



Appeal Decisions

Hearing Held on 13 August 2019

Site visit made on 13 August 2019

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal A - Appeal Ref: APP/L3815/W/18/3209147

Land south of Recreation Ground at junction of Keynor Lane and Selsey Road, Keynor Lane, Sidlesham, Chichester PO20 7NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Messrs W Hughes and M Goddard against the decision of Chichester District Council.
 - The application Ref SI/18/01173/FUL, dated 8 May 2018, was refused by notice dated 6 August 2018.
 - The development proposed is: Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveller families with facilitating development (utility buildings, hardstanding, widened gateway, septic tank and landscaping).
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Appeal B - Appeal Ref: APP/L3815/W/18/3209145

Land south of Recreation Ground at junction of Keynor Lane and Selsey Road, Keynor Lane, Sidlesham, Chichester PO20 7NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Messrs W Hughes and M Goddard against the decision of Chichester District Council.
 - The application Ref SI/17/02640/FUL, dated 28 September 2017, was refused by notice dated 2 May 2018.
 - The development proposed is: Change of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveller families with associated utility buildings, hard standing, widened gateway, septic tanks and landscaping.
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Decision

1. Appeal A is allowed and planning permission is given for change of use of land from agricultural land to use for stationing of caravans for residential purposes by 3 gypsy-traveller families with facilitating development (utility buildings, hardstanding, widened gateway, septic tank and landscaping), at Land south of Recreation Ground at junction of Keynor Lane and Selsey Road, Keynor Lane, Sidlesham, Chichester PO20 7NG in accordance with the term of application Ref: SI/18/01173/FUL dated 8 May, and subject to the conditions listed on the schedule following this decision.
2. Appeal B is dismissed.

Application for costs

3. At the Hearing an application for costs was made by Messrs W Hughes and M Goddard against Chichester District Council. This application is the subject of a separate Decision.

Procedural Matters

4. There are two appeals before me for very similar developments within the same field. As such, I have found it appropriate to consider the appeals together to avoid duplication. However, each appeal has been considered on its own merits and where my reasoning differs between the applications this is noted in the text.
5. Although the description for Appeal A refers to a septic tank, the evidence before me suggests that foul drainage connections would be available if this appeal was allowed and I have considered Appeal A on this basis.
6. At the hearing the main parties confirmed that a completed obligation had been provided by the appellants and accepted by the Council, to address the concerns raised in relation to the Chichester, Langstone and Pagham Harbour Special Protection Areas (SPAs). A copy was provided, and I am satisfied that any harm arising from the developments with regard to the integrity of the SPA's could be addressed by those contributions. No other concerns were raised in this regard by interested parties at the hearing. As such, these reasons for refusal are not considered further in my reasoning.

Main Issues

7. The main issues for Appeal A and Appeal B are:
 - Whether the appellants have gypsy status as defined in Annex 1 of Planning Policy for Traveller Sites (PPTS);
 - Whether the proposals would meet the requirements of relevant local policies with regard to location;
 - Whether the development would preserve the listed Mutton's Farmhouse or its setting, or any features of special architectural or historic interest which it possesses;
 - The effects of the proposals on the character and appearance of the area; and,
 - The weight to be attached to other considerations, including the level of unmet need; whether the Council will be able to meet the need for sites and if so when; the availability of alternative sites; the personal circumstances of the intended occupiers; the best interests of children, and Human Rights.

Reasons

Gypsy and traveller status

8. The gypsy status of the two appellants and their wives was recognised by an Inspector at appeals¹ in May 2017. That status was also afforded to Mr Hughes' sister, who, if these appeals are allowed, would also reside on the

¹ APP/L3815/C/16/3148236 to 3148244, APP/L3815/C/16/3148618, 3148625, 3148635, 3148641 and 3148647

appeal site. There is nothing before me to lead me to disagree that the adults seeking to live at the appeal site had gypsy status in planning terms in May 2017.

9. The Council has not challenged the gypsy status of the appellants or their wives and sister for these appeals. From the oral evidence given at the hearing I conclude that since May 2017 the appellants have maintained their itinerant lifestyle, although their periods away from home are less extensive than was previously the case, due to health issues experienced by Mrs Goddard.
10. I also ascertained that the families are closely related and have a history of residency and familial links with both Sidlesham and the wider area. Although Mrs Goddard is under the care of a hospital in Oxford, this has come about as a consequence of being taken ill during a period when the family was living away from the Chichester area. As with the settled population, this is insufficient reason to be tied to a particular geographic area for future residency.
11. I conclude that for the appellants have gypsy status as defined in Annex 1 of PPTS.

