



Appeal Decisions

Hearing held on 21 June 2022

Site visit made on 21 June 2022

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2022

Appeal A1 Ref: APP/L3815/C/18/3218777

Plot 12, Land North West of Premier Business Park, Birdham Road, Birdham, Chichester, West Sussex PO20 7BU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Mr Bobby Knight against an enforcement notice issued by Chichester District Council.
- The notice, numbered BI/44, was issued on 22 November 2018.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the Land to use as a residential caravan site.
- The requirements of the notice are to:
 - (i) Cease the use of the Land as a residential caravan site;
 - (ii) Remove from the Land all caravans, garden furniture and motor vehicles
 - (iii) Remove the hardstanding (in the approximate position shown on the attached plan) from the Land;
 - (iv) Remove the post and rail fence and the close boarded fence enclosure, post and rail fence (in the approximate positions shown on the attached plan) from the Land; and
 - (v) Following compliance with (i), (ii), (iii) and (iv) above, level the Land and reseed with grass.
- The period for compliance with the requirement is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (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 appeal is dismissed and the enforcement notice is upheld with a correction and variation in the terms set out below in the Formal Decision.

Appeal A2 Ref: APP/L3815/W/18/3198239

Land rear of Premier Business Park, Plot 12, Birdham, Chichester PO20 7BU

- 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 Bobby Knight against the decision of Chichester District Council.
- The application Ref BI/17/01382/FUL, dated 10 May 2017, was refused by notice dated 20 September 2017.
- The development is a single pitch for gypsy occupation comprising touring caravan, hardstanding and provision of static mobile home.

Summary Decision: The appeal is dismissed.

Appeal B3 Ref: APP/L3815/C/21/3285443

Land at Plot 13, north west of Premier Business Park, Birdham Road, Chichester, West Sussex PO20 7BU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Bobby Knight against an enforcement notice issued by Chichester District Council.
- The notice, numbered BI/47, was issued on 13 October 2021.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a wooden barn/stable building, a kennel building and kennel run and a close boarded fence and gates and the formation of concrete and tarmac hard standings.
- The requirements of the notice are to:
 - (i) Dismantle and remove the said wooden barn/stable building from the Land;
 - (ii) Demolish and remove the said kennel building and kennel run from the Land;
 - (iii) Break up and remove the said concrete hard standings from the Land;
 - (iv) Break up and remove the said tarmac hard standing from the Land;
 - (v) Remove the said close boarded fence and gates from the Land; and
 - (vi) Following compliance with (i), (ii), (iii), (iv) and (v) above level the Land and reseed with grass.
- The period for compliance with the requirement is: three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b) and (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 appeal is dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

Appeal B4 Ref: APP/L3815/W/18/3218768

Plot 13, Land South West of Premier Business Park, Birdham Road, Appledram PO20 7BU

- 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 Bobby Knight against the decision of Chichester District Council.
- The application Ref BI/18/02130/FUL, dated 17 August 2018, was refused by notice dated 23 October 2018.
- The development is the change of use of the land for a single pitch for Gypsy occupation comprising touring caravan, hard standing and provision of static mobile home with facilitating development (hard standing, fencing, oil tank, cess tank).

Summary Decision: The appeal is dismissed.

Appeal C1 Ref: APP/L3815/C/18/3218782

Plot 14, Land North West of Premier Business Park, Birdham Road, Chichester, West Sussex PO20 7BU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Bobby Knight against an enforcement notice issued by Chichester District Council.
- The notice, numbered BI/42, was issued on 22 November 2018.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the Land to use to a residential caravan site.
- The requirements of the notice are to:
 - (i) Cease the use of the Land as a residential caravan site;
 - (ii) Remove all caravans from the Land;
 - (iii) Remove the hard surface (in the approximate position shown on the attached plan) from the Land;

- (iv) Remove the close boarded and post and rail fences (in the approximate positions shown on the attached plan) from the Land, and
- (v) Following compliance with (i), (ii), (iii) and (iv) above level the Land and reseed with grass.
- The period for compliance with the requirement is: three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (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 appeal is dismissed and the enforcement notice is upheld with corrections and variation in the terms set out below in the Formal Decision.

