

## **Old Allotment Site, Newells Lane, West Ashling PO18 8DD**

### **Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.**

#### **Location**

The site amounts to approximately 0.1 hectares and is located to the west of Newells Lane within the Parish of Funtington.

The site is accessed via an existing entrance to the east with a well-established track leading in to the site. The surrounding area is characterised by sporadic development, comprising residential, agricultural, commercial and equestrian developments.

To the south of the site is a residential property and to the west is a site approved at appeal under application FU/18/00402/FUL for the stationing of caravans for residential use along with associated hardstanding and utility buildings. This site is approved for 5 plots

An application for Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding was submitted under application 19/02939/FUL but never determined by the LPA. The applicant filed an appeal for non determination which was eventually heard by way of a hearing along with a number of appeals on adjacent sites. The appeal, under reference APP/L3815/W/20/3254259 was dismissed on 16<sup>th</sup> May 2023.

The thrust of the dismissal of the appeal is set out in paragraphs 33 and 34 of the appeal decision, these state:

*33. The planning balance on this and the other sites is very finely balanced. On the one hand there are a number of factors set out above that weigh significantly in favour of the development. These include the contribution of additional gypsy and traveller pitches, meeting the personal needs for this family for a settled base, the lack of alternative sites alongside other social and economic benefits.*

*34. However, on the other hand and set against these benefits, is the moderate harm I have identified to the character and appearance of the area and the clearly significant harm, stemming from the uncertain position regarding the mechanism, to offset any harm resulting from nutrient discharge to the SAC. Accordingly, I find that on balance, this identified harm is not outweighed by those matters advanced in support of the proposal.*

It is clear that the combined harm of the uncertain position regarding the mechanism to offset any harm resulting from nutrient discharge to the SAC and the character and appearance of the area outweighed the benefits of the scheme.

It is equally clear that the inspector found the proposal acceptable in all other respects.

## **The Proposal**

The proposal is for the use of the land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.

This would include the stationing of a single mobile touring caravan.

The application is essentially a resubmission of the previously refused scheme but with a detailed mitigation proposal to ensure nutrient neutrality.

## **Principle of Development**

The Council has carried out a recent Gypsy and Traveller Accommodation Assessment (GTAA) (2022)

The Appeal decision, along with the adjacent sites heard under the same hearing established clearly that there is a significant unmet need for 158 pitches.

Whilst the Local Plan Review is exploring how this unmet need can be addressed, it has increased considerably since the last GTAA and represents a very significant shortfall and the inspector considered it to represent a failure of policy which weighs heavily in support of the development.

The proposed occupants of the site fall within the definition of Gypsy and Traveller set out in the Glossary of 'Planning policy for traveller sites' (PPTS) The applicant has family locally and has a clear need for accommodation within the locality.

## **Character and Appearance**

The site is located close to established Gypsy and Traveller pitches including those approved under application FU/18/00402/FUL. It is not therefore considered that individually or cumulatively the impact of the proposal on the character of the area would be harmful given the established pattern of development.

As stated by the inspector within her report. In visual terms the site is well screened and this could be augmented by landscaping. The imposition of appropriate conditions would assist in assimilating the site into its surroundings

The inspector found that, when considered cumulatively with the other appeals, the identified harm could not be said to be of a magnitude that it dominates the settled community.

The inspector found moderate harm to the character and appearance of the area which conflicts with Policies 36, 45 and 48 of LP that seek to ensure that development respects and has minimal impact on the landscape and rural character of the area.

### **Gas Mains**

The wider site contains high pressure gas lines, these have been identified and the relevant buffer zones respected. No residential development is proposed within these exclusion zones and therefore there are not considered to be any risk to potential occupants.

### **Highways and Access**

The site is accessed via an established access from Newells Lane. WSCC raised no objection to the previously approved sites or the previous applications and it is not considered that the application would result in any material increase that would change this position.

Suitable parking and turning is available on site along with EV charging

### **Ecology**

The proposal would not result in the removal of any trees or hedges and so would not impact on any protected species.

Protected species surveys were conducted in 2020 and submitted with the previous application

These demonstrated that there was no potential for impact on protected species.

It is not considered that this position will be any different. In any case the inspector found that a condition to provide a scheme of ecological enhancement, including the installation of bat boxes, bird boxes, additional native hedge planting and the planting of a wildflower meadow in the amenity area would be sufficient to address this matter.

The applicant confirms that they are happy to accept such a condition

### **Recreational disturbance and nutrient neutrality**

It is acknowledged that the site lies within the 5.6km zone of influence of the harbour SPA and that a legal agreement would be required and a financial contribution payable. The applicant is happy to enter in to such an agreement and to make the appropriate payment and request that the Council send the relevant paperwork prior to a decision being issued.

A nitrates report is submitted with this application along with the relevant budget calculations.

### **Neighbouring amenity**

The closest settled residential unit is 'Moonrakers' to the south. The proposed site would maintain a suitable distance between the proposed unit and the existing dwelling.

The proposal would be no closer to Moonraker than the southern most plot of the scheme approved under FU/18/00402/FUL. It is therefore considered that there would not be an unacceptable impact on the amenity of neighbouring properties.

### **Foul water and surface water Drainage**

The Site lies within Source Protection Zone (SPZ) 1C for the Spring Gardens abstraction

The applicant proposes foul water disposal by a highly efficient treatment plant. This is detailed in the accompanying nitrates report. The Total nitrates level of this system is the lowest on the market at 10 mg/l which is much less than the permit levels of many of the mains drainage waste water treatment plants

The applicant is happy to accept an appropriately worded condition requiring detailed foul water drainage details.

The application proposes a permeable hardstanding and for surface water to be taken to a soakaway. The inspector considered that this could be secured through the use of a suitably worded condition.

The applicant confirms that they are happy to accept such a condition

### **Sustainability statement**

Policy 40 of the Chichester Local Plan states that development should also utilise sustainable design and construction techniques, for example, energy conservation and efficiency, water efficiency, reducing waste, re-using materials and recycling materials to ensure the most efficient use of limited resources.

The application seeks to meet the aims of this policy in the following ways:

- Provision of an electric vehicle charging point
- Improvements to the biodiversity of the site through substantial additional planting to the boundaries including enhancing existing hedgerows
- Provision of separate waste and recycling bins along with suitable covered storage.
- Water limiting measures will be provided to ensure the water usage is limited to 110L per person per day

### **Conclusion and planning balance**

The inspector found that the planning balance on the appeal was very finely balanced, commenting that:

*On the one hand there are a number of factors set out above that weigh significantly in favour of the development. These include the contribution of additional gypsy and traveller pitches, meeting the personal needs for this family for a settled base, the lack of alternative sites alongside other social and economic benefits.*

*However, on the other hand and set against these benefits, is the moderate harm I have identified to the character and appearance of the area and the clearly significant harm, stemming from the uncertain position regarding the mechanism, to offset any harm resulting from nutrient discharge to the SAC. Accordingly, I find that on balance, this identified harm is not outweighed by those matters advanced in support of the proposal.*

It is considered that the detailed Nitrogen Neutrality Calculation demonstrates that the site is nutrient neutral and so there would be no harm resulting from nutrient discharge to the SAC.

Whilst it is acknowledged that there is potential for some moderate harm from the impact of the proposal on the character and appearance of the area, it is clear that this, on its own, would be outweighed by those matters advanced in support of the proposal.