



Appeal Decisions

Hearing held on 10 May 2022

Site visit made on 10 May 2022

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2022

Appeal A1 Ref: APP/L3815/C/21/3267980

Appeal A2 Ref: APP/L3815/C/21/3267981

Land North West Of Newbridge Farm, Salthill Road, Fishbourne, Chichester, West Sussex PO19 3PY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). Appeal A1 is made by Mrs Leanne Strudwick and appeal A2 is made by Mrs Krystle Gibbs against an enforcement notice issued by Chichester District Council.
- The notice, numbered CC/151, was issued on 5 January 2021.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land to use as a residential mobile home/caravan site.
- The requirements of the notice are to:
 - (i) Cease the use of the Land as a residential mobile home/caravan site;
 - (ii) Remove from the Land all mobile homes and caravans;
 - (iii) Dismantle and remove from the Land the timber building in the approximate position shown on the attached plan; and
 - (iv) Break up and remove from the Land all concrete hard standings and hard surfaces.
- The period for compliance with the requirement is: eight months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeals are dismissed and the enforcement notice is upheld with a correction and variation in the terms set out below in the Formal Decision.

Appeal B Ref: APP/L3815/W/20/3255630

Land at Salthill Farm, Fishbourne PO19 3PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr & Mrs Strudwick and Mr & Mrs Gibbs against Chichester District Council.
- The application Ref 19/02579/FUL, is dated 7 October 2019.
- The development proposed was described as "the change of use of land to a travellers caravan site consisting of 4 no. pitches each containing 1 no. mobile home; 1 no. touring caravan, 1 no. utility dayroom; play area & associated development."

Summary Decision: The appeal is allowed and planning permission is granted in the terms set out below in the Formal Decision.

Appeal C Ref: APP/L3815/W/21/3276752

Land at Salthill Farm, Fishbourne PO19 3PX

- 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 Mr and Mrs Strudwick and Mr and Mrs Gibbs against the decision of Chichester District Council.
- The application Ref 20/02009/FUL, dated 5 August 2020, was refused by notice dated 12 May 2021.
- The development proposed was described as "the change use of land to a travellers caravan site consisting of 3 no. pitches, each containing 1 no. mobile home; 1 no. touring caravan; 1 no. utility dayroom; play area and associated development."

Summary Decision: The appeal is allowed and planning permission is granted in the terms set out below in the Formal Decision.

Application for Costs

1. An application for costs was made by Mr and Mrs Strudwick and Mr and Mrs Gibbs against Chichester District Council. This application is the subject of a separate Decision.

Preliminary Matters

2. Appeals A1 and A2 (appeals A) relate to an enforcement notice alleging the use of land as a residential mobile home/caravan site. It does not specify the number of mobile homes or caravans on the site. For clarity, I understand that the appellants do not intend to provide more than four caravan pitches. Appeals B and C seek planning permission for the same use for up to three or four pitches. That was discussed at the hearing and I will consider the appeals on that basis.
3. The description of development in appeals B and C do not state residential use of the site. It is clear that is what is intended, particularly given the description of development on the enforcement notice subject of appeals A1 and A2, and those participating in the appeal have dealt with it on that basis. As a result, there will be no injustice in clarifying that in the description in my formal decision.
4. I note that the appellant has paid a contribution to the Council relating to mitigation for recreational disturbance to the Chichester and Langstone Harbour Special Recreation Area (SPA) for four residential units at the site. They have also submitted unilateral undertakings that specify to what that contribution relates on both appeals B and C. The Council have accepted that this meets their requirements relating to recreational disturbance and, were I to only allow appeal C relating to three residential units and dismiss appeal B regarding four residential units, a refund would be due.
5. The Council have accepted that the payment, unilateral undertakings and Nitrate Assessment dated May 2022 produced by Pro Vision have overcome the reasons for refusal relating to the SPA on appeals B and C. However, as competent authority I am required to come to my own conclusion. I also note that this matter has not been dealt with under appeals A. Consequently, I will consider this as a main issue on the ground (a) appeal and the application for planning permission deemed to have been made under appeals A, and on appeals B and C.

