



TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 27 April 2021

DEVELOPMENT: Construction of 2No. additional settled gypsy accommodation site pitches

SITE: Lane Top Nutbourne Road Pulborough West Sussex RH20 2HA

WARD: Pulborough, Coldwaltham and Amberley

APPLICATION: DC/20/2497

APPLICANT: **Name:** Mr J Smith **Address:** Lane Top, Nutbourne Road Pulborough RH20 2HA

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control; and

At the request of Cllr Clarke

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The proposed development would involve the demolition of the existing stable building to the eastern perimeter of the site and the change of use of the land to 2no. additional pitches to the north of the existing built form, including 2no. parking spaces, and a bin store.

1.3 The site would be accessed from the existing access drive, with additional hardstanding laid throughout the site to accommodate access for the additional pitches. Each pitch would benefit from access off this central access drive, and would incorporate an area of hardstanding for parking, along with an area of amenity space.

DESCRIPTION OF THE SITE

1.4 The application site is located to the south of Nutbourne Road, outside of any designated built-up area boundary. The site is therefore considered to be within a countryside location in policy terms.

- 1.5 The site comprises a triangular piece of land that is oriented from north to south, with an additional rectangular piece of land extending to the east. The site is raised above the sunken lane, with the boundaries of the site consisting of mature trees and scrub. The application site was historically used as an agricultural paddock and has most recently been used for 2no. gypsy pitches and 1no. unrestricted dwelling. These pitches are located to the eastern, southern, and western boundaries of the site, with a number of outbuildings also located along the boundary. The wider site to the north remains undeveloped and is maintained in grass cover, and the proposed development subject of this application would be located within this area.
- 1.6 The wider surroundings comprise a cluster of residential dwellings with associated residential curtilages, with open countryside beyond.

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
- Policy 42 - Strategic Policy: Inclusive Communities

2.6 **Pulborough Parish Design Statement**

2.7 **Pulborough Neighbourhood Plan** (Regulation 16) is currently in draft form and of limited weight, with the following policies of most relevance:-
 Policy 1: A Spatial Plan for the Parish
 Policy 15: Design

2.8 PLANNING HISTORY AND RELEVANT APPLICATIONS

PL/98/90	Erection of bungalow Site: Lane Top (Adj To) Nutbourne La Nutbourne	Application 23.10.1990	Refused	on
PL/51/98	Erection of one house & garage Site: Land East Of Little Paddock Nutbourne Road Nutbourne	Application 22.07.1998	Refused	on
PL/67/99	Erection of 1 detached house and garage Site: Land East Of Little Paddock Nutbourne Road Nutbourne	Application 27.08.1999	Refused	on
PL/39/02	Retention of caravan & ancillary buildings Site: Land East Of Little Paddock Nutbourne Road Nutbourne	Application 22.05.2002	Refused	on
DC/04/2554	Retention of caravan and ancillary buildings	Application 25.02.2005	Permitted	on
DC/16/2873	Use of building as a residential dwelling (Certificate of Lawful Development - Existing)	Application 17.03.2017	Permitted	on
DC/17/2564	Removal of Conditions 2 and 3 to previously permitted application DC/10/0586 (Use of land for stationing of 2 caravans for settled gypsy accommodation retrospective application to retain 2 existing caravans, one with a temporary permission). Relating to personal An application at Oak Tree occupancy restrictions	Application 29.11.2018	Permitted	on

DETAILED PLANNING HISTORY

2.9 The application site has been subject of an extended planning history relating to the provision of gypsy pitches, as outlined in greater detail below.

2.10 Retrospective planning permission for a caravan, storage building, and w.c building was sought under planning reference PL/39/02 following a compliance investigation. The caravan and storage building were located in an open fronted barn to the south of the site, and the w.c building was located alongside the barn to the west. This application was refused for the following reasons:

- 1) *The site lies in a rural area and the proposed development is not essential to the needs of agriculture, forestry, the extraction of minerals, the disposal of waste, or quiet informal recreational use.*
- 2) *The site lies within a defined Local Gap where development will not normally be permitted, particularly if it will contribute to the coalescence of villages or interrupt by means of visual intrusion the existing rural landscape between settlements.*
- 3) *The proposed development does not represent an acceptable form of development.*

2.11 Following this refusal, a subsequent application under planning reference DC/04/2554 was submitted for the retention of a caravan and ancillary outbuildings. At this stage, the Council had been provided with confirmation of the Applicant's Gypsy status. It was outlined that the application site is extremely well screened and is not visible from any public viewpoint, and it was therefore concluded that the proposal had minimal impact on the surrounding countryside in respect of visual amenity. Having regard to current and emerging Government

Policy on planning for Gypsies, it was considered a refusal of planning permission on the site's countryside designation alone could not be justified. It was however acknowledged that the accumulation of small scale development could diminish the Local Gap Policy, and it was recommended on balance, that the given the exception circumstances, a personal permission be granted.

- 2.12 A further retrospective application was submitted under planning reference DC/06/1722 for 1no. gypsy pitch. This pitch was located on the far-eastern portion of the site. At this time, the Council were working toward meeting the requirements of the new Circular relating to planning for Gypsies, however the identified needs within the District had yet to be met, As such, it was concluded that a refusal of the application could be difficult to justify in terms of existing planning guidance. It was again recognised that the site is extremely well screened and not visible from any public viewpoint, with the development considered to have a minimal adverse impact on the surrounding countryside in regard to visual amenity. In addition, the site was considered to be reasonably located for schools and other services. On this basis, a temporary and personal planning permission was granted.
- 2.13 A later application under planning reference DC/10/0586 sought permission for the stationing of 2no. caravans on a permanent basis. The caravans were to be stationed to the far-east of the site (subject of temporary planning permission under reference DC/06/1722) and to the west of the site (adjacent to the caravan approved under reference DC/04/2554). It was outlined that there was a need for site provision locally, and the identified need could not be met in any alternative suitable existing site. While the rural location was acknowledged, it was recognised that there were no alternative sites available closer to the built-up area, and the family currently had children attending the local school, as well as being registered with a local GP. Therefore, while the site was not considered to be ideally located for schools, shops and other services, it was considered to be within acceptable limits, and therefore suitable in the wider sense. On this basis, planning permission was granted, and subject to a personal permission.
- 2.14 A Certificate of Lawful Development Existing relating to the residential unit within the open barn was submitted under reference DC/16/2873. This sought to determine whether a material change of use had occurred so that that the barn was occupied as a residential dwelling. Initially the barn has comprised three bays, one of which was used to station a caravan where the Applicant had lived, and another that had later been converted into a drying room. This development had been subject to planning approval reference DC/04/2554. The evidence provided outlined that the caravan has been removed from the site by 2006, and the barn had then been converted to living accommodation. This indicated that a change of use from a mixed use to a C3 (Dwellinghouse) had occurred, with the use of the entire barn as a self-contained dwelling considered to determine the primary use of the planning unit. The barn was no longer used in three parts, and a material change of use. A Certificate for the use as a residential dwelling was therefore issued.
- 2.15 It is important to note that this dwelling is not subject of any condition relating to personal use or as use for an individual or family with gypsy status, and this subsequently reduced the overall number of approved pitches on the site from 3 to 2.
- 2.16 The most recent application under reference DC/17/2564 sought to remove the personal occupancy conditions for the caravans approved under reference DC/10/0586. It was noted that the removal of the personal occupancy condition would enable the application site to be counted toward the overall site allocations within the District, and would therefore contribute to the 5-year supply of deliverable sites. This was considered to be of significant weight to the consideration of the application. Therefore, while it was noted that the site lies in a rural area, which is reliant on the use of private vehicular traffic to access shops, services, and schools the application site was not considered to be particularly isolated due to the level of residential dwellings sited adjacent to the site. It was also noted that the site had been occupied by the family for many years and was essentially an established residential site.

