



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Development Manager

DATE: 17 January 2017

DEVELOPMENT: Change of use of land to caravan site for stationing of up to three caravans for occupation by gypsy-traveller family with associated development (timber utility shed, utility trailer, septic tank, hard standing and additional landscaping)-part retrospective

SITE: Parsons Field Stables Pickhurst Lane Pulborough West Sussex

WARD: Pulborough and Coldwaltham

APPLICATION: DC/16/2388

APPLICANT: Mr Jack Cole

REASON FOR INCLUSION ON THE AGENDA: Member request (Councillor Clarke), Parish Council request and more than eight letters of representation contrary to the Officer's recommendation have been received

RECOMMENDATION: To grant temporary planning permission until 31.12.2019 subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks full planning permission for the change of use of the land to a caravan site for the stationing of up to three caravans to be occupied by a gypsy/traveller family. The application also includes the provision of a timber utility shed, utility trailer, septic tank and hard standing.
- 1.2 The application seeks to extend the red edged application site granted under application DC/09/2130, and would result in a rearrangement of the site to include the provision of 2 mobile homes, a touring caravan, a utility trailer and utility shed. The proposed utility shed would be 5.4 metres wide, 3 metres deep and 2.9 metres in height to the ridge. The proposal also includes the provision of a septic tank to the south west of the second mobile home. The existing mobile home on the site and utility shed would remain in a similar position to that already approved. The proposed utility trailer and second mobile home would be positioned where a stable was formally located. The pole barn would remain on the site, and the access would remain as existing.

DESCRIPTION OF THE SITE

- 1.3 The site is situated within a rural location to the south of Pickhurst Lane. Within the site is a static mobile home, a wooden clad outbuilding, a utility trailer, pole barn and touring caravan. At the entrance to the site is a brick wall with timber inserts and gate, on the boundary to the north of the site is panel fencing, which is continued on the south eastern boundary. On the inner side of the fence leylandii trees have been planted. A mature hedgerow runs along the boundary to Pickhurst Lane. There are public footpaths to the east and west of the site. The boundary of the South Downs National Park is located some 175 metres to the west of the site. Whitehall Cottage a grade 2 listed building is located to the north east of the application site, on the opposite side of Pickhurst Lane.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT GOVERNMENT POLICY

- 2.2 National planning policy aims are embodied in the National Planning Policy Framework 2012. Paragraph 14 tells us that at its heart is a 'presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking'.

Paragraphs 17 and 109 advocate the recognition of the intrinsic character and beauty of the countryside and the need to protect and enhance valued landscapes.

The Government also published 'Planning Policy for Traveller Sites' in 2015 alongside the NPPF. Policy H advises on the determination of planning applications for traveller sites. Of particular relevance to this application are:

- Paragraph 21 which states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development.
- Paragraph 23 which states that 'Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan'.
- Paragraph 24 which states that weight should be given to the effective use of previously developed land and sites being well planned or soft landscaped in such a way as 'to positively enhance the environment'.
- Paragraph 25 states that if a local planning authority cannot demonstrate an up-to-date supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. However, Policy I: Implementation, paragraph 28, makes it clear that this only applies to applications for temporary planning permission for traveller sites made 12 months after this policy came into force.

RELEVANT COUNCIL POLICY

- 2.3 Policies relevant to the application from the Horsham District Planning Framework 2015 are considered to be; Policy 1 Sustainable Development, Policy 2 Strategic Development, Policy 21 and 22 Gypsy and Traveller Allocations and Gypsy and Travellers Site, Policy 23 Gypsy and Traveller Site Accommodation, Policy 24 Environmental Protection, Policy 25 District Character and Natural Environment, Policy 26 Countryside Protection, Policy 30 Protected Landscapes, Policy 32 Quality of New Development, Policy 33 Development Principles, Policy 34 Cultural and Heritage Assets and Policy 40 Sustainable Transport.

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Pulborough Submission (Regulation 16) Draft Neighbourhood Plan consultation was undertaken between 23 November 2015 - 08 January 2016. Having considered the representations received in response to the consultation, the Council has decided that the plan should not proceed to examination at the current time and are in discussions with the Parish Council as to how the plan should move forward. The draft Neighbourhood Plan does not contain any specific planning policies or guidance in relation to Gypsy and Traveller site provision.