6. I am aware that I could allow either or both appeals B and C and thereby grant planning permission for the development, but dismiss appeals A. If I were to do so, I would uphold the enforcement notice and it would continue to apply to the land. However, under section 180 of the Act, where planning permission is granted after the service of an enforcement notice, the notice shall cease to have effect so far as inconsistent with that permission.
7. The requirements of the enforcement notice refer to the timber building in the approximate position shown on the attached plan. However, the plan attached to the notice does not show where the timber building is located. The Council have provided a revised plan that they and the appellants have indicated are content should replace that attached to the notice. Consequently, using the powers granted by section 176(1) of the Act, I will substitute that for the plan provided with the enforcement notice.
8. There is no dispute that the appellants or other existing or prospective residents on the site meet the definition of gypsies and travellers in the Glossary to the planning policy for traveller sites. I see no reason to disagree and will deal with the appeals on that basis.
9. The National Planning Policy Framework (the Framework) was published during the course of the appeals. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.

Appeals A on Ground (a) and the Deemed Planning Application Appeals B and C

Background and main issues

10. Policy 36 of the Chichester Local Plan (LP) relates to planning for gypsies and travellers. It seeks to provide pitches and plots to meet the identified need within the district. I note that the Council state that they cannot identify a supply of specific deliverable sites sufficient to provide five years' worth of sites against their targets. As a result, the policy requires that a number of criteria should be met. The Council have particularly drawn my attention to the criteria relating to the relationship of the site with settlements with local services and facilities.
11. The main issues are:
 - whether the development is in a suitable location in terms of access to services and facilities;
 - the effect of the development on the intrinsic character and beauty of the landscape; and
 - the effect of the development on the Chichester and Langstone Harbour Special Protection Area; and
 - whether there are other material considerations that need to be taken into account, including any that could outweigh any conflict with development plan policies, such as the need for gypsy and traveller accommodation within the District and the personal circumstances of the appellants and other site occupiers.

Reasons

Location

12. The appeal site is located on the opposite side of the A27 from the village of Fishbourne. It is accessed via the drive that runs parallel to the A27 and from Salthill Road to Newbridge Farm. Salthill Road runs over a bridge across the A27 and immediately into the village of Fishbourne. As a result, the site is located close to Fishbourne.
13. Fishbourne contains a number of services and facilities such as public houses, primary school and train station. I understand that there is an hourly train service to Chichester and on to London. Those services and facilities are located a short distance away through the village. However, a bus stop is located close to the junction of the access drive with Salthill Road and has regular bus services into Fishbourne and the nearby city of Chichester. There are further services and facilities in the city, including an out-of-town supermarket on the opposite side of the junction with the A27 to Fishbourne.
14. There is a public footpath leading past the site and into Chichester. This can be accessed via Salthill Road, although I understand the site occupants also use another route through a neighbouring field.
15. The appellants stated that they access a number of services on foot, such as the local school, pre-school and shops. They can use the bus or train, both accessible by foot, to access the wider range of services and facilities available in Chichester.
16. I note that gypsy and traveller sites are commonly located in the countryside outside settlements. Given the proximity of this site to Fishbourne, it is not away from the settlement. It is better connected to local services and facilities than many other gypsy and traveller sites.
17. For these reasons, I conclude that the appeal site is close to the services and facilities provided in Fishbourne and with good access to public transport in order to access the wider range of services and facilities in Chichester. As such, the development does not conflict with Policies 36 and 45 of the Chichester Local Plan (LP), the National Planning Policy Framework (the Framework) and planning policy for traveller sites. These require that development should be located close to an established settlement or with good access to major roads and/or public transport in order to afford good access to local services.

Landscape

18. The landscape around Fishbourne is gently undulating with strong networks of hedgerows, trees and woodlands enclosing fields. The appeal site forms part of an open field with substantial and mature trees on the boundaries to the north and east. To the south is the access drive that is separated from the A27 beyond with mature trees between the roads. Those trees result in substantial screening of the site. To the north of the site is a public footpath that leads from Salthill Road into Chichester. To the south is the A27, located in a cutting but with a parking area starting next to the site and continuing past Newbridge Farm. The A27 separates the village of Fishbourne from the surrounding countryside of which this site forms part.