Appeal C2 Ref: APP/L3815/W/18/3198240

Plot 14, Land rear of Premier Business Park, Main Road, Birdham, Chichester PO20 7BU

- 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 Bobby Knight against the decision of Chichester District Council.
- The application Ref BI/17/01384/FUL, dated 10 May 2017, was refused by notice dated 20 September 2017.
- The development is a single pitch for gypsy occupation comprising touring caravan, hard standing and provision of static mobile home.

Summary Decision: The appeal is dismissed.

Preliminary Matters

1. The sites subject of these appeals are adjacent to one another. I have grouped the appeals such that appeals on plot 12 are appeals A1 and A2, appeals on plot 13 are appeals B3 and B4 and appeals on plot 14 are appeals C1 and C2. Appeals B1 (reference APP/L3815/C/18/3218778) and B2 (reference APP/L3815/C/18/3218779) were withdrawn at the hearing. As a result, that enforcement notice remains extant albeit it was partially complied with and remaining development is subject of the enforcement notice in appeal B3.
2. The appeals were made by a number of individuals. However, the three sites have been purchased by the appellant of appeal B3, Mr Bobby Knight, and he proceeds as the appellant for the purposes of these appeals.
3. The intention of Mr Knight is to residentially occupy plot 14 with his family, keep his horses in the stables at plot 13 and for his father, Mr Steven Knight, to residentially occupy plot 12.

Enforcement notices

4. Section 176(1) of the Act enables me to correct any defect, error or misdescription in the enforcement notice where such correction will not cause injustice to the appellant or the local planning authority.
5. In the requirements of the enforcement notice subject of appeal A1, at paragraph 5.(iv) the post and rail fence is referred to twice. I suggest one reference to that fence should be removed and the word "enclosure" deleted as it is not necessary.

6. The header to the enforcement notice subject of appeal B3 states that it relates to a material change of use. However, the description of development refers to operational development. That needs to be corrected.
7. In the address of the land at paragraph 2 of the enforcement notice subject of appeal B3 there is a typographical error in "business" that I will correct.
8. The description of the allegation at paragraph 3 of the enforcement notice subject of appeal B3 refers to the various elements of development being marked on the plan. However, the plan does not show the alleged close boarded fence and gates. The Council have provided an amended plan and it has been agreed that this should replace the plan previously attached to the notice.
9. However, at the hearing the effect of this change was discussed. The enforcement notices in appeals A1, B1, B2 and C1 did not require the removal of the close boarded fence on the boundary of the site closest to the neighbouring Business Park as it was not identified on the plans attached to those notices. The new plan to be attached to the enforcement notice in appeal B3 shows close boarded fence surrounding the site with a gap for the gates. The requirements of the notice would require the removal of the whole of the close boarded fence as identified on the plan. That would result in an anomaly between the enforcement notices on plots 12 and 14 and that at plot 13 leaving a gap in the fence.
10. It is unclear whether the close boarded fence on the boundary closest to the Business Park would be lawful. It is unclear when the fence was erected, or by whom. It may be on the neighbouring land. I understand that the land is subject of a direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 that removes the permitted development rights to erect gates, fences, walls or other means of enclosure granted by that Order.
11. The effect of section 173(11) of the Act is such that if the requirements of the notice were complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted in respect of any matters remaining in the description of the breach of planning control. In this case, the breach of planning control identifies the close boarded fence but I have been requested to remove the section of close boarded fence closest to the Business Park from the requirements in order to address the anomaly resulting from the requirement to remove one section of fence but not the remainder. This may have the effect of granting planning permission for the close boarded fence on that section of the boundary. Nevertheless, it was discussed in full at the hearing and it was agreed that I should correct the notice by replacing the plan attached to the enforcement notice and amending the requirements to make clear that the close boarded fence to be removed is that fronting the access track and closest to plots 12 and 14.
12. I note that the kennel building and kennel run have been removed from the site subject of appeal B3 such that the enforcement notice has been complied with in that regard.