PLANNING HISTORY

PL/82/91	Private gypsy site (22-25 plots) & access Site: Woodlands Park Caravan Site Pickhurst La Pulborough	REF
PL/34/97	Erection of stables Site: Lot 7 Pickhurst Lane Pulborough	PER
DC/09/0513	Stationing of mobile home for settled gypsy accommodation	REF
DC/09/2130	Retrospective change of use of land to caravan site for two caravans for occupation by single gypsy family with timber shed and hard standing	PER
DC/13/0577	Removal/variation of condition 1 and 2 (relating to timescale for permission and occupancy) pursuant to application DC/09/2130 (Change of use of land to caravan site for two caravans for occupation by single gypsy family with timber shed and hardstanding)	PER

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 **Strategic and Community Planning** (summarised) - Given that the Council anticipates that a Site Allocations DPD, which includes the provision of Gypsy and Traveller sites, will be adopted substantially before the end of the current temporary planning permission, it is considered that temporary planning permission until the end of 2019 would continue to be appropriate.
- 3.3 **Property Services (Drainage)** - Recommend imposing drainage conditions that require the proposed foul drainage (Sewage Treatment Plant) arrangement conforms with the latest regulations 'General binding rules: small sewage discharge to a surface water'
- 3.4 **Public Health and Licensing** (summarised) – Conditions suggested if application was to be approved.

OUTSIDE AGENCIES

- 3.5 **Southern Water** (summarised) – There is a public water distribution main within the site. Its exact position must be determined on site. No works should be undertaken within 4 metres of the water main without the consent of Southern Water.
- 3.6 **WSCC Highways** (summarised) - The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS

- 3.7 **Pulborough Parish Council** has objected to the application.
- 3.8 **Fourteen letters** have been received objecting to the application including from The Wiggonholt Association and Pulborough Society on the following grounds;
- Lack of sustainability
 - Site should only be occupied until 2019
 - Concern with regards to highways safety and increase in traffic
 - Disturbance to neighbouring properties Cherry Tree Cottage and Whitehall Cottage
 - Impact on setting of South Downs National Park
 - Appearance of entrance out of keeping with locality
 - Caravans out of keeping with locality
 - Applications only permitted in past due to personal circumstances of applicant which no longer apply
 - Previous applications have been refused
 - Gypsy site already provided half a mile away on A29
 - Development would set a precedent on the southern side of Pickhurst Lane
 - Gates, walls, lights and non-native planting out of keeping in the lane
 - Land should be returned to its former use
 - Proposal contrary to policies of development plan
 - Land not put forward for allocation
 - Intensification of existing use
 - Application in breach of equality legislation
 - Inspector found the site to cause harm to the area.

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 It is considered that the main issues in the determination of the application are the need for the proposed mobile homes, the effect of the proposal upon the character of the landscape and street scene, sustainability and the amenities of neighbouring properties.

Principle

- 6.2 In 2015, the government published its 'Planning Policy for Traveller Sites' (PPTS) to be read alongside the NPPF. Policy H of the guidance relates to the determination of planning applications for traveller sites. At paragraph 21, it states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development. Also in determining planning applications for gypsy and traveller sites paragraph 22 of the Planning Policy Guidance requires Local Planning Authorities to consider the existing level of local provision and need. It is noted at Paragraph 27 of this document 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 planning decision when considering applications for the grant of temporary planning permission.
- 6.3 This site has a complex planning history. Planning permission was granted on the site in April 2011 under DC/09/2130 for the change of use of land to a caravan site for two caravans for occupation by a single gypsy family with timber shed and hardstanding. In April 2013 application DC/13/0577 was submitted which sought to vary condition 1 and 2 of DC/09/2130. Condition 1 of DC/09/2130 required the permitted mobile home and touring caravan on the site to be removed on or before 19 April 2013. Condition 2 was a personal condition which restricted the occupation of the mobile home to Sarah Barnes and her family only. Condition 1 was varied to allow the mobile home to remain until 19 November 2015. Condition 2 was not amended. DC/13/0577 was consequently taken to appeal. The Inspector allowed the appeal subject to a condition relating to the temporary use of the site until 31st December 2019. The Inspector removed the personal occupancy condition (condition 2 relating to the previous occupier of the site) so that any Gypsy and Traveller family (provided they meet the current definition contained within the Planning Policy for Travellers Sites (PPTS) document) could occupy the site.
- 6.4 The current application seeks to amend the red edge of the application site and provide for an additional caravan and utility trailer, this would result in three caravans on the site (one of which would be a trailer) a utility trailer, utility block and septic tank.
- 6.5 Policy 21 of the HDPF: 'Gypsy and Traveller Site Allocations' makes provision for 39 net additional permanent residential pitches for Gypsies and Travellers within the period 2011-2017 in order to fulfil the backlog of unmet need identified through the Council's current Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (2013). The policy does confirm that Horsham District Council will make provision for further pitches over the rest of the Plan period from 2017 to 2031 in a Site Allocations DPD. However, it is acknowledged that a number of sites allocated through Policy 21 of the HDPF have yet to come forward and therefore, the Council is currently unable to demonstrate an up-to-date 5 year supply of deliverable sites.
- 6.6 The Council has acknowledged under paragraph 8.8 of the HDPF that further work will need to be undertaken to identify and monitor need and to provide for additional pitches beyond the initial five year period planning period (i.e. beyond 2017) and this will be addressed through a Site Allocations DPD. A call for sites was undertaken earlier this year for Gypsy, Traveller and Travelling Showpeople sites (amongst other uses) that included publication on the Friends, Families and Travellers website. The Council is in the early stages of developing its Site Allocations document and is actively assessing sites and accommodation needs within the District. To date, this site has not been put forward through this process.
- 6.7 It is therefore considered that there is a clear existing need for gypsy and traveller sites in Horsham and that there is not a sufficient rolling supply to meet the requirement for the five year period up to 2021. The need for additional gypsy and traveller accommodation is a

