

Report to	Planning Committee
Date	12 June 2014
By	Director of Planning
Local Authority	SDNPA (Arun District Area)
Application Number	SDNP/13/05995/FUL
Applicant	Miss E Norrington
Application	To renew planning permission for existing caravan and storage container for retention permanently on the site.
Address	Wyehway Farm, Selden Lane, Patching, West Sussex, BN13 3UL

Recommendation: That planning permission be granted subject to the conditions in paragraph 10.1 of this report

Executive Summary

A residential caravan has been stationed on the land for accommodation since 2009 and has had two separate temporary consents for its retention, the last of which expired in October 2013. A temporary consent has also been granted for a storage container on the site, but this also expired in October 2013. This application is for the permanent retention of the caravan and storage container. The applicant is not of traditional gypsy descent but meets the criteria of gypsy and traveller status as set out in Annex A of the Planning Policy for Traveller Sites (PPTS) and has been travelling since 1988. The application has been considered against the criteria set out in the Planning Policy for Traveller Sites 2012 and found to meet the criteria.

The West Sussex Coastal Gypsy and Traveller Accommodation Assessment (GTAA) 2013 updates the accommodation requirements of travellers up to 2027. The study concludes there is a need for 7 pitches within this area of the SDNP. The GTAA will inform the allocation of gypsy and traveller sites in the SDNP Local Plan. Granting permanent permission on this site would help meet the need and reduce the pressure for other sites which could have a significant adverse impact on the landscape of the National Park.

The scale of the site and the development would not impact on the landscape of the SDNP. The applicant has planted native species, wild flowers, erected bird boxes and wood piles to enhance biodiversity on the site.

The proposal has no detrimental impact on neighbour amenity or impact on the local highway network.

The application is reported to the Committee because of the objection received by Patching Parish Council.

I. Site Description

- I.1 The site is located to the east of the village of Patching within the designated countryside. It is on the eastern side of Selden Lane to the north of the old Arundel Road and A27. The application site is roughly rectangular in shape measuring approximately 110m in length by 8m in width and is bounded by hedging and post and wire fencing. There are mature trees on the northern and western boundaries of the site. The site itself is relatively flat but the ground levels fall away beyond the northern boundary of the site.

- 1.2 The application site does not have a vehicular access from Selden Lane. The site is accessed through a pedestrian wooden gate in the south west corner of the site and connects to adjoining land at The Fox Public House. The western half of the site contains a storage container, vegetable plots and chicken coop and is laid with hardstanding with drainage below. The middle of the site contains a touring caravan, vegetable plots, greenhouse and a pond. To the east of the touring caravan the land is planted with vegetables, herbs, wildflowers and trees. The eastern most quarter of the site is enclosed with post and rail fencing and is used as a horse paddock for the applicants' horse.
- 1.3 The Fox Public House is located immediately to the south of the site. The land to the north contains an agricultural barn and yard. Further to the north the land falls away across open fields to Seldon Farm. Merrivale Farm is located 100m to the west of the site on the opposite side of Selden Lane.
- 1.4 The South Downs Integrated Landscape Character Assessment identifies the site as being within the Wooded Estate Downland landscape character area. This area is characterised by large woodland areas with open agricultural farmland with scattered residential development. There are public footpath to the north and east of the site however due to the topography, boundary treatment and mature trees the site is well screened.

2. Relevant Planning History

- 2.1 PA/20/11 – Placing small storage container on land/ small holding for storage of gardening equipment, motorbike and tools. Approved 18 June 2012. Temporary consent expired on 6 October 2013
- 2.2 PA/12/11 – Retention of existing caravan permanently on site. Approved 6 October 2011. Temporary consent expired on 6 October 2013
- 2.3 PA/8/09 – Use of land for the stationing of one caravan for residential occupation with associated hardstanding. Approved 11 September 2009. Temporary consent expired 11 March 2011

3. Proposal

- 3.1 The application seeks planning permission for the continued siting of a caravan and storage container on a permanent basis for the applicant Ms E Norrington. The application information includes photographs, drawings, a Design and Access and Supporting Statement in which the following points are made:
- The applicants health and back problems;
 - How she is a qualified silversmith;
 - How she cleared the site of brambles and nettles;
 - How her greatest passion is nature and animals and trying to be self sufficient growing own vegetables and keeping chickens;
 - How she grows fresh herbs for the Fox Public House;
 - How she cultivates wild flowers that are indigenous to the South Downs to encourage butterflies and insects;
 - How she has created a wildlife pond on the site;
 - How she created wildlife habitats on the site and erected nesting boxes;
 - How she is making arrangements with Raydar, a local charity for children with special educational needs and learning difficulties – so that the children can have days on the land where they can learn about and experience nature, growing plants and vegetables and keeping chickens;
 - How she is one of the first points of call for emergency dog rescue, fostering for Arundawn Dog Rescue and also does 'homechecks' for Arundawn;
 - How she rents land on the adjacent field to exercise her horse.