19. The neighbouring site to the west would, historically, have formed part of the same field. It appears to have been raised and is currently in mixed use that is subject of another, recently issued, enforcement notice¹. It is unclear whether an appeal will be submitted against that enforcement notice or whether that might succeed, so only modest weight can be given to the prospect of that land being cleared. Nevertheless, that is a substantial area that separates the field from the houses fronting Salthill Road. To the other side and beyond the corner of a field is Newbridge Farm that includes built development and on which I understand there is an outstanding enforcement investigation. The separation by the field and historic development of that site as a farm yard mean that it has a different relationship to the surrounding countryside than the development subject of these appeals.
20. Given the topography, there are very limited glimpsed views of the site from the public footpath and A27, including longer range views from the direction of Chichester. Those views are restricted by the trees and hedgerows around the field, with glimpses into the site only really possible during winter months, when leaves are off the trees. Occupiers of the nearby houses are able to see the site from their houses, over the neighbouring land.
21. To the west and south of the site, separating it from the neighbouring site and access drive, are bunds with young planting on top. Over time, these will mature to provide additional screening, further reducing the visual effects of the development.
22. In landscape terms, therefore, the effects of the development are modest and comprise the subdivision of the land and introduction of built form, such as hardstanding and dayrooms, and caravans. However, substantial landscaping has already taken place and is proposed, including woodland area and hedgerows. Over time, this will have significant landscape benefits in providing a large woodland area that will outweigh the modest landscape harms I have identified.
23. My attention has been drawn to the potential coalescence of the settlements of Chichester and Fishbourne. This site is located between the two settlements and I understand a very substantial development of approximately 1,600 homes plus commercial development is currently progressing through the planning process. I noticed that part of that development is under construction. I understand there will be landscaping around the edge of that development that will contribute to a landscape buffer and there is a small gap between the appeal site and that development. The A27 results in a clear boundary to the settlement of Fishbourne. In addition, this use is not unusual in the rural area and the additional landscaping that has taken place or is proposed will provide a substantial landscape framework for the site. For these reasons, the development does not affect the identity of Fishbourne as a separate settlement and it does not materially contribute to the coalescence of settlements.
24. Taking account of all the above factors, on balance I conclude that the development respects the intrinsic character and beauty of the landscape. As such, it does not conflict with Policies 45 or 48 of the LP, the Framework or the planning policy for traveller sites. These policies seek development to respect and enhance the landscape character of the surrounding area and site.

¹ Enforcement Notice reference number CC/154 dated 26 April 2022

Chichester and Langstone Harbour Special Protection Area

25. Chichester and Langstone Harbours comprise large estuarine basins forming a sheltered intertidal area and offering extensive intertidal mudflats and sandflats. There are areas of seagrass beds, saltmarsh, shallow coastal waters, coastal lagoons, coastal grazing marsh and shingle ridges and islands. It is part of the Solent Maritime European Marine Site. The habitats this provides support overwintering and breeding bird species and are both nationally and internationally important. These comprise the qualifying features of the SPA. The conservation objectives are to maintain and support these habitats and the population and distribution of species that they support.
26. The qualifying features of the SPA are threatened by disturbance as residents in the surrounding area use the SPA for recreation and by water quality, in particular elevated nutrient loading. As a result, and taking account of case law, as the competent authority it would be necessary for me to carry out an appropriate assessment to determine the extent of those effects, whether they could be avoided or whether mitigation measures could remove or reduce the effects.

