

PLANNING APPLICATION REPORT

REF NO: AL/67/10/

LOCATION: The Paddocks
Northfields Lane
Aldingbourne

PROPOSAL: Change of use of land to a private gypsy and traveller caravan site consisting of 3 no. mobile homes (2 of which have extensions), and associated works - This application is a departure from the development plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Temporary planning permission for three mobile homes on the site expired on the 11-06-2010. This application submitted on 03-06-2010 seeks full permission to retain these as well as extensions carried out to two of them.
SITE AREA	0.80 hectare
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The west boundary along Northfield Lane and the north boundary facing Level Mare Lane comprise a Leylandi tree screen. The boundary with the rear garden of the neighbouring property Mount Pleasant Cottage is made up of close boarded fencing supplemented by a line of Leylandi trees and other mature planting/trees.
SITE CHARACTERISTICS	There are currently three mobile homes at The Paddocks. The two with extensions are sited to the south of the site and the third is located north of the application site. The site is accessed off Northfields Lane, an unmade country track, approximately 60 metres south of its junction with Level Mare Lane. The site and mobile homes are well secluded from all highway points.
CHARACTER OF LOCALITY	Rural character. To the east of the site are located a number of two storey dwellings along Level Mare Lane. The rear garden of one of these, Mount Pleasant Cottage, forms part of the eastern boundary of the site. To the south lies an approved Gypsy site comprising a mobile home and a stable converted to residential accommodation. To the west is open countryside.

RELEVANT SITE HISTORY

AL/67/10/

AL/15/04/	Siting of 2 no. residential mobile homes for settled accommodation and including a single storey extension	Refused 08-07-2004
AL/5/07/	Change of use of land for the stationing of 2 no. mobile homes for gypsy and traveller family.	Refused 05-09-2007 Appeal: Withdrawn 05 03 2008
AL/23/08/	Use of land as a private gypsy caravan site for a single family group.	Approve Cond 11-06-2008

CON/AL/2/04 - Without planning permission the change of use of the land from field to use for siting on the land two mobile homes. Appeal: Enforcement Notice Upheld - 28th June 2005

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council

Objection.

A departure from the development plan. Unacceptable use of a private right of way for access. It would be detrimental to the visual amenity of the area. However, the Council would not object to the granting of a further temporary planning permission given the fact that work on the Local Development Framework has been delayed.

Eight letters of objection

Regard as staff negligence the Council's inaction in enforcing an extant enforcement notice which has resulted in some residents suffering from ill health.

There is a discrepancy between items listed in submitted plans and those described in the Design and Access statement.

Extension to two of the mobile homes means that they can no longer be classed as caravans within the meaning of the Caravans Act 1968.

In 2005 the Inspector considering the enforcement notice appeal partly upheld the notice on the grounds that the mobile homes (totalling 2 and unextended at the time) had an unacceptable impact on the amenities of adjoining occupiers. There is considered to be a severe loss in privacy and unacceptable visual intrusion to the occupiers of Mount Pleasant Cottage where the homes abut the boundary. The right to their privacy is also a human right. The homes are very visible from Level Mare Lane and the Inspector considered that they had a harmful effect on what is a "plainly rural area in policy terms".

They have also resulted in the unacceptable loss of Grade 2 quality agricultural land as concluded by the Inspector.

The perimeter fences and high Leylandi hedge add further harm to the rural character of the area.

Whilst aware that there is a need for suitable Gypsy sites and the fact that since the Baker report work on this has practically ceased The Paddocks would be considered totally unsuitable for 3 or 4 houses and planning permission would immediately be refused.

The increase in traffic is endangering pedestrian safety on Northfields Lane which is a public footpath where pedestrians have official rights of way. This increase in traffic is having a knock on effect on Level Mare Lane.

The Lane is prone to flooding and the tarmacking at the application site is making the rainwater run off is affecting nearby properties.

Unit C is a store room and should be prevented from turning to separate residential use.

The existing temporary permission has expired and condition number 2 of AL/23/08 needs to

be complied with by removing the mobile homes.

