



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 20th July 2021

DEVELOPMENT: Full application for a proposed two pitch settled gypsy accommodation site including personal occupancy condition.

SITE: Whiteoaks Shoreham Road Small Dole Henfield West Sussex BN5 9SD

WARD: Henfield

APPLICATION: DC/21/0753

APPLICANT: **Name:** Tingey **Address:** care of agent Melton Lodge Rusper Road Newdigate RH5 5BX

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.

By request of Henfield Parish Council

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 application seeks full planning permission for the change of use of the land to provide 2no. settled gypsy pitches, along with 2no. utility buildings. These buildings provide a dayroom with bathroom.

1.3 Each pitch includes sufficient space to site a mobile home, along with an area of hardstanding suitable for the parking of vehicles.

1.4 The development subject of the application has been completed and is currently occupied, with the application retrospective.

DESCRIPTION OF THE SITE

1.5 The application site is located to the west of Shoreham Road, outside of any designated built-up area boundary. The site is therefore located within the countryside in policy terms.

- 1.6 The site is set back approximately 130m from the public highway and located to the rear of linear residential and commercial development fronting the street. A number of former agricultural buildings are also located immediately to the south and east of the site, with the wider land ownership including an area of grassland and the residential dwelling of Whiteoaks.
- 1.7 The application site is bound by mature vegetation, with a row of mature trees transecting the site. The wider area is characterised by enclosed agricultural fields to the south and west, with the linear development along Shoreham Road, which comprises a mix of residential and commercial properties, located to the north and east. Small Dole is located approximately 620m to the south of the site, and Henfield is located approximately 1.7km to the north.
- 1.8 The site benefits from an existing vehicular access from Shoreham Road to the east, with two newly installed bus stops on the northbound and southbound carriageway located immediately outside of the site.

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:

National Planning Policy Framework

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 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 40 - Sustainable Transport
- Policy 41 - Parking
- Policy 42 - Strategic Policy: Inclusive Communities

Neighbourhood Plan:

- Henfield Neighbourhood Plan 2017-2031 (June 2021)
- Policy 1: A Spatial Plan
- Policy 4: Transport, Access and Car Parking
- Policy 12: Design Standards for New Development

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.3

DC/17/1375	Full application for a proposed settled gypsy accommodation site	Application Refused on 25.09.2017
DC/20/0813	Full application for a proposed two pitch settled gypsy accommodation site including personal occupancy condition	Application Refused on 21.07.2020

DETAILED PLANNING HISTORY

DC/17/1375

2.4

The application site has an extensive planning history in respect of the development of gypsy pitches, with an initial application submitted under reference DC/17/1375. This application was refused for the following reason:

- 1 *The proposed development would lead to an unsustainable location which is remote from local services and facilities, and with restricted access to sustainable transport modes. The proposal therefore represents an unsustainable form of development in the countryside which would be contrary to Policies 1, 2, 4, 23, 26 and 40 of the Horsham District Planning Framework (2015).*

2.5

Following the refusal of this application, an Enforcement Notice (EN/18/0080) was issued on 22 March 2018, which identified the breach as the erection of two summerhouses, the laying of hardstanding, the laying of concrete, and the digging of trenches. The Notice required the permanent removal of the hardstanding, the permanent removal of the concrete, the permanent removal of the two summerhouses, the removal of the materials and debris resulting from the above steps, and the restoration of the land to its former condition. The period for compliance was six months.

2.6

Both the planning refusal and the Enforcement Notice were appealed to the Planning Inspector. The Inspector concluded in his decision dated 29 November 2018 to dismiss the planning appeal and uphold the Notice, subject to amendments to the accompanying Plan.

2.7

The Inspector concluded that the proposed development would not result in harm to the amenities of nearby residential properties and would have an acceptable impact on the character and appearance of the area. There were considered to be no significant barriers to development in terms of flooding, poor drainage, or ground stability, and it was considered that there was sufficient space to accommodate vehicle parking. In terms of vehicular safety, the inspector concluded that the appeal proposal would be acceptable in highway safety terms.