Appropriate assessment

27. The appropriate assessment needs to consider the effect of the development on the integrity of the SPA and its qualifying features and species. Whilst the modest residentially occupied caravan site would be likely to have a limited effect on the integrity of the SPA, in combination with other developments in the area those effects could be substantial.
28. In terms of the recreational effects of the development, in combination with other developments, the unilateral undertakings and financial contribution submitted with appeals B and C are linked to a Solent Recreation Mitigation Strategy. That seeks to manage the potential effects of increased recreational pressure on the SPA. The payment contributes to a fund supporting a package of wardens, education, green infrastructure improvements and monitoring. The payment, and unilateral undertaking, are in line with the Council's expectations and, on that basis, accept that this overcomes the harmful effect of the development on recreational pressure on the SPA. I see no reason to disagree.
29. In terms of water quality, I understand that high levels of nitrogen and phosphorous is causing eutrophication, where dense mats of green algae and other effects on the marine ecology are caused and are impacting on the protected habitats of bird species. New residential development results in a net increase in population and the wastewater, whether using treatment works or on-site package treatment plant, may result in effluent discharge into the SPA or any surface water body or groundwater that subsequently discharges into the SPA. That may affect the integrity of the SPA. This site is located within the catchment for Chichester Harbour and adds to the quantum of residential development creating additional wastewater that may discharge into the SPA. There is a possible impact pathway from the foul sewage generated by the development and this contributes to eutrophication.
30. Natural England advice was updated during the course of the appeal. This seeks to achieve nutrient neutrality and provides a methodology for calculating the nutrient budget of the proposed development. Nutrient budgets have been

prepared in support of appeals B and C. The Council indicated that these demonstrate nutrient neutrality. I have consulted Natural England. They accept that the proposed change of use of a section of the site from lowland grazing to woodland would overcome the risk to the integrity of the SPA. They require the woodland to be planted with broadleaf trees at a density equivalent to 100 per hectare, with the woodland fenced off and not receiving any organic or artificial fertilisers. Again, I see no reason to disagree with that conclusion.

31. I note that Natural England suggest this should be secured via a legal agreement under Section 106 of the Act. However, conditions were discussed at the hearing that would secure the requirements such that, if not carried out and completed, the use of the land for the stationing of residentially occupied caravans would be required to cease. They would require the woodland be maintained and restrict its use. I consider that is sufficient to ensure the woodland is provided and maintained in accordance with Natural England's requirements in this instance.
32. Appeals A relate to the same use and the number of pitches and caravans could be restricted to the numbers set out in appeals B and C. Consequently, it may be possible to use the calculations of the nutrient budget on this appeal. However, the contribution toward the recreational disturbance mitigation has not been clearly linked to the development within Appeals A via a unilateral undertaking. I have not, therefore, taken it into account in that appeal.
33. I note that Natural England have stated that there would be no adverse effect on the integrity of the sites subject to contributions toward the mitigation schemes in appeals B and C.
34. For these reasons, I conclude that there would be no adverse effect on the development subject of appeals B and C on the integrity of the Chichester and Langstone Harbour SPA. However, given the lack of unilateral undertaking relating to appeals A, I cannot come to the same conclusion on that appeal.

SPA Conclusion

35. For the reasons set out in the appropriate assessment, I conclude that the development subject of appeals B and C would not have an adverse effect on the integrity of the Chichester and Langstone Harbour SPA such that it would comply with Policy 50 of the LP that seeks to avoid any significant effect of development, alone or in combination with other projects, on the integrity of the SPA. This is subject to appropriate conditions relating to a Nitrate Neutrality scheme and restricting the use of the resulting woodland.
36. However, given my conclusions in the appropriate assessment, the development subject of appeals A would be likely to have an adverse effect on the integrity of the SPA such that it would conflict with Policy 50 of the LP.

Other matters

37. My attention has been drawn to Policy 2 of the LP that seeks to restrict development outside settlements to that which requires a countryside location or meets an essential local rural need. I note that gypsy and traveller sites are normally located outside settlements and in the countryside. In addition, there are a lack of sites within the district, such that the need for such

accommodation could comprise an essential local rural need. Consequently, I consider that the development does not conflict with Policy 2 of the LP.