Proposed site

12. The appeal sites are located on a flat grazed field at the corner of Keynor Lane and the busy Selsey Road. To the north it is screened from the adjacent recreation ground and dwellings by a substantial hedgerow, to the west by extensive glasshouses and Mutton's Farmhouse, and to the south by the boundary treatments of the opposing corner plot of Mount Pleasant. On the other side of Selsey Road there are dwellings as well as mature vegetation. Although there are glimpsed views into the site from Selsey Road through the gappy hedgerow, and from the more open boundary on Keynor Lane, the visual envelope is confined to the field itself and the adjacent sections of highway.
13. Sidlesham village is a loose collection of dispersed dwellings and commercial enterprises, mainly strung out along the Selsey Road but with a denser development pattern focussed around the primary school about half a mile away along Keynor Lane. Its functional centre is difficult to ascertain. Nonetheless, notwithstanding the sporadic building pattern there is a clear and distinct separation between Sidlesham and Hunston, to the north. Moreover, Selsey Road's ribbon development appears to stop fairly abruptly some 200 – 300 metres south of the site. As such, Sidlesham is in my view a definable 'settlement' in the usual sense of that word.
14. The field lies within a small-scale mosaic of mixed residential, horticultural and agricultural land uses. The different land uses are frequently bounded by mature hedges and blocks of trees which significantly restrict inter-visibility between parcels of land. Moreover, the very visible presence of large glasshouses, the recreation ground floodlights and nearby phone mast, as well as the urbanising influence of the intermittent ribbon development along Selsey Road and Keynor Lane, lead me to conclude that the site has a semi-rural context.
15. Both appeals would result in the introduction of extensive areas of hardstanding, on which would be located static and touring caravans, and small single storey utility buildings. Both appeals would require the widening of the existing field access and an associated tarmac apron.

The requirements of local policies

16. Paragraph 25 of the Planning Policy for Traveller Sites (PPTS)² 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.*
17. It is not disputed that the appeal site lies outside designated settlements or service villages in what is designated the Rest of Plan Area in Policy 2 of the Local Plan (LP), and the countryside under LP Policy 45. Moreover, the site lies outside areas allocated for development and would not meet listed rural exceptions.
18. In its costs rebuttal the Council states that the lack of a definition for *settlement* in PPTS leaves the interpretation of settlement open to clarification by local policies. However, such an interpretation could lead to a situation where no gypsy or traveller sites could be located outside defined settlement boundaries or allocated areas. This does not appear to me to be the meaning of PPTS which goes on to say that councils *should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community.* This suggests that sites in rural areas are acceptable under PPTS. Moreover, PPTS was published after the adoption of the LP.
19. Furthermore, Sidlesham has around 500 dwellings and a population of about 1300 people. Neither of these appeals, each of which would provide homes for three modest families, would fail to respect the scale of Sidlesham or dominate that village.
20. In addition, as noted above, the site is not located in open countryside. It is a matter of fact that the site is located within a loosely dispersed and recognisable settlement pattern, irrespective of whether it is or is not within a formal settlement boundary. One representation states that the field lies within the heart of the village. I agree with the appellants that PPTS recognises that sites will be found which are both outside formal designated settlements, and yet are not within rural areas.
21. In any case, LP Policy 36 sets out the criteria under which development for Gypsies, Travellers and Travelling Showpeople will be determined. The Council confirmed at the sitting that if the criteria set out under LP Policy 36 are satisfied, there would be no conflict with LP Policies 2 or 45. The Council concurs that nothing in LP Policy 36 precludes the consideration of windfall sites, even if there is no identified shortfall in provision of sites.
22. The first criterion of Policy 36 is concerned with the relationship of a site to existing settlements, and local services and facilities. The policy states that *sites should either be within or close to such settlements or with good access to major roads and/to public transport thus affording good access to local services.* LP Policy 36 does not qualify what is meant by the term settlement.
23. There is a nearby petrol station and convenience store, and a very regular bus service to Chichester with a stop close to the site. Whilst it could be argued that Sidlesham itself has limited facilities, future occupiers would have immediate access to what appears to be the major road artery for this area, as well as good public transport links. I noticed that the bus passes the

² Planning Policy for Traveller Sites, August 2015

Chichester Free School. The site's location appears to me to meet the requirements set out in the first criterion. Even if I accept that Sidlesham should not be considered as a settlement, the appeal site still meets the policy requirement in relation to access to major roads and public transport, and thus access to local services.

24. The field has a gated access onto Keynor Lane. The highways authority is satisfied that if the appeals were allowed the access could comply with its regulations through the imposition of conditions. Although some concerns have been raised with regard to the speed of existing traffic on this road, the gate is fairly close to the junction and traffic would be slowing down as it passed the gate. In any case, there is a gated access to a dwelling with a large hardstanding opposite the site. I see no reason to conclude that the intensified use of this access, which would in any case be improved, would fail to provide safe or convenient vehicular access or cause significant safety issues to pedestrians. In any case, compared to Selsey Road I found the volume of traffic on Keynor Lane to be rather modest. I appreciate that there have been accidents on Selsey Road but there is nothing before me to link these to the use of Keynor Lane. Moreover, the highways authority has not concluded that local accident data should weigh against the appeals.
25. With regards to infrastructure, the appellants have provided evidence that connections to the necessary services could be made. As such, the second criterion of LP Policy 2 could be satisfied.
26. The Council confirmed at the sitting that the developments would not have any adverse effect on the living conditions of existing occupiers. The adjoining recreation ground, with its floodlighting, appears to be well used and would generate its own noise and disturbance. In this context I am satisfied that developments in this field would not have an adverse effect on the acoustic privacy of existing or future occupiers. In any case, the well-used Selsey Road generates a background of traffic noise.
27. The site for Appeal A would not be directly overlooked. Whilst I appreciate that some dwellings have views of the rear part of the field from first floor windows, these are distance views that could readily be screened if the appeals were allowed. In any case, there are no rights to views in planning law.
28. Views into the site of Appeal B would be screened from dwellings fronting Selsey Road by existing trees, and views from Mutton's Farmhouse could be screened by boundary planting if this was allowed. Consequently, I am satisfied that criterion 3 could be satisfied in respect of visual privacy for both appeals. Moreover, hedgerow planting and reinforcement is set out in the development guidelines for the Manhood Peninsula as mitigation for caravan sites and other land uses, and would be appropriate in this situation.
29. Criterion 3 also requires that *development will not have an unacceptable level of impact on the residential amenity of neighbouring dwellings*. However, *residential amenity* is a rather ambiguous and ill-defined term. Although the Council's evidence appears to conflate residential amenity and character and appearance in relation to LP Policy 36, in my experience this term is usually used to refer to living conditions only. In this case I conclude this would be outlook, particularly as it appears to be distinct from the issue of privacy. As such, although the officer's report considers the impact of the development on the underlying landscape character in this context, my reading of LP Policy 36