For these reasons, the removal of the personal occupancy conditions was considered acceptable.

- 2.17 The current context of the site therefore comprises 2no. gypsy pitches and 1no. residential dwelling.

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:** Most recently, the Council has progressed work on an updated Gypsy and Traveller Accommodation Needs Assessment in order to understand the latest position, and to develop an appropriate Gypsy and Traveller Policy as part of the Local Plan Review. Consultants were appointed in March 2019 to research the number of pitches currently in use in the District, as well as to identify what the current need for Gypsies and Travellers in the District is likely to be over the next 17 years. In January 2020, the 'Gypsy and Traveller Accommodation Assessment (GTAA) – Final Report' was published. This Report was part of the background evidence base that accompanies the Local Plan Review (Regulation 18) Consultation which ran from February to March 2020. The GTAA Report provides an evidence base for the provision new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2019 to 2036. The GTAA identifies that there is a need for 93 pitches for Gypsy and Traveller households over the plan period (2019-2036). Neither the GTAA nor the Regulation 19 Local Plan Consultation document considers sites for potential allocation.
- 3.3 **HDC Environmental Health:** No Objection in principle but request conditions relating to foul and surface water disposal, waste removal and hours of work, and lighting.

OUTSIDE AGENCIES

- 3.4 **WSCC Highways (Initial Response – 12 January 2021):** This application is for construction of four additional settled gypsy pitches. The site is accessed via a shared private access off of Nutbourne Road, a C-classified road subject to a speed limit of 20mph. It is noted that immediately west of the access, the speed limit increases to National Speed Limit.
- 3.5 The LHA has been consulted on applications at this site previously; initially for retrospective permission for retention of 2 gypsy pitches under DC/10/0586 (one pitch to be temporary). In 2016, the LHA was consulted on DC/16/2873 for a Certificate of Lawful Use (Existing), for use of building as a residential dwelling. In 2017, under ref: DC/17/2564, the LHA was consulted on removal of conditions 2 and 3 of DC/10/0586 relating to personal occupancy conditions. Although not relevant to the application, the initial committee decision to approve DC/17/2564 was quashed by Judicial Review citing highways safety concerns relating to the visibility splay condition applied to DC/10/0586. Following the Judicial Review, DC/17/2564 was re-submitted to committee and subsequently approved.
- 3.6 As part of the Judicial Review process, the LHA undertook a site visit on 27th June 2018 and determined that the visibility splays included in condition 9 of DC/10/0586 had been transposed in error and were therefore not achievable. The LHA also established that whilst the access did not meet Design Manual for Roads and Bridges standards, the access was considered acceptable for the level of traffic anticipated to be generated by the existing development and the anticipated road speeds in this location.

- 3.7 This application is anticipated to result in an intensification of use of the existing access. In order to adequately assess the application, the LHA requests that the applicant demonstrate maximum achievable visibility at the access. Splays must be drawn to the nearside carriageway edge in each direction, utilising only land within the applicant's ownership, or publicly maintained highway. Splays must not intersect third party land. The applicant is requested to support the maximum achievable visibility splays with a 7-day speed survey to determine the 85th percentile speeds in each direction in order to determine whether the access is safe and suitable.
- 3.8 **WSCC Highways (Subsequent Response – 05 March 2021):** The LHA has been re-consulted on this application following submission of additional information and a revision to the scheme, reducing the proposal to 2 additional settled gypsy pitches. Previously the LHA had requested that the applicant demonstrate maximum achievable visibility at the existing access, and support any reduction in splays with a seven day speed survey.
- 3.9 The applicant has submitted a Transport Note prepared by Motion transport consultants. The Transport Note (TN) was prepared prior to the scheme being reduced in scale. The TN and submitted plans demonstrate that the applicants' ownership of land to the east of the access exceeds the ownership demonstrated for previous applications. The splays demonstrated to the east are anticipated to be sufficient for the anticipated speeds in this location, given the posted 20mph speed limit.
- 3.10 The LHA will therefore only concern itself with the suitability of the achievable visibility to the west of the access. The TN references estimated speeds observed by WSCC whilst on a site visit for a separate application on the site in 2018. WSCC observed estimated speeds of c. 30mph travelling eastbound (from the west), which would require splays of 43m in accordance with Manual for Streets (MfS) standards. The TN demonstrates that 29m visibility is achievable to the west of the access, however this splay is not within the applicant's own land, or publicly maintainable highway and passes through third party land. The bank in this location obstructs visibility to the west for vehicles waiting to egress the site and splays of 29m are not considered to be achievable, or securable. The TN also does not support the proposed 29m splays with speed survey data. The splay plan also demonstrates the 2.4m X distance at an acute angle to Nutbourne Road; whilst this would represent the likely orientation of a vehicle exiting the access, this would result in the left side of a vehicles' bonnet protruding into the carriageway.
- 3.11 Local residents instructed Bellamy Roberts to produce a Highway Safety Report, and subsequent rebuttal to the TN prepared by Motion. As above, these were all prepared prior to the reduction of the scale of the scheme. Nevertheless, the initial report was accompanied by a speed survey conducted on 5th January 2021, observing 85th percentile speeds of 32mph. The speed survey has its limitations in regards to having been conducted over a period of just 1-2 hours and only providing 50 data points. Therefore the survey cannot be relied upon as an accurate representation of 85th percentile vehicle speeds in this location, but supports the LHA's previous site visit observations of approximately 30mph in the eastbound direction. Speeds of 32mph would require splays of 47.1m in accordance with MfS standards, which as discussed above are unachievable in this location.
- 3.12 A visibility splay plan produced by Bellamy Roberts indicates that a splay of 9m is achievable to the west of the access, at a 2.4m X distance perpendicular to Nutbourne Road. The LHA agree that this is an accurate representation of visibility in this location. However, despite the above, the LHA has considered the reduced scale of the application and given the existing access is utilised by four dwellings currently - Inglenook Cottage, Oaktree View, Lane Top and an unknown additional dwelling granted permission under a Certificate of Lawful Use (Existing), the increase of 2 pitches is not considered to be a significant intensification of use of the access. As such, the LHA could not justify an objection on visibility grounds given that the access has operated for some time without evidence of highway

safety concern and there have been no recorded injury accidents within the vicinity of the site over the past 5 years.