2.8

The key issue for the Inspector was the accessibility of the site for non-car users. It was acknowledged that the site is served by a bus route, with hourly services towards Small Dole and Henfield, but the nearest bus stops were located some 200m to the south and 400m to the north. In order to reach the closest larger settlement, those without a car would be obliged to walk to these bus stops along the main carriageway where there is no pavement and no street lighting, and with a speed limit of 40mph rising to 60mph. Not only would this place them at risk, it would not be convenient for the elderly, those with disabilities, or those with young children. It would also be inconvenient for those carrying heavy shopping, particularly during inclement weather. Given that some of the primary reasons for going to the higher order settlement would be to access school facilities and for day-to-day shopping, this would be a significant inconvenience for those occupiers. It would also place them at risk on a regular basis.

2.9

For those reasons, the inspector concluded that the proposed development would not accord with criteria (b) and (d) of Policy 23, Policy 40 of the HDPF which, at criterion 9, requires the

provision of provide safe and suitable access for pedestrians, and to Policy 26 of the HDPF, which requires development to be located in areas where there is a choice of transport modes.

- 2.10 The Inspector's decision was challenged at the High Court on the basis that the Planning Inspector had not considered a temporary permission. The challenge was successful, and the appeal decision was quashed. The matter was returned to the Planning Inspector to be redetermined, with the decision dated 11 September 2019 again dismissing the appeal.
- 2.11 Following the initial appeal (the first appeal) further information was provided which confirmed that the caravans placed on the land prior to March 2018 were being occupied by Sam Tingey and Charlie Tingey and their respective partners and young children. The update provided indicated that the caravans were intended for continued occupation by the Tingey family. It was accepted that the Tingey family are gypsies and travellers, with no substantive reason to come to a different view. The Inspector thereby considered that the Tingey family satisfy the gypsy and traveller definition set out within Annex 1 of the PPTS.
- 2.12 The Inspector gave significant weight to the clear unmet need for pitches in the Horsham District. The Appellant advised that there are no alternative site(s) to which the occupiers could relocate, and although some third parties had referred to an established Gypsy and Traveller site within Small Dole, the Inspector had not been provided with any information relating to pitch availability at that site. The Inspector did not therefore consider that there was any degree of certainty that pitches would be available at that site that might accommodate the Tingey family.
- 2.13 The Inspector concluded that given the significant risk to the occupiers' pedestrian and other highway users safety, the appeal should not be allowed.
- 2.14 In considering the grant of a temporary planning permission, the Inspector concluded that the significant risk to the occupiers' pedestrian safety would exist over the time the caravans at the site would be occupied. The fact that a timeframe to occupy the caravans would be less than that of a permanent planning permission would not diminish the harm to the occupiers' safety. Furthermore, the concerns in respect of the site's location would not be overcome. As such, the Inspector concluded that a temporary planning permission should not be granted.
- 2.15 The Inspector also considered the imposition of a personal permission that would allow the current occupiers to remain resident at the site. It was advised that the Tingey family children living at the site either attend a local school or are registered to attend in the future. If the Tingey family were to remain at the site whilst their children attend local schools this would be so for the foreseeable 16 years until the youngest child finishes schooling. The family is also registered at a local medical practice. The Inspector however concluded that these particular circumstances would not obviate the harm to the family's safety over the period that the caravans would be occupied by the family. Therefore, the Inspector considered that a personal or personal temporary planning permission should not be granted.

DC/20/0813

- 2.16 Following this appeal decision, a later application was submitted under reference DC/20/0813. This application was supported by reference to a pending application to West Sussex County Council which sought to install 2no. bus stops outside of the site (northbound and southbound respectively).
- 2.17 While it was acknowledged that there was a pending application to install bus stops, there was no evidence to demonstrate that these were to be approved and would come forward. On this basis, the spatial and policy context of the site remained as considered under the

previous appeal, with no material considerations to outweigh the previous conflict and harm identified. This application was therefore refused for the following reason:

- 1 *The proposed development is in an unsustainable location which is remote from local services and facilities, and with restricted access to safe and sustainable pedestrian travel options. The proposal is therefore contrary to Policy 23 (parts b and d) and Policy 40 of the Horsham District Planning Framework, and as such the proposal would not be in accordance with the adopted development plan. In addition, the proposed development would not comply with the aims of the Planning Policy for Traveller Sites for new traveller sites to be of suitable accommodation from which travellers can safely access local services and facilities.*

- 2.18 The current application has been submitted to address this reason for refusal, following the approval and now installation of the 2no. bus stops.

