

Report to	Planning Committee
Date	18 January 2018
By	Director of Planning
Local Authority	South Downs National Park Authority (Formerly Mid Sussex)
Application Number	SDNP/17/03762/CND
Applicant	Mr and Mrs J and G Hearne
Application	Variation of condition 2 of planning consent SDNP/15/04159/FUL to increase the number of caravans (as defined within the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) to 2 mobile homes and 2 touring caravans and ancillary day room.
Address	Market Gardens, Clappers Lane, Fulking

Recommendation: That planning permission be granted subject to the conditions set out in paragraph 10 of this report

Executive Summary

Market Gardens is located on a rural road to the north east of the village of Fulking. The site currently serves the lawful siting of 1 static caravan and 1 touring caravan (1 pitch). This was initially granted at appeal in 2006 on a temporary basis (05/01874/FUL), however permission was later granted by Mid Sussex for a permanent use of the site under reference SDNP/15/04159/FUL.

The application seeks permission for a variation of condition 2 of the 2015 consent to allow for the siting of an additional mobile home and touring caravan, with the provision of an ancillary day room. This would result in a total of two mobile homes, two touring caravans and two day rooms (equivalent to two pitches).

The additional caravans would be used by the applicants' son who travels for work as a builder and is considered to meet the definition of a Gypsy and Traveller under the Planning Policy for Traveller Sites (PPFTS) 2015. When he is not travelling for work, the applicants' son is said to be living at the site and is newly married, so now seeking his own accommodation. The additional caravans would allow him to live more independently whilst remaining part and parcel of the main family unit.

The Mid Sussex Gypsy and Traveller Accommodation Assessment (as amended in 2016) identifies that in 2016 there was not an identified need for additional pitches within the Mid Sussex District. However, the Local Planning Authority must have regard to changes since this study was undertaken, and also any personal circumstances of the applicant which might substantiate a specific need for additional caravans at the site.

Notwithstanding an apparent lack of wider need for sites in Mid Sussex, it is considered that the personal family need for additional accommodation to support their adult son and his wife is a material consideration that carries significant weight in decision making. However, such personal circumstances must still be measured against other potential impacts, such as the effect on neighbouring land uses, the wider surroundings and the special qualities of the National Park.

The site is well screened and of a reasonable size and layout to accommodate the proposed additional caravans. However, officers consider that the additional caravans are only acceptable on the basis that they are to be occupied by relatives of the family residing in the existing caravans. On this basis the proposed use of the site is considered to be of a scale that is proportionate to the scale and context of the settled community, in accordance with guidance in PPFTS.

Officers have considered the context of the site which is largely private and self-contained. It is not considered that the provision of an additional pitch at the site would result in an adverse landscape or visual impact, given the sense of enclosure and screening from Clappers Lane. There are more open albeit distant views into the site from the Downs, but additional caravans and day rooms are not considered to result in additional landscape harm.

It is recommended that planning permission is granted subject to the amended condition, including an amendment to the plans condition (1) in order to reflect the amended plans, as well as a personal consent for the benefit of the Hearne family only. It is also recommended that there is a restriction on future provision of external lighting to protect the Park's dark night skies designation from additional lighting pollution on the edge of the Fulking.

1. Site Description

- 1.1 Market Gardens is located on a rural road to the north east of the village of Fulking outside of the village settlement boundary. The subject site is located on Clappers Lane approximately 240 metres to the north of the village junction with Edburton Road and Poynings Road. The site currently serves the lawful siting of 1 static caravan and 1 touring caravan with permission for a day room (not constructed).
- 1.2 The site is on the southern side of Clappers Lane and is broadly rectangular in shape. There is an access point at the northern end of the site. A 1.8m fence has been erected around the site facing towards the road. Beyond the site to the north is Clappers Lane and then open countryside.
- 1.3 From Clappers Lane, the interior of the site is partially visible from the driveway hardstanding leading up to a metal gate some 20 metres south of the road junction. Close range views of the application site are largely screened by trees and hedgerow.
- 1.4 The western boundary is marked by trees and vegetation with a 1.8 metre fence abutting the western boundary shared with Lower Kents. This adjoining site contains one storage/office building and a partially completed structure approved for use as storage. The Local Planning Authority refused an application for conversion of the storage/office building to a dwelling under reference SDNP/17/00844/FUL due to landscape and visual impact associated with the change of use of the land (through the formation of a residential curtilage). To the southwest, beyond Lower Kents on the western side of Clappers Lane stand a row of terraced houses of various forms which fall within the settlement boundary.
- 1.5 Parallel to the eastern boundary is an area land known as the Conifers, which was granted permission for use as a private gypsy and traveller caravan site consisting of two pitches, each of which to contain one mobile home and one touring home and open amenity building (reference SDNP/14/03055/FUL). This was granted at appeal on the basis of an unmet need which would outweigh the anticipated harm to the character and appearance of Fulking and the wider National Park designation.
- 1.6 To the south of the existing caravan within the site is a hedge and beyond that a fence line with views across the adjoining field and the Downs beyond. The site is visible from the top of the Downs including Devil's Dyke.