is that it is not concerned with landscape character. In any case, for clarity, I have separated my consideration of the impact on character and appearance from that of overlooking, noise and disturbance and outlook. Moreover, the Council's statement refers only to outlook into the site for nearby residents, and privacy.

30. With regard to outlook, Appeal A would be screened by existing structures and new and existing vegetation, including the Mutton's Farmhouse plot. I am satisfied that it would not have an unacceptable level of impact on outlook. Appeal B would be located along the Keynor Lane frontage and as such would be likely to be more prominent and incongruous in this location for passersby, leading to some moderate harm to outlook.
31. Although I appreciate that the appeal site is close to a wetland area to the east, it is separated from it by Selsey Road and other residential development. Neither appeal would compromise essential features of designated areas of landscape or nature conservation protection. Nor would either appeal be located within an area of flood risk or be adjacent to incompatible uses. As such, with the exception of issues concerned with the listed building, discussed below, I conclude that criteria 4, 5 and 6 would be satisfied for both appeals.
32. Local concerns have been raised in respect of flooding, but if either appeal was allowed a condition could be imposed to ensure that the site's ground surface remained permeable.
33. Consequently, subject only to my conclusions with regard to the historic environment, Appeal A would meet the requirements of relevant local policies with regard to location. Appeal B would result in some moderate harm in respect of outlook.
34. The Council has also cited Annex 1 of PPTS in this regard. This is a glossary which sets out the planning definitions of gypsies and travelling showpeople. As the appellants' planning status is not disputed by the Council, I conclude that this reference weighs neither for nor against the first reason for refusal, which, for both appeals, is concerned with the site's location.

The setting of Mutton's Farmhouse

35. The listing for the Grade II Mutton's Farmhouse states that it dates from the early 19th century, and notes some architectural and period features. The dwelling is sited close to the lane, and its large rectangular plot is located in one corner of the field.
36. The gappy hedge facilitates limited views of Mutton's Farmhouse across the field from Selsey Road. These views would be obscured if the gaps in the hedge regenerated or were planted up more effectively.
37. Full appreciation of the original building's features of architectural or historic interest can only be achieved from Keynor Lane. I found it quite difficult to see very much of the Mutton's Farmhouse's front elevation and 19th century features from anywhere apart from the immediate road frontage, as views are limited by the boundary wall and hedgerow and garden vegetation. Although the Council's evidence alludes to a highly visible building situated in a flat open landscape, this was not my experience and I agree with the appellants' heritage consultant that this is not an accurate or adequate description.

38. The officer's report refers to historic mapping which shows a house, formal garden, well, glasshouses and small walled courtyards. The report concludes that this layout and features are commensurate with a small working farm. However, none of that mapping evidence is before me. In any case, the features listed do not necessarily suggest to me that this was a working farm or that the adjoining field was functionally related to it. I confirmed at the hearing that there is no evidence of outbuildings associated with the Mutton's Farmhouse plot, or any evidence of earlier building in that location. Or indeed, any evidence that it was ever a working farm. The Council's statement makes it clear that any such functional relationship is a presumption based on the field's proximity to the dwelling.
39. The conservation officer's report does not refer to any of the features listed in the officer's report, or to historic mapping. It also refers to the building as a country farm cottage rather than a farm. This report does not identify any historic functional relationship between the listed building and the adjacent field. Nor does it contain any assessment of baseline significance against which to assess the impact of the proposals.
40. The importance of a building's setting is how it contributes to the asset's significance. The decision notices refer to Historic England's guidance³ in relation to the assessment of the Setting of Heritage Assets. I agree with the appellant's consultant that this sets out a process to assist in establishing whether the setting of a heritage asset is of significance. It appears to me that apart from noting that the dwelling is visible from within and across the field, the Council has failed to establish how the field contributes to the significance of the listed building or the ability to appreciate that significance. In any case, the immediate relationship between the field and the dwelling has been somewhat diminished by the extensions to Mutton Farmhouse's garden and its domestic features.
41. On the basis of the evidence before me, I conclude that the significance of the listed building is derived from its original detailing and historic fabric. Although I agree that both appeals would alter the land use of part of the adjoining field, the details that give rise to heritage significance are not seen in the context of the field. I conclude that neither development would result in harm to the significance of the listed building, as the appreciation of the dwelling's listed features and historic fabric would remain unchanged.
42. As such, there is nothing before me to suggest that the field has particular significance in relation to the listed building, I conclude that the developments would preserve the listed Mutton's Farmhouse and its setting and any features of special architectural and historic interest which it possesses. In any case, the extension of Mutton Farmhouse's garden into areas of the field has created a buffer and I find the Council's argument in respect of the visibility of this dwelling from Keynor Lane overstated. Moreover, the planting I noticed on the garden boundaries suggest that views across and from within the field will in any case be obscured with the passage of time. This buffer would also provide spatial separation between Mutton's Farmhouse and the development of Appeal B.
43. Concern has been raised in relation to precedent. However, the western side of Mutton's Farmhouse is already occupied by extensive glasshouses, and if

