



Appeal Decision

Site visit made on 13 September 2016

by Lesley Coffey BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 February 2017

Appeal Ref: APP/Z3825/W/16/3150594

Oldfield Stables, Fryern Road, Storrington RH20 4BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Joseph Light against the decision of Horsham District Council.
 - The application Ref DC/15/2815, dated 17 December 2015, was approved on 16 March 2016 and planning permission was granted subject to conditions.
 - The development permitted is the siting of two no. additional mobile homes for occupation by persons falling within the definition of a gypsy (family members) and erection of a day room to serve the three pitches.
 - The condition in dispute is No 2 which states that: *The two mobile homes and day room hereby permitted shall be removed and the land shall be restored on or before the 16.03.2018 to a condition which has been previously agreed in writing by the Local Planning Authority in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.*
 - The reason given for the condition is: *The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period in accordance with Policy 23, Policy 26, Policy 27 and Policy 33 of the Horsham District planning Framework 2015 and the guidance within the Planning Policy for traveller sites (August 2015).*
-

Decision

1. The appeal is allowed and the planning permission Ref DC/15/2815 for the siting of two no. additional mobile homes for occupation by persons falling within the definition of a gypsy (family members) and erection of a day room to serve the three pitches at Oldfield Stables, Fryern Road, Storrington RH20 4BJ granted on 16 March 2016 by Horsham District Council, is varied by deleting condition 2.

Application for costs

2. An application for costs was made by Mr Joseph Light against Horsham District Council. This application is the subject of a separate Decision.

Background

3. The gypsy status of the appellant is not disputed by the Council. The appellant and his wife, together with their children, have occupied the appeal site since 2012. Planning permission was granted at appeal in April 2014¹ to station one residential mobile home at the appeal site. The appeal proposal is for two

¹ APP/Z3825/A/13/2206172

additional mobile homes to meet the needs of the appellant's son and daughter, as well as an amenity block to serve all three mobile homes.

4. Whilst an additional mobile home has been provided for the appellant's son who is recently married, his daughter does not require a separate home at the present time, but the proposal seeks to meet her future accommodation needs on the site. The planning permission granted by the Council requires the mobile homes and amenity block permitted by the appeal application to be removed by March 2018.

Main Issue

- I consider the main issue to be whether the condition is reasonable and necessary in order to safeguard the character and appearance of the surrounding countryside.

Reasons

Policy

5. Planning Policy for Traveller Sites (PPTS) together with the National Planning Policy Framework (NPPF) sets out the Government's planning policy for traveller sites. Its overarching aim 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 the settled community. Amongst other matters it seeks to increase the number of traveller sites with planning permission in appropriate locations, to address under provision and maintain an appropriate level of supply. It requires local planning authorities to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.
6. The Horsham District Council *Gypsy/Traveller and Travelling Showpeople Accommodation Needs Assessment* (2012) identified a need for 29 gypsy and traveller pitches. It also found a need for a further 10 pitches in the five year period up to 2017, giving a total need for 39 pitches to 2017. In addition, for the period 2018 to 2027 it found that an average of 4 pitches a year would be required. On this basis the overall need from 2012 to 2021 (including a five year requirement from 2016) is 55 pitches.²
7. The *Horsham District Planning Framework* (HDPF) Policy 21 states that provision will be made for 39 additional permanent residential pitches required to meet the needs for the period 2011-2017. Since 2012 planning permission has been granted for 19 permanent pitches. The HDPF allocates four sites with a combined capacity of 29 pitches. However, the Council acknowledge that it is unlikely that the 29 pitches identified by Policy 21 will come forward by 2017. Furthermore, even if they were to do so there would remain a shortfall of 7 pitches. The Council accepts that there is not a sufficient supply to meet the requirement for the five year period up to 2021. Consequently there is an existing need for gypsy and traveller sites in Horsham.
8. HDPF Policy 22 states that sites required to meet the needs beyond 2017 will be identified in a Site Allocations DPD. It lists a number of measures to meet this need including the redevelopment and redesign of existing sites to provide more efficient use of the site to deliver additional pitches. The appeal proposal

² 39 to 2017, and 16 in the 4 years from 2018-21

would represent a more efficient use of the existing site in accordance with Policy 22.

9. Policy 23 sets out the criteria for the consideration of both the allocation of land for gypsies and travellers and planning applications for non-allocated sites. These generally reflect those within PPTS. The appeal site is an existing traveller site and the inspector at the time of the previous appeal found it to be suitable for the proposed use. The criteria within Policy 23 most relevant to the appeal proposal are d) and e). Criterion d) requires sites to be within a reasonable distance of local services and community facilities. The Council does not dispute that although the site is situated outside the settlement boundary it is reasonably accessible to schools, shops and other local services. On the basis of the submitted evidence I have no reason to reach a different conclusion. Criterion e) aims to ensure that proposals do not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and are sensitively designed to mitigate any impact on its surroundings.