2. Relevant Planning History

- 2.1 Application F/64/802 granted consent for the siting of a residential caravan which was approved on 23 February 1965.
- 2.2 Application F/65/659 was approved for an agricultural store shed and was approved on 26 November 1965.
- 2.3 FK/7/74 was granted for the stationing of a caravan on 27 January 1975. This was a personal consent.

- 2.4 Application FK/4/79 was a renewal of temporary permission FK/7/74 for a residential caravan and was granted planning permission on 2 January 1980 as a personal consent.
- 2.5 Application FK/7/84 sought further renewal of temporary planning permission for a residential caravan and was granted planning permission on 21 December 1984 as a personal consent.
- 2.6 The last temporary planning permission at the site expired on 31 December 1990. A use of the land for the siting of a caravan was tolerated for a substantial period of time after this date.
- 2.7 Mr And Mrs Hearne sought retrospective consent for the use of the land as a private caravan site for one gypsy family under reference 05/01874/FUL. The application was refused at the Mid Sussex planning committee on 22 December 2005 for the following reasons:
 1. The proposal would be obtrusive, damaging and harmful to the visual quality of the designated Area of Outstanding Natural Beauty, in conflict with Policy CH2 of the adopted West Sussex Structure Plan 2001-2016 and Policies C4 and H14 of the Mid Sussex Local Plan.
 2. The Local Planning Authority is not satisfied that the applicant has submitted sufficient evidence to demonstrate that they satisfy the criteria set out in Circular 1/94 and Policy H14 of the Mid Sussex Local Plan in respect of their lifestyle.
- 2.8 This decision was subject to an appeal. Following a Public Inquiry the Planning Inspectorate granted a temporary planning permission for the proposal in 2006, which expired on 26 September 2011.
- 2.9 Planning permission was granted under reference 11/03936/FUL for the use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with a utility/dayroom along with retention of existing storage sheds ancillary to that use. This was a temporary planning permission, which expired on 2 July 2015.
- 2.10 A further application was submitted to Mid Sussex District Council for the permanent use of the land for the stationing of caravans for residential purposes under reference SDNP/15/04159/FUL. This granted 1 gypsy pitch together with a utility/dayroom, along with the retention of existing storage sheds ancillary to that use at Market Gardens. To date, no day room has been constructed at the site.
- 2.11 The Mid Sussex committee report confirmed that the proposed use of the land would have some harmful impact on the character and appearance of the area and that this conclusion remained the same as when the Inspector dealt with the appeal on this site in 2006.
- 2.12 However, the available evidence indicated that that there was a need for one traveller pitch within the part of Mid Sussex that is within the National Park. At that time the waiting lists for pitches in East and West Sussex indicated that there may be a wider unmet need within the area. It was on this basis that the Mid Sussex Planning Committee granted permission for a permanent pitch at the site. The current application relates to this consent.
- 3. Proposal**
 - 3.1 The application seeks planning permission for a variation of condition on the 2015 permission for the siting of two mobile homes and two touring caravans. A caravan by definition is a use of the land rather than operational development. As long as a caravan conforms to the definitions within Section 29 (1) of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968 then it would be a classed as a caravan and not a building.
 - 3.2 On this basis no elevations have been provided for the additional caravans. Instead, the applicant has submitted a proposed site plan in order to illustrate a feasible layout for additional caravans within the site. The plan shows the additional caravans to be sited adjacent to the hardstanding close to the western and southern fence boundaries; approximately 10 metres from the existing mobile home.