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 Environmental Health:** Comment

Conditions required to address the means of treatment and disposal of sewage, the burning of materials; the importation and storage of vehicles, materials and waste; use for domestic purposes only; no outbuildings; and external lighting/floodlighting.

OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection

The Applicant proposes to utilise the existing access on Shoreham Road, with no alterations to the arrangement proposed. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Using local mapping, the available visibility in the leading direction (direction of oncoming traffic) has been assessed. A visibility splay in excess of 120 metres is achievable within publicly maintained highway, which is in accordance with the stopping sight distance (SSD) for 40 mph speeds as set out in Design Manual for Roads Bridges (DMRB). Visibility to the north (trailing direction) is limited by the road layout. Using the neighbouring access, which is anticipated to be kept clear, and maintainable highway land, approximately 82 metres to the centre line is achievable. Whilst below the required SSD, were this a new access point, it must be taken into account that the access has been operating without a highway safety issue and there is the benefit of sufficient vehicle visibility in the leading direction. Furthermore, the increased use of the existing access is not anticipated to be 'severe' considering the scale of anticipated vehicle movements.

The Site Plan demonstrates a parking area that appears to be an adequate size to allow for at least four parking spaces; as such, the LHA considers the proposed parking provision to be sufficient. There also appears to be sufficient space for on-site turning to be achievable, allowing cars to exit the site onto the publicly maintained highway in a forward gear.

The Applicant should be aware that residents should not be expected to carry waste more than 30m to a refuse storage point, although this is an amenity issue. Furthermore, a fire appliance should be able to get within 45 m of a building from the highway in order to serve

it. Therefore, the applicant may have to demonstrate that a fire engine can access and turn on-site. The Applicant has not demonstrated cycle parking. If the LPA believe that cycle parking is justifiable for this application, the applicant should demonstrate this in the form of secure and covered cycle storage.

The site is located in an area that lacks immediate services and amenities. However, recently implemented bus stops provide services towards Burgess Hill and Pulborough. Cycling is a viable option for experienced cyclists.

The Local Highways Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

3.4 Southern Water: No Objection

There are no public foul sewers in the area to serve this development. The applicant is advised to examine alternative means of foul disposal.

PUBLIC CONSULTATIONS

3.5 Henfield Parish Council: Objection as the development is contrary to Policies 2, 4, 23, 25, 26, 33, 38 and 40 of the HDPF.

3.6 15 letters of objection were received from 10 separate households, and these can be summarised as follows:

- Shoreham Road is a dangerous highway
- Unlikely that the bus stop would be used
- Increased traffic and likelihood of accidents
- No need for additional gypsy accommodation
- Precedent of new dwellings to the rear of existing development
- Noise and light pollution
- Commercial activity on the site
- Insufficient infrastructure to support the development
- No safe pedestrian access
- Bus stops located in a dangerous position
- Available gypsy accommodation elsewhere
- Not allocated for development
- Impact on neighbouring amenity and privacy
- Overdevelopment
- Urbanising effect
- No mains drainage
- Located near contaminated land
- Unacceptable impact on natural habitat
- Landscape character impact

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The application seeks full planning permission for the change of use of the land to provide 2no. settled gypsy pitches, along with 2no. utility buildings. These buildings provide a dayroom with bathroom.

Principle of Development:

- 6.1 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). 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.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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”*.
- 6.8 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.
- 6.9 Policy 1 of the Henfield Parish Neighbourhood Plan states that development proposals located outside of the built-up area will be supported where they conform, as appropriate to their location in the neighbourhood area, to national and HDPF policies in respect of development in the countryside.
- 6.10 The principle of development on the site has been considered by two previous planning applications and appeals, and this planning history is a key material consideration in the determination of the application. The development subject of the current application is the same as that previously considered under planning references DC/17/1375 and DC/20/0813, with 2no. pitches and 2no. day rooms are proposed.