3.2 The touring caravan is situated in the centre of the site and measures 7.9m in length by 2.5m in width by 1.9m in height. There is an awning attached to the caravan. There is a storage container which has been painted green in which the applicant keeps tools and equipment to maintain the land. The site also contains a greenhouse, chicken coop and vegetable patch.

3.3 The site has mains electricity and water. The applicant uses the cesspit at the Fox Public House. The applicant parks a vehicle on land owned by The Fox Public House adjacent to Selden Lane. There is an external low wattage light which is operated manually.

4. Consultations

4.1 **Arun District Council:** Made the following comments:

- The caravan the subject of this application was the subject of approval on two occasions when coming before the Council, PA/8/09 & PA/12/11. Additional approval was granted for the storage container under PA/20/11.
- Arun District Council included this pitch as counting towards its Gypsy and Traveller Accommodation Assessment for 2006-2011.

4.2 **SDNP Policy:** Made the following comments:

- Unfortunately there were errors in noted within the GTAA which has increased the SDNP level of need in the Coastal West Area to 7 pitches over 15 years. The SDNPA has currently granted 9 within the same (Coastal West Sussex) area. This site was counted as 'future need – currently on sites with temporary planning permission'.
- The SDNPA has not yet identified/allocated sites. Not aware of another available pitch (potentially one of the pitches at Crossbush site, in the future, but not currently a viable alternative).
- Arun Local Plan policy DEV24 was not saved so must rely on PPTS in terms of site criteria.

4.3 **Patching Parish Council:** Object and made the following comments:

- Application for the retention of the caravan on the site (PA/12/11) was approved for a limited period. At the end of the period the use and all material and equipment brought onto the land in connection with the use should be removed from the site and land restored to its former condition.
- Temporary consent given as the development was contrary to the development plan as in rural area and unrelated to the needs of agriculture or forestry. Permission only granted due to specific circumstances of the applicant. The temporary consent period covered the timescale of the LPA to identify and formally allocate sufficient site provision for the needs of the Gypsy and Traveller community through the LDF process.
- The applicant has had 24 months to relocate her caravan and clear the site, however rather than make preparations for moving from the site has in the intervening period continued to make preparation for a long-term stay – even referring to the caravan as Wychway Farm. This has also included the installation of a large storage shed which was granted against the objection from the Parish Council.
- Patching Parish Council has no animosity towards applicant but if every person who wished to settle in a caravan in the Parish, let alone the National Park, was allowed to do so the whole area could become one large caravan park.
- Patching Parish Council strongly objects to this continued erosion of planning regulations and ask that the application be refused.

5. Representations

5.1 No third-party representations have been received on the proposal.

6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Arun

Local Plan 2003. The relevant saved policies to this application are set out in section 7 below.

National Planning Policy Framework (NPPF), National Planning Policy for Travellers Sites, Designing Gypsy and Traveller Sites and Circular 2010

- 6.2 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.
- 6.3 The Government's Planning Policy for Traveller Sites (PPTS) should be read in conjunction with the NPPF. The Government's overarching aim in the planning policy documents "...is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of settled community." To achieve this aim, local planning authorities should make their own assessment of need for such sites within their area for the purposes of planning and "...should set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities."
- 6.4 Policy H of Planning Policy for Traveller Sites sets out the following requirements for local planning authority to consider in decision making:
- The existing level of provision and need for sites;
 - Availability (or lack) of alternative accommodation;
 - Other personal circumstances of the applicant;
 - That applications should be determined for sites for any travellers and not just those with local connections;
 - Make effective use of previously developed, untidy or derelict land;
 - In rural areas ensure proposals respect the scale of existing settlements;
 - Attach weight to sites being well planned or landscaped to enhance the environment; and
 - The means of enclosure should not isolate the site from the community.
- 6.5 Designing Gypsy and Traveller Sites set out guidance on location, layout, services/facilities, access and design of individual pitches.
- 6.6 The 2010 DEFRA Circular "English National Parks and the Broads UK Government Vision" provides updated policy guidance and sets out a vision for the English National Parks to 2030 and the key outcomes the Government is seeking over the next five years to ensure early progress towards the vision. It described the relationship between the National Park purposes and duty.