- 3.3 Also proposed is a single storey day room, housing a kitchen and bathroom to be constructed from brick and clay tile, measuring 6.5 metres in length by 3.4 metres in width, with a maximum ridge height of approximately 4 metres. The day room would be used for washing and cooking by future occupants, to be situated parallel to the southern fence boundary.
- 3.4 It is also noted that there was a numbering error on the 2015 decision notice, resulting in two conditions numbers as condition 1. These related to a condition approving the plans, and a condition only authorising the use of the land as a caravan site by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites (2015).
- 3.5 If Members are minded to approve this application it will be necessary to vary the approved plans condition on the decision notice in order to reflect the above amendments. The suggested conditions are listed under section 10 of the report.

4. Consultations

4.1 Fulking Parish Council: Objection

- The appeal in respect of the previous application was upheld for single status only.
- The Inspector's Appeal Decision (12 Jan 2016) on Conifers recommended that there should be no further Gypsy & Traveller development in the area.
- The Council have relied in the past on a criteria based gypsy policy and have not sought to identify specific sites. They have a Gypsy and Traveller Accommodation Assessment (GTAA) from 2013, which concluded that in the next 20 years there was a need for only one pitch in the area of Mid Sussex DC that was overlapped by the National Park. When permission was granted for the Market Garden site that requirement was fulfilled.
- The utility block in the previous application has never been built, and yet this appears to seek a second utility block.
- It is disappointing to note no elevations are necessary as they are a useful indicator of a proposal.
- The current proposal letter relies heavily on the children aspect; as did the previous application which was granted whilst stating there would be no further expansion allowed.
- It appears they now require more space for the children.
- This proposal is highly visible from the South Downs and the further increase of visible dwellings does further soil the landscape.
- This application seeks an exception to the existing exception, and does not indicate a demonstrative need.
- It is of considerable concern that the solutions available to Gypsies and Travellers are not available to any other type of applicant, appear entirely due to the lack of approved Neighbourhood Plan and no land to supply for Gypsies and travellers.
- This application is very unpopular in the community; and appears to be the latest attempt to 'push the boundary', which if approved could easily result in further applications once the precedent is set.

4.2 East Sussex County Council Transport and Environment – Support

- I believe that this will give the family opportunity to expand and meet the Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment 2015.
- The area is sufficiently screened and I do not see this is having a detrimental effect on the environment

4.3 ESCC Gypsy and Traveller Liaison Officer: Awaiting comments

4.4 WSCC Gypsy and Traveller Liaison Officer: Awaiting comments

4.5 ESCC Highways Officer: No objection, subject to conditions

4.6 Hampshire County Council Ecology: No objection

4.7 SDNPA Landscape Officer: No comment

4.8 **Southern Water:** No comment

4.9 **Mid Sussex Environmental Health:** No objection subject to licensing conditions

5. **Representations**

5.1 4 third-party representations have been received objecting to the proposal. The representations raised the following issues:

- The application is not a minor material amendment but a whole new planning application as it varies the number of caravans.
- The caravan is for a second household.
- The proposal doesn't not comply with local or national policy.
- The proposal would not preserve and enhance the natural beauty, wildlife and cultural heritage of the national park.
- Result in harm to the character of the Adur to Ouse Scarp Footslopes.
- Without an amendment to condition 1 para 1 the consent will not make sense
- The site is not well served by public transport.
- The site isn't sustainably located so future residents would be dependent on travel by car.
- No nearby local facilities.
- It is unclear whether there is one dayroom or two.
- The consent allows for any traveller to live on site and the condition is not reasonable.
- The site is privately owned making it difficult to determine who is living on site and whether they have traveller status.
- Limited access to the site.
- There is no need to increase the number of caravans as Fulking now has 3 pitches.
- Market Gardens and the Conifers lie adjacent to the Cabbage patch which is a grade II listed building.
- The development would urbanise the area beyond the built up area boundary of the village.
- Cumulative visual impact on landscape character in conjunction with Conifers.
- This development is in full view of Devils Dyke and the Fulking Escarpment.
- It is not in the style of a Downland village, including the farm cottages in Clappers Lane.
- The Appeal Inspector in 2006 stated that "the proposed development would be harmful to the character and appearance of the Sussex Downs" and only granted a temporary stay.
- The covering of the spring line fields with tarmac, has contributed to flooding in Clappers Lane.
- The settled population in Fulking have to comply with stringent planning regulations, which are frequently not accepted.
- It is unfair that children from the settled community are not able to remain in the village which breaches residents' human rights.
- There are now three Gypsy pitches in Fulking, a small village. The SDNP need to be considering other more appropriate sites with more local facilities and transport available.
- There is no regular bus service and there are no direct services from Fulking.
- Deliveries to Clapper's Lane can affect the use of the road.
- There are likely to be other more appropriate sites which meet the needs of travellers within the National Park.