13. In the description of the allegation at paragraph 3 of the enforcement notice subject of appeal C1 there appears to be a typographical error in that the second "to" should read "as". I will correct that error.
14. I note that some of the post and rail fences shown on the plans attached to the enforcement notices subject of appeals A1 and C1 have been replaced with close boarded fences. I shall remove reference to "close boarded" and "post and rail" on the enforcement notices to reflect those changes.
15. As all these matters were discussed and agreed at the hearing, no injustice will be caused to the appellant or Council in making these corrections.

Planning appeals

16. Appeals A2, B4 and C2 relate to planning applications for residentially occupied caravans and associated operational development. These are described as retrospective. However, that is not a description of development so I have removed it from the description in the banner headings above.
17. Nevertheless, as the development is described as retrospective, the applications must have been made under section 73A of the Act. That enables planning permission to be granted for development carried out before the date of application. It goes on to state that planning permission for such development would have effect from the date on which the development was carried out. This means that, if these appeals were allowed it would relate to the development on the site on the date of application. In the case of appeals A2 and C2 that would mean that any planning permission would relate to the development on plots 12 and 14.
18. In the case of appeal B4, the use of the land described in the application has ceased. The development subject of appeal B3 comprised operational development relating to a use for the keeping of horses on the same land. This replaced the development subject of the enforcement notice in appeals B1 and B2 that were also subject of the planning application in appeal B4. This means that if I were to grant planning permission under B4, it would already have been replaced by the development subject of the enforcement notice in appeal B3.

Site occupiers

19. The Council have indicated that they are not certain that the occupants of the caravans are gypsies or travellers as defined in the Glossary to the planning policy for traveller sites.
20. I understand that Mr Steven Knight travels for up to six months of the year, carrying out building work. However, he has some health issues that mean there are periods when he can't work or travel. Mr Bobby Knight does groundwork but travels slightly less than his father. Their work includes travel abroad, including France, Germany, Thailand and Mr Bobby Knight was due to travel to the USA shortly after the hearing. He also visits various horse fairs, including those at Appleby, Stowe, Epsom, Kennelworth, Wycombe, Horsmonden and Cambridge as well as taking part in local drives. I was able to see two of his horses and a number of carts on my site visit. The family of Mr Bobby Knight, who also residentially occupy the site are his dependents and sometimes travel with him.

21. I understand that the occupiers were accepted as being gypsies or travellers for the purposes of the planning application on their previous site outside Chichester District.
22. On the basis of the discussions at the hearing I am satisfied, on the balance of probability, that the occupants of the site are gypsies or travellers.

Appeal B3 on Ground (b)

23. An appeal on this ground is that the matters described in the notice have not occurred. The appellant suggests that the reference to tarmac in the description of the breach of planning control and in the requirements of the notice is incorrect. They suggest the hardsurfacing is constructed of scalplings. The Council have agreed that the enforcement notice should be changed to reflect that.
24. For these reasons, I conclude that the appeal under ground (b) should succeed to that extent and I shall amend the enforcement notice to refer to scalplings rather than tarmac.