- 6.11 The first application under planning reference DC/17/1375 was refused by the Council and subsequently dismissed at appeal. The appeal decision was however quashed by the High Court in February 2019 as the Inspector had not considered whether a temporary planning permission would overcome the harm identified. The High Court ordered that the appeal be re-determined by a different Planning Inspector, and the appeal was subsequently re-determined on 11 September 2019, where the appeal was again dismissed. While the first appeal decision has been quashed, the second appeal decision remains of significant weight. The Inspector accepted at the second appeal that the development would contribute to the pitch supply in the District and would subsequently contribute toward the identified need. It was also accepted that the proposal would be situated to the west of, and behind, existing ribbon road frontage development. As such, the site was not considered to be spatially isolated or remote from existing built development. For these reasons, the countryside location of the site was not considered to weigh significantly against the proposal. The Inspector thereby concluded that the development would not conflict with Policy 26 of the HDPF. It was however considered that there was conflict with the Development Plan in relation to pedestrian safety and the occupiers' reliance on private vehicles to access services and facilities. The development was not considered to comply with Policies 23 and 40 of the HDPF, and as such would not be in compliance with the Development Plan.
- 6.12 Furthermore, the development would not comply with the aims of the PPTS which seeks to provide suitable accommodation to allow safe access to services by foot and public transport. In addition, it was considered that the proposal would also result in risk to other highway users, with the site location unsuitable in relation to facilities and services. Occupiers who do not have access to private vehicles would be required to place themselves at a significant highway risk on a regular basis in order to access public transport and the settlement of Henfield, and this harm would override the contribution made by the proposed development to the unmet need for pitches that would justify a departure from the Development Plan.
- 6.13 It was recognised that the dismissal of the appeal would be an interference of the Applicant's human rights, but because of the harm identified, it was considered proportionate and necessary in the public interest. Specifically, due to the harm to the occupier's pedestrian safety, the site was not considered a safe place to live, and this carried significant weight against the proposal. The site was not therefore considered suitable for the use, and the pedestrian safety and limitations to access services and facilities outweighed the rights of the site owner and occupiers.
- 6.14 The subsequent planning application under reference DC/20/0813 was refused for the same reasons. During the consideration of this application, it was understood that West Sussex County Council as the Local Highways Authority were currently (and separately) considering the acceptability of a proposal to install 2no. bus stops (to the northbound and southbound carriageways respectively) outside of the entrance to the application site. As the outcome of the highway proposal was unknown, the determination of the application proceeded on the basis of the existing context. It was determined that the application did not differ significantly from the development proposed under DC/17/1375, with no material considerations that would outweigh the harm identified to pedestrian and highway users.
- 6.15 Since this refusal, the proposal to install 2no. bus stops outside of the site has been approved by the Local Highways Authority, and the works completed. As such, the context of the application site has changed, with access to public transport now offered immediately outside of the site entrance. Occupiers of the site would therefore benefit from direct access to public transport in both a northbound and southbound direction, and this would provide access to the centre of Small Dole to the south and the larger settlement of Henfield to the north. This is a material consideration of significant weight in the appraisal of the current proposal, with the presence of these bus stops seeking to address the concerns of the Planning Inspector.