- 3.13 The proposed plans demonstrate two car parking spaces per pitch which is anticipated to be sufficient provision for the proposal. These spaces appear to meet the minimum specifications of 2.4 x 4.8m as set out in Manual for Streets (MfS). The applicant also proposes covered cycle storage for each pitch.
- 3.14 In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Horsham Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future.
- 3.15 The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.
- 3.16 **WSCC Highways (Subsequent Response – 09 April 2021):** Following a review of the rebuttal by Bellamy Roberts on behalf of local residents to the LHA's comments on 05 March 2021.
- 3.17 The LHA acknowledges that visibility is substandard to the west of the access in this location (2.4m x 9m). It should be noted that visibility splays from the access to oncoming traffic are deemed to be sufficient and in accordance with the guidance in Manual for Streets. However, we have drawn our conclusions based upon the evidence and best practice research such as that included within Manual for Streets. This states in paragraph 10.4.2:
- "It has often been assumed that a failure to provide visibility at priority junctions in accordance with the values recommended in MfS1 or DMRB (as appropriate) will result in an increased risk of injury collisions. Research carried out by TMS Consultancy for MfS266 has found no evidence of this ..."*
- 3.18 Section 10.5.9 goes on to state,
- "The Y distance should be based on the recommended SSD values. However, based on the research referred to above, unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem."*
- Given the reduction in visibility is in the trailing direction, that there are limited opportunities to overtake on this section of road, the evidence within the Manual for Streets and the lack of local evidence in the form of an existing accident problem from the existing access there is not sufficient evidence to recommend a refusal of the application.
- 3.19 **WSCC Highways (Subsequent Response – 14 April 2021):** A further response was provided following a review of a subsequent email submitted by Bellamy Roberts in respect of the LHA's comments on 09 April 2021.
- 3.20 The LHA advised that they had considered the points made within the email and that their original comments sent on 05 March still stand, and the Highway Authority has no formal objection to this application.
- 3.21 **Southern Water (Initial Response):** Existing foul sewers and water trunk main cross the site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water. The 150 mm diameter gravity foul sewer requires a

clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access. No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water. The 400 mm diameter water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future maintenance access. No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers, rising mains or water mains. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. Note there is also a 12 inches decommissioned trunk main within the development site.

- 3.22 In order to protect sewer and water apparatus, Southern Water requests that if consent is granted, conditions are attached to the planning permission.

PUBLIC CONSULTATIONS

- 3.23 **Pulborough Parish Council (Initial Consultation – 07 January 2021):** Objection:-

- Overdevelopment that would significantly increase the resident families on the site.
- The proposed number of pitches is in excess of that identified in the Gypsy and Traveller Allocation Plan DPD
- Dominate the surrounding residential properties
- Overlooking due to the site levels above the neighbouring properties
- Water main running through the site
- Dangerous access onto Nutbourne Road and unacceptable highway safety risks
- Adequate coverage of gypsy pitches elsewhere in the District

- 3.24 **Pulborough Parish Council (Subsequent Response - 04 March 2021):** Objection:-

- Overdevelopment that would significantly increase the resident families on the site.
- The proposed number of pitches is in excess of that identified in the Gypsy and Traveller Allocation Plan DPD
- Dominate the surrounding residential properties
- Overlooking due to the site levels above the neighbouring properties
- Proximity to water main running through the site
- Dangerous access onto Nutbourne Road and unacceptable highway safety risks
- Adequate coverage of gypsy pitches elsewhere in the District

- 3.25 **Pulborough Parish Council (Subsequent Response - 01 April 2021):** Objection:-

- Overdevelopment and would significantly increase the resident families on the site and dominate the surroundings
- Outside the boundary for permitted residential development
- Additional pitches would be located on high ground overlooking surrounding residential properties
- Dangerous access onto Nutbourne Road, using an already hazardous entry point
- Proximity to water main and sewerage and associated buffer area
- Adequate coverage of gypsy pitches elsewhere in the District
- Rebuttal Statement by Bellamy Roberts repudiates the recommendation of WSCC Highways

- 3.26 A total of 59 objections were received, from 33 separate households, and these can be summarised as follows:-

- Impact on tranquillity of rural area

- Increase noise disturbance and pollution
- Excess and increased traffic
- Not required for existing family
- Entrance point used as passing lane for Nutbourne Road
- Refuse collection and storage of refuse bins
- Air pollution
- Alternative sites available in the District
- Overdevelopment of the site
- No space for touring caravans and impact on parking allocation
- No special circumstances to justify development
- Not appropriate in rural location
- No speed survey submitted
- Would dominate the nearest settlement
- Highway safety concerns
- Over-intensification on site
- Overlooking and loss of privacy
- Proximity to underground pipes
- Concerns of Southern Water in respect of pipe location
- Cut and fill earthworks previously undertaken on site in 2015
- Distanced from local services and facilities
- Landscape character impact
- Outside of settlement boundary
- Not in keeping with the original planning permission
- No amenity rooms provided
- High density development
- No footpath for pedestrians
- Risk to pedestrians and cyclists
- Destruction of trees
- Use of private vehicles
- Light pollution
- Traffic accidents in close proximity to site
- No provisions for sewerage
- Commercialisation of site
- No need for additional gypsy accommodation
- Would not make a positive contribution to landscape character
- No surface water drainage
- Setting of precedent
- Limited landscaping

3.27 Codmore Against Rural Decline: Objection for the following reasons:-

- Proposal would double the households on the site, potentially increasing the population in the region of 15-20 people and 10 vehicles
- Would dominate the neighbouring community and permanently change its social balance
- Detrimental impact on the privacy and amenity of neighbouring properties
- Increase traffic on the narrow lane with poor visibility

3.28 Bellamy Roberts Highway Safety Report - January 2021 (commissioned by Nutbourne Residents): Bellamy Roberts LLP Highways and Transport Consultants were instructed on behalf of local residents to advise on the highway aspect of the planning application for 4 dwelling pitches at Nutbourne Road, Pulborough.
A previous application (DC10/0586) which was considered by West Sussex County Council, the relevant Highway Authority, was granted planning permission subject to planning conditions being imposed seeking visibility splays at the access to be achieved, being visibility splays of 2.4m by 36m to the west and 70m to the east. Such splays were required at the time by the Highway Authority, based on the assumption of traffic speeds being in the

order of 25mph (travelling eastbound) in order to achieve a safe access as recommended within (MfS).

- 6.29 The visibility splay at a junction/access ensures there is adequate inter-visibility between vehicles on the major and minor arms. An 'x' dimension of 2.4m should normally be used in most situations, as this represents a reasonable maximum distance between the front of the car and the drivers' eye. The 'y' dimension is the distance that a driver who is about to exit from the minor arm can see to the left and right along the main road. The 'y' dimension is relevant to the 85th%ile speed of traffic travelling along the major road.
- 6.30 It is understood that the track which would be used to serve the site currently serves 4 dwellings (3 pitches and a house, Inglenook Cottage). The proposal would increase this to 8 dwellings. This would double the traffic movements at the existing access/junction.
- 6.31 In order to establish the required visibility splay to the west of the access, a speed survey was conducted on 5th January 2021. The speed survey established that the 85th%ile speed of eastbound traffic when approaching the track is 32mph. In accordance with (MfS) paragraph 7.5.3 and Table 7.1, the required 'y' dimension (visibility splay) commensurate with the measured speed of traffic should be 45m. From visiting the site and taking measurements of the splays that can be achieved at the access, it is evident that only a splay of 2.4 x 9m to the west and a visibility of 2.4 x 22m to the east can be achieved.
- 6.32 The access currently provides a visibility splay of 9m to the west. This is substantially below the required visibility splay. The 45m splay encroaches onto third party land and therefore currently cannot be achieved. The sight line to the west when emerging is very restricted to anticipate oncoming traffic from the west. When exiting the track, one must tentatively emerge from the track and strain to assess whether there is oncoming traffic from the west. There is extremely limited visibility at the track access to adequately anticipate oncoming traffic. Adding 4 further households would significantly increase traffic movements to and from the inadequate access. Whilst the access track is existing the proposal would further intensify the vehicular use of a sub-standard access/junction which would impose an unacceptable highway safety risk upon the occupiers as well as users of the public highway.
- 3.33 **Bellamy Roberts Transport Highways Technical Note - 26 February 2021** (commissioned by Nutbourne Residents): This Highway Technical report considers the transport notes prepared by Motion.
- 3.34 Initially County Highway Authority sought visibility splays commensurate with the speed limits along the road. It was clear that the land to the west of the site did not belong to the applicants and therefore adequate visibility splays could not be achieved to the west. In 2018 under DC-17-2HDC sought to remove Condition 9 regarding visibility splays imposed in 2010 stating that it was not necessary as it was not achievable and that the visibility splays were acceptable. This was challenged at judicial review and HDC conceded and took the application back to the planning committee in 2018. In July 2018 the County Highway Authority had estimated speeds travelling east-bound to be in the region of 30mph. However, no assessment was made as to the required visibility splays despite County Highway Authority stating that a traffic speed survey was the only way to establish the required visibility splays. In November 2018 HDC stated that visibility splays were acceptable and planning Condition 9 regarding visibility splays was removed. It should be noted that the Highway Authority maintained their requirement for the appropriate visibility to be achieved.
- 3.35 The land to the west of the site in which the visibility splay encroaches as suggested by Motion, remains outside the control of the applicant and as such, the visibility splays shown cannot be achieved. Motion confirms in their Highway Note that this issue relating to landownership remains the case, and as such should acknowledge that the visibility shown on their drawing to the west of the site cannot be achieved.