³ Historic England, The Setting of Heritage Assets

either appeal is allowed, at least half the field would remain as grazing. It is difficult to see where future development might be located. In any case, any such development would be assessed on its own merits.

44. Accordingly, neither appeal would be contrary to LP Policy 47 which states that proposals should conserve or enhance the special interest and settings of designated heritage assets. Nor would the developments be contrary to the provisions of Section 16 of the Framework, which is concerned with the protection and enhancement of the historic environment, or the requirements of the Act⁴. Furthermore, the appeals would not be contrary to the Historic England guidance in this regard.
45. LP Policy 48 is cited in relation to the setting of the listed building in the decision notices. However, this policy is concerned with the natural environment and it is unclear how this supports the Council's argument in this regard. I conclude that for this main issue LP Policy 48 weighs neither for nor against the appeals.
46. The Council's statement refers to conflict with LP Policy 37 in this regard. LP Policy 37 is not mentioned in either of the decision notices and I conclude that this is an error.
47. In addition, and in the light of the above, I conclude that both appeals would meet the requirement of relevant policies with regard to location.

Character and appearance

48. The Council's landscape report⁵, prepared only for Appeal B, notes that the Manhood Peninsula is a pocket of tranquillity and this characteristic should be maintained. However, although the field itself is undeveloped, the proximity of the adjoining Selsey Road, dwellings and the recreation ground lead me to conclude that this particular site is notably lacking in tranquillity. Moreover, the scale of the proposals is such that neither development would particularly diminish tranquillity in this context.
49. The field lies within the Manhood Peninsula Character Area (MPCA). I acknowledge that the MPCA description states that the area is mainly flat open landscape. However, it also states that *some parts have a patchwork of smaller enclosed pastures and horse paddocks which have a more intimate character*. This element of the description reinforces my observations of the field's context. Although the field makes a contribution to openness and prevents coalescence of the underlying scattered building pattern, this is limited to the area around the road junction. Consequently, the effect is very localised.
50. The landscape report notes that the district's Landscape Capacity Study states the site's relationship with the protected landscapes of Pagham harbour, relative remoteness and rural character have led to the site being classified as having substantial landscape value. The field is outwith the nearby Area of Outstanding Natural Beauty, which suggests that 'substantial value' is not the highest category for landscape value in this study. Moreover, without the report I would have been unaware of the proximity of Pagham Harbour at my visit. Consequently, I conclude that the field is not viewed within the context

⁴ Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1)

⁵ Hampshire County Council

of Pagham Harbour. This, in addition to my observations that the site is neither tranquil nor rural, leads me to give limited weight to the description of the field as having substantial landscape value.

51. Moreover, in my experience, even where land parcels are aggregated in one category for landscape character assessments, there is variation between the degree of compliance with the characteristics of that category. Furthermore, there is nothing in the report to indicate whether mitigation could address specific issues that might detract from the landscape, or what that mitigation might comprise.
52. In any case, even where there is low capacity for development, in my experience this does not necessarily mean that there can be no development. The particular small-scale mosaic of land uses in this area suggests to me that appropriate development could be accommodated.
53. Moreover, the landscape capacity study that has informed the capacity for change is based upon the premise that built form would be of 2 or 3 storeys, which would not be the case in this instance.
54. I appreciate that the MCPA guidelines cite development on village edges as a key sensitivity. However, although both developments would encroach into the open field to some extent, their scale and location would not be particularly incompatible with the underlying patchwork of land uses. Moreover, the MCPA guidelines set out actions that can mitigate existing and future development. With this in mind, I have considered each appeal in more detail below.

Appeal A

55. This development would be located along an existing hedgerow on the northern edge of the field, adjacent to the recreation ground and a short section of a residential plot. It would include boundary planting strips to the east and south to provide screening, and be connected to the access gate by a track. The water easement and opening for the track would necessitate gaps in the landscape strips. However, once the vegetation had matured, views into this part of the field would be restricted to glimpsed and distance views from Keynor Lane and Selsey Road, if at all. The openness associated with the junction would be retained and Appeal A would be largely unobservable from road viewpoints.
56. The telephone exchange building would also provide some limited screening to views from the north and east. I am satisfied that any gaps in the proposed boundary screening and consequent glimpsed views of the development would not have a significant adverse effect on the character and appearance of the area.
57. Farmland access tracks would not generally run straight across an agricultural field and the widened gateway and access track would be somewhat intrusive. However, the appellant's agent confirmed at the hearing that the 4.5 metres width shown on the drawing is an error and that the access would not need to be so wide. I also noticed that there are many wide and very visible vehicular access points in the area, often associated with commercial enterprises. Some of these are both unsightly and prominent in views from Selsey Road and Keynor Lane. Whilst existing harm does not justify further similar development, the parish council noted at the hearing that this is a working

environment. As such, I conclude that commercial infrastructure is locally characteristic and that the proposed access would not appear particularly incongruous in this context.