National Park Purposes

- 6.7 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

Relationship of the Development Plan to the NPPF and Circular 2010

- 6.8 The relevant Development Plan policies are consistent with the NPPF although the adopted Local Plan pre-dates the establishment of the National Park as well as the NPPF and National

Planning Policy for Traveller Sites. Policy DEV24 of the Arun Local Plan 2003, which related to Gypsy and Travellers, has not been saved.

The South Downs Partnership Management Plan

6.9 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan. Of particular relevance to this application is Outcome 9 which states that there will be “an appropriate provision of housing to meet local needs”.

7. Planning Policy

7.1 The following saved policies of the Arun District Local Plan 2003 are relevant to this application:

- GEN3 – Protection of the Countryside
 - GEN7 – The Form of New Development

8. Planning Assessment

8.1 In the absence of a specific policy within the Arun District Local Plan relating to the provision of permanent Gypsy and Traveller sites the proposal has been assessed against national planning policy set out in the NPPF and Planning Policy for Traveller Sites (PPTS) referred to in section 6 of this report. The matters for consideration are therefore:

- What is the existing level of local provision for gypsies and travellers and the identified need for permanent sites;
- Whether there is alternative accommodation for the applicant;
- The personal circumstances of the applicant but not whether she has local connections;
- Whether the site enhances the environment and increase its openness and conserves and enhances the special qualities of the South Downs National Park;
- Residential amenity; and
- Highway safety.

Existing provision, identified need and alternative accommodation

8.2 Arun District Council’s Gypsy and Traveller Assessment Audit 2006 (GTAA) identified an unmet need for an additional 9 permanent pitches within Arun District for the period 2006 to 2011. However, this was updated through the South East Plan process and evidence gathering in 2009 and it was agreed there was an unmet need for 17 additional permanent pitches within Arun District Council’s administrative area for the period from 2006 to 2016. Over this period permanent permissions have been granted in the period 2006-2013 as set out in the table below.

Permission	Permanent Pitches	Outstanding Need
		-17
The Paddock, Aldingbourne	8	-9
Coventry Plantation, Findon	4	-5
Wyndham Acres	1	-4
The Wood Yard, Patching	1	-3
Land South of A27, Crossbush	8 (permission not implemented yet)	+5

Therefore provided the Crossbush permission is implemented there would be an over provision in Arun District in the period 2006-2013 of five pitches.

8.3 Advice in paragraph 8 of Planning Policy for Travellers relating to plan making states ‘Local Planning Authorities should set pitch targets for gypsies and travellers which address the permanent and transit site accommodation needs of travellers in their area, working collectively with neighbouring local planning authorities’. Subject to implementation arrangements if a Local Planning Authority cannot demonstrate a 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 planning permission.

8.4 The SDNPA in partnership with the authorities of Chichester, Arun, Worthing and Adur have recently completed the West Sussex Coastal Gypsy and Traveller Accommodation Assessment (GTAA) 2013. This study updates the accommodation requirements of travellers up to 2027. The applicant was counted as ‘future need’ due to the site only having temporary consent. The study concludes that there is a need for 7 pitches within this area of the SDNP and 18 within the part of Arun District outside the SDNP. The study breaks down the overall need into 5 year blocks (in line with the requirements of Planning Policy for Traveller Sites) as set out in the first four columns of the table below.

Authority	2012-2017	2018-2022	2023-2027	Additional pitches to be assigned	Oversupply	Total
Arun	12	3	3			18
SDNP	1	1	2	3*	-5	2

* additional need for 3 pitches due to error identified in GTAA study but not yet assigned to 5 year block.

8.5 As set out in the table at 8.4 the study identifies that within this part of the SDNP there is a need for 1 new permanent pitch within years 2012-2017 and in Arun a need for 12 in the same period. Based on this the current combined need for gypsy and traveller pitches taking into account the current oversupply of 5 pitches identified in the table at paragraph 8.2 and the requirement for a further 7 pitches up to 2027, gives a total of 2 pitches to be provided in the SDNP within the West Sussex area up to 2027. This is of course dependant on the 8 pitches at Land south of A27, Crossbush being implemented.

8.6 The GTAA will inform the allocation of gypsy and traveller sites in the SDNP Local Plan, which is at the early stages of development. Given that the Local Plan is at an early stage; lack of allocated sites; deliverable identified sites and available alternative sites, consideration should be given to appropriate sites being granted permission. This would reduce the need for other sites which could have a significant adverse impact on the landscape of the National Park.