- 3.36 Motion references and notes that the County Highway Authority currently requires information to support the maximum achievable visibility splays. The County Highway Authority has requested a seven day speed survey to determine the 85th percentile speed in each direction in order to determine whether the access is safe and suitable. However, Motion does not attempt to provide such information nor indeed justify why it has not been provided and rely upon estimated speeds suggested previously by the County Highway Authority. Based upon this failure, Motion and indeed the County Highway Authority are unable to determine whether the access is safe and suitable to accommodate the proposal.
- 3.37 Bellamy Roberts on behalf of the local residents, undertook a speed survey which is set out in the Highway Safety report submitted previously, and established that the speed recorded (85th percentile) in an easterly direction within the vicinity of the access is 32mph. Such speeds would require splays of 45m to be achieved to the left when exiting the track to comply with the guidance within MFS.
- 3.38 Motion seeks to argue that as there has been no personal injury accident data recorded at the access over the past 10 years, the access is suitable to serve the development proposed. Such an approach is lacking in any technical or valid reasoning. By merely stating no accidents have occurred does not prove that an accident in the future would not occur. Particularly as in this instance the intensification at the access in traffic movements associated with the pitches will be doubled.
- 3.39 The proposal seeks to increase the number of units from 2 pitches to 4 pitches, this is a doubling of the traffic movements. Such intensification of movements at a substandard access with poor visibility is material and should be deemed significant. Indeed, even a single additional pitch would constitute intensification to an unacceptable and unsafe level, given the constraint on the visibility splay.
- 3.40 It is evident that the Applicant has failed to comply with the most recent request of the County Highway Authority to undertake a speed survey. The plan prepared by Motion illustrating the alleged achievable splays is incorrect and based on a lesser speed than assumed by the CHA. The plan shows a 29m visibility splay west of the access. A splay of 29m is commensurate to a vehicle speed of 24mph. Notwithstanding this, the splay shown extends across third party land which is a high bank preventing such a splay from being achieved (see photograph 1 below).
- 3.41 The visibility splay shown on the Motion drawing, and stated in their report that it represents the current achievable visibility is wholly misleading and incorrect. The visibility splay shown on their drawing extends across the bank on the southern side of Nutbourne Road. This area is outside the applicants control and is not within the highway boundary as previously admitted by Motion in their Technical Note (reference paragraph 2.1).
- 3.42 The area of land in which the splay encroaches is a steep bank approximately 2.5m-3m high see photograph 1 above. It is clearly evident that the required visibility splay cannot be achieved due to the topography of this area, and the fact that the land i.e. the bank, lies within third party land ownership. It is therefore abundantly clear that the suggested visibility splay cannot be achieved to the west of the track.
- 3.43 The lack of speed survey data also puts doubt in the need for a 29m splay this distance is based on a speed (24mph) which is less than the assumed speed made by the County Highway Authority some time ago and significantly less than the recorded speeds. The County Highway Authority currently seek a seven day speed survey to be undertaken.
- 3.44 Bellamy Roberts undertook a speed survey which demonstrates that the required visibility splay to the west should be 45m which is commensurate with the measured 32mph 85th percentile speeds. Such a splay as illustrated on the plan 5550/001 shows that the splay would encroach further into third-party land beyond the top of the bank. The 'x' dimension of

2.4m shown on the Motion plan to 101059-SK-01A has been drawn at an acute angle to the alignment of the Nutbourne Road. This is incorrect and should be drawn perpendicular to Nutbourne Road. As such, the splay shown on the Motion drawing is too close to the edge of the carriageway and gives a false image of the true impact of the correct visibility splay.

- 3.45 It is evident that the applicant's consultants, Motion, has not correctly assessed the available and achievable visibility at the access. They have also underestimated the impact of a doubling of traffic movements on the safety of the access and adjoining highway.
- 3.46 It is evident from the factual information obtained that the visibility splays to the west cannot be achieved as suggested by Motion and will remain substantially substandard at 9m as shown on plan 5550/001. Such a substandard visibility and doubling in traffic movements would result in an unacceptable impact on highway safety. Indeed, even a single additional pitch would constitute an unacceptable intensification due to highway safety at this substandard access.
- 3.47 **Bellamy Roberts Rebuttal Note - 30th March 2021** (commissioned by Nutbourne Residents). A Rebuttal Note has been prepared in response to West Sussex County Council, as Highway Authority's consultation advice relating to the above planning application dated 5th March 2021.
- 3.48 The most important factors in assessing new or existing junctions/accesses are, safety of road users and capacity. Clearly in this instance capacity is not an issue but safety is paramount not only to the traffic associated with the site but also the general public using the highway network.
- 3.49 Any new junction or intensification of an existing junction should be considered in light of the guidance and standards. These standards are set out to ensure that junctions and accesses are designed to be safe and the risk of accidents is kept to an acceptable level. In this instance the splay required and agreed by the County Highway Authority, to accord with recognised guidance is 47.1m at an x-dimension of 2.4m. It is agreed and accepted by the County Highway Authority that a visibility of only 9m can be achieved at the access. This represents a substantial shortfall of the visibility required.
- 3.50 The County Highway Authority merely states that as there is only 2 additional pitches at the existing access which currently serves 4 dwellings, such an increase is not considered to be significant. The authority go on to state as there has been no accidents thus far it is acceptable, to allow the intensification. In my view such an approach particularly when dealing with highway safety is irresponsible. The increase in traffic of 2 pitches is a 50% increase in flows at the sub-standard access, where visibility is five times below the recommended standard, and well below even when applying an emergency stop situation.
- 3.51 There is no need to accept or allow a proposal which would add traffic movements to a substandard junction that would outweigh the likely consequence of an accident occurring. The County Highway Authority has a responsibility of ensuring safety on the highway for the general public. In order to provide a safe access, the visibility splays should be commensurate with the speed limit or recorded 85thth percentile speed of traffic, travelling along the main arm of a junction. The speed survey undertaken is the only evidence that the decision maker has in this instance. The 85thth percentile speed was found to be 32mph. Such speeds would require a junction to be designed safely in accordance with the standards and provide a y-dimension (visibility splay) of 47.1m (to the left when exiting the minor arm).
- 3.52 There is no need to accept such a shortfall in safety matters that would outweigh the consequence of such an accident occurring. The correct conclusion would be to air on the side of caution and not permit any additional traffic movements to occur at a substandard access. To do otherwise would be irresponsible.