58. In any case, views of the access would be largely limited to viewers travelling along Keynor Lane. Although it would be detrimental to the existing natural state of the field boundary, the harm would be very localised. Furthermore, notwithstanding my comments above in relation to farm access, it remains that renewed agricultural use of this field could result in significant alterations to the gate and additional hardstanding. Although the field would appear slightly shorter from Keynor Lane than is currently the case, I see no reason why this should appear out of keeping. Moreover, the landscape strip would accord with the MCPA management guidelines which suggest the use of hedges and tree planting to reinforce the character of the area.
59. I agree with the landscape report that the current field boundary hedges are largely in poor condition and new planting is unprotected from the grazing horses. However, I don't find this observation to be particularly determinative for Appeal A which would have boundary screening in any case.
60. The officer's report for Appeal A states that the nature and extent of the development, together with domestic paraphernalia would be harmful to the rural character of the landscape. It also states that there would be no room for soft landscaping, despite this being clearly shown on the plans. There is nothing in the officer's report to indicate why the proposed screening would not be effective or whether it was taken into account in the assessment of this application.
61. Moreover, the site would be adjacent to what appears to be a well-used recreation ground and residential and commercial plots. Whilst I appreciate that there would be some loss of agricultural land it would be a proportion of the field only. Moreover, given the field's relative isolation and size, it is difficult to see how it could be used for commercial agriculture.
62. In the light of the above, I conclude that Appeal A would be largely unobserved from the roads or nearby dwellings. Any glimpsed views of the development would be in the context of the existing floodlighting and adjacent commercial glasshouses. Consequently, there would not be any significant adverse effect on the character and appearance of the area.
63. I conclude therefore that Appeal A would not be contrary to LP Policy 48 insofar as this is concerned with any adverse impacts on the tranquil and rural character of the area, and the protection of local distinctiveness, amongst other considerations.
64. In addition, as Appeal A would meet the criteria set in LP Policy 36, LP Policies 2 and 45, as set out above, would fall away.
65. LP Policy 1 is a general requirement for sustainable development. The Council stated at the hearing that if there was compliance with LP Policy 36, the proposals would represent sustainable development. As such, there would be no conflict with LP Policy 1.

Appeal B

66. Appeal B would locate the development upon the Keynor Lane frontage. Although smaller in extent than Appeal A, there would be views directly into the site from the widened gateway, and there would be few opportunities for additional screening or enhancement without limiting the vehicular turning areas within the site. Moreover, the field would only be seen through foreground of hardstanding, caravans and utility buildings. This development would represent apparent urbanisation along this road frontage and field boundary. This would be detrimental to the rural character and appearance of the area. Moreover, even if the hedgerow was reinforced, there would be direct views into the site at the widened gate.
67. The Council has cited Paragraph 17 of the Framework in the decision notice for this development. At the time of the decision this paragraph set out overarching principles to underpin decision making. It is unclear which section of this paragraph the Council was referring to, and those principles are now woven through the Framework rather than being collected in one place. However, in this context I conclude that the harm to the character and appearance of the area for Appeal B would be contrary to the guidance set out in Paragraphs 127 and 170 of the Framework. These require development to be sympathetic to its context and be visually attractive, and to recognise the intrinsic character and beauty of the countryside.
68. Appeal B would therefore be contrary to LP Policies 1, 2, 45 and 48 as set out above.
69. LP Policy 52 is mainly concerned with Green Infrastructure (GI). The Council clarified at the sitting that although this was cited in the decision notices for both appeals, it carries limited weight. I note that the policy requires improvements to existing woodland, landscape features and hedges where appropriate. However, although the widened access would remove a short section of existing hedgerow, I conclude that in relation to Appeal B it carries limited weight.

Other considerations

70. LP Policy 36 identifies the potential need for 59 additional permanent pitches for the period 2012 - 2027, of which 37 are required before 2017. The Council argues that 63 pitches have been given permission and occupied since September 2012. This, it is argued, shows that the Council has met and indeed exceeded the local need for permanent pitches.
71. However, all of these appear to be privately owned sites and the most recent housing needs survey (GTAA 2018⁶) appears to show that at least some of these pitches were unoccupied at the time the baseline survey was done, in January 2018. Moreover, even if they were all occupied, the provision of 63 pitches in the period 2012 – 2018 is significantly in excess of the estimated need set out in LP Policy 36. It also exceeds the 59 pitches said to be needed in the entire plan period up to 2027. This suggests to me that the 2013 needs survey (GTAA 2013⁷) underestimated local need to a considerable degree.