Appeals A1, B3 and C1 on Ground (a) and Deemed Planning Applications Appeals A2 and C2 against the refusal of planning permission

Main issues

25. The main issues on all appeals are:
- whether the developments conserve and enhance the landscape and scenic beauty of the Chichester Harbour Area of Outstanding Natural Beauty;
 - whether other material considerations would outweigh any harm that might arise from those main issues, such as:
 - the need for Gypsy and Traveller pitches; and
 - the personal circumstances of the appellants.
26. Additional main issues on appeals A1, A2, C1 and C2 are:
- whether the developments are in a suitable location in terms of their location in respect to adjacent settlements; and
 - the effect of the development on the Chichester and Langstone Harbours Special Protection Area in which the sites are located;

Reasons

Area of Outstanding Natural Beauty

27. The Chichester Harbour Area of Outstanding Natural Beauty (AONB) comprises the harbour and surrounding, largely flat, landscape. Consequently, it is dominated by the water, that is internationally important for nature conservation. I understand that the dark night sky is a particular feature of the Manhood Peninsular on which the sites are located. The area around the harbour is largely undeveloped, although there are some large developments such as Chichester Marina that is near the appeal site. The flat landscape and substantial areas of water means that there are long views within and through the AONB.

28. Birdham Road, from which the site is accessed, forms the edge of the AONB. The area around the appeal sites comprises predominantly fields enclosed by hedges and woodland with sporadic development, largely residential but including the Business Park adjacent to the sites. The village of Birdham is located a short distance from the sites within the AONB. The surrounding hedges and Business Park mean that views of the appeal sites from the surrounding area are significantly restricted, although the site can be seen in views across the field from the public footpath between Birdham Road and Lock Lane.
29. The sites comprise three pitches within a wider field that was developed with pitches for gypsy and traveller occupation, a smallholding and some open spaces. The other gypsy and traveller pitches and smallholding were subject of other enforcement notices. Some of these enforcement notices have been complied with; others are in the process of being complied with. They require the use of land to cease and removal of caravans, structures, hardcore, fences and access track. That would result in the land subject of those notices appearing as an open field. The enforcement notices relating to the gypsy and traveller pitches were subject of an appeal decision¹.
30. The development subject of those previous enforcement notices was considered as major development in the AONB by the previous Inspector. However, the area subject of the appeals before me is significantly smaller. It is also close to the rear boundary of the Business Park and comprises only two pitches, plus stables used by the occupier of one of those pitches. Taking account of the definition of major development set out within that previous decision, the developments in this case do not, either individually or cumulatively, comprise major development.
31. Nevertheless, the caravan pitches and stables introduce development into this field. The location close to the rear of the Business Park means that the caravans, stables and utility buildings are seen against the backdrop of the hedge around the Business Park and buildings beyond. Landscaping around the site has become more established since the previous appeal and screens the site to some extent. The remainder of the field, once the other development is removed, is likely to be open. The site is some distance from the harbour and there isn't intervisibility between the site and water.
32. Nevertheless, development has been introduced into what would otherwise be an open field. Light from the caravans and any outside lighting would affect the dark night sky, albeit that may be restricted to some extent by an appropriate condition.
33. Taking all these factors into account, I consider that the developments individually and cumulatively result in harm to the AONB such that it's landscape and scenic beauty is neither conserved nor enhanced. I accept that harm is significantly less than that identified in the previous appeals.
34. I note that there are similar forms of development within the AONB, principally holiday caravan sites and the boats in Chichester Marina and canal. However, these are established uses and boats, although similar to caravans in

¹ Appeal references APP/L3815/C/16/3148236, APP/L3815/C/15/3136977, APP/L3815/C/15/3065780, APP/L3815/W/15/3132281 and linked appeals.

appearance and use, reflect the historic purposes of the marina and canal. These established developments do not affect my conclusions relating to the effect of the developments subject of these appeals on the AONB.

35. For these reasons, I conclude that the developments, both individually and cumulatively, have resulted in harm to the landscape and scenic beauty of the Chichester Harbour AONB. As a result, they are contrary to Policies 36, 43, 45 and 48 of the Chichester Local Plan (LP) that conserve and enhance the natural beauty and locally distinctive features of the AONB and seek development proposals, both in terms of individual proposals and their cumulative effect, to not compromise the essential features of the AONB and not have an adverse impact on the openness of views in the AONB. They would not comply with Policies 4 and 15 of the Birdham Neighbourhood Plan (NP) that seek development to maintain the local character of the landscape and protect views from public rights of way over open field aspects or other open spaces. In addition, the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB.
36. In addition, the stables subject of appeal B3 conflict with Policy 55 of the LP that requires equestrian development to have minimal visual impact on the landscape, either individually or cumulatively with other development.