38. The site is located close to the A27, which is a busy dual carriageway that results in noise throughout the day. The appellants have motorbikes that they enjoy riding on the site, although I understand these aren't used after the youngest children on site have gone to bed. I note that some motorbikes may also use the public footpath adjacent to the site. Taking all these factors into account, I consider that the additional noise on the site is not sufficient to cause material harm to the living conditions of neighbouring occupiers. As a result, it does not conflict with relevant criteria of Policy 36 of the LP that seeks development to not result in an unacceptable impact on the living conditions of occupiers of neighbouring dwellings.
39. The proposed and existing landscaping adds considerably to the amount of planting in and around the site. It contributes to the amount of habitat suitable for a variety of species and will provide new hedgerows and space for bats to forage. As a result, the development results in a benefit to ecology and biodiversity in the area.
40. Salthill Road is a busy route leading north out of Fishbourne. I understand that vehicle speeds may be higher along the road than speed limits indicate. It is a straight road that appears to have good visibility. However, the bridge over the A27 results in a slight slope that has a minor effect on that visibility. Nevertheless, sightlines from the junction of the access road onto that road are not materially obstructed. As a result, I conclude that safe and suitable access can be achieved to the site for all road users. It thereby does not conflict with the relevant criteria of Policy 36 of the LP requiring safe and convenient vehicular access.
41. I note that I have identified other material considerations in my main issues, such as the need for gypsy and traveller accommodation within the District and the personal circumstances of the appellants and other site occupiers. However, as I have not found any conflict with development plan policies on appeals B and C, I do not need to consider these matters further in relation to those appeals.
42. Policy 1 of the LP states that planning applications that accord with the LP should be approved unless material considerations indicate otherwise. I have not found any conflict with development plan policies on appeals B and C, nor have I found material considerations that would indicate planning permission should be refused. As a result, I conclude that the developments in appeals B and C comply with the development plan as a whole.
43. I have found a conflict with LP policies on appeals A. Consequently, the development subject of those appeals would also conflict with Policy 1 of the LP, and so the development plan as a whole. However, as the appellants do not intend to provide more than four caravan pitches on the site, in allowing appeal B and granting planning permission, I would be allowing development equivalent of what is sought under appeals A. As a result, section 180 of the Act, summarised in the preliminary matters, would apply.

Conditions

44. I shall also impose conditions for the following reasons. The conditions relating to appeals B and C are the same, except in relation to the number of pitches and caravans on the site. This would allow the appellants to implement either scheme.
45. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary to limit occupancy to persons meeting the definition of gypsies and travellers as defined by the planning policy for traveller sites to safeguard the site for gypsy and traveller use in accordance with Policy 36 of the LP. Conditions are necessary to limit the number of caravan pitches and caravans on the site and to limit the use of the day rooms in order to protect the landscape character of the area and living conditions of neighbouring occupiers. A condition is necessary to limit occupancy to persons meeting the definition of gypsies and travellers as defined by the planning policy for traveller sites to safeguard the site for gypsy and traveller use in accordance with Policy 36 of the LP.
46. It is necessary for the use of the land for parking commercial vehicles and use of the land for commercial purposes to be restricted by condition to protect the living conditions of neighbouring occupiers and landscape character of the area. Restrictions on permitted development rights to construct additional means of enclosure beyond those approved and to provide lighting are necessary to protect the landscape character of the area.
47. Conditions 9 and 10 are imposed to ensure that schemes for the site layout and for foul and surface water drainage, refuse and recycling storage facilities, ecological enhancements, car parking, landscaping and nitrate neutrality are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively-worded condition to secure the approval and implementation of the outstanding matters before the development takes place.
48. The conditions will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the conditions, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.
49. A condition is necessary to restrict the use of the woodland in order to protect its contribution to minimising the effects of the development on the integrity of the Chichester and Langstone Harbours SPA.

Conclusion

Appeals A

50. For the reasons set out above, in particular the effect of the development on the SPA for which there is insufficient mitigation proposed in this appeal, I conclude that on balance the development does not accord with the development plan. The appeals on ground (a) and the applications deemed to have been made under section 177(5) of the 1990 Act as amended therefore fail.

Appeals B and C

51. For the above reasons and taking into account all other matters raised, I conclude that the change of use of land to a travellers' caravan site consisting of three or four pitches each containing 1 no. mobile home, 1 no. touring caravans, 1 no. utility dayroom, play area & associated development would comply with the development plan and the appeals should succeed subject to the conditions set out in the schedules to this decision.