⁶ Opinion Research Services, Coastal West Sussex Gypsy and Traveller Accommodation Assessment, Final Report October 2018

⁷ Opinion Research Services, Coastal West Sussex Authorities, Gypsy and Traveller and Travelling Showpeople Accommodation Assessment, April 2013

72. Furthermore, notwithstanding that GTAA 2018 may not be entirely accurate, and has yet to be examined as part of the emerging local plan, that report sets the existing need at a further 66 pitches in the five years starting from 2018. I also note that the people undertaking the baseline survey were unable to speak to all the pitch occupiers. This suggests to me that information regarding current, hidden and future need is likely to be underestimated, rather than overestimated. The level of identified need in the report also seems to indicate a substantial backlog in provision.
73. In any case, although I appreciate that the examining Inspector may raise concerns with regard to GTAA 2018, it remains that it is a report recently commissioned by this and other councils. Given that it will form part of the emerging local plan examination, I would expect the Council to give some credence to its conclusions until such time as they are proved to be inaccurate, if at all.
74. In addition, one of the appellants reported that he had been advised by the Council that he was 80th on the Council's waiting list for a public site. A council officer had suggested to him that turnover was about 1-2 percent annually on those public sites. This is also suggestive of significant unmet need and that it is highly unlikely that a site for either of these appellants will become available in the foreseeable future.
75. I note that Inspectors for several appeals have concluded in recent years that the Council has unmet need. It was also reported at the hearing that the methodology used in the GTAA 2013 has been found by inspectors to be flawed. Moreover, Councils are required to update their figures annually. As such it should not be necessary to rely on survey work undertaken 7 years ago to inform current need, as this Council appears to do. This situation appears contrary to the advice given in PPTS that councils should have a robust evidence base to establish the accommodation needs of gypsies and travellers.
76. The Council also confirmed that although LP Policy 36 states that a site allocations document is to be prepared, this has not been considered necessary as no shortfall in provision has been identified. Moreover, although the emerging local plan is out for consultation prior to examination, there has been no call for sites as part of that process. Consequently, it seems that even if the emerging plan confirms the need set out in the GTAA 2018, and requires site identification or even broad locations, it will be several years before potential sites are identified and allocated.
77. I acknowledge that these examples, taken individually, may have an element of inaccuracy and do not comprise substantiated evidence. However, taking a collective view, all these indicators point in the same direction, that is, that there is significant unmet need for pitches for gypsies and travellers in the Chichester area. Moreover, there is nothing before me to suggest that the Council is preparing to address what appears, at this point in time, to be a significant increase in unmet need as part of the emerging local plan.
78. The Council argues that the appellants have not demonstrated that they have explored alternative sites. However, it was confirmed that the hearing that the sites suggested by the Council were investigated and either had temporary permissions, or those apparently vacant pitches on private sites were being reserved for familial expansion and this was not disputed. Moreover, there would also be a lack of security of tenure on private sites.

79. The Council also argues that it would be easier to find pitches if the appellants were not wishing to live together as a unit. However, living in extended family groups is one of the traits that leads to the gypsy lifestyle being given its status under planning and equalities legislation. Moreover, given Mrs Goddard's ongoing health issues it seems that other issues around care would arise if the families did not live together.
80. Consequently, given the length of the Council's waiting list, and the lack of availability on the alternative sites suggested to the appellants in the summer of 2018, I also conclude that there are no alternatives currently available to the appellants other than the appeal site. Moreover, the Council confirmed at the hearing that although the appellants have been allowed to stay on their current site temporarily, injunction proceedings are now underway. However long these proceedings take, it adds to the urgency surrounding the search for sites for these families.
81. PPTS also enables the decision maker to take personal circumstances into account. In these appeals, it appears to me that there is sufficient weight to be given to the unmet need for pitches, to limit the consideration I need to give to the medical and educational needs of the appellants' families. In any case, I have concluded that Appeal A would meet the Council's criteria for windfall pitches.
82. Nonetheless, the limited evidence presented orally at the hearing leads me to conclude that the educational needs of the two younger children would be severely disrupted if at least one of these appeals was not allowed, as both are attending schools in the area. Indeed, one child has recently started at the Chichester Free School, which can be readily accessed by public transport from the site. The fact that the two older children have had limited or no formal education reinforces the importance I attach to giving the younger children some educational stability.
83. The chronic poor health of one adult also suggests that a settled and stable home base would have significant personal benefits to that individual. As such, although I have not explored the appellants' personal circumstances sufficiently for them to be determinative, the observations outlined above reinforce my conclusions.
84. PPTS states that the government's aims are to recognise that there will always be those travellers who cannot provide their own sites. The very long waiting lists and minimal turnover on Council sites indicates that it would be a considerable time before a public site became available. Furthermore, it appears that in this Council's area availability is significantly limited as 80 per cent of the land area has national designations.
85. Moreover, it seems to me that the five factors set out in Policy H of PPTS, which are to be taken into account by local planning authorities when considering applications for traveller sites, all weigh in favour of these appeals. Furthermore, given that I have concluded that the Council is unable to demonstrate an up to date 5 year supply of sites, this should be given significant weight as set out in Paragraph 27 of PPTS.