matter which should carry significant weight in the determination of this application. This application could help to address the existing backlog and future need for additional gypsy and traveller pitches across the district.

Landscape Character

- 6.8 Policy 22 of the HDPF: 'Gypsy and Traveller Sites' sets out criteria for allocating land for pitches for Gypsies and Travellers, including the use of publically owned land; and the allocation of sites in strategic development sites or stand-alone allocations. Policy 23 (1) of the HDPF: 'Strategic Policy: Gypsy and Traveller Allocations' confirms in relation to any planning applications for non-allocated sites that there must be no significant barriers to development that exist in terms of flooding, drainage and ground stability; that the site is served by a safe and convenient vehicular and pedestrian access; that the site has essential services; that the site is located in or near to existing settlements and that the development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties.
- 6.9 The site has been the subject of a previous appeal which granted temporary planning permission for the use of the site for the stationing of one mobile home and one touring caravan (DC/13/0577). The Inspectors Decision is a material consideration in the determination of the current application.
- 6.10 As part of the Inspectors consideration of the previous appeal it was noted that although the site was relatively small and well contained, the Inspector considered that the harm to the rural character and appearance of the countryside was considerable. It is therefore considered that taking into consideration the Inspectors view the development may not comply with the relevant criteria contained in policy 23. However, it was concluded by the Inspector for the previous appeal (DC/13/0577) that the harm done by the continued use would be outweighed by the advantages of retaining a residential traveller caravan pitch for a temporary period to the end of 2019. It is considered that the addition of a further mobile home, and utility trailer in addition to the permitted mobile home, tourer and utility block would be viewed in context with the existing facilities. It is also considered that the site is of a sufficient size to temporarily accommodate the proposal without appearing cramped, and the mobile homes would not be overly prominent in the streetscene due to the hedgerow planting. With regards to the sites appearance from the lane the Inspector concluded "*that the view of the site from the lane does not produce any harm to the character or appearance that is relevant to my decision.*" The applicant is also willing to supplement the existing landscaping in order to further screen the development, and a condition to this effect is recommended. It is therefore considered that the benefit of providing further accommodation on the site due to the shortage of sites within the District would outweigh the acknowledged harm to the landscape and would be reasonable for a temporary period up to 2019.

Sustainable Development

- 6.11 The application site is outside of the built-up area and as such is classified as being in a countryside location. The nearest settlement is Pulbrough, defined in the HDPF as a small town/larger village which are settlements with a good range of services and facilities. Guidance within the Planning Policy for Traveller Sites document paragraph 21, states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development. As such, given the countryside location of this site at some distance away from these services it could be considered that the proposal is contrary to the Government guidance. However, the Council took the view in 2010 in relation to the Greenfield Farm site, Valewood Lane (DC/10/0721), that, although the main mode of transport would be vehicular, the site could be justified as sustainable in the wider sense. It was acknowledged at the time that this would set the tone for consideration of

sites in the future under this policy. Similarly, the Inspector when considering the Kingfisher Farm appeal reached the same conclusion in respect of sustainability.

- 6.12 Although the site is in a rural location it should be noted that the son of one of the occupants is attending school in Pulborough and the applicants have access to other local facilities i.e. doctors and dental surgeries. It is accepted that walking is more likely to replace short car trips, if the distance is under 2 km, whilst cycling has the potential to substitute short car trips and to form part of a longer journey by public transport, particularly if under 5km. It is recognised that most local facilities are not within walking distance of the application site, with the school and railway station approximately 2.7 km and approximately 3.4 km away respectively. However, it should be recognised that many facilities e.g. the railway stations and the local school, appear to be within cycling distance, which suggests this location is not wholly unsustainable. It is also understood that buses do run daily along the A29, and the bus stop is within walking distance of the site (approximately 1.8 km away). It is a fact that the site is outside the settlement boundary, but it is not so isolated as to make non-private vehicle journeys inconvenient or unlikely. In that respect the site is accessible and hence sustainable in transport terms, whilst providing the space, the rural character and facilities required by a gypsy family. It is therefore considered that the proposal due to its proximity to Pulborough, could be justified in terms of access to amenities in this instance.