- 3.53 **Bellamy Roberts** (14 April 2021):- The County Highway Authority acknowledges that the visibility at the existing access is substandard (2.4 x 9m) but go on to state that visibility splays to oncoming traffic are deemed sufficient and in accordance with MfS. They confirm that the conclusions are based upon evidence and best practice research such as stated in paragraph 10.4.2 in MfS2.
- 3.54 The research referred to, was undertaken by TMS which studied accidents at some priority junctions. It is most important and essential when making reference to research of this nature that the research is relevant and applicable to the subject matter. Unfortunately, the research examples and relevant parameters are not comparable with the access at Nutbourne Road. The research only looked at a number of urban junctions within speed limits up to 40mph. This junction is in a rural location and its visibility lies within 60mph limit. Many of the junctions considered in the research were located along straight roads with good forward visibility. Nutbourne Road is not straight nor has it good forward visibility. The research refers to restricted visibility which meant in the context of the research that the 'y' dimension (visibility) was restricted by street furniture and parked vehicles rather than buildings or alignment. The visibility in this instance is obstructed by a bank within the verge outside the control of the Highway Authority and the applicant. It is therefore a complete obstruction and not partial obstruction as one would find with street furniture and parked vehicles. The thrust of the research concluded that there appears to be no increase in the number of accidents when comparing the visibility splays less than 45m with visibility splays greater than 45m. The conclusion of the study being that it was unable to demonstrate that the road safety concerns expressed regarding reduced 'y' distance visibility are directly associated with increased collisions. This conclusion is based on urban roads within speed limits less than 40 mph, and when visibility is partially restricted. It is clearly not appropriate or suitable to determine the safety of a rural junction as in this case based on the research undertaken. It should be recognised that in the examples of the study, accidents did occur irrespective of the visibility splays being less or greater than 45m. Furthermore, the study is not extensive and acknowledges that whilst parking was cited as a factor of influencing visibility restriction, the researchers were not aware of the parking demand at the time of the accident occurring. Such results should therefore not be used in the analysis of the research. The study does not allow a decision maker to have an overall view, that as visibility is poor the junction remains safe. Clearly the research does not say that, and neither does it say that the junction safety with a visibility splay of only 9m and vehicle speeds of 32mph is safe.
- 3.55 Notwithstanding the above, the study did not take into consideration weather conditions nor gradient of the carriageway, both of which affect the stopping capabilities and hence safety of a junction. The study merely compared the number of accidents at existing urban junctions with lesser or greater visibility of 45m. The junction at Nutbourne Road is located on a down gradient for eastbound traffic which requires even greater distances to stop than on a level gradient. Research undertaken by TRL on behalf of the Department of Transport (TRL report 661) The Manual for Streets: Evidence and Research. The research found that a sight distance of 40m is relatively safe i.e. there is an acceptable safety margin to stop should danger present itself. However, the margin of safety becomes rapidly lower below 40m and a sight distance of 20m is predicted to be unsafe. The sight distance to oncoming traffic in this instance is only 15.5m.
- 3.56 The Highway Authority stated that the achievable visibility of 2.4 x 9m is substandard but go on to state that the visibility to the oncoming traffic is deemed sufficient in accordance with MfS. I attach a plan reference 5550/002 illustrating the extended visibility splay reaching the point of oncoming traffic. As can be seen the visibility achieved to the oncoming traffic is only 15.5m. This remains a staggering shortfall of the required distance of 47.1m as recognised by the Highway Authority and less than 20m predicted to be unsafe by the TRL research. Therefore concerns remain in respect of the Highway Authority's conclusion in this instance.

- 3.57 The Local Authority and members will hopefully be aware of the inconsistencies of the Highway Authority in respect of the planning applications made at this site in the past. A scheme for a single dwelling was recommended for refusal based on the access being unsafe and this decision was upheld at appeal. Earlier schemes for traveller pitches were recommended by the Highway Authority to require visibility splays of 215m in 2005 and 70m in 2010. They are now stating that a visibility splay of 9m is acceptable based on research which is not applicable in this instance.
- 3.58 The reference to the lack of local evidence of any accidents is extremely questionable particularly when existing traffic flows are low. The proposals would increase the turning movements at the junction by 50% that in turn would make the accident risk much greater. The approach taken by the Authority of *nothing happened yet and therefore nothing will happen in the future* is extremely worrying. Traffic movements will increase if the application were to be allowed and accidents and serious accidents may follow, as the junction is significantly substandard. I would suggest there is no need for the Authority to take such a risk of such accidents occurring and refuse planning permission which would intensify the use of such a substandard access.
- 3.59 In conclusion the reasoning given by the Highway Authority not to object to the scheme are contrary to earlier views expressed and are based on research which is irrelevant and should not be applied in this instance.

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 proposed development would involve the demolition of the existing stable building to the eastern perimeter, and the change of use of the land to 2no. additional pitches to the north of the existing built form, including 2no. parking spaces, and a bin store.

Principle of Development

- 6.2 Policy 21 of the Horsham District Planning Framework (HDPF) indicates that provision shall be made for 39 permanent pitches to 2017, with further provision made from 2017 to 2031 through a Site Allocations Development Plan Document (DPD). As part of this policy, the application site was allocated for a total of 3no. pitches. At the time of adoption, the site benefitted from 3no. established pitches, albeit that these were subject of personal occupancy conditions. The preamble to the policy outlines at paragraph 8.7 that *“the majority of the sites identified are existing Gypsy and Traveller sites that are either subject to temporary or personal planning permissions, or are currently unauthorised. It is considered that these sites offer an immediate opportunity to meet the current identified accommodation need.”* It was envisioned that the personal permissions on the established pitches on the site could be removed so that the existing pitches could contribute to the identified needs in the District.

- 6.3 Notwithstanding this allocation, it is acknowledged that a number of other sites allocated through Policy 21 of the HDPF have yet to come forward, and the Council is therefore currently unable to demonstrate an up-to-date 5 year supply of deliverable sites.
- 6.4 In line with Policy 21 of the HPDF, the Council began preparation of a revised Gypsy, Traveller and Travelling Showpeople Draft Site Allocations Development Plan Document– Preferred Strategy in 2017. This set 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 initially identified a supply of 68 gypsy pitches to meet 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 the document did not proceed to formal submission or adoption.
- 6.5 Most recently, the Council has progressed work on an updated Gypsy and Traveller Accommodation Needs Assessment in order to understand the latest position, and to develop an appropriate Gypsy and Traveller Policy as part of the Local Plan Review. Consultants were appointed in March 2019 to research the number of pitches currently in use in the District, as well as to identify what the current need for Gypsies and Travellers in the District is likely to be over the next 17 years. In January 2020, the ‘Gypsy and Traveller Accommodation Assessment (GTAA) – Final Report’ was published. This Report was part of the background evidence base that accompanies the Local Plan Review (Regulation 18) Consultation which ran from February to March 2020. The GTAA Report provides an evidence base for the provision new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2019 to 2036. The GTAA identifies that there is a need for 93 pitches for Gypsy and Traveller households over the plan period (2019-2036). Neither the GTAA nor the Regulation 19 Local Plan Consultation document considers sites for potential allocation.
- 6.6 In August 2015, the Government published its Planning Policy for Traveller Sites (PPTS) to be read alongside the NPPF. Paragraph 22 of the PPTS confirms that applications for planning permission be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Paragraph 23 of the PPTS continues to confirm that applications involving traveller sites must be assessed in accordance with the presumption in favour of sustainable development, and the application of specific policies contained within the PPTS and NPPF relating to traveller sites. Paragraph 24 of the PPTS provides that Local Planning Authority’s must consider the following issues, amongst other relevant matters, in the determination of 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 application 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 Paragraph 27 of the PPTS states that if a Local Planning Authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent determination when considering applications for the grant of temporary planning permission. An exception, however, exists for defined protected landscapes, Sites of Special Scientific Interest or protected under the Birds and Habitats Directive.