Location

37. The site is located a short distance from the settlement of Birdham that provides a number of services and facilities. A bus stop is located on the main A286, Birdham Road, close to the junction of the access route on that road. Buses on that route travel between the city of Chichester and Wittering, providing access to a larger range of services and facilities.
38. I note that gypsy and traveller sites are commonly located in the countryside outside settlements. This site is better located than most in terms of its relationship to Birdham and with bus link to Chichester.
39. As a result, I conclude that the appeal sites are close to the services and facilities provided in Birdham and with good access to the main road and public transport, providing access to the wider range of services and facilities in Chichester and Wittering. As such, the residentially occupied mobile homes subject of appeals A1, A2, C1 and C2 do not conflict with Policy 36 of the LP, the Framework and planning policy for traveller sites in relation to the location of the development. This requires 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.
40. Policy 2 of the LP and Policy 13 of the NP define settlements and their boundaries. They state that development outside listed settlements is restricted to that requiring a countryside location. Gypsy and traveller sites are commonly located within the countryside and, taking account of compliance with Policy 36 of the LP, the proposals would not conflict with these policies.

Chichester and Langstone Harbours Special Protection Area

41. The appeal sites are located within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA). This area forms part of the Solent

Maritime European Marine Site. The SPA contains extensive intertidal mudflats and sandflats with seagrass beds, saltmarsh, shallow coastal waters, coastal lagoons, coastal grazing marsh and shingle ridges and islands. The mudflats are exposed at low tide and support rich populations of intertidal invertebrates. These provide an important food source for birds. There are internationally important numbers of overwintering and breeding bird species. Seagrass beds provide an important food source for dark-bellied Brent geese. Overwintering birds feed and roost in the saltmarsh areas. Three species of tern nest on the shingle ridges and islands during their summer breeding season, feeding on small fish from the shallow coastal waters in the harbours and Solent. These comprise the qualifying features of the SPA.

42. 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 the competent authority and taking account of case law, if I were to allow the appeal 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.
43. I note that the appellant has agreed pay a contribution toward mitigation of recreational disturbance within the SPA in relation to the development subject of appeals A1, A2, C1 and C2. They have submitted calculations relating to the nitrogen budget, that the Council have indicated are likely to be considered accurate. The appellant has agreed the purchase of an additional plot to allow tree planting as mitigation. However, these have not been finalised and are not subject of legally binding agreements or consultation with Natural England. These would be required to take these into account in the appropriate assessment. Nevertheless, I consider that the appellant has sought to mitigate the effects of the development on the SPA in accordance with Policy 50 of the LP and relevant guidance. Policy 50 of the LP seeks a developer provided package of measures associated with the proposed development designed to avoid any significant effect on the SPA.
44. I will return to the appropriate assessment, if necessary, once I have considered all the other matters in the planning balance.

Other matters

45. My attention has been drawn to Policy 39 of the LP and Policy 9 of the NP relating to transport, accessibility and parking. I note that a condition has been suggested to limit the size of vehicles parked on the site that would overcome any effect of larger vehicles attending the site and, if I were to allow the appeal, I would consider attaching that condition to any planning permission. However, access to the site is safe and there is space within the site for parking and turning of vehicles. The residual cumulative impacts of this development would not be severe. As such, the developments do not conflict with Policy 39 of the LP, nor Policy 9 of the NP.
46. Policy 1 of the LP sets out the presumption in favour of sustainable development. This states that development that accords with policies in the LP will be approved, unless material considerations indicate otherwise. I have concluded that the developments do not comply with Policies 36, 43, 45 and 48

of the LP. As a result, the development would also not comply with Policy 1 of the LP.