Since temporary permission was granted further unacceptable breaches have occurred with a fourth mobile home and unauthorised extensions to two of them taking place.

This is an overdevelopment of the site. The other gypsy site at the larger 2 Wyndham Acres (two fields away) was granted permission on appeal but restricted by condition to only one mobile home so as to avoid setting a precedent for others. Permission would set an undesirable precedent on the rest of the application site and elsewhere.

The other neighbouring site was refused, on appeal, an occupational caravan for animal husbandry on the grounds that it would have a harmful impact on the character and appearance of surrounding countryside.

There are a number of positive character references included with this application - however, it is not the character of the applicants that's relevant but rather the merits of the application.

The substitute plans dated 28-06-10 are more acceptable. There is concern however that ownership of northern end of site will change to one of the applicant's daughters thereby allowing the continued stationing of a mobile home on this section. As before no attention will be paid to planning regulations and will not stop applicants from placing additional mobile homes on this part of the site.

Unit A is on northern section, contrary to original permission, having being moved from south of the site shortly after new occupiers of Mount Pleasant Cottage moved in.

A number of conditions are suggested in the event of planning permission being granted.

The site suffered a fire on the 19th July 2010. This further underlined the impact of having a mobile home so close to boundary with Mount Pleasant Cottage as the fire was directly underneath an electricity cable and fuse box which runs the length of the boundary.

One letter of support

Have known the Searle's since school and are aware of how hard they have found finding somewhere for them and their family to settle.

Comments on Representations received:

Enforcement Notice Appeal June 2005

The Inspector identified the main issues for consideration as being the effect of the proposal on the surrounding rural area and the impact on the living conditions of the adjoining Mount Pleasant Cottage occupiers. He proceeded to uphold the requirements of the enforcement notice to remove the then two mobile homes by concluding that they were clearly visible from Northfields Lane and thus caused unacceptable harm to the rural character of the area and were having an unacceptable impact on the residential amenities of Mount Pleasant Cottage.

However, since then substantial close boarded fencing has been erected around the perimeter of the site and a belt of mature and semi mature Leylandi trees now surrounds the whole of the site. This means that only limited glimpses of the mobile homes can be viewed from Northfields Lane and from a standing position in the rear garden of Mount Pleasant Cottage. Measures including a relocation of mobile home A from the north to the south of the site, a reduction in the proposed number of mobile homes from 4 to 3, restricting development to the south of the site only and conditions requiring that the perimeter tree screen be maintained and bolstered around mobile home B where the windows on the east elevation will be permanently obscure glazed and fixed shut are considered to secure amenity and rural values to acceptable levels. It is also considered that these trees are in keeping with the character of the locality. The Inspector did not state that the mobiles could be viewed from the roadside along Level Mare Lane. On site inspection confirms this point.

The Inspector commented that highway and drainage considerations were not such that they

merited refusal of the stationing of two mobile homes. Whilst the use has increased by an additional one mobile home since then there are no reports of accidents or incidents along Northfields and Level Mare Lane to warrant a change of opinion in this respect.

Considerable weight needs to be afforded to the fact that the Inspector considered this appeal without the need to have reference to Circular 1/2006 - Planning For Gypsy and Traveller Caravan Sites, published 2nd February 2006, which now compels Council's to reverse the trend of underprovision of gypsy pitches by identifying appropriately located sites (on the 21st July 2010 the Development Control Committee granted its first number (7 pitches) of permanent permissions for Gypsy pitches since 2006). Furthermore, it states in paragraph 54 that "Sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints, are acceptable in principle". Since this guidance was introduced a traveller site was located in an Area of Outstanding Natural Beauty (Coventry Plantation, Findon) and on appeal an Inspector whilst citing landscape harm allowed the appeal on the grounds that there were no other alternative Gypsy sites within the District. This is in line with other appeals concerning Gypsy sites around the Country.