6. **Planning Policy Context**

6.1 National Park Purposes

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.

National Planning Policy Framework 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.

The South Downs National Park Partnership Management Plan

The South Downs National Park Partnership Management Plan 2013 is a material consideration in the determination of the application. The following policies are relevant: 1 (conserve and enhance natural beauty); 3 (Dark night skies); 48 (Support the role of town and villages); and 50 (Housing and other development).

7. Planning Policy

- 7.1 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF. The statutory development plan in this area consists of the Mid Sussex Local Plan (2004) and the emerging South Downs Local Plan Proposed Submission (2017).
- 7.2 The following policies from the Mid Sussex Local Plan (2004) are relevant:
- B1 - Design
 - B3 – Residential Amenity
 - B23 – Noise Pollution
 - B24 – Light Pollution
 - C1 – Protection of the Countryside
 - C4 – Areas of Outstanding Natural Beauty
 - H14 – Sites for Gypsies and Travellers
 - ST5 – Parking Standards
- 7.3 The South Downs Local Plan: Pre-Submission version September 2017 was published for public consultation on 26 September 2017 for 8 weeks up to 21 November 2017. The next stage in the Plan's preparation will be its submission for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation and that the policies are considered to be compliant with the NPPF the Pre-submission Local Plan it is currently afforded some weight.
- 7.4 The following policies from the South Downs Local Plan Pre-Submission (2017) are relevant:
- SD1 – Sustainable Development
 - SD4 – Landscape Character
 - SD5 – Design
 - SD6 – Safeguarding Views
 - SD7 – Relative Tranquillity
 - SD8 - Dark Night Skies
 - SD19 – Transport and Accessibility
 - SD33 – Gypsies and Travellers
 - SD50 – Sustainable Drainage
- 7.5 Planning Policy for Traveller Sites (PPFTS) 2015 is also relevant to the determination of this application and should be read in conjunction with the National Planning Policy Framework.

This is discussed under Section 8 below.

- 7.6 Mid Sussex has undertaken a Gypsy and Traveller Accommodation Assessment (GTAA) which was updated in 2016. The primary objective of the GTAA is to provide a robust revised assessment of current and future need for Gypsy and Traveller accommodation in Mid Sussex (there is no Travelling Showperson provision in Mid Sussex) for the period to 2031. The GTAA did not identify a need for additional pitches.
- 7.7 The Authority has undertaken the South Downs National Park Gypsy, Traveller and Travelling Showpeople Background Paper (2016), which did not indicate any need within Mid Sussex, nor any desire for further development at Market Gardens. The site has been safeguarded in the South Downs Local Plan: Pre-Submission (2017) and there are no other suitable sites identified in Mid Sussex.

8. Planning Assessment

Procedural Matters

- 8.1 Officers have considered the scope of this application and note that the site granted a single pitch within the site. The proposal is intended to increase the number of caravans but does not seek a separate use; rather it seeks additional caravans for a family use in connection with the overall use of the site. Furthermore the site area does not increase as a result and the future occupant already lives at the site when he is not travelling for work. On this basis it is considered that the Section 73 procedure is appropriate format for the proposed expansion which does not increase the total area, or nature in which the site is used by a single family, despite the increase in caravan numbers. As such it is considered that there is appropriate scope for this application to be determined under a variation of condition application.

Policy

- 8.2 The main policies relevant to the determination of gypsy and traveller applications are H14 of the Mid Sussex Local Plan (2004) and policy SD33 of the South Downs Local Plan: Pre-Submission (2017).
- 8.3 Policy H14 states that proposals for sites for gypsies (defined as persons of nomadic habit of life) will be permitted albeit subject to a number of criteria. These are as follows:
- a) the proposal would have minimal impact on the character and appearance of the countryside and in particular would not conflict with policies for the protection of those areas of the countryside with special characteristics;
 - b) the proposal would not result in uses which would adversely affect the residential amenity of nearby properties and could not be alleviated, in particular by reason of noise, fumes and dust arising from vehicular movements and the storage of machinery and materials;
 - c) a convenient and safe means of access can be provided to serve the site and the surrounding highway network is adequate to serve the use;
 - d) the site is readily capable of being serviced, and is within a reasonable distance of local services and facilities, i.e. shops, school; and
 - e) a demonstrable local need exists.
- 8.4 The policy also confirms that where permission is granted this may be subject to planning conditions to regulate the proportion of the site which may be used for commercial operations or hours of working, as appropriate. A condition or legal agreement to control of the future use of sites for gypsies may be imposed, as appropriate.
- 8.5 In accordance with paragraph 215 of the NPPF, it is a matter for the decision maker to determine what weight can now be attached to policy H14 as there is now much more recent government policy in PPFTS (published in March 2012 and updated in August 2015). It is considered that some limited weight can still be given to the policy, as it is still consistent with parts a) to h) of paragraph 13 of Planning Policy for Traveller Sites (PPFTS).
- 8.6 Regarding point a), officers consider that the site is well screened and largely self-contained by surrounding vegetation, albeit with some more far reaching views from the Downs over