- 6.8 In the absence of an adopted DPD, Horsham District Council is unable to demonstrate a 5 year supply of Gypsy and Traveller pitches. In accordance with Paragraph 27 of the PPTS, the absence of such a supply is a significant material consideration, and this weighs in favour of granting planning permission for the proposed development, subject to compliance with other relevant planning policies.
- 6.9 Policy C of the PPTS relates to sites in rural areas and the countryside, with paragraph 14 stating 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 of the PPTS continues 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. 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”*.
- 6.10 Policy 26 of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria: support the needs of agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use; or enable the sustainable development of rural areas. In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.
- 6.11 Policy 1 of the draft Pulborough Neighbourhood Plan states that development proposals outside of the built-up area boundary will be required to conform to development plan policies in respect of the control of development in the countryside.
- 6.12 The application site is located within a small cluster of residential dwellings comprising the unclassified settlement of Nutbourne Common, and located approximately 1km and 1.7km from the built-up areas of West Chiltington Common and Pulborough respectively. The wider surroundings are characterised by open countryside and woodland, with the unclassified settlements of Nutbourne and Marehill located to the north and west respectively.
- 6.13 The application initially sought permission for an additional 4no. pitches, with amendments received during the consideration of the application to reduce the number of pitches being proposed to 2. This followed concerns raised regarding the intensification of use given the total number of pitches proposed, and the subsequent increase in the level of activity within the countryside setting. In particular, it was noted that the immediate surrounds are characterised by limited and sporadic residential development, and while the proposal would not be isolated in the truest sense, there were concerns that the proposed number of pitches, when considered cumulatively with the existing, would over-dominate the unclassified settlement. The proposed number of pitches were therefore considered to be disproportionate in scale to the existing cluster of dwellings within the immediate vicinity, and was considered to dominate the existing sporadic residential development of the locality.
- 6.14 The application now seeks permission for an addition 2no. gypsy pitches. These are put forward to assist in meeting the long term needs for Gypsy pitches within the District, and have not been put forward to meet the needs of the existing Owner and his family. The existing and established development on the site comprises 2no. gypsy pitches and 1no. residential dwelling, with the additional 2no. pitches result in a total of 5no. residential units on the site. The 2no. pitches would be located centrally in the site, immediately to the north of an existing pitch with the northern portion of the site remaining undeveloped.

- 6.15 It is recognised that the application site is allocated for a total of 3no. pitches under Policy 21 of the HDPF. As outlined within this policy, the site is allocated in order to help fulfil the current backlog of unmet need and future need. The site currently comprises a total of 2no. gypsy pitches along with an unrestricted residential dwelling. As the number of pitches on the site falls below the number of pitches allocated within Policy 21 of the HDPF the principle of an additional pitch would be compliant with the relevant policy within the HDPF. It must therefore be considered whether the additional pitch beyond that identified in policy 21, and as proposed by this application, would be contrary to any relevant planning policy.
- 6.16 It is recognised that there is a lack of deliverable sites for gypsies and travellers, and there remains an identified need for such accommodation within the District. These matters are of significant weight in the consideration of the application, where Paragraph 27 of the PPTS states that *“if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material considered in any subsequent planning decision when considering applications for the grant of temporary planning permission”*.
- 6.17 The application site is in an established use for gypsy accommodation, where the principle of such use has been previously agreed. While the proposed development would be located outside of a defined built-up area, and would therefore be located within a countryside location, the proposed pitches would relate appropriately to existing development on the application site, which itself is located within a cluster of existing residential development. The proposed increase of 2no. pitches is not considered to result in a significant intensification in use on the site, with the cumulative number of pitches considered proportionate to the cluster of residential properties surrounding the site. The application site comprises an established site for gypsy accommodation, where the principle of such use is generally considered acceptable, and this is a material consideration of weight. The proposed development is considered to respect the scale of the nearest settled community, and would not over-dominate the surroundings.
- 6.18 While the proposed development would be located within a countryside location where there is generally a presumption against development, it is recognised that the site is allocated for a total of 3no. pitches under Policy 21 of the HDPF. The proposed development would result in a total of 4no. gypsy pitches on the site. The addition of 2no. pitches on the established site is not considered to result in a demonstrable or harmful intensification, with the total number of units considered to be of a scale that would not over-dominate the surroundings cluster of residential dwellings. There is an overriding need for gypsy pitches within the District, and this is of significant weight in the consideration of the proposal. Given the existing site allocation, the modest addition of 1no. pitch above the defined allocated number, and when considered against the unmet and identified need within the District, it is considered on balance that the proposed development is acceptable in principle, subject to all other material considerations.

Sustainable Development

- 6.19 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.
- 6.20 Paragraph 13 of the PPTS states that Local Planning Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Paragraph 25 continues 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. 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.

- 6.21 The sustainability of the site has been considered by the previous applications on the site as listed in the Planning History section above. These applications have concluded that although the site is not ideally located for schools, shops, and other services, it is within acceptable limits and sustainable within the wider sense. In addition, the application site is not considered to be particularly isolated owing to the number of residential dwellings located in the immediate vicinity.
- 6.22 The spatial and policy context of the site has not changed considerably since these previous application. It is therefore considered that the conclusions of the previous planning approvals remains 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

- 6.23 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.
- 6.24 Paragraph 26 of the PPTS advises Local Planning Authorities to attach weigh 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.
- 6.25 The application site is located within the Pulborough, Chiltington and Thakeham Farmlands Landscape Character Area, as defined in the West Sussex Landscape Character Assessment. The area is described as an undulating mixed farmland landscape of arable and horticulture, with small areas of pasture. It has a varied hedgerow pattern, fragmented in parts with a few small woodlands. The leafy sunken lanes and orchards are particularly distinctive features. Essentially the area retains a rural character, but there is localised visual intrusion from derelict nurseries and small scale industrial uses. The key issues facing this Landscape Character Area include, among others, pressure for housing and commercial development, and increasing tragic on some minor roads. The application site generally reflects this character and features, with the site historically comprising an agricultural paddock, set behind the leafy sunken lane of Nutbourne Road. The Planning and Land Management Guidelines seek to, among others, conserve the character of the leafy sunken lanes of the area, conserve and manage existing hedgerow patterns, and restore hedgerows and plant new hedgerow trees.
- 6.26 The site comprises a triangular piece of land that is oriented from north to south, with an additional rectangular piece of land extending to the east. The site was historically used as an agricultural paddock and has most recently been used for 3no. gypsy pitches (and now 2 pitches and 1 dwelling). These pitches are located to the eastern, southern, and western boundaries of the site, with a number of outbuildings also located along the boundary. The wider site to the north remains undeveloped and is maintained in grass cover, with the boundaries of the site consisting of mature trees and scrub. The wider surroundings include

a cluster of residential dwellings with associated residential curtilages, with open countryside beyond.