This significant change in the legislation framework has hampered the enforcement of the extant enforcement notice on the site and it is regrettable that this has caused public distress. Originally the Council hoped to meet its requirement for Gypsy sites through the Lawful Development Framework process but given the continuing delay and uncertainty over its preparation and the urgent need to provide gypsy and traveller pitches means that the Council is currently attempting to meet its Gypsy and Traveller pitch requirement by identifying appropriate sites with temporary planning permission and recommending permanent permission when these permissions come up for renewal. For example Coventry Plantation in Findon where the Committee granted permanent planning permission for 7 pitches on the 21st July 2010.

The Design and Access statement, for information and background purposes sets out the family members that live on the site but more importantly the submitted plans shows the location of each of the mobile homes and ancillary storage/office buildings. The Council is aware of the non residential use of buildings C & E and will impose a condition to prevent their residential conversion.

The proposal, south of The Paddocks and north of 2 Wyndham Acres, for an occupational building for husbandry purposes was not a Gypsy proposal and therefore considered against different policies/guidance. An intensification of gypsy pitches at 2 Wyndham Acres has been resisted by the Council.

The list of suggested conditions if permission is agreed has been noted. The Council is aware of the recent fire on the site and understands that the affected mobile unit D is uninhabitable and will need to be replaced.

The Council's planning solicitor confirms that the two extended mobile homes by virtue of their size can no longer be defined as caravans as per the Caravans Act 1960. However, this does not take away the applicant's gypsy status and the need to consider the application in line with national gypsy guidance.

The applicants submitted an application before the temporary period expired on the previous permission and therefore any action to achieve compliance with the condition to clear the site of mobile caravans must wait until after this application has been determined.

CONSULTATIONS

WSCC Local Development Divis.
Parks and Landscapes
Environmental Health
Engineers (Fluvial Flooding)

Consultations responses received:

County Highways

Comments submitted in relation to AL/23/08 still apply. These were "Same comments as AL/15/04 & AL/50/07. Objection. Path is suitable for one way traffic only. This proposal will further deteriorate condition of the path to the detriment of safe and free passage of other path users. Rights of way section also object as by law owner requires rights of access rights onto public path. Use of traffic will endanger those with public access (walkers) who have greater rights than those with private access. Increased vehicular use (more so than specified) will deteriorate surface of path which in itself is an offence. A considerable loss to amenity of walkers."

Council Greenspace Team

No objection. The site appears to be reasonably well visually contained with surrounding evergreen hedges.

Comments on Consultation responses:

Comments noted and dealt with above.

POLICY CONTEXT

Designation applicable to site:
Outside built-up area boundary
Agricultural Land Value Grade 2

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development

PLANNING POLICY GUIDANCE

PPG13	Transport
PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas

POLICY COMMENTARY

The above policies combine to give the relevant criteria against which applications for Gypsy development will be assessed, particularly with regard to the issue of principle, impact on the open countryside and the personal circumstances of the applicant.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that the site lies

in a countryside location outside the built up area boundary. The proposal is unrelated to agriculture, forestry or other acceptable countryside uses.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background in that it is accepted from the information submitted that the applicant is a member of the gypsy/traveller community where there is a proven need for the applicant to continue living on the site. In addition the site has been identified, by Council appointed consultants, as one which can acceptably accommodate 1-5 pitches.

CONCLUSIONS

Background:

The site lies outside of any Built-up Area boundary in an area classed as open countryside with agricultural land of grade 2 value. Strict planning policies apply in such areas to protect the countryside for its own sake. The provision of residential development (including mobile homes) in the countryside is generally not permitted unless it is in connection with a genuine agricultural or forestry need. The proposal the subject of this application is therefore contrary to the provisions and policies of the development plan.

The above notwithstanding, Circular 01/2006 (ODPM) Planning for Gypsy and Traveller Sites is the most recent policy statement the Government has produced on such planning matters and is a compelling material consideration in the determination of the current planning application.

