



Appeal Decision

Site visit made on 3 September 2019

by **A U Ghafoor BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/Z3825/W/19/3222341

Fryern Park, Fryern Park Farm, Fryern Road, Storrington RH20 4FF

- 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 John Smith against the decision of Horsham District Council.
 - The application Ref DC/18/2084, dated 30 September 2018, was refused by notice dated 17 January 2019.
 - The development proposed is the change of use of yard to two traveller pitches including ancillary accommodation and parking.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of yard to two traveller pitches including ancillary accommodation and parking at Fryern Park, Fryern Park Farm, Fryern Road, Storrington RH20 4FF in accordance with the terms of the application, Ref DC/18/2084, dated 30 September 2018, subject to the Schedule of Conditions below.

Reasons

2. The appellant occupies land known as Fryern Park Farm, which is shown on the submitted site plan¹. The land is situated adjacent to an access road, which is also a public footpath accessed via Fryern Road. The area outlined in blue on the site plan is mainly used as a paddock in connection with horse-keeping: it benefits from an extant planning permission for the erection of stable and hay barn. The appeal relates to a much smaller area outlined in red on the site plan. This area is located to the north of the access road and forms a narrow strip of land. Planning permission is sought for the change of use of the red edged area for use as a private caravan site. It would be occupied by Gypsies and Travellers. A new access has been created into the site and the compound is hard-surfaced, but in its complete form the submitted plans show that the site would include two static caravans and space for touring caravans, and two utility rooms. It would be soft landscaped.
3. The **main issue** is the effect of the proposed development upon: (1) the character and appearance of the surrounding area having regard to coalescence, and, (2) suitability of public access to the site.

Character and appearance

4. The closest settlement to the site is Storrington. The site is located within the countryside described as character area E1 in the Landscape Character Assessment². It falls within an area designated as a 'green gap' between the settlements of Storrington and West

¹ Location plan 1 which was submitted with the application for planning permission.

² Published in 2003, the Council has published its landscape assessment in 2014.

Chiltington. The green gap status has, recently, been endorsed in the Storrington, Sullington & Washington Neighbourhood Plan 2018-2031, made September 2019 (the NP). The surrounding landscape is characterised by a series of small-scale enclosures with horse-related activity dominating the immediate vicinity. Much of the land within the immediate vicinity of the site is sub-divided into paddocks, with scattered buildings and limited long-views due to the hedging.

5. The Council, Parish Council and some objectors insist that development in the green gap must be resisted. Policy 8 of the NP states that new development shall protect the views shown on the green gap and views map. Policy 9 states development between Storrington and West Chiltington will be resisted in line with Policy 27 of the Horsham District Planning Framework 2015 (HDPF). It states that landscapes will be protected from development which would result in the coalescence of settlements. Development between settlements will be resisted unless it can be demonstrated that it would meet with its criteria. Of relevance are Policies 21 to 23, which relate to accommodation provision for Gypsies and Travellers, and the National Planning Policy Framework and Planning Policy for Traveller Sites (PPTS). The PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. It also indicates that sites should not be enclosed with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
6. The Parish Council insist the site was once greenfield and it has recently been hard-surfaced and enclosed by boundary fences, and trees have been removed. The development would result in a physical change to the appearance of the site. Nevertheless, the site and the proposed residential use would be screened due to perimeter fence and hedgerow. That said the tops of caravans are likely to be noticeable from the adjacent public footpath which, incidentally, is well-used. As one approaches the site via the access road, the development would be apparent. Nonetheless, the impact on these views would be localised given the existence of boundary treatment and there would be some further opportunity for soft landscaping. The impact of the caravans on leisure walkers and horse riders or cyclists is likely to be limited to a short section of the path, due to the limited scale of the development and the location of the site. Passers-by would be aware of the development's existence, but it would be seen in the context of existing buildings and equine-related activities.
7. The residential caravan site brings with it the prospect of urbanisation in this part of the green gap and the spread of domestic paraphernalia associated with all the trappings of residential living. However, existing landscape features would assist to integrate the change of use with its immediate surroundings given the site's setting: residential activity would be confined to a small strip. The compact layout of the caravans would not represent development at depth, because the adjoining paddock will act as a strong visual buffer between the caravan site, equestrian-related activity and the wider countryside. The development of the site would be well-planned, and a landscaping scheme would potentially enhance the environment without adversely affecting the landscape.
8. There is a wide and extensive swathe of open countryside between the two settlements. In long and medium views from public footpaths that traverse the locality, the caravans and utility buildings would not have a significant visual impact. This is because the structures would be seen against the backdrop of the paddock, the verdant nature of the boundaries and nearby buildings. When the location, positioning and setting of the site are considered in combination with the layout of the caravans, utility buildings and the

area's topography, the development would not represent an unacceptable encroachment into the countryside. It would not represent a significant erosion of the green gap.