8.7 The National Planning Policy Guidance (NPPG) on planning conditions identifies that successive temporary consents should not normally be granted, as a trial period should be set that is sufficiently long for it to be clear whether permanent permission is the right approach. Temporary consents have previously been granted to allow the LPA time to identify and formally allocate sufficient alternative sites. The application site was also counted in the GTAA as a temporary site. Given the available advice and evidence and previous two temporary consents it is considered that the granting of permanent planning permission on this site would contribute towards the provision of gypsy sites within the area.

Personnel circumstances and local connections

8.8 In deciding this application, policy, case law and legislation require that consideration must be given to the applicants’ personal circumstances. The Human Rights Act 1998 stipulates that the following European Convention Rights are considered relevant to planning applications submitted by Travellers and/or Gypsies:

Article 8 – Right to respect for private and family life, home and correspondence;

Article 14 – Right to protection as a minority people group;

The right to education under Article 2 may also be relevant in some cases.

- 8.9 The applicant first moved onto the application site in 2008 and owns the site outright. The applicant is not of traditional Gypsy descent but meets the criteria of gypsy and traveller status as set out in Annex A of the PPTS and has been travelling since 1988 until back problems curtailed this and she moved onto the application site. If planning permission were to be refused, this may result in eviction from the site when there is no alternative pitch currently available.

Impact on the landscape and wildlife of the SDNP

- 8.10 The site lies outside of the settlement area in the open countryside. The touring caravan and awning are screened by a mature tree and boundary vegetation. The applicant has also affixed some camouflage panels to the caravan. The storage container has also been painted green to lessen its visual impact. From Selden Lane the site is largely hidden when approaching from both directions by existing hedging and vegetation. There is a public footpath to the east of the site from which glimpsed medium distance views are possible towards the application site and the greenhouse roof is visible and the white marquee in the grounds of the Fox Public House. The applicant is trying to live a self sufficient low impact lifestyle by growing her own vegetation, keeping chickens and has carried out planting of native species which will continue to establish and provide additional screening. The planting of native species and wild flowers and vegetation and erection of bird boxes and wood piles has enhanced the biodiversity on the site. The scale of the site, given its context, is appropriate to its rural location and has a negligible impact on the landscape of the SDNP.

Impact on residential amenity

- 8.11 The closest residential neighbouring property is Merrivale Farm which is located 100m to the west of the site and is well screened. Due to the scale of the site and its siting the proposal would not harm the residential amenity of neighbouring properties.
- 8.12 The application site has essential services with mains water and electricity. Sewage is disposed of in the Fox Public House cesspit with their consent. Refuse is collected weekly by Arun DC. The applicant also indicates that grey water is collected along with rain water for watering of plants in dry periods.

Impact on highways and sustainability

- 8.13 The site does not have an existing vehicle access onto Selden Lane which is an unclassified road. Instead the applicant parks a vehicle adjacent to the site on land owned by the public house. Seldon Lane is lightly trafficked with good forward visibility in both directions and the frequency of vehicles passing one another adjacent to the parking area is likely to be very low. The development would have no adverse impact on the local highway network.
- 8.14 The application site is located approximately 1 km from Patching village but is adjacent to The Fox Public House. There are bus stops located along the Old Arundel Road. However any occupier of the site would be reliant on the private motor vehicle. Many gypsy and traveller sites are by their nature in relatively unsustainable locations. Therefore, it is recognised there is a balance to be taken in determining this proposal.

9. Conclusion

- 9.1 The proposal has been considered against the criteria set out in government policy and the overarching National Park purposes and duty. Given the lack of provision and availability of alternative sites and the personal needs of the applicant and the limited impact on the landscape of the SDNP, the amenities of neighbouring properties or highway safety the application is considered acceptable.

10. Recommendation

- 10.1 It is recommended that planning permission is granted subject to the following conditions:

1. This permission does not authorise the use of the land as a caravan site by any persons other than gypsies and travellers, as defined in Annex I of the Planning Policy for Traveller Sites, March 2012

Reason: The development is contrary to the provisions of the development plan in that the site lies within the rural area and is unrelated to the needs of agriculture and forestry but meets the national criteria for Gypsy and Traveller sites set out in Planning Policy for Traveller Sites.

2. The structure in the north-western corner of the site marked 'Storage Container' on the approved site plan shall only be used for the storage of equipment and tools for the maintenance of the land and the structure shall at no time be used or occupied as a separate unit of accommodation.

Reason: To avoid the establishment of a residential unit in the rural area which is unrelated to the needs of agriculture or forestry and to protect the character and appearance of the countryside in accordance with Policy GEN3 of the Arun Local Plan 2003 and NPPF.

3. The development hereby permitted shall be carried out and completed in accordance with the submitted plans, specification and written particulars identified within the decision notice unless otherwise agreed in writing by the SDNPA.