It requires that:

- Local Authorities should identify suitable sites for Gypsy and Travellers in their Development Plans, either through site allocations within the Local Development Framework (LDF) or the granting of permanent planning permission to acceptable 'windfall' proposals. It is not acceptable to just identify criterion of where sites could be allocated without identifying specific sites to begin with. Sites identified must also be seen as sustainable and in the first instance look to larger settlements with good facilities and services;
- Local Authorities must have fair, reasonable and realistic site selection criteria which will be effective in delivering sites - thus giving certainty to applicants and local residents and reducing the need for Local Authorities to enter into lengthy and expensive enforcement actions against unauthorised sites;
- Gypsies and Travellers must be covered in a housing need assessment (under the Housing Act 2004, all local housing needs assessments must take into account the needs of Gypsies and Travellers, including legal sites to station their caravans). An explanation of the identified needs (permanent and transit) must then be translated into the new spatial planning system through allocations in the planning (LDF) process.

The Circular aims to increase the number of authorised camp sites for Gypsies and Travellers across the country in line with up to date need studies by ensuring Local Planning Authorities identify and make provision for the accommodation needs for such communities within their Development Plans. The Housing Act 2004 imposes a duty on Local Authorities to carry out a housing needs

assessment of Gypsies and Travellers in their District through Gypsy and Traveller Accommodation Assessments (GTAAs) and to identify appropriate sites that are suitable and

realistically available to meet that need through the emerging Local Development Framework (LDF).

The main issues to be considered in this application are:

- whether there are material considerations that justify allowing the development of this site contrary to the applicable policies in the development plan, which could include;
- the Gypsy status of the applicant
- the proven need for a Gypsy site
- the personal circumstances of the applicant
- whether or not the use of the land as a private gypsy caravan site would cause material harm to the character and appearance of the area;
- the availability of adequate infrastructure to serve the site by way of highway safety, access to services and facilities; and
- other material considerations, such as impact on residential amenities, traffic noise, land contamination, landscaping, etc.

For Members information and clarification, the definition of Gypsies and Travellers is listed at paragraph 15 of ODPM Circular 01/2006, being:

"Persons of a nomadic habitat 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 or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."

Beyond these material considerations are the matters relating to Human Rights legislation. Having considered the harm that may be caused to acknowledged planning interests, together with the interference with the human rights of the applicant, a recommendation based on the need to balance the proportionality of the harm to the environment against the Human Rights of the applicant will need to be reached in respect of this application.

Travellers' rights under Article 8 of the European Convention on Human Rights 1950 should also be taken into consideration in such cases where refusal of planning permission/enforcement action would involve eviction of persons from their homes when there is no alternative site available. The specific impact on individuals in the applicant group in relation to health and educational issues also have to be taken into account.

It is of importance to note that the applicant and family are presently living on the site in question so the refusal of planning permission would potentially lead to the need for enforcement action to be considered which could eventually lead to the applicant and his family being required to vacate the land.

Gypsy, Traveller and Travelling Showpeople Sites Study:

In October 2008, an independent study was undertaken on behalf of the Council by Planning Consultants, Baker Associates, to assess sites in Arun District Council, West Sussex County Council and other ownership (including private) to develop a shortlist of potential Gypsy, Traveller and Travelling Showpeople sites to meet identified needs (hereafter referred to as the Baker Report).

The study was also intended to develop a criteria based spatial planning policy approach for the location of such sites and to provide advice on how consultation can best be undertaken.

The report was published earlier this year and was out to public consultation between February 2009 - April 2009.

The Baker Report is an independent study that was commissioned to assist the Council in identifying permanent sites for the gypsy and traveller community to meet accepted and identified local needs. In reaching their conclusions, the planning consultants applied key suitability criteria, together with an initial investigation of likely availability.

The report identified the application site as a potential site and whilst it was subjected to a proper and thorough public consultation exercise it is considered that the study can only be given limited weight at this stage as a material planning consideration in the determination of this application.

Principle and Unmet Gypsy Accommodation Need:

As noted, the site lies outside of the Built-up Area Boundary in an area where the Countryside should be protected for its own sake and special justification would be required for any new development to take place. The proposal the subject of this application is unrelated to agriculture or forestry.