Other material considerations

47. The Council accept that they do not have a five year supply of deliverable caravan pitches to meet the needs of gypsies and travellers. There is an unmet need for 35 pitches. They are in the process of carrying out a Gypsy and Traveller Accommodation Assessment (GTAA) and Pitch Deliverability Assessment (PDA). Need associated with the unauthorised pitches neighbouring Premier Business Park are included in those assessments.
48. The GTAA and PDA will form part of the evidence base for a Gypsy and Traveller Development Plan Document (DPD). According to the Local Development Scheme, adoption of the DPD was expected to be in April 2023, although the indication at the hearing was that examination may not take place until later in 2023. This indicates that policies to provide pitches to meet the needs of gypsies and travellers may be adopted within three years. I note concerns with regard to highway capacity and the effect of elevated nutrient loading on the SPA that may delay the production of policies. However, I will take account of the possibility of granting planning permission for a temporary period of three or five years.
49. I understand that the appellant occupies Plot 14 with his wife and four children. Most or all of the family are registered with a doctor in Birdham. The children attend Birdham Primary School and pre-school. The youngest child has a place at Birdham Primary School to attend from September. The children are all doing well at school, having caught up from the Covid closures. They were able to move onto the site during the lockdowns caused by Covid.
50. The family previously occupied a site at Denmead, Waterloooville in the Winchester City Council area. That site was subject of a temporary planning permission. I understand that the permission lapsed as a condition was not discharged. In addition, it was a tiny pitch and there were issues with neighbours. There are further applications for pitches on that site going to appeal. Given that the planning permission was temporary, there was no security that they would have been able to remain on that site in the longer term, even without the other restrictions.
51. The appellant's father occupies Plot 12. He suffers from age related arthritis with back issues that mean on some days he is unable to move. This affects his work, although I understand he remains able to spend up to half the year travelling, including abroad, for work.
52. A permanent planning permission for occupation of these plots by this family would ensure a base for the family and security. Should this appeal be dismissed, I understand it is likely the site occupants would become homeless and would need to return to travelling, including possibly staying on the roadside, or identify an alternative site. It would be likely to remove the children from their current education provision that could have a significant effect on their development.
53. The best interests of children are a primary consideration in considering this appeal. No other consideration is inherently more important than their best

interests in safeguarding and promoting their welfare. I also need to take account of the public sector equality duty and provisions of the Human Rights Act 1998. This includes the protection of property and a right to respect for the private and family life, home and correspondence of the appellant and that this should not be subject to interference by a public authority.

54. The appeal has been made on the basis of permanent occupation of the appeal site, but I am aware that a temporary or personal planning permission would be possible. The planning policy for traveller sites states that the lack of an up-to-date five year supply of deliverable sites should be a significant material consideration when considering applications for the grant of temporary planning permission. However, there are specified exceptions, including where the land is within an AONB or protected under the Birds and Habitats Directives such as an SPA. I note that alternative sites would be identified in the DPD and that should be adopted and some alternative sites provided within three or five years. However, the need within the district is substantial and there is no certainty that any sites would be available to the appellant and his family within that timescale. Consequently, temporary and/or personal permissions would not be appropriate in this instance.

Planning balance

55. The use of land for the provision of two caravan pitches for residential occupation, provision of stables and kennels and associated operational development has resulted in harm to the landscape and scenic beauty of the Chichester Harbour AONB. This carries great weight in accordance with the Framework. The appellant has suggested they would be willing to provide appropriate mitigation to the effect of the developments within 5.6km of the Chichester and Langstone Harbours SPA. I note that the location of the development in relation to services and facilities accords with relevant planning policies.
56. The Council have been unable to provide for the needs of gypsies and travellers in the district and there is a considerable unmet need. The appellant and his family are settled in this location, with school places for the children and appropriate healthcare provision. I have taken account of the best interests of the children as a primary consideration in this appeal. These material circumstances carry significant weight in the planning balance.
57. However, the material circumstances identified do not outweigh the harm I have found to the AONB. On that basis, I consider that it is not necessary to carry out the appropriate assessment that would otherwise be required into the effect of the development on the SPA. On balance, therefore, I conclude that the development does not accord with the identified development plan policies relating to the AONB. As such, it does not accord with the development plan as a whole.

