the properties along the road. The access was considered to be satisfactory, and it was also

considered that the existing highway network is adequate to serve the site. Furthermore, it was considered that there would be adequate space for parking and turning within and adjacent to each pitch.

- 6.34 It is acknowledged that the layout of the site has slightly altered from that considered at the appeal; however, the site access remains as originally proposed and a total of 12no. parking spaces would be provided.
- 6.35 WSCC Highways have been consulted on the application, and no objections have been raised on highways grounds. The Local Highways Authority do not consider that the proposal would have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network.
- 6.36 It is considered that the proposal would provide sufficient parking for the number of pitches proposed, with the existing access considered to be functioning appropriately. It is not considered that the proposal would result in harm to the function or safety of the highways network, and it is therefore considered that the proposal would comply with Policies 40 and 41 of the Horsham District Planning Framework (2015).

Ecology

- 6.37 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate.
- 6.38 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.
- 6.39 When considering the appeal under reference DC/13/2170 the Inspector outlined that there were no proven protected species on the site, although it was acknowledged that the vegetated margins of the site were likely to be used by bats. It was therefore considered that there were no reasons to object to the proposal on ecology grounds, subject to a condition that restricted external lighting. Officers are of the view this position remains the same for this current application. Such a condition is therefore recommended on the current application.

Other Issues

- 6.40 In addition to the matters raised above, Policy 23 of the HDPF outlines that there must be no significant barriers to development in terms of flooding, drainage, and ground stability.
- 6.41 Concerns have been raised by residents in respect of potential flooding and drainage issues.
- 6.42 The application site is located outside of any designated Flood Zone, but it is acknowledged that the site slopes down to the north. Drainage channels for each pitch have been laid and a septic tank has been installed on the site.
- 6.43 Following consultation with the Drainage Engineer, the drainage details as shown are considered acceptable in principle, albeit that some concerns have been raised with the practicality of a soakaway. In addition, following consultation with the Environmental Health

Officer, the proposed drainage strategy is considered acceptable. While caravan sites are not subject of Building Regulations it is considered that a soakaway could be provided on the site, but would need to be of a sufficient and appropriate size to accommodate likely drainage. Upon review of the drainage details submitted, and considering the context of the site which would allow additional drainage capacity within the wider paddocks, the proposed strategy is considered appropriate, and it is recommended that a condition ensuring compliance with these details is attached.

- 6.44 Following a site visit, there do not seem to be any ground stability issues on the site. Therefore, no objections are raised on these grounds.

Conclusion

- 6.45 The application site was subject of an appeal under reference DC/13/2170, where it was concluded that the proposed development for 4no. gypsy pitches was broadly consistent with the sustainability criteria within the PPTS, with the general need for gypsy sites carrying significant weight. It was considered that these matters clearly outweighed the limited landscape harm caused by the proposal.
- 6.46 While the personal need of the Applicants at the time were discussed in the Inspector's report, a personal occupancy condition was not imposed. Furthermore, it was considered that a permanent permission was acceptable, and a temporary permission was not necessary. It was concluded that the general need for gypsy pitches, rather than personal need specifically, was of significant weight in the overall balance given the identified need. Consequently, permission was granted for 4no. pitches subject to a condition ensuring that occupants of the site met the definition of gypsy and traveller status as outlined within Annex 1 of the PPTS.
- 6.47 The Council do not have a 5-year land supply for gypsy sites, and at present there remains an identified undersupply of available sites within the District. It is therefore recognised that the proposal would go some way to addressing the identified need. Given the conclusions of the appeal decision, which are considered to be of significant weight in consideration of the current application, it remains that the proposal would address the identified need, and it would not be reasonable to impose a personal or temporary condition. However, given the reasons for the recommendation, which seeks to address identified need for gypsy and traveller pitches in the District, it is considered necessary to impose a condition restricting occupation of the site to those who accord with the definition within Annex 1 of the PPTS.
- 6.48 The findings of the Inspector remain of particular relevance and carry significant weight. While the development would result in some landscape impact, it is considered that there is a significant benefit in providing gypsy accommodation within the District, which would help meet the identified shortage of sites. It is considered that the imposition of a landscaping condition requiring details of additional landscaping and planting would help to mitigate potential landscape impact, and would ensure that the proposed development would maintain the visual amenities of the locality. The proposed scale of development would not lead to any significant adverse harm to the landscape character and environment quality of the countryside, and would not dominate the wider pattern of development within the locality.
- 6.49 The development is therefore considered to be compliant with Policy 23 of the Horsham District Planning Framework, and all other relevant local and national planning policies.

7. RECOMMENDATIONS

- 7.1 To approve the application, subject to the following conditions.

1 Approved Plans Condition

- 2 **Standard Time Condition:** The development hereby permitted shall begin 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.

- 3 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- Details of all hard surfacing materials and finishes
- Details of all boundary treatments

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** Prior to the first use of the site hereby permitted, the parking, turning and access facilities necessary to serve the development shall be implemented in accordance with the approved details as shown on plan 001 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** The use hereby permitted shall not commence unless and until provision for the storage of refuse/recycling has been made for each pitch in accordance with details that have been submitted to and approved in writing by the

Local Planning Authority. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Regulatory Condition:** Within 3 months of the permission hereby approved, the works to the day room shall be completed in strict accordance with the details as shown on plan reference PRR1. The building shall be retained in strict accordance with these details, and shall not be altered or extended without the benefit of planning permission.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 8 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the Drainage Strategy as shown on plan reference 001. No pitch shall be occupied until the details as shown have been installed.

Reason: To ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 9 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined in Annex 1 of Planning Policy for Traveller Sites (Department for Communities and Local Government 2015).

Reason: To enable the Local Planning Authority to control the use of the site and in accordance with Policy 21, Policy 22 and Policy 23 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** No more than 4 caravans (of static or mobile home type), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking or re-enacting these Acts), shall be stationed on the site at any time. There shall be no more than four (4) touring caravans stationed on site at any time and these shall not be occupied by any person at any time whilst stationed on the application site.

Reason: To avoid an overcrowded appearance and to secure satisfactory standards of space and amenity in accordance Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** The day rooms hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the gypsy pitches hereby approved and shall not be used as separate units of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

- 14 **Regulatory Condition:** No industrial, commercial or business activity shall be carried on from the site, including the storage of materials.

Reason: In the interests of amenity and in accordance with Policies 26 and 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: In the interests of amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 16 **Regulatory Condition:** No burning on site at any time.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/13/2170
DC/19/0897
DC/19/1362