The above notwithstanding, it has been openly accepted by the Council that there is a proven and immediate need for additional permanent Gypsy and Traveller accommodation throughout the District. The County currently operates 10 sites, with 105 pitches. Consultation with West Sussex County Council has revealed that there are presently no vacancies within local West Sussex County Council sites.

In accordance with the requirements as set out in ODPM Circular 01/2006, the Council has conducted a Gypsy and Traveller Assessment Audit (GTAA). The results indicated an unmet net need for an additional 9 permanent pitches within Arun District for the period 2006 to 2011. This was updated and extrapolated at the Regional level such that there is now an agreed need for 14 additional permanent pitches within Arun's boundaries for the period from 2006 to 2016.

The agreed immediate unmet need, therefore, for additional G&T pitches within the District is 9. On the 21st July 2010 the Development Control Committee granted permanent planning permission for 7 pitches at Coventry Plantation in Findon. Should permanent permission be granted in this case for 3 pitches, the current need would be fully met and provide a surplus of one pitch and thereby considerably strengthen the Council's case where it is minded to refuse other future proposed gypsy sites where there is a clear policy conflict. Such an opportunity does not exist whilst Gypsy accommodation need continues to be unmet.

The Baker Report makes it clear in Paragraph 6.3 that:

"Since the majority of the sites which we consider are suitable are subject to temporary permissions we believe that there is an opportunity for the Council to consider these sites collectively through the development management process in the short term. Given the scale of need identified in the West Sussex GTAA up to 2011, we consider that these sites have the capacity to meet this short term need. This would prevent the need for any further temporary permissions to be granted and would provide the appropriate evidence for future development management decisions."

The guidance contained in Circular 01/2006 and the findings of the GTAA and the identified Baker

report allocation are, together, significant material planning considerations in the overall assessment of this application. These point towards granting permanent planning permission in this case.

Personal circumstances and local connections:

In deciding this application and in line with national planning policy, some consideration must be given to whether the acknowledged planning harm is outweighed by the damage and interference with the applicant's personal circumstances. Any decision-maker has a duty to carry out a balancing exercise and give reasons for their decision.

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.

Planning Policy Statement 1, ODPM Circular 01/06 and case law indicate that personal circumstances are capable of being material considerations. In this respect, the test of proportionality needs to be applied to the personal circumstances of the applicant in respect of harm caused on planning grounds against the harm caused to their Human Rights. Nevertheless, the Human Rights of those living within the nearby settled community must also equally be considered. Paragraph 62 of Circular 01/2006 makes it clear that:

"Local planning authorities should not refuse private applications solely because the applicant has no local connection."

The starting point in considering any application for a gypsy and traveller site is therefore very clear and the question that needs to be asked by the Committee is whether there is an identified need within the District for gypsy and traveller sites, and if it is accepted that there is a need, can this need be met through existing identified sites and allocations. As noted earlier in the report, Arun District Council has, through the GTAA, identified that there is a genuine local need to provide additional pitches for gypsies and travellers for the period 2006 to 2016 and, further, has acknowledged that this identified need cannot presently be met within the District.

As identified in Paragraph 6.3 of the Baker Report, it is considered that the scale of need identified for the period to 2011 can be met by turning existing temporary permissions into permanent permissions thereby preventing, in the interest of avoiding harmful policy conflict, the need for any further permissions to be granted at this time (there are some current Gypsy proposals for mobile homes such as the one at Aldingbourne Farm Shop, Nyton Road which is the subject of a current enforcement notice appeal). Whilst the personal circumstances of the applicant can, and should, be given some weight as material considerations in the determination of this application the level of weight to be afforded is a matter for the decision maker and should be carefully balanced against the applicable development plan policy and other considerations. In this case, officers are of the opinion that a clear and immediate need has been demonstrated by the fact that the site is already occupied and the personal Gypsy circumstances of the applicant are of sufficient weight to justify the granting of a permanent planning permission contrary to development plan policies. If permission were to be refused resulting in eviction from the site this could contravene Article 8 of the European Convention.