- 6.27 The proposed development would involve the demolition of the existing stable building to the eastern perimeter, and the creation of 2no. additional pitches immediately adjacent to an existing pitch, with the northern portion of the land retained in its current state. The proposal would include the laying of hardstanding to provide access and parking, with each pitch benefitting from an area of amenity space.
- 6.28 As amended, the proposed 2no. additional pitches would be located immediately adjacent to existing development on the site, with the northern portion of the land retained in its current undeveloped state.
- 6.29 The application site is well screened from wider public views by dense vegetation. It is recognised that the site is located on higher ground than the surrounding properties, with the perimeter of the site comprising a steep and vegetated bank. It is acknowledged that concerns have been raised by the Parish Council and neighbouring properties regarding the impact the proposed development would have on the character of the wider area, with specific reference made to the impact resulting from the ground level difference.
- 6.30 The proposed development would be located centrally within the site, with the existing mature boundary vegetation retained. The development would replace an existing building and would be located immediately adjacent to an existing pitch. The proposed development would therefore be read in the context of existing built form, with the reduction in the number and spread of pitches considered to limit further encroachment across the site. The development would be confined to a modest area, which given the dense vegetation along the perimeter, and when coupled with the banked nature of the site, would not be perceptible from wider public view. The proposed development is not therefore considered to result in significant visual impact, with number and siting of the pitches considered to be of an appropriate scale to reflect the characteristics and build pattern of the surrounding cluster of residential dwellings. The proposal is therefore considered to accord with Policies 23, 25, 26, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impacts

- 6.32 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.
- 6.33 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.
- 6.33 The application site is located within a cluster of residential dwellings and associated curtilages, with residential properties located to the north-west, south, and east of the site. The application site is however enclosed by mature trees and scrub so that the neighbouring properties are not visible from within the site.
- 6.34 Given this context, it is considered that the additional pitches would not result in unacceptable harm through overlooking, loss of light, or loss of privacy. It is however recognised that the proposed development would result in an increase in activity and vehicle movements, and it is necessary to consider the potential conflict that may arise. In particular, the resulting vehicle movements would be channelled through the existing access track that runs along the western perimeter of the site. This access drive is located in close relation to the neighbouring property of Inglenook Cottage to the north-west, and has the potential to impact this property through noise and activity. It is however recognised that this property is raised above the access drive, with the drive itself appearing as a sunken lane. It is considered that

this arrangement would be sufficient to ensure that the additional movements would not be overtly perceptible, and would not result in unacceptable harm.

- 6.35 In balancing the considerations, the proposed development is not considered to result in significant adverse harm to the amenities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Highways Impacts

- 6.36 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. In addition, proposals should minimise conflict between traffic, 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.

- 6.37 The existing vehicle access has been considered under previous permissions references DC/10/0586 and DC/17/2564. As part of these applications it was recognised that the access had been established for some time and appeared to be functioning adequately. In consultation for the most recent application (ref: DC/17/2564) the Local Highway Authority stated:

“An assessment has been made by the LHA as to what splays are achievable with the use of land under the control of the applicant or that considered public highway.

The applicant does not appear have any land ownership east and west of the access point, and the extent of the highway boundary in this location is limited to the ‘toe of the bank’. This detail has been confirmed with the WSCC Highway boundary officer.

With this evidence in mind the LHA has visited the site and does not consider that splays in accordance with what has been conditioned, or what was intended to be conditioned, could be achieved.

On site ‘available’ visibility to the east extended to circa 70 metres. To the west ‘available’ visibility extended to circa 20 metres. In both directions it is anticipated that this available visibility required the use of 3rd party land as discussed above.

On site approach speeds were estimated to be 25 mph westbound and 30 mph eastbound. As such the adequacies of the access point would be assessed against the principles and guidance within Manual for Streets.

The LHA has to also take into consideration that the access has been operating on its current basis for 7 years. I have checked the most recently available verified accident records, which reveals there have been no personal injury accidents in the vicinity of the existing point of access.

Paragraph 32 of the NPPF states “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

Taking into consideration all the evidence outlined above, irrespective of visibility splays achievable or otherwise, the LHA does not considers that a severe residual impact could be substantiated; this raises No Objection to this application.”

- 6.38 The application initially sought permission for an additional 4no. gypsy pitches on the site, which would have resulted in a total of 7no. residential units on the site. The initial

consultation from WSCC Highways outlined that the proposal would result in an anticipated intensification of use of the existing access. In order to adequately assess the application, further information was requested to demonstrate maximum achievable visibility at the access, where these splays must be drawn to the nearest carriageway edge in each direction and only utilise land that is within the Applicant's ownership or comprises publicly maintained highway. It was also necessary to support these visibility splays with a 7-day speed survey to determine the 85th percentile speeds in each direction in order to determine whether the access is safe and functional.

- 6.39 Further information was submitted by the Applicant in the form of a Transport Note by Motion. The Transport Note considers the addition of 4no. gypsy pitches, which as outlined within the Report, is considered to generate a negligible increase in traffic flow. Visibility splays of 60m have been shown to the east to reflect the upper limit of Manual for Streets guidance, and is considered robust given the 20mph speed limit along the eastern stretch of Nutbourne Road. This splay incorporates an area of land which was not presented as within the ownership of the Applicant for previous applications. Visibility splays of 29m have been shown, making use of the verge, and this falls below the anticipated 43m as outlined within the Manual for Streets.
- 6.40 A Highway Safety Report was also submitted as a representation on behalf of the local residents. This Report outlines that the 85th percentile speed of eastbound traffic within the vicinity of the access is 32mph, which in accordance with the Manual for Streets, would require a visibility splay of 45m to the west. The access currently provides a visibility splay of 9m to the west, with the Report outlining that the required 45m visibility splay would encroach upon third party land and could not therefore be achieved. The Report concludes that adding an additional 4no. residential units would significantly increase traffic movements to and from the access, with the inadequacy of the access/junction likely to pose an unacceptable highway safety risk upon the occupiers, as well as users of the public highway. A subsequent rebuttal to the Transport Note submitted by the Applicant was also submitted on behalf of residents. This outlines that the Transport Consultant has incorrectly assessed the available and achievable visibility splay at the access, and have also underestimated the impact of a doubling of traffic movements on the safety of the access and adjoining highway. It is concluded that the visibility splay of 9m and the doubling of traffic movements would constitute an unacceptable intensification due to highway safety at the substandard access.
- 6.41 Amendments were received during the consideration of the application, which reduced the proposal to an additional 2no. pitches. The Local Highways Authority was consulted on this amendment, with the additional Transport Note and Highway Safety Report (and subsequent rebuttal) also forwarded to the Local Highways Authority for comment.
- 6.42 The Local Highways Officer has considered the Transport Note provided by the Applicant, as well as the Highway Safety Report and subsequent documents provided on behalf of residents. The visibility splays demonstrated to the east, as indicated within the Transport Note, extend to 60m, and are considered sufficient for the anticipated speeds in the location. It is recognised that this achievable visibility splay now utilises land that was previously outside of the development site, however there is no evidence available to suggest that this land is not within the control of the Applicant. On this basis, it is considered that an appropriate visibility splay is achievable to the east.
- 6.43 It is however recognised that the achievable visibility splay to the west is limited. As outlined within the consultation response, the Transport Note demonstrates that 29m visibility is achievable to the west, however this splay is not within the Applicant's own land or publicly maintainable highway, and passes through third party land. The existing bank in this location obstructs visibility to the west for vehicles waiting to egress the site, and the noted visibility splays are not therefore considered achievable or securable. The Transport Note also does not support the proposed 29m splays with speed survey data, with the splay plan also indicating that the left side of a vehicle's bonnet would protrude into the carriageway.