9. In the context and confines of the site, the development would represent a limited consolidation thus limiting its visual intrusion: it would not represent urban sprawl as the residential caravan site would not extend into the wider countryside. There would be no significant reduction in the openness and break between settlements. I consider that the development would not erode the sense of leaving one place and arriving at another. This is because of the existence of wide corridor between the two settlements and the location of the site. When taken in isolation or cumulatively, the development would not undermine the aim of preventing coalescence because the limited number of caravans combined with the small-scale extent of engineering operations would maintain the wide gap between the two settlements. The change to the site's appearance would not result in the physical joining of areas or loss in their own individual sense of place or settlement pattern. Because of this scheme, the green gap between Storrington and West Chiltington would not be visually compromised.
10. The Framework states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Residents and walkers value the area's landscape and would prefer to see no development within the green gap. However, this particular scheme would not adversely harm the intrinsic character of this part of the landscape, due to the location of the site as well as the proposed layout and configuration of the caravans.
11. The Parish Council refer to two previous appeal decisions, which I have considered. Those decisions relate to materially different developments and sites and are not directly comparable to the scheme before me. There is, therefore, no inconsistency in applying relevant Development Plan policies now in force. In any event, the scheme before me should be assessed on its individual merits and that is what I have done.
12. Drawing all of the above threads together, while the site is located within the designated green gap where development should be resisted, I find that the nature and scale of the proposal would not have a significant harmful visual effect on the character and appearance of the surrounding area or result in unacceptable degree of coalescence. Accordingly, the development would comply with the main aims and objectives of HDPF Policies 23, 25, 26 and 27, NP Policies 8 and 9, and the relevant policies of the Framework and PPTS.

Access

13. The Council's concern is that the development would fail to provide safe and convenient public access to the site contrary to HDPF Policy 40. It commits to developing an integrated sustainable transport system connecting communities. Policy 23(b) states that the site should be served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users. On the other hand, the Framework, at paragraph 103, indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
14. There is a bus stop about 170 metres away from the site. While the routes that service the stop are limited throughout the day and week, the site is located about 200 m outside of the defined built-up boundary of Storrington. It is 600 m from Storrington First School, and some 850 m away from medical facilities and local shops. While future occupiers are likely to rely upon private mode of transportation to meet some of their needs, local facilities are a short drive away. In terms of the PPTS, this site would be suitable for the

kind and scale of development proposed given its urban fringe location. Future occupants would be within a reasonable range of local services and community facilities. The development would be appropriate and in scale to the existing transport infrastructure including public transport. Further, the site would be integrated with the wider network of routes, including public rights of way and cycle paths. There would be some economic and social benefits in providing traveller pitches and avoiding unauthorised encampments.

15. Residents and the Parish Council are concerned about the potential effect of the proposal on the highway network, leisure walkers, cyclists and runners who use Fryern Park. But this fear is not borne out by the presented evidence. The local highway authority's assessment is that the scale of development proposed is unlikely to generate significant level of traffic: I concur. The development would introduce comings and goings associated with residential activity, but the location of the new access would not significantly increase the risk to other highway users. Given the design, layout and siting of the access, there is adequate visibility in both directions. Emerging vehicles would be spotted in advance given the layout of the road. Drivers leaving the appeal site would do so in forward gear as there would be plenty of circulation and parking space within the site. The access road already serves residential, equine and agricultural land holdings and there is no evidence showing the use of the access by slow-moving vehicles would increase the risk of collision.
16. Pulling all of the above points together, I find that the site would be suitable for the proposed development as it would provide safe and convenient public access. Accordingly, the proposal would comply with the aims and objectives of HDPF Policy 40, and Policy 23(b) and (d).

Other considerations

17. The following arguments are advanced by the appellant as other considerations that might weigh in favour of the appeal scheme. HDPF Policy 21 states provision shall be made for 39 net additional permanent residential pitches for Gypsies and Travellers within the period 2011 – 2017. The Council will make provision for necessary additional pitches over the rest of the plan period so that the current backlog and future need identified by the Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment can be met. The appeal site was initially included in the draft 2017 Site Allocation Development Plan Document (DPD) for 3-5 pitches though there was concern about safe vehicular access. The draft DPD was withdrawn from Cabinet meeting on 24 May 2018. The Council now concedes that most of the sites allocated through HDPF Policy 21 have yet to come forward or are no longer available for Gypsy and Traveller accommodation. The evidence presented does not clearly show there is alternative public accommodation available and suitable for travellers, or there are pitches on private sites available right now.
18. The Council acknowledge it can no longer demonstrate that the identified 10-year pitch requirement has been or can be met. While it is continuing to assess alternative sites to meet the identified pitch need, it is unable to demonstrate an up-to date five-year supply of deliverable sites as required by the PPTS. There is a substantial need for additional pitches and the absence of a supply of deliverable sites to meet the identified need weighs heavily in favour of this proposal. That said, however, there is no policy vacuum because HDPF Policy 23 sets out criteria that will be taken into consideration when determining the allocation of land for travellers and any planning applications for non-allocated sites.