This would not, however, apply once the Council has allocated sufficient permanent sites within the District to meet the identified needs of the gypsy and traveller community.

Impact on character and appearance of the countryside and potential loss of high grade agricultural land:

The site is outside of the Built-up Area Boundary and within a rural location. Whilst the proposed development would have some negative impact on the open nature of the locality, the existing and comprehensive screening on all boundaries of the site helps to considerably reduce its visual prominence within the countryside. It is therefore considered that permission in this case would not result in further material harm to the character or appearance of the rural locality. The level of hardstanding on the site means that there is little prospect of turning the land into meaningful agricultural production.

Residential Amenity

Concern regarding the negative impact of the mobile homes on the amenities of the adjoining property Mount Pleasant Cottage was expressed by the appeal Inspector, so much so that he saw it as sufficient reason to refuse planning permission and uphold the enforcement notice.

However 5 years on the site displays a well kept and tidy appearance with mobile homes of a high standard and sympathetically designed extensions. The amenity value of the site is considered to have an acceptable impact on the area and broadly in keeping with the wider locality.

Your officers consider that the extent of the red line on the application submission is of a scale that no mobile homes can be located upon the northern part of the land controlled by the applicant. This will therefore avoid the sprawling effect of any further structures or areas of hardstanding being erected on the site.

Therefore, in terms of the mobile homes impact on the amenities of Mount Pleasant Cottage, development will be kept away from over half the length of their garden area (the rear garden is approximately 120m long). The portion of the neighbouring garden affected by the application is less formal and not as intensively used by the occupiers of the cottage in particular that towards the end which neighbours mobile home B. Mobile homes B & D are in close proximity to the boundary with Mount Pleasant. However, the substantial screen of trees/bushes along the boundary means that there are only limited views of the homes. This level of screening will mature over time and increasingly screen the homes from views by Mount Pleasant Cottage. Furthermore, amenities will be further protected by requiring that the windows to the east elevation of home B are fixed shut and obscure glazed in addition to securing further planting at this point from a landscaping condition. It also needs to be noted that no complaints have ever been submitted to Environmental Health regarding noise and disturbance from the application site. All considered this level of impact on neighbouring residential amenity is no longer compelling enough to refuse permission on this ground.

Highways issues:

Whilst County highways raise objections to the proposal, the 2005 Inspector's reasoning for not according them sufficient weight to refuse permission is still considered valid. County highways have been contacted and have confirmed that no highway incidents have been reported over the last 5 years.

Conclusion:

Although the site lies outside of the Built-up Area boundary where the rural locality needs to be protected from unwelcome development for, the personal circumstances of the applicant, the provisions of ODPM Circular 01/2006 and the up to date position of Gypsy & Traveller accommodation needs have been properly and fully taken into account. Officers are of the opinion that the granting of permanent planning permission in this case, subject to the conditions bellow, will make a significant contribution to the immediate Gypsy & Traveller accommodation need and

therefore allow the Council to confidently resist Gypsy sites where they are proposed in unacceptable locations.

RECOMMENDATION

APPROVE CONDITIONALLY

- 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 paragraph 15 of Circular 01/2006 - Planning for Gypsy and Traveller Caravan Sites.

Reason: To ensure the adequate provision of Gypsy and Traveller sites in the District in accordance with Circular 01/2006.

- 2 This permission relates to the following approved plans: 1011/01 & 1011/02 Rev. A dated January 2010, 1011/03 Rev. B received 9th July 2010.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No more than three residential mobile homes, including therein any vehicle designed or adapted to residential use, shall be stationed on the land at any one time, together with one touring caravan which shall not be used for independent residential occupation.

Reason: In the interest of the amenities of the area and in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The buildings marked C & E in the approved plan shall be used solely for purposes incidental to the residential occupation of mobile homes A, B & D and shall not be used as a separate unit of accommodation.