Other matters

86. Interested parties have raised concerns that Sidlesham has met its quota for gypsy sites. However, there is nothing before me to indicate that the Council has quotas or indeed what those quotas should be. I am also aware that Sidlesham is one of the largest parishes in the district as well as being the least populated. Even if there were quotas it seems that Sidlesham might be considered suitable for proportionately more gypsy sites when compared to other parishes. In any case, although I am aware that there are permitted pitches on Keynor Lane as well as temporary sites nearby within the flood zone, no-one has provided any substantiated evidence as to why a ceiling on gypsy pitches in Sidlesham should be imposed, even if it was lawful.
87. Moreover, some of the evidence before me in this regard could be considered to be contrary to the provisions of the Equality Act 2010 and I give it no weight.
88. I appreciate that there is local support for the creation of an off-road multi-user route between Selsey and Chichester. However, this appears to be in the early stages of planning. Whoever owned the appeal site, permission would be required for a route to pass through. It also appears that there are multiple landowners yet to agree to the scheme. In any case there is nothing before me that suggests that allowing one or both of these appeals could preclude the future routing of a peripheral route on the site.
89. With regards to concerns in relation to business use, a condition could be imposed preventing the use of the development for commercial purposes. The fact that horses would be kept on the site does not in itself amount to commercial purposes in a planning context. Agriculture and horticulture use land for business purposes but this does not amount to use of the land for commerce. With regard to vehicles likely to be on the site, a condition could limit the size of parked vehicles to a maximum of 3.5 tonnes, which is the size of a transit van. These are commonplace on the plots of dwellings in many settled communities.
90. The parish council has referred to the Sidlesham Mill Conservation Area. However, there is nothing before me to indicate where this is, and it has not been raised as a concern by the Council or the appellants' heritage consultant. I appreciate that the Sidlesham Village Plan notes that there should not any more housing. However, this is of some age, has not been formally adopted as part of the local development plan and predates the Framework and PPTS by some years. In any case, irrespective of the government's aims in respect of gypsies and travellers, which give such groups a different status in planning terms, agricultural buildings in the area are being converted to dwellings under current planning legislation.
91. Interested parties have raised a concern in relation to the rights afforded under Article 8(1) of the Human Rights Act 1998 (HRA). However, even if there was engagement and interference with these rights for existing occupiers, this would be allowable if in accordance with the legitimate aims of government. In this instance I conclude that the interference with the rights of existing occupiers would be necessary and proportionate.
92. Moreover, the appellants also have rights afforded under the HRA and European legislation in relation to stability of their homelife, particularly in respect of the best interests of the child. This is a primary consideration under

Article 3(1) of the UNCARC⁸. Although I have not relied on this in my reasoning, it is nonetheless relevant. I conclude that on balance there would be greater interference to the rights of the appellants under HRA and UNCRC if these appeals were dismissed.

93. Interested parties and the parish council raised other objections but none of these were matters that added weight to the case against the appeals or indicated that permission should be refused.

Conditions – Appeal A

94. I have considered the Council's suggested conditions which were discussed at the hearing. With regard to Appeal A, I have imposed a condition specifying the drawings for the avoidance of doubt.
95. I have also imposed a condition setting occupancy restrictions to ensure that the site is occupied only by residents with gypsy and traveller status. The weight I have given to the degree of unmet housing need, together with my conclusions in respect of Appeal A has led me to conclude that the permission should be permanent. As I have not relied on the appellants' personal circumstances in reaching my decision, I see no need to impose a personal condition.
96. To control the use of the site I have also imposed a condition limiting the number of caravans that can be stationed on the site.
97. The Council sought to impose a condition requiring the approval of a construction management plan (CMP) as well as access improvements. I can appreciate that construction traffic could cause congestion on Keynor Lane if not properly managed. However, if access improvements were carried out as the first operation, deliveries and machinery could be accommodated without particular highways disruption or congestion. Consequently, I have altered the highways condition in this regard. I have then reduced the scope of the suggested construction management plan, as there would be sufficient room on the site for turning and storage. These conditions are in the interests of road safety and also to control additional congestion and disturbance during the construction phase.
98. I have not seen any need to impose a condition in relation to parking and turning for Appeal A as there appears to be ample space within the site for such purposes.
99. In order to enable the Council to control the impact of the development on the character and appearance of the area, I have imposed a condition requiring the approval of external finishes to be used on the utility buildings. I have however altered the suggested condition so that approval is not needed until works are above existing ground level. I see no planning reason for this to be a pre-commencement condition.
100. I have also imposed a condition requiring the submission and approval of details of surfacing, materials, finishes and boundary treatments, as well as the submission of a landscape plan. This is to safeguard the character and appearance of the area and to ensure that the site can be adequately screened in the long term, as this is the basis upon which I have allowed the appeal.

⁸ United Nations Convention on the Rights of the Child

101. With regard to refuse storage facilities, I have imposed a condition requiring the provision of such facilities to ensure adequate onsite provision and waste management for sustainable waste management.
102. Finally, in order to protect the amenity of the surrounding area I have imposed a condition restricting restricting commercial activities, including the storage of materials, the burning of materials and a limitation on the size of vehicle that can be kept on the site.
103. The Council wished to impose a condition requiring drainage surveys before development commenced. However, notwithstanding that the corner of the field is within Flood Zones 2 and 3, there is limited information before me to suggest that runoff is an existing concern on the site. Ground surfacing would be largely permeable and would in any case require the Council's approval. Although I appreciate that this may be a standard condition for housing sites, I am not satisfied that this condition is necessary to make this development acceptable in planning terms. Moreover, such surveys, to be undertaken over the winter period, would delay approved development by several months. I have however imposed a condition in relation to foul drainage, to ensure that adequate connections are made, for public health purposes.
104. With regards to external lighting, I appreciate that lighting could be intrusive and have an impact beyond the site boundaries. However, given the site's location and screening, I see no reason for the suggested condition that all external lighting should require the Council's approval. The Council has referred to the General Development Order but has not outlined how this underpins this suggested condition. In any case, excessive lighting that causes a statutory nuisance would be covered by other legislation should the situation arise. I agree with the appellants that it would be unreasonable and disproportionate to require standard downlighters and bulkhead lights to be subject to Council approval.
105. Where necessary I have amended the suggested conditions in order to comply with current guidance.