- the southern fence boundary. The access is prominent from Clappers Lane however the proposal is considered to comply with point a). This is discussed in greater detail below.
- 8.7 Regarding point b), the provision of two additional caravans to be used as a single additional pitch by persons related to the main occupants of the site would not present undue issues of nuisance between the occupants within the site, and additional noise is likely to be limited to prevent nuisance to adjoining land uses. Furthermore there has been no objection from Mid Sussex Environmental Health or from the adjoining land owners. The proposal would therefore not conflict with point b).
 - 8.8 Regarding point c), there is already a safe means of access to the site which has been confirmed as acceptable by the Highway Authority.
 - 8.9 Regarding point d) the site is not considered to be closely associated with local facilities or services such as shops or school. Fulking is not proposed to retain an adopted settlement boundary upon the adoption of the Local Plan, given that it is generally remote from local services, shops, and means of transport other than the private car (South Downs Settlement Facilities Assessment 2015). A local objector also notes that the site is not readily accessible by public transport. The proposal for an additional pitch in this location would place a requirement on additional occupants to travel by car although the level of traffic generation would not be substantial. In addition, the applicants' son is already confirmed to live at the site and to travel by private vehicle as part of his work as a builder. Overall, it is considered that there would be a degree of conflict with point d), although the presence of an established site already with a permanent consent is a material consideration.
 - 8.10 Regarding point e), the Mid Sussex GTAA update report 2016 advises that there was not an identified need within the Mid Sussex area for additional pitches. The GTAA surveyed travelling communities in order to calculate current and future need across the District. The report was also commissioned to determine whether households living on sites meet the PPFTS definition of a Gypsy, Traveller or Travelling Showperson, given that this definition now excludes those who have ceased to travel permanently.
 - 8.11 The PPFTS defines gypsies and travellers as "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."
 - 8.12 As part of the Mid Sussex GTAA (2016) the applicant was confirmed to comply with the PPFTS definition and it was also noted that there were no non-travelling Gypsies or Travellers identified within the South Downs National Park. The agent has confirmed that applicants' son continues to lead a nomadic habit of life working away from the area as a builder. As such he is said to fall within the PPFTS definition of a gypsy and traveller and officers have no reason to dispute this statement. As such the application can be dealt with on the basis that the applicants are bona fide Gypsies.
 - 8.13 Despite an apparent lack of any strategic need for sites within Mid Sussex in 2016, the personal circumstances of the applicant must be taken into consideration when assessing need. The applicants argue that there is a personal need for additional family living space as their adult son has recently married and wishes to live at the site with his wife.
 - 8.14 The applicants advise that it is customary for different generations to remain together within one site and that it would be no longer appropriate for all of the family to reside in one mobile home. The Local Planning Authority has no reason to dispute this assertion and it is concluded that a legitimate personal circumstance exists. The question is therefore one of balance between personal circumstances and other planning issues, which are discussed in further detail below.
 - 8.15 Although not yet adopted, strategic Policy SD33 of the emerging Local Plan: Pre-Submission (2017) is supportive of proposals which meet the needs of the Gypsy, Traveller and Travelling Showperson community (as defined in PPFTS or any subsequent policy).