- 6.16 Policy 23 of the HDPF states that sites for Gypsy and Traveller accommodation should be served by a safe and convenient vehicular and pedestrian access, and the proposal should not result in a significant hazard to other road users. Policy 40 of the HDPF continues that development will be supported if it is integrated with the wider network of routes; includes opportunities for sustainable transport; is located where there are, or will be, a choice in the modes of transport available; and minimises the distance people need to travel and minimises conflicts between traffic, cyclists and pedestrians.
- 6.17 Policy 4 of the Henfield Parish Neighbourhood Plan states that as appropriate to their scale, nature and location, development proposals should demonstrate that safe pedestrian routes from residential site to community facilities can be achieved; and demonstrate that cycle ways can be achieved.
- 6.18 While the application site remains distanced from the village centre of Small Dole and the larger settlement of Henfield, with both inaccessible by foot, the installed bus stops, located immediately outside of the site, provide regular bus links through the 100 and 106 Compass bus lines to both villages. The 100 bus line operates every hour between 7am and 7pm and services, Henfield, Steyning, Storrington, Pulborough, Billingshurst, Slinfold, and Horsham. The 106 bus line operates on Tuesdays, Wednesdays and Fridays, but only on one circular trip per day, providing a connection to Henfield, Upper Beeding, Steyning, Lancing and Worthing. The presence of these bus stops directly outside the site provides an alternative means of transport, particularly for future occupiers who may not benefit from car ownership; and their presence has removed the need for occupiers to unsafely traverse the public highway. The accessibility to these bus stops has thereby mitigated the risk and harm arising to pedestrians, as previously identified.
- 6.19 There has therefore been a material change in the context of the site compared to the previous two refused applications, with the application site now benefitting from direct access to the nearby settlements of Small Dole and Henfield by public transport located directly outside the site. Given the findings of the previous inspectors in relation to accessibility and all other matters, the previous concerns and reason for refusal have therefore been addressed.
- 6.20 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, and weigh in favour of granting planning permission. The application site now benefits from direct access to public transport, with the need to traverse the public highway now removed. Future occupiers would thereby benefit from direct bus links to the nearby settlements, and the previous refusal reason has therefore been addressed. This is a material consideration of significant weight in the appraisal of the current application. On the basis of these matters, the proposed development is considered acceptable in principle, subject to all other considerations as discussed below.

Sustainable Development

- 6.21 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.
- 6.22 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.

- 6.23 The site lies approximately 620m north of the settlement of Small Dole where there are some limited services, and approximately 1.7km from the outer edge of Henfield to the north, where more services would be available. As a result of this location it is acknowledged that most journeys would most likely be by car and there is no pedestrian access to either north or south from the site.
- 6.24 The Inspector considered at the second appeal that Small Dole benefitted from limited services and facilities, with the high likelihood that occupiers would be reliant on the private vehicle to access the services and facilities as Henfield. For occupiers that did not have access to a vehicle, the Inspector considered that it would be unrealistic to anticipate that occupiers would walk to services and facilities, particularly given the limitations of the highway to provide safe pedestrian access. Furthermore, it was acknowledged that the distance from the nearby bus stops would also mean that occupiers would need to walk along the busy and heavily trafficked carriageway of Shoreham Road. This would be an extremely hazardous and unattractive prospect and would discourage occupiers from utilising public transport. It was thereby considered that this would increase the reliance on private vehicles to access services and facilities at larger settlements, and the proposed development was considered to conflict with criteria (b) and (d) of Policy 21 of the HDPF.
- 6.25 Since the determination of the second appeal, 2no. bus stops have been installed to the frontage of the site, serving both a northbound and southbound direction. These provide an alternative means of public transport, and are considered to be a material consideration of significant weight. The application site is not considered to be particularly isolated given the level of activities taking place in the locality, either of a residential or commercial nature, with the site benefitting from existing and direct vehicular access and bus service onto Shoreham Road, which would provide direct vehicular access to neighbouring settlements. The location of the site and nature of the proposed development is therefore considered to comply with the relevant criteria of the HDPF.

Landscape Character

- 6.26 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.
- 6.27 Paragraph 26 of the PPTS advises Local Planning Authorities to attach weight to the following matters when considering new gypsy site proposals:-
- a) effective use of previously developed land (brownfield), untidy or derelict land;
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 6.28 Policy 23 of the HDPF states that development should not have an unacceptable impact on the character and appearance of the landscape and should be sensitively designed to mitigate any impact on its surroundings.