- 6.44 The Highway Safety Report conducted on behalf of local residents is accompanied by a speed survey undertaken on 5 January 2021, which observes 85th percentile speeds of 32mph. The Local Highways Officer recognises that the speed survey has its limitations in regards to having been conducted over a period of just 1-2 hours and only providing 50 data points. As such, the Local Highways Officer does not consider this an accurate representation of the 85th percentile vehicle speeds in this location, but this information does correspond with the Local Highways Authority's previous site visit observations of approximately 30mph in the eastbound direction. As outlined within the Manual for Streets, speeds of 32mph would require splays of 47.1m, which as discussed above, would not be achievable in this location.
- 6.45 A visibility splay plan provided within the Highway Safety Report submitted on behalf of local residents indicates that a splay of 9m is achievable to the west of the access, at a distance of 2.4m X distance perpendicular to Nutbourne Road. The Local Highways Officer agrees that this is an accurate representation of visibility in the location.
- 6.46 While the reduced visibility splay to the west is acknowledged, the Local Highways Authority recognises that the existing access is utilised by 4no. existing dwellings, with the reduced scheme to provide an additional 2no. pitches not considered to result in a significant intensification of use of the access. Therefore, it is outlined that an objection on visibility grounds given that the access is established and has operated for some-time without evidence of highway safety concerns, could not be justified. In addition, it is noted that there have been no recorded injury accidents within the vicinity of the site over the past 5 years. For this reason, the Local Highways Authority concludes that, in its views, the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, and that accordingly there are no transport grounds to resist the proposal.
- 6.47 The approach of the Local Highways Authority is consistent with the comments received in respect of earlier applications, where it was concluded that while the existing access had limited visibility splays, it had operated for a period of time without incident.
- 6.48 Paragraph 32 of the NPPF outlines that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is recognised that the proposed development would result in a cumulative increase in the number of residential units utilising the access, and this would result in an increase in the number of vehicle movements to and from the site. However, as concluded within the consultation response from the Local Highways Authority, this is not considered to be a significant intensification, with the anticipated vehicle movements not considered to result in a severe cumulative impacts on the operation of the highway network. Given these conclusions, it is not considered that a refusal reason on the grounds of highway safety could be justified. The transport impacts of the proposal are therefore considered acceptable.

Climate Change

- 6.49 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. Should the proposal be considered acceptable, the following measures to build resilience to climate change and reduce carbon emissions would be imposed by condition:-
- Dedicated refuse and recycling storage capacity
 - Cycle parking facilities
 - Electric vehicle charging points

- 6.50 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Other Matters

- 6.51 Southern Water initially raised concerns regarding the proximity of the proposed pitches to a water main, which from the mapping system available, transects the site. The response outlined that the location of the pipes must be determined before the layout of the development is finalised, and outlined the required buffer zones to ensure that Southern Water apparatus is protected from development and landscaping.
- 6.52 The Applicant submitted an amended plan to re-site the proposed pitches, taking consideration of the location of the pipes and the relevant buffer zones. The mobile homes for the 2no. proposed pitches are now located outside of the relevant buffer zones, with only hard surfacing for associated access and paving proposed within the buffer zone. Southern Water have requested to be a liaison relating to landscaping proposals in proximity to their apparatus, and this is recommended within the relevant condition.
- 6.53 Following the receipt of the amended plan, the proposed development would be located outside of the Southern Water and associated buffer zones as shown by the map extract, and it is therefore considered that the concerns of Southern Water have been adequately addressed.

Conclusion

- 6.54 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. This is a material consideration of significant weight in the balance. Furthermore, it is recognised that the site is allocated within Policy 21 of the HDPF for a total of 3no. pitches, with the current application seeking to provide a total of 4no. pitches on the site. While this would result in an additional pitch above that allocated the HDPF should not be seen as setting a limit or cap on development which is otherwise acceptable in planning terms.
- 6.55 As recognised as part of previous planning approvals, while the site is located at a distance from facilities and services it is within acceptable limits and sustainable within the wider sense. In addition, the application site is not considered to be particularly isolated owing to the number of residential dwellings located in the immediate vicinity. On the balance of these considerations, the application site is considered to be in a relatively sustainable location for a gypsy site, and is considered to accord with the relevant criteria of the HDPF in this regard.
- 6.57 The application site is well screened from wider public views by dense vegetation, and while recognised that the site is located on higher ground than the surrounding properties, with the perimeter of the site comprising a steep and vegetated bank, the development would not be visible from wider public views. The development would be located immediately adjacent to existing built form, and would be read in this context, with the northern portion of the site retained in its undeveloped state. Given the spatial context of the site, which itself is read in the context of the surrounding cluster of residential dwellings, it is not considered that the proposal would result in adverse harm to the landscape character and visual amenity of the rural setting to justify a reason for refusal on landscape grounds.
- 6.58 The proposed development would be located away from residential properties, with the mature boundary vegetation screening the development from view. Given this spatial context, the proposed development is not considered to result in unacceptable harm to the amenities and sensitivities of neighbouring properties.

- 6.59 The application site benefits from a long-established access from Nutbourne Road which has been subject of consideration throughout the evolution of the site. It is recognised that visibility from the access has been substandard, particularly to the west, with the maximum achievable visibility splay below that recommended within the Manual for Streets. However, the Local Highways Authority, having previously undertaken a site visit, have affirmed that the access functions adequately, with no evidence to suggest that it has not previously operated unsafely.
- 6.60 The current application has been subject of extensive and detailed assessment by the Local Highways Authority, which has included a review of transport information submitted by the Applicant and Highway Safety Reports submitted on behalf of the local residents. In considering this information, the Local Highways Authority has recognised that the visibility splays to the west are approximately 9m, which is below the anticipated splay of 45m as advised by the traffic speeds in the vicinity of the access. In weighing the relevant matters, which include the traffic speeds in the vicinity, the road layout, the established nature of the access, and the modest increase of use on the access, the Local Highways Authority has determined that a refusal reason on highway safety grounds could not be justified.
- 6.61 It is acknowledged that the proposal would likely increase vehicle movements to and from the site, however as outlined within the response of the Local Highways Authority, this is not considered to be a significant intensification that would result in severe cumulative impacts on the operation of the highway network. The access is long established and appears to be functioning adequately, albeit that the visibility splays are limited, and given this context the Local Highways Authority has concluded that it does 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. No objections on highways grounds have therefore been raised, and on this basis, a refusal reason on the grounds of highway safety could not be justified.
- 6.62 On the balance of all considerations, the development is therefore considered to be compliant with relevant policies of the Horsham District Planning Framework, and all other relevant local and national planning policies.

7. RECOMMENDATIONS

7.1 That the application is approved subject to the following conditions.

- 1 A list of the approved plans and documents
- 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 Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).
- 4 **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 development 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).

5 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority, in liaison with Southern Water. 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 or retained 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).

6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces (including garages where applicable) necessary to serve it have been constructed and made available for use in accordance with approved drawing number 201124_001_r.1. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been made for that use in accordance with drawing number 201124_100_r.0. These facilities shall thereafter be retained for use at all times.

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

8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been constructed and made

available for use in accordance with approved drawing number 201124_100_r.0. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed as indicated on plan reference 201124_100_r.0. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

- 10 **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).

- 11 **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).

- 12 **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).

- 13 **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).

- 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:** There shall be 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: PL/39/02
DC/04/2554
DC/16/2873
DC/17/2564
DC/20/2497