Appeals A on Ground (g)

52. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed. This ground falls to be determined as I have concluded that the ground (a) appeal should be dismissed and will uphold the notice on that basis. However, as explained above, in allowing appeals B and C and granting planning permission for the development, section 180 of the Act would apply. The conditions require further information be submitted within three months of the date of this decision. If that is not submitted and approved in accordance with the condition, or the site occupied other than in accordance with other conditions, the enforcement notice would remain extant.

53. Provided the appellants submit the information required by the conditions attached to the planning permissions under appeals B and C, the conditions effectively allow a longer period than the eight months on the enforcement notice to remove the development, which is essentially the same as the requirements of the notice. However, that is unlikely to be the full two years requested by the appellants. If no details are submitted within 3 months, the condition would require the development to be removed within 28 days although the period specified on the notice would effectively allow eight months. On that basis, I will consider the ground (g) appeal.

54. I am aware of the requirements of the Human Rights Act 1998 and the public sector equality duty. I also need to consider the best interests of the children as no other consideration is inherently more important than safeguarding and promoting their welfare.

55. The site comprises four pitches that are occupied by closely related families. Three pitches are occupied by families with children, the fourth by older relatives who require some care that is provided by the other families. They previously lived together, but their pitches were being sold so they were required to move. They purchased and moved onto this site, some following a period of travelling after the sale of their previous pitches and some directly to this site prior to their previous pitches being sold. Their previous permanent pitches were only about 10 miles away.

56. The children attend school or pre-school either in Fishbourne, Bosham or close to their previous home, although I understand they intend to move to more local schools if able to stay permanently on this site. The oldest child is now 18 so could be independent but is due to start college in Chichester in September.

57. The families are registered with a GP near to their previous home. I understand that the older relatives require care from the other families and two of the children have special educational needs and/or health requirements.

58.If the families were required to move from this site they would need to find alternative accommodation or would be homeless.

59.On this basis, I consider that the period for compliance with the notice would not be sufficient. However, 2 years is a substantial period. Taking account of the above, I consider a period of 12 months would be reasonable to allow time to find alternative pitches, particularly considering the best interests of the children.

60.For these reasons, I conclude that the appeal under ground (g) should succeed and I will vary the requirements of the notice to allow a period of 12 months for compliance.

Formal Decisions

Appeals A1 and A2

61.It is directed that the enforcement notice is corrected by:

- the substitution of the plan annexed to this decision for the plan attached to the enforcement notice; and
- the deletion of eight months and the substitution of twelve months as the period for compliance.

62.Subject to the correction and variation, the appeals are dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

63.The appeal is allowed and planning permission is granted for the change of use of land to a travellers' residential caravan site consisting of 4 no. pitches each containing 1 no. mobile home; 1 no. touring caravan, 1 no. utility dayroom; play area & associated development at land at Salthill Farm, Fishbourne, PO19 3PX in accordance with the terms of the application, Ref 19/02579/FUL, dated 7 October 2019, subject to the conditions set out in the schedule at the end of this decision.

Appeal C

64.The appeal is allowed and planning permission is granted for the change use of land to a travellers' residential caravan site consisting of 3 no. pitches, each containing 1 no. mobile home; 1 no. touring caravan; 1 no. utility dayroom; play area and associated development at land at Salthill Farm, Fishbourne, PO19 3PX in accordance with the terms of the application, Ref 20/02009/FUL, dated 5 August 2020, subject to the conditions set out in the schedule at the end of this decision.

AJ Steen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr Angus Murdoch	Murdoch Planning Limited
Leanne Strudwick	Appellant
Brett Strudwick	Appellant
Rebecca Tate	Site resident
Krystle Gibbs	Appellant
Trevor Furse	Furse Landscape Architects Ltd
Louisa Jones	Pro Vision

FOR THE LOCAL PLANNING AUTHORITY:

Robert Young	Development Manager, Chichester District Council
John Boardman	Planning Policy Officer
Steve Jarman	Opinion Research Services
Martin Mew	Principal Planning Officer, Chichester District Council
Sue Payne	Planning Enforcement Officer, Chichester District Council

INTERESTED PARTIES:

John-Henry Bowden	Councillor for Chichester West, on behalf of occupiers of neighbouring properties
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DOCUMENTS SUBMITTED AT THE HEARING/INQUIRY:

- Document 1: Enforcement Notice reference number CC/154 dated 26 April 2022
- Document 2: Written cost application submitted by the appellant

Schedule of Conditions

Appeal B

1. The development hereby permitted shall be carried out in accordance with the plans listed below:

Plan no.	Title
01	Site Location Plans
02	Existing Block Plan
02b	Proposed Block Plan
02.1a	Proposed Block Plan
03a	Site Location Plans
04a	Typical Plot Layout

2. 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).
3. There shall be no more than 4 pitches on the site and on each of the 4 pitches hereby approved no more than 2 caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) shall be stationed at any time, of which only 1 caravan shall be a static caravan.
4. The day rooms shall not be occupied as a self-contained unit of residential accommodation.
5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
6. No commercial activities shall take place on the land, including the storage of materials.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure (including bunding) shall be erected or placed within/to the boundary of the plot anywhere on the application site other than in accordance with the site layout plan.
8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external illumination on the development other than in accordance with a lighting scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the proposed location, design, level of luminance and any measures to avoid light spillage. The lighting scheme shall thereafter be maintained in accordance with the approved details in perpetuity.
9. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within 3 months of the date of this decision a scheme for the site layout and for foul and surface water drainage, refuse and recycling storage

facilities, ecological enhancements, car parking and landscaping including a management and maintenance regime (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the site development scheme shall include a timetable for its implementation.

- ii. If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved site development scheme specified in this condition, that site development scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

10. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

- i. Within 3 months of the date of this decision a Nitrate Neutrality Scheme (in accordance with the Nitrate Assessment dated May 2022 produced by Pro Vision and drawing number AMU-FIS-LA-004 revision A) including a management and monitoring plan shall have been submitted for the written approval of the local planning authority and the Nitrate Neutrality Scheme shall include a timetable for its implementation.
- ii. If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved Nitrate Neutrality Scheme specified in this condition, that Nitrate Neutrality Scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

11. The woodland shall not be used for any purpose except for woodland in accordance with the Nitrate Neutrality Scheme.

Schedule of Conditions

Appeal C

1. The development hereby permitted shall be carried out in accordance with the plans listed below:

Plan no.	Rev	Title
01660/10	1	Site Plan
01660/5	1	Amenity Block
01660/4	1	Mobile Home
01660/1	2	Proposed Block Plan
01660/3	1	Topographical Plan
01660/2	1	Typical Plot Layout
2. 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).
3. There shall be no more than 3 pitches on the site and on each of the 3 pitches hereby approved no more than 2 caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) shall be stationed at any time, of which only 1 caravan shall be a static caravan.
4. The day rooms shall not be occupied as a self-contained unit of residential accommodation.
5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
6. No commercial activities shall take place on the land, including the storage of materials.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure (including bunding) shall be erected or placed anywhere on the application site other than in accordance with the site layout plan.
8. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external illumination on the development other than in accordance with a lighting scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the proposed location,

design, level of luminance and any measures to avoid light spillage. The lighting scheme shall thereafter be maintained in accordance with the approved details in perpetuity.

9. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i. Within 3 months of the date of this decision a scheme for the site layout and for foul and surface water drainage, refuse and recycling storage facilities, ecological enhancements, car parking and landscaping including a management and maintenance regime (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the site development scheme shall include a timetable for its implementation.
 - ii. If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved site development scheme specified in this condition, that site development scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

10. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i. Within 3 months of the date of this decision a Nitrate Neutrality Scheme (in accordance with the Nitrate Assessment dated May 2022 produced by Pro Vision and drawing number AMU-FIS-LA-004 revision A) including a management and monitoring plan shall have been submitted for the written approval of the local planning authority and the Nitrate Neutrality Scheme shall include a timetable for its implementation.
 - ii. If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

- iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved Nitrate Neutrality Scheme specified in this condition, that Nitrate Neutrality Scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 11. The woodland shall not be used for any purpose except for woodland in accordance with the Nitrate Neutrality Scheme.

Annexe