Analysis

19. The development would be located within an area designated as a green gap but the nature and scale of the residential caravan site would not result in an unacceptable degree of amalgamation between the settlements. While there would be some visual harm arising from the site's residential use, this would be localised. Subject to further soft landscaping, the scheme would considerably mitigate any visual effect of the development on leisure walkers and passers-by. Overall, the development would not have a significant adverse visual effect upon the character and appearance of the surrounding area. The site would be suitable and sustainable for the development, with good public accessibility. It is located within a reasonable range of local services and facilities, and the scheme would have economic and social benefits. I find that the development complies with local and national planning policies cited above.
20. On the other hand, the substantial unmet need for Gypsy and Traveller sites in the area carries significant weight as does the fact that there is a lack of a five-year supply of specific deliverable sites and the lack of available, suitable and affordable alternative accommodation for Gypsies and Travellers in the District. These factors combined are enough to outweigh any localised visual effect of the proposed development on the character and appearance of the countryside in this case.
21. A favourable outcome would not violate the appellant's human rights. I have had due regard to the Public Sector Equality Duty (PSED). A refusal of permission for development that is acceptable in planning terms would fail to foster good relations between the site's proposed occupants and the settled community. The PSED adds weight to my overall conclusion that the appeal should be allowed.

Conditions

22. In addition to the commencement condition, it is necessary to ensure that the development is carried out in accordance with submitted plans. The details shown on drawing nos. MBP/0903a / 04a - Plan 3a and 4a, dated November 2018, show details of the utility buildings including material.
23. Condition 3) to 7) below are conditions precedent. These prevent the carrying out of development, or occupation of the site, before certain details are submitted to the Council and subsequently approved. In accordance with current regulations, the appellant agrees to all pre-commencement conditions. Details for the following need to be submitted to the Council for its approval: drainage and hard and soft landscaping, storage of refuse and recycling container, and external lighting. These are required to safeguard the character of the area. While the phraseology has been amended slightly, these conditions are reasonable and necessary to make the development acceptable in planning terms. Additionally, in the interest of highway safety, access works are necessary before first occupation. The works are shown on drawing MBP/0902a - Plan 2a, dated November 2018.
24. A stipulation is to be imposed stating that there shall be no more than 2 pitches on the site. The number of caravans need to be specified for clarity. Occupation of the site is to be restricted to Gypsies and Travellers, in accordance with the definition given in the PPTS, as the need for such sites has been held to weigh in favour. In the interests of visual amenity, commercial activity and vehicle sizes should be restricted.
25. There is some concern regarding the layout of the utility rooms given that each one would contain viable facilities for day-to-day private domestic existence. Whilst described as ancillary accommodation, I consider that their use needs controlling via a planning

condition, because a dwelling-house would be unacceptable in this location. Condition 12) is therefore necessary, reasonable, enforceable, and it serves a useful planning purpose. However, it is unnecessary to impose a condition suggested by the Council which restricts the use of any touring caravan, because the latter is used in connection with a nomadic lifestyle incidental to the primary use of the land.

Conclusion

26. For the reasons given above and having considered all other matters, I conclude that the appeal should be allowed subject to the conditions listed below.

A U Ghafoor

Inspector

Schedule of Conditions: Appeal Decision APP/Z3825/W/19/3222341

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Plans development hereby permitted shall be carried out in accordance with the following approved plans: MBP/0901 - Plan 1 dated September 2018, MBP/0902a - Plan 2a dated November 2018, MBP/0903a - Plan 3a dated November 2018, MBP/0904a - Plan 4a dated November 2018, and MBP/0905 - Plan 5, dated September 2018.
- 3) No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 4) Prior to the first occupation of any part of the development hereby permitted, full details of the hard and soft landscaping works, including fences, gates and areas of hardstanding, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, 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.
- 5) Prior to the first occupation of any part of the development hereby permitted, provision for the storage of refuse and recycling shall be made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.
- 6) Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The approved details shall be implemented and thereafter retained as such unless otherwise agreed with the Local Planning Authority.
- 7) Prior to the first occupation of any part of the development hereby permitted, the car parking spaces, turning and access necessary to serve it shall be constructed and made available for use in accordance with approved drawing number MBP/0902a - Plan 2a, dated November 2018. The car parking spaces, turning and access shall thereafter be retained in accordance with the agreed details and made available for use as such.

- 8) There shall be no more than 2 pitches on the site and on the pitches hereby approved no more than 2 caravans on each of the two pitches (as defined by the Caravan Sites and Control of Development Act 1960 as amended and the Caravan Sites Act 1968 as amended) shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 9) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 10) No industrial, commercial or business activity shall be carried on from the site, including the storage of materials.
- 11) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 12) The utility rooms hereby permitted shall only be used for purposes ancillary to the use of the land as a Gypsy and Traveller pursuant to condition 9) above. The utility rooms hereby permitted shall not be used, at any time whatsoever, as separate residential accommodation including overnight accommodation or dwelling-house, without prior written approval by the Local Planning Authority.

End.