Impact on Neighbouring Properties

- 6.13 With regard to the impact of the proposed development on neighbouring occupiers, there are two residential properties close to the site. "Whitehall Cottage" a listed building is located to the north east of the site, whilst "Cherry Tree Cottage" also a listed building is adjacent to Whitehall Cottage. Whitehall Cottage is approximately 60 metres from the site boundary. It is considered that due to this distance and the additional planting undertaken by the applicant on the site that the addition of a further mobile home and utility trailer would not result in harm to the amenities of neighbouring occupiers or the setting of the listed buildings. The Inspector as part of the earlier appeal noted that *"I do not consider that the possible effect of noise from the caravan affecting the persons using an area of hardstanding near an outbuilding on the opposite side of the Lane is unlikely to involve material harm."*

Highways

- 6.14 The Highways Authority do not consider that the addition of a mobile home, and utility trailer in addition to the agreed mobile home, trailer, and utility block would materially increase the volume of traffic utilising the existing established access point onto Pickhurst Lane which is unclassified. The Highways Authority has reviewed data supplied to WSCC by Sussex Police over a period of the last three years. There have been no recorded injury accidents within the vicinity of the access or at the junction onto Blackgate Lane. Therefore there is no evidence to suggest that the access is operating unsafely, or that the proposed works would exacerbate an existing safety concern. The Highways Authority has carefully considered the application and do not consider that the proposal would have a 'severe' impact on the operation of the Highway network. Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. Consequently, it is considered that there are no transport grounds to resist the proposal.

Conclusion

- 6.17 In conclusion, it is considered that the Council cannot currently meet the identified backlog of unmet gypsy and traveller accommodation need or future need in accordance with policies 21, 22 and 23 of the HDPF. However, the Council is in the early stages of developing its Site Allocations document and is actively assessing sites and

accommodation needs within the District. It is considered that although the application site is located within the countryside it is within a reasonable distance from services and facilities. Furthermore the proposal would become part of an existing site, which was found to be acceptable at appeal for a temporary period. Therefore it is considered that the principle of development is considered acceptable for a temporary period and that the proposal would therefore be in accordance with Policy 23 of the HDPF and the guidance within the Planning Policy for Traveller Sites 2015.

7. RECOMMENDATIONS

7.1 It is recommended that the application be granted, subject to the following conditions:

- 1) The two mobile homes, touring caravan, utility trailer and utility block hereby permitted shall be removed and the land shall be restored on or before the 31.12.2019 to a condition which has been previously agreed in writing by the Local Planning Authority in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period in accordance with Policy 23, Policy 26, Policy 27 and Policy 33 of the Horsham District planning Framework 2015 and the guidance within the Planning Policy for traveller sites (August 2015).

- 2) 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.

- 3) No more than 3 caravans, 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), of which no more than 2 shall be a static caravan or mobile home, shall be stationed on the site at any time.

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.

- 4) The single touring caravan hereby approved shall not be occupied by any person at any time whilst on the application site.

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.

- 5) 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 Policy 33 of the Horsham District Planning Framework 2015

- 6) 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.

- 7) No development shall take place until details of storage provision for refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details prior to the occupation of the pitches.
- Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework 2015.
- 8) No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roofs of the proposed mobile homes and utility block have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.
- Reason: 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.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no additional gates, fences, walls, or other means of enclosure shall be erected or constructed on the site unless prior written permission has been granted by the Local Planning Authority.
- Reason: In the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework 2015.
- 10) No works or development shall take place until full details of all hard and soft landscaping works have been approved in writing by the Local Planning Authority. All such works shall be carried out in accordance with the approved details. Any plants which within a period of 5 years from the time of planting die, are removed, or become 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 and in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework 2015.
- 11) The mobile homes hereby approved shall not be occupied until the parking, turning and access facilities have been provided in accordance with the plans hereby approved (and the parking turning and access facilities shall thereafter be retained solely for that purpose).
- Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework 2015.
- 12) Full details of means of foul and surface water drainage to serve the development shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on the development hereby approved. The scheme agreed shall be implemented strictly in accordance with such an agreement unless subsequent amendments have been agreed with the Local Planning Authority.
- Reason: To ensure that the development is properly drained in accordance with Policy 33 of the Horsham District Planning Framework 2015.