- 6.29 Policy 12 of the Henfield Parish Neighbourhood Plan states that as appropriate to their scale, nature, and location, development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement. In addition, development proposals should be of a scale, density, massing, height, landscape design, layout and materials that are of a high quality and reflect the architectural and historic character and scale of the surrounding buildings and landscape.
- 6.30 The application site is located in the Henfield and Small Dole Farmlands (D2) Landscape Character Area, as identified within the Landscape Character Assessment (2003). The key characteristics of this Character Area include small to large size regular and irregular fields with a variable hedgerow pattern, and small springline settlements near the foot of the scarp and isolated farmsteads and loose knit groups of cottages strung along roads and lanes elsewhere. Key issues include the continuing loss of hedgerows through field rationalisation and lack of management, and visually intrusive development/suburbanisation on the A2037 at Small Dole. Overall, the landscape condition is declining and the sensitivity to change is high. It does however recognise that there are some less widely visible areas around Small Dole where sensitivity is moderate.
- 6.31 The impact of the development on the landscape character has been considered under the previous applications and appeal decisions. The initial application under reference DC/17/1375 recognised that the site lies within the open countryside and forms a small section of a larger site within the same ownership. The site is surrounded by trees and dense vegetation to three sides, There are no public rights of way on or near the site, and the parcel of land is located behind the ribbon of development that lines the west of Shoreham Road. A number of light industrial units are also noted within the area, including an adjacent cluster of storage buildings immediately to the east of the site, a former chicken shed to the south within the wider site, and a number of barns also within the site to the east. The location of the site, by virtue of natural screening and existing development, would be well screened from public view. The proposed change of use and development associated with the proposed settled gypsy site was therefore considered to be reasonably well sited in terms of limiting the resulting impact on the wider rural character of the immediate area, including any long distance views of the site.
- 6.32 The second appeal recognised at paragraph 12 that the proposal would be situated to the west of, and behind, existing ribbon road frontage development. As such, the site was not considered to be spatially isolated or remote from existing built development. For these reasons, the countryside location of the site was not considered to weigh significantly against the proposal. The Inspector thereby concluded that the development would not conflict with Policy 26 of the HDPF. In addition, the Inspector considered that the development would be acceptable in terms of character and appearance.
- 6.33 The site context has not changed since these previous applications and appeals, with the application site still enclosed by trees and read in the context of the surrounding built form, which comprises both residential and commercial uses. Matters regarding landscape character are therefore considered acceptable.
- 6.34 It is noted that concerns have previously been raised regarding the accuracy of the submitted plans, and specifically how these are unreflective of the development as constructed on-site. The Applicant has submitted revised drawings which reflect the development as existing and these previous concerns are therefore considered to have been addressed.

Amenity Impacts:

- 6.35 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.

- 6.36 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.
- 6.37 The impact of the development on the amenity of nearby occupiers and users of land has been considered under the previous applications and appeal decisions. The initial application under reference DC/17/1375 recognised that the nearest residential properties of Sunnysdene and the host property of Whiteoaks to the east are located 130m and 80m respectively from the site. In addition, the property of Oakwood is located 85m to the south-east, and separated by the vegetated field boundary. It was considered that these distances, along with the screening and other intervening landscaping features, would mitigate any direct loss of neighbour amenity arising from the proposed development, and as such, no harm to neighbouring amenity was envisaged.
- 6.38 The second appeal considered that the development would not cause significant harm to the living conditions of adjoining occupiers and would comply with criteria (e) of Policy 23 of the HDPF.
- 6.39 The site context has not changed since these previous applications and appeals, with the application site still enclosed by trees and distanced from the nearby residential properties. Matters regarding neighbouring amenity are therefore considered acceptable.

Highways Impacts:

- 6.40 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.
- 6.41 The Applicant proposes to utilise the existing access on Shoreham Road, with no alterations to the arrangement proposed. A visibility splay in excess of 120 metres is achievable within publicly maintained highway, with visibility to the north limited by the road layout. Using the neighbouring access, which is anticipated to be kept clear, and maintainable highway land, approximately 82 metres to the centre line is achievable.
- 6.42 Following consultation with WSCC Highways, while the visibility to the north is below that usually expected, the access has been operating for some time without incident. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. The 2no. pitches are not considered to result in a significant increase in the use of the access, and no highway safety concerns are raised.
- 6.43 There is sufficient space on site for the parking and turning of vehicles, with the site accessible by public transport to the north and south. The development is therefore considered to accord with Policies 23, 40, and 41 of the Horsham District Planning Framework (2015).