Reason: To accord with policy GEN7 Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 5 Within 1 month of the date of this permission:

- (i) the windows on the east elevation of unit B shall be and remain at all times obscure glazed and fixed shut,
- (ii) unit A, associated hard standing and resulting debris shall be removed from its current location.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 6 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained. The approved details of the landscaping shall be carried out in the first planting

and seeding season and any trees or plants which, within a period of five years from the completion of the development, 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: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

7 **INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995**

SUMMARY

This planning permission is granted because although the proposed development does not comply with the policies in the Development Plan listed below in that the proposal does not comply with policy GEN3 (i) - does not meet the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste, (ii) is not for quiet, informal recreation (iii) is not for the diversification of the rural economy, (iv) is not for an essential road scheme; or (v) is not in accordance with a policy in section 2 or 3 of the local plan referring to a specific type of development. These material considerations are Circular 1/2006, the lack of alternative provision within the District, the proven need for sites within the District through the GTAA and the Human Rights Act.

RELEVANT POLICIES

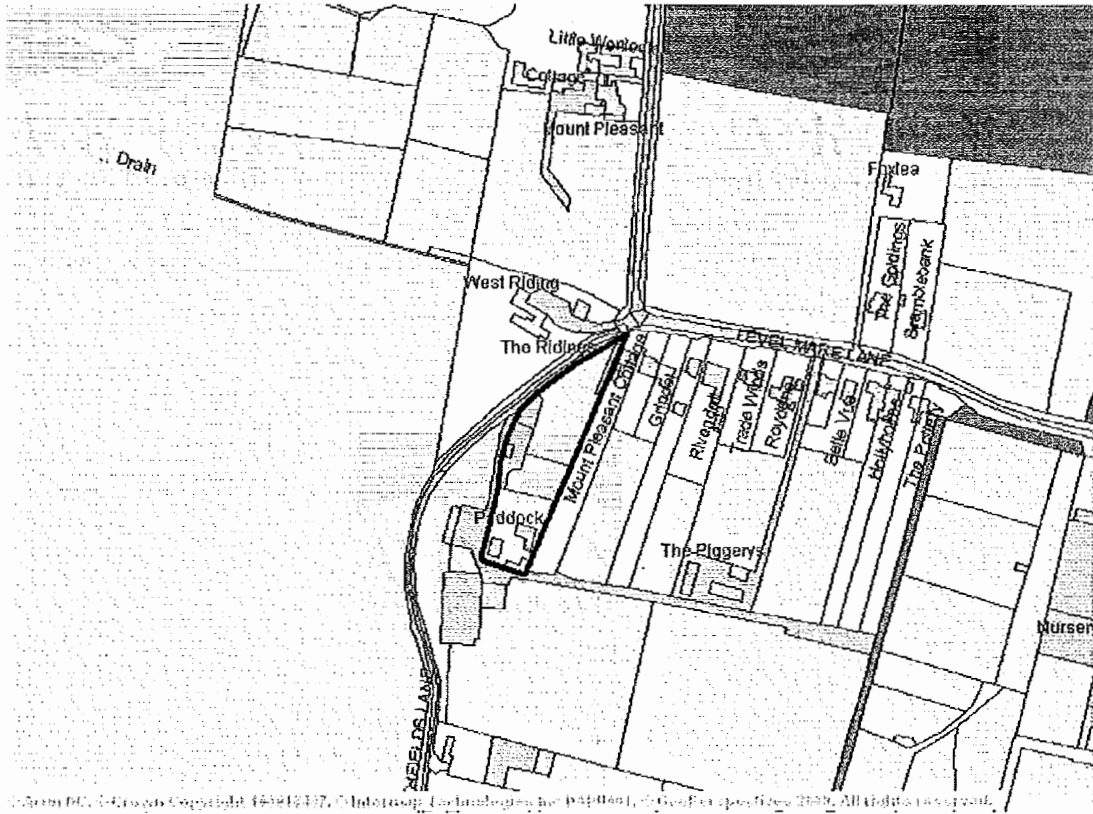
LOCAL PLAN: GEN2, GEN3, GEN7

NATIONAL POLICIES: PPS1, PPS7, PPG13

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

AL/67/10/ Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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