- 8.16 Point a) of the emerging policy requires applicants to be able to demonstrate a local connection. The applicants are seeking accommodation for their son and daughter in law. The Hearne family have been living at the site since at least 2005 and therefore point a) is complied with.
- 8.17 Point b) requires that applications can demonstrate that there is no alternative available pitch which could be used in the locality. It has been asked whether any other sites are available in the local area, including outside of the National Park, however no alternatives have been found. The GTAA also does not indicate that there are any available public sites within the surrounding area.
- 8.18 Point c) ensures that proposals do not result in sites being over-concentrated in any one location or disproportionate in size to nearby communities. The relationship between settled and the traveller community is a particularly important planning consideration. Paragraph 25 of Part H of PPFTS states that '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'. Officers acknowledge that the provision of an additional pitch would result in an equivalent of 4 traveller pitches in Fulking, which itself is a small settlement with limited services. However, the additional caravans proposed are to be used by a single family unit and are considered to be acceptable on the basis that they are to be used solely by extended family members within an already established site. Officers consider that this increase is acceptable provided that the site does not provide a separate planning unit.
- 8.19 Point d) requires that sites are capable of being provided with infrastructure such as power, water supply, foul water drainage and recycling / waste management without harm to the special qualities of the National Park. The site is already supplied with necessary infrastructure which is capable of supporting the additional caravans.
- 8.20 Point e) seeks to provide sufficient amenity space for residents. The site is considered to have sufficient clearance of at least 10 metres between mobile homes (existing and proposed), with sufficient space for outdoor amenity areas for each of the two main mobile homes. The submitted site plan is considered to represent an appropriate site layout and design to comply with licensing requirements.
- 8.21 Point f) ensures that proposals do not cause, and are not subject to, unacceptable harm to the amenities of neighbouring uses and occupiers. The site is relatively well screened on fence boundaries so as to mitigate potential issues of privacy with adjoining land uses. The provision of an additional caravan may result in some additional traffic movements however noise impacts are not considered to be severe or unacceptable overall. There has been no objection from Mid Sussex Environmental Health.
- 8.22 Point g) states that sites must have a safe vehicular and pedestrian access from the public highway and adequate provision for parking, turning and safe manoeuvring of vehicles within the site. The access has already been confirmed to be appropriate by the HA, as discussed above.
- 8.23 Point h) restricts any permanent built structures in rural locations to essential facilities. It is noted that an additional day room is proposed, however the day room granted under the 2015 consent has yet to be built. The amended layout plan does not prevent the construction on the original day room, therefore both could be constructed if this permission is granted. It is not uncommon to see separate day rooms for each pitch on traveller sites, however it is unclear whether both structures are necessary, given that the original structure has not been built for the existing pitch. It is possible that one day room could be shared between all of the caravans, given that the site is to be occupied by the applicants and their immediate family. If Members are concerned with regard to provision of two separate units, a condition could be used to restrict the number of day rooms (notwithstanding the submitted plans).

Balancing personal circumstances with other issues

- 8.24 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' (Para 25). However, for the adjacent Conifers site the Inspector did not consider this as "open countryside that is away from existing settlements" as is referred under PPFTS. Nonetheless, the personal circumstances of the applicant must be clearly justified and balanced against all other issues.

- 8.25 The NPPF requires development to contribute to and enhance the natural environment by protecting and enhancing valued landscapes (paragraph 109). Further to this great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to landscape and scenic beauty (paragraph 115).
- 8.26 Paragraph 17 of the NPPF supports planning decisions that actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.
- 8.27 The site lies within the scarp footslope area as defined by the South Downs Integrated Landscape Character Assessment (ILCA). In some places in and around Fulking the transition between countryside and village is diffuse, although here there is a more gradual change in character on Clappers Lane. The adjacent site to the west is known as Lower Kents, which has the appearance of a partially developed parcel of land with a semi-rural character.
- 8.28 The applicants have submitted a Landscape Statement which provides a landscape and visual impact appraisal. This includes an assessment of landscape effects arising from the proposal from different viewpoints. The Landscape Officer has not submitted comments on this application.
- 8.29 It is concluded that the site is not widely visible from the surrounding landscape and is well screened from close range views along Clappers Lane. There is a band of well-established hedgerow screening along the site frontage of Clappers Lane albeit there are some distant views into the site from the Downs, including from the Devils Dyke car park. Clappers Lane is characterised by its tall hedgerows lying closer to the road. The interior of the adjoining site known as Lower Kents is more exposed although this site also features a band of hedgerow running parallel to the road.
- 8.30 It should be noted that under the appeal for the adjacent site known as the Conifers, the Inspector concluded there would be likely to be little or no impact on the visual quality of the National Park and so concluded that the proposal for four caravans would not be contrary to H14 (a) which requires gypsy sites to have a minimal impact on the character and appearance of the countryside.
- 8.31 Objectors have highlighted that the subject site and adjoining traveller site at the Conifers are located in close proximity to the Cabbage Patch, a grade II listed property approximately 90 metres to the east along Clappers Lane. However Market Gardens is separated from the listed building by the Conifers, and tress and hedge boundaries prevent any clear views or obvious association between the two sites. As such, this proposal for the expansion of caravans within the site is not considered to detrimentally affect the setting of the listed building.
- 8.32 Objectors have also highlighted some of the Inspector's comments concerning landscape harm under the appeal for the adjoining Conifers traveller site. The Inspector commented that the provision of 3 additional gypsy plots would clearly represent a consolidation of development in this area which could be harmful to the nucleated character of the village and by extension to the character and scenic beauty of this part of the National Park. However, officers do not considered that a well-reasoned argument can be made to state that an additional pitch within a well contained site would present additional landscape or visual harm, having regard to para 8.24 of this report.
- 8.33 Southern Water has been consulted in the application and the presence of the two additional caravans is not concluded to present any additional drainage implications.
- 8.34 No external lighting is proposed, although South Downs National Park has been designated as a Dark Skies Reserve. The additional caravans are not considered to present a significant detrimental impact upon dark night skies although a condition is recommended to prevent