Climate change:

- 6.44 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.

- 6.45 Should the development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:
- Water consumption limited to 110litres per person per day
 - Requirement to provide full fibre broadband site connectivity
 - Dedicated refuse and recycling storage capacity
 - Cycle parking facilities
 - Electric vehicle charging points
- 6.46 Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Conclusions:

- 6.47 The Council do not have a 5-year land supply for gypsy sites, and at present there remains an identified undersupply of available sites within the District. It is therefore recognised that the proposal would go some way to addressing the identified need. This is a material consideration of significant weight in the balance.
- 6.48 The principle of development was considered at appeal, where the Inspector accepted at the second appeal that the development would contribute to the pitch supply in the District and would subsequently contribute toward the identified need. It was also accepted that the proposal would be situated to the west of, and behind, existing ribbon road frontage development. As such, the site was not considered to be spatially isolated or remote from existing built development. For these reasons, the countryside location of the site was not considered to weigh significantly against the proposal. The Inspector thereby concluded that the development would not conflict with Policy 26 of the HDPF. It was however considered that there was conflict with the Development Plan in relation to pedestrian safety and the occupiers' reliance on private vehicles to access services and facilities.
- 2.49 Since this appeal decision and the refusal of the subsequent application under reference DC/20/0813, the context of the site has changed, with a northbound and southbound bus stop now installed immediately outside the site. While the application site remains distanced from the village centre of Small Dole and the larger settlement of Henfield, with both inaccessible by foot, the installed bus stops provide regular links to both Small Dole and Henfield village centres. The presence of these bus stops provides an alternative means of transport, particularly for future occupiers who may not benefit from car ownership; and their presence has removed the need for occupiers to traverse the public highway on foot. The accessibility to these bus stops had thereby mitigated the risk and harm arising to pedestrians, as previously identified by the previous refusals. This is a material consideration of significant weight in the appraisal of the current application.
- 6.50 The site is located in a wider rural area but adjacent to other residential and commercial development. The scale of the development would not over-dominate the wider pattern of development along Shoreham Road, with the enclosed nature of the site considered to limit wider views into the site. The proposal is not therefore considered to detract from the rural countryside setting or the visual amenity of the locality. Furthermore, the scale of the development is not considered to result in a significant intensification in activity within the countryside location, or result in unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.
- 6.51 The application has been put forward on the basis of the personal needs of the Applicants' and their families. All have been brought up in the Gypsy tradition with the family registered at the local health centre and the children attending the local school. While a personal

occupancy condition could be imposed, given the acceptability of the site as outlined above, and the identified need for gypsy pitches across the District, it is not considered that a personal occupancy condition would be reasonable or necessary.

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

Conditions:

1 **Approved Plans**

- 2 **Regulatory Condition:** Within 3 months of the date of the decision hereby granted, a drainage strategy detailing the means of foul and surface water disposal shall be 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).

- 3 **Regulatory Condition:** Within 3 months of the date of the decision hereby granted, a plan showing the layout of the proposed development and the provision of car parking spaces for vehicles shall be submitted to and approved in writing by the Local Planning Authority. The areas of land so provided shall thereafter be retained for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015)

- 4 **Regulatory Condition:** Within 3 months of the date of the decision hereby granted, details for the provision for the storage of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall 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).

- 5 **Regulatory Condition:** Within 3 months of the date of the decision hereby granted, details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The provision for cycle parking shall thereafter be retained for use at all times.

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).

- 6 **Regulatory Condition:** Within 3 months of the date of the decision hereby granted, a fast charge electric vehicle charging point for each pitch shall be installed. 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).

- 7 **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).

- 8 **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).

- 9 **Regulatory Condition:** No more than 2 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 two (2) 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).

- 10 **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).

- 11 **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).

- 12 **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).