Character and Appearance

10. The site lies to the north of the village of Storrington. The surrounding area has a mixed rural character, with scattered residential development interspersed with grazing land and woodland. As noted at the time of the previous appeal, much of the surrounding countryside is sub-divided into paddocks, with scattered buildings and limited long views due to the hedging. Opposite the appeal site the landscape is more open in character.
11. The appeal site is separated from the adjoining paddock by a post and rail fence. The paddock is in the appellant's ownership and includes a stable block and hay barn. The proposal would not extend the residential use beyond the existing site and therefore would not encroach upon the countryside to a greater extent than at present. It would however represent an intensification of the existing use.
12. The appeal site is screened from Fryern Road by the boundary hedge and a number of mature trees. The original mobile home is noticeable in views from directly opposite the site through the access. The upper part of the flank elevation of the recently added mobile home is noticeable in views from the north. However, these views are not conspicuous due to the screening provided by the boundary hedge. There are also views of the existing mobile home from the entrance to the neighbouring property to the north. I consider that the mobile home proposed in the north west corner of the site (but not yet in place) would also be noticeable from this vantage point. Nevertheless these are very localised and semi-private views and would have no appreciable effect on the character or appearance of the surrounding countryside.
13. The proposed amenity block would be taller than the mobile homes. Due to its scale and materials it would alter the character of the site and would be more noticeable in views from Fryern Road. It would have a permanence not associated with the existing mobile homes. Due to the screening provided by the roadside vegetation it would not be particularly conspicuous. In addition, conditions attached to the original decision require the submission of boundary treatment and a landscape scheme. These measures would mitigate the limited views of the proposed amenity block and mobile homes. Whilst there would be some limited harm to the character and appearance of this part of Fryern Road,

it would be very localised, and overall the proposal would not have an unacceptable impact on the character and appearance of the landscape and would therefore comply with HDPF Policy 23.

Other Material Considerations

14. Although Policy 21 and Policy 22 aim to identify future sites to meet the accommodation needs of gypsies and travellers, they do not preclude the use of unallocated sites provided they comply with the criteria listed at Policy 23. The appeal proposal would make more efficient use of an existing traveller site in accordance with Policy 22, and for the reasons given above would also comply with Policy 23.
15. The Council suggest that a temporary permission for a period of two years would allow the identification of alternative sites through a Site Allocations DPD. Planning Practice Guidance (PPG) states a temporary permission may be appropriate where it is expected that the planning circumstances will change in a particular way at the end of that period. I have been provided with no details of the timetable for the DPD. Furthermore, once it has been adopted it will take time for any sites allocated to come forward. On this basis, I am not persuaded that circumstances are likely to have changed to a significant extent by March 2018. Accordingly a temporary period up to March 2018 in order to allow other sites to come forward is not justified.
16. PPG states that a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness³. The proposed amenity block is a permanent building that would require substantial investment. Therefore the disputed condition is not reasonable in so far as it relates to the amenity building.

Other Matters

17. Some residents are concerned that the proposal could have an adverse impact on highway safety. The proposal would use the existing access and the Highway Authority is satisfied that any additional vehicle movements would not pose an issue for passing traffic or have a material effect on the highway network. On the basis of my observations at the time of my visit and the submitted evidence I have no reason to reach a different conclusion.
18. The Parish Council and a number of local residents advise that the appellant has engaged in commercial activity on the appeal site contrary to the terms of the original permission. They are concerned that he will not comply with any conditions imposed on subsequent permissions. The activities referred to would appear to include selling Christmas trees, eggs and plants. It is unclear whether these sales take place on the adjoining land which lies outside of the appeal site and is therefore not constrained by the condition referred to by residents, or within the site itself. At the time of my visit there was no evidence to indicate that the site was in use for commercial purposes. Should there be any breach of the previously imposed conditions it would be a matter for the local planning authority.
19. Although the previous permission restricted the number of caravans on the site, that is not a reason for rejecting this proposal which is for a different

³ Para ID 21a-014-20140306.

scheme. In my view there is no compelling evidence before me to suggest that the appellant will fail to comply with the conditions on this permission.

20. It has been suggested that the site does not comply with the Storrington, Sullington & Washington Neighbourhood Plan, or the West Chiltington Neighbourhood Plan. However, I understand that the site falls outside of both neighbourhood plan areas and therefore they do not alter my conclusions above.

Conclusion

21. The harm to the character and appearance of the surrounding countryside would be very limited and localised and the proposal would comply with HDPF Policy 23 and the development plan as a whole. There are no other material considerations to outweigh these findings. Therefore on the basis of the submitted evidence I conclude that the disputed condition is not reasonable or necessary in order to protect the character and appearance of the countryside.
22. For the reasons given above, I conclude that the appeal should succeed. I will vary the planning permission by deleting Condition 2. The other conditions previously imposed remain in force.

Lesley Coffey

INSPECTOR