external lighting being installed without prior consent.

- 8.35 Overall, it is considered that the personal circumstances are sufficient to outweigh any additional impacts on the surroundings which are considered to be minor.

9. Conclusion

- 9.1 Notwithstanding the apparent lack of need for pitches within the Mid Sussex District, as suggested in the Mid Sussex GTAA updated in 2016, the applicant has identified personal circumstances which officers consider justify the need for the additional caravans at the site. In balancing this need against other planning issues it is concluded that there would not be any significant wider impacts which would outweigh the needs of the applicants to provide additional accommodation for their son. Subject to conditions including a restriction of use for family members only, and a restriction on future external lighting, the proposal is not considered to result in a detrimental impact upon the special character of the wider National Park Landscape and receives policy support under the Mid Sussex Local Plan (2004), the emerging South Downs Local Plan: Pre-Submission (2017) and the National Planning Policy Framework.

10. Reason for Recommendation and Conditions

- 10.1 Despite a lack of strategic need for sites within the Mid Sussex District, on overall balance the personal family circumstances are considered to justify two additional caravans at the site whilst preserving the character and appearance of the area, and amenity of adjoining land uses. The application is recommended for approval subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites (updated August 2015).

Reason: To protect the character of the area as planning permission would not normally be granted for this development and to comply with Policy H14 of the Mid Sussex Local Plan.

3. The occupation of the site hereby permitted shall be carried on only by the following: Mr John Hearne and Mrs Georgina Hearne; their son and daughter-in-law; and resident dependants only.

Reason: To ensure a proposal which meets the identified need of the Hearne family, where a separate use by unrelated persons would be inappropriate for the constraints of the site, in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites.

4. No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, and of which no more than two shall be a static caravan, shall be stationed on the site at any one time.

Reason: To protect the character of the area and to comply with Policy H14 of the Mid Sussex Local Plan, policy SD33 of the emerging South Downs Local Plan Proposed Submission (2017) and the aims of the NPPF to conserve this designated landscape.

5. No commercial activities shall take place on the site including the storage of materials, except for activities associated with the keeping and breeding of horses.

Reason: To protect the character of the area and to comply with Policies H14 and B3 of the Mid Sussex Local Plan and the aim of the NPPF to conserve this designated landscape.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
Reason: To protect the character of the area and to comply with Policies H14 and T4 of the Mid Sussex Local Plan and the aim of the NPPF to conserve this designated landscape.
7. No external lighting shall be installed on the additional caravans without the prior consent of the Local Planning Authority.
Reason: In order to prevent light pollution and to protect the local setting of the SDNP Dark Skies Designation.
8. The additional caravans shall not be occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.
Reason: To provide adequate on-site car parking and turning space for the development.

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. Equality Act 2010

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality 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. This has included giving the opportunity to provide additional information to overcome technical issues and the opportunity to amend the proposal.