Reason: To ensure that the development is carried out in accordance with the approved plans and in accordance with the Arun Local Plan and NPPF.

11. Crime and Disorder Implication

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13 Equalities Act 2010

- 13.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010.

14 Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

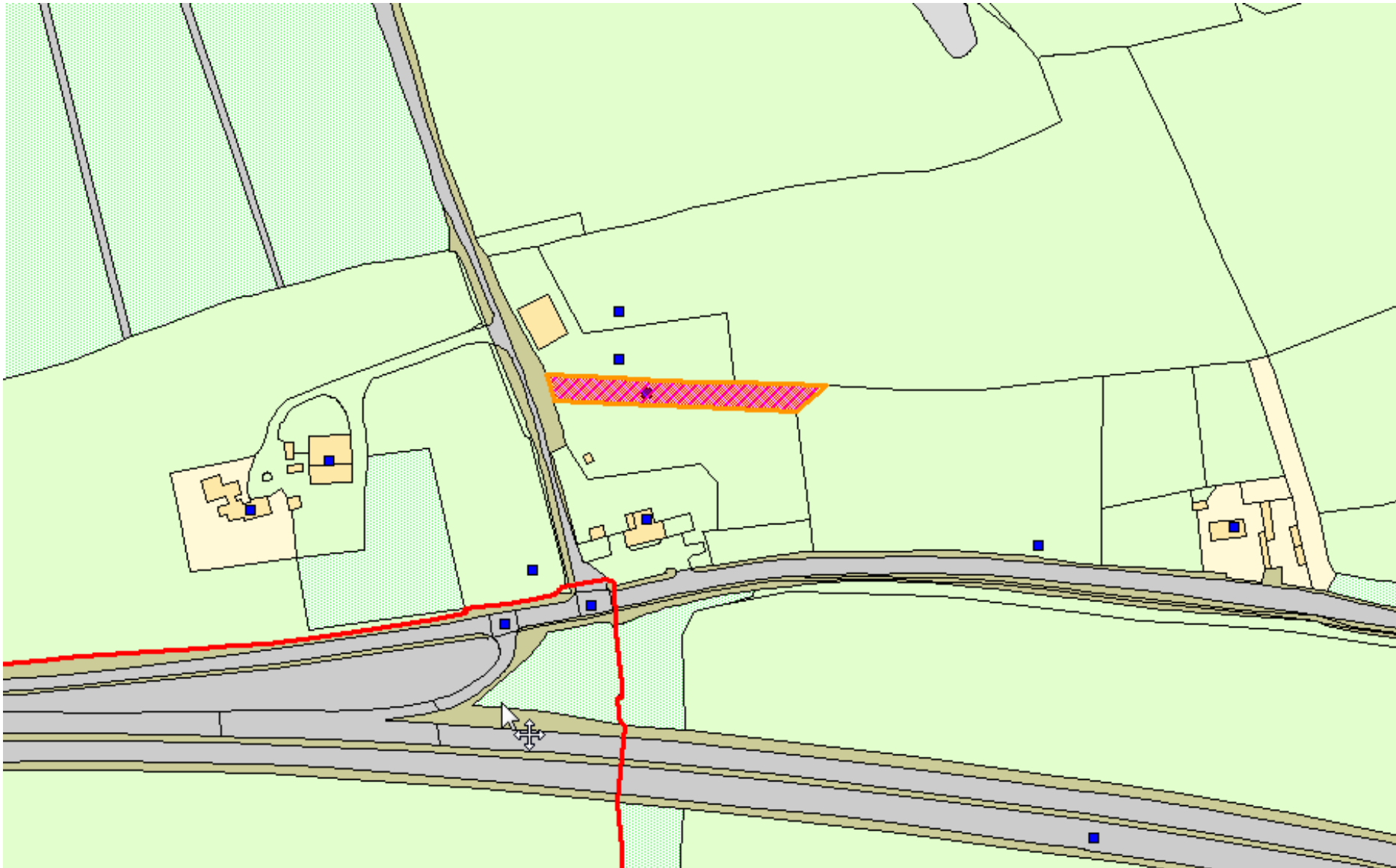
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Appendices I. Site Location Map
SDNPA Consultees Director of Planning & Legal Services.

Background Documents

Application documents and third party comments
<http://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do;jsessionid=34320E6C66217192BEA79F341EF3B838?action=firstPage>
Coastal and West Sussex Area and SDNPA - Gypsy and Traveller Site Study
http://www.southdowns.gov.uk/_data/assets/pdf_file/0003/421770/20130919_GTS-site-study_Rev-6_FINAL.pdf



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