Planning Balance and Conclusion

106. Policy H of the PPTS states that in determining applications for traveller sites, councils should take into account the existing level of local provision and need for sites. I have outlined above why I have concluded that local need significantly exceeds local supply.
107. Moreover, Paragraph 27 of PPTS states that the inability of a council to demonstrate an up-to-date 5 year supply of deliverable sites should be a significant material consideration when considering applications. Although the Council argues that there is no unmet need, the evidence before me suggests otherwise. Moreover, the Council has been unable to suggest viable alternative sites for three families who have seeking its advice in this regard since 2017. I conclude that the level of unmet need in this area is a significant material consideration for these appeals.
108. In any case, PPTS states that locally specific criteria should be used to assess applications that come forward on unallocated sites. Appeal A would meet the criteria set out in LP Policy 36. As such, there would be no conflict with LP Policies 1, 2 or 45 regarding the siting of the developments in the Rest of Plan

Area or the countryside. Nor have I found harm in relation to the historic environment or character and appearance for Appeal A.

109. I acknowledge that both appeals would represent some encroachment onto currently undeveloped land which separates clusters of other land uses. However, in the case of Appeal A the site would be tucked into the existing building pattern and once the landscape had matured, would be largely obscured from view. Moreover, apart from a very short stretch where the site would be adjacent to the rear of a long residential plot, which is in any case screened, the site would be surrounded by commercial, recreational or equestrian land uses. In any case, even if I had found harm in this regard, it would be outweighed by the significant weight I give to the unmet need for gypsy and traveller pitches in the Council's area.
110. I conclude that Appeal A would comply with relevant local policies and national legislation and should be allowed, and that Appeal B should be dismissed.

A Blicq

INSPECTOR

APPEARANCES

APPELLANTS

Jonathan Edis	Heritage Collective
Mark Goddard	
Alison Heine	Heine Planning Consultancy
William Hughes	
Bonnie Hughes	
Lauren Hughes	

COUNCIL

Rob Sims	Chichester District Council
Caitlin Boddy	Chichester District Council
Carol Purnell	Member, Chichester District Council

INTERESTED PARTIES

Graeme Barrett

Glenda Baum

Diana Pound

Tricia Tull

ADDITIONAL EVIDENCE

1. Aerial view of Mutton's farmhouse, Google Earth
2. Plans for the proposed Greenway
3. Completed Undertaking dated 22 July 2019, in respect of contributions to mitigate the development's impact on the integrity of the Chichester, Langstone and Pagham Harbour Special Protected Areas

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The site shall not be occupied by persons other than Gypsies or Travellers as defined in Annex 1 of Planning Policy for Traveller Sites, published in August 2015.
3. The development hereby permitted shall be carried out in accordance with drawings: Plan 1 – Location Plan Rev A 20.6.2018; Plan 2 – Proposed Site Layout Rev B 20.6.2018; Proposed Utility Blocks 003 (A4).
4. Before the commencement of any ground excavations, or importation of stone or any other materials associated with the development, details for improvements to the existing access, including a tarmac apron, access track and visibility splays, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before any further development is carried out and once provided the splays shall thereafter be maintained and kept free from all obstructions over a height of 0.6 metres above the adjoining carriageway or as otherwise approved.
5. Before the commencement of any ground excavations, or importation of stone or any other materials associated with the development, details showing the identification of areas to be used for turning and storage areas for use during the construction phase, loading weight of vehicles and frequency of traffic, and arrangements for waste disposal shall be submitted to and approved in writing by the local planning authority. Thereafter the approved details shall be implemented and adhered to throughout the entire construction period.
6. No more than 6 caravans shall be stationed on the site at any time, and no more than 3 of those 6 permitted caravans shall be a static caravan. All caravans stationed on the site shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act, as amended.
7. Before the utility blocks are built to above existing ground level, a full schedule of all materials and finishes, and samples of all materials and finishes to be used for external walls and roofs for those buildings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried in accordance with the approved schedule of materials and finishes.
8. Before first occupation of the development hereby permitted, a scheme of hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - i) Boundary treatment and means of enclosure;
 - ii) Details and samples of hard surfacing materials;
 - iii) A planting plan, including a plant schedule with species, planting density and numbers;

iv) A programme of works, including establishment maintenance.

The scheme shall be carried out in accordance with the approved details and maintained as such thereafter.

9. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented before first occupation of the site and subsequently shall be used for those purposes only.
10. Before first occupation details for foul drainage shall have been submitted to and approved in writing by the local planning authority, and shall have been implemented in accordance with those approved details.
11. After first occupation of the approved development, no vehicles over 3.5 tonnes are to be kept on the site at any time.
12. No commercial activities shall take place on the site at any time, including the storage of materials. No burning of any materials or waste materials shall take place at the site at any time.