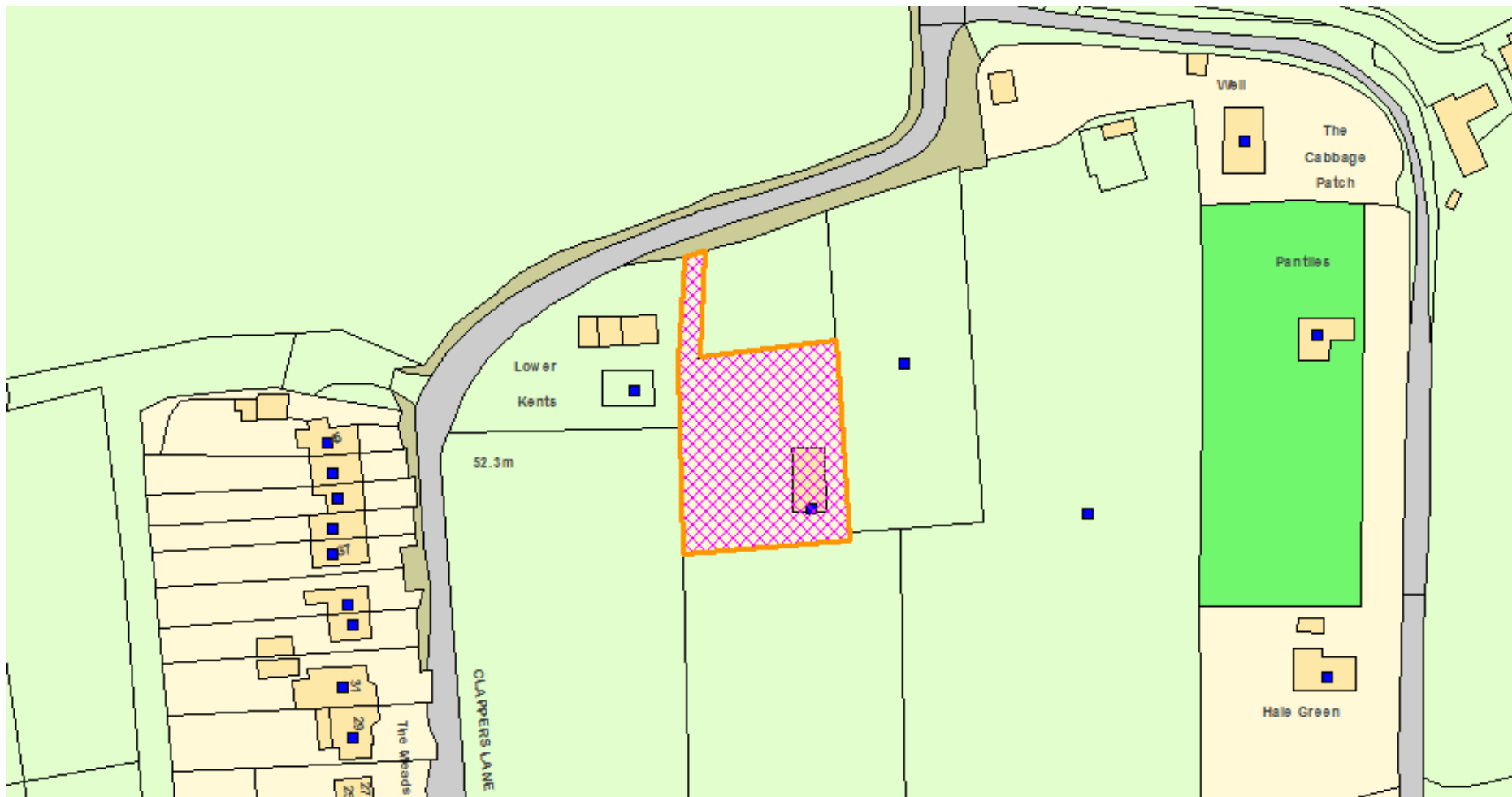
TIM SLANEY

Director of Planning

South Downs National Park Authority

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Appendices	I. Site Location Map
SDNPA Consultees	Legal Services, Development Manager.
Background Documents	All planning application plans, supporting documents, consultation and third party responses <ul style="list-style-type: none"> • <u>Application documents for SDNP/15/04159/FUL</u> • <u>Application documents for SDNP/17/03762/CND</u> • <u>National Planning Policy Framework (2012)</u> • <u>South Downs National Park Partnership Management Plan 2013</u> • <u>South Downs Integrated Landscape Character Assessment 2005</u> • <u>Mid Sussex Gypsy and Traveller Accommodation Assessment 2016</u> • <u>South Downs National Park Gypsy, Traveller and Travelling Showpeople Background Paper 2016</u>

Site Location Map



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