Conclusion

58. For the reasons set out above, I conclude that on balance the development does not accord with the development plan. Material considerations, including the best interests of children that is a primary consideration in this appeal, do not outweigh that conflict so my decision must be taken in accordance with the plan. The appeal on ground (a) therefore fails.

Appeals A1, B3 and C1 on Ground (g)

59. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed.
60. The Council have agreed that the periods for compliance for the enforcement notices subject of appeals A1, B1, B2 and C1 should have been consistent. That would require a variation of the enforcement notice subject of appeal C1 such that appeal C1 will succeed, at least to that extent.
61. The appellant suggests that a period of 12 months would be more appropriate to allow him and his family to find alternative suitable accommodation, with an additional two months to remove the operational development. I have set out their personal circumstances in the ground (a) appeal and note that children are living on the site, which means I need to consider the best interests of the children and that is a primary consideration to take into account on this ground. A period of 12 months would allow more time for the appellant to find alternative accommodation for his family. However, I do not accept that a further two months is necessary to enable removal of the operational development as that could be arranged within the 12 month period and removed relatively quickly.
62. Taking these factors into account, I consider that a period of 12 months to comply with the enforcement notices subject of appeals A1 and C1 would be appropriate and I will amend the notices to allow that period for compliance.
63. With regard to the stables subject of appeal B4, the appellant suggests that they are linked to the occupation of his plot and, therefore, the period for compliance of this enforcement notice should reflect that occupation. I understand that the appellant may have grazing land elsewhere, but not stables. That suggests the use of the stables in line with the residential occupation of the site subject of appeal C1 would be reasonable. I will amend the enforcement notice subject of appeal B4 to be consistent with the other enforcement notices.
64. For these reasons, I conclude that the appeals under ground (g) should succeed and the period for compliance with the enforcement notices should be increased to a consistent 12 months.

Formal Decisions

Appeal A1

65. It is directed that the enforcement notice is corrected and varied by:
- The deletion of the words "the post and rail fence and the close boarded fence enclosure, post and rail fence" and the substitution of the words "the fence and gates" in section 5(iv) what you are required to do.
 - The deletion of "Six months" and the substitution of "Twelve months" as the time for compliance.
66. Subject to the correction and variation, the appeal is 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 A2

67. The appeal is dismissed.

Appeal B3

68. It is directed that the enforcement notice is corrected and varied by:

- The deletion of the words "MATERIAL CHANGE OF USE" and substitution of the words "OPERATIONAL DEVELOPMENT" in the header of the enforcement notice;
- The deletion of the word "Buisness" and substitution of the word "Business" in section 2 the land to which the notice relates;
- The deletion of the word "tarmac" and substitution of the word "scalpings" in section 3 the breach of planning control alleged and at section 5(iv) what you are required to do;
- The deletion of the words "close boarded fence and" from section 5(v) what you are required to do;
- After section 5(v) add "(vi) Remove the close boarded fence from the sides fronting the access track and closest to plots 12 and 14" and renumber the existing section 5(vi) to section 5(vii) at section 5 what you are required to do;
- The deletion of "(i), (ii), (iii), (iv) and (v)" and substitution of "(i), (ii), (iii), (iv), (v) and (vi)" at section 5(vii) what you are required to do; and
- The substitution of the plan annexed to this decision for the plan attached to the enforcement notice.
- The deletion of "Three months" and the substitution of "Twelve months" as the time for compliance.

69. Subject to the corrections and variations, the appeal is 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 B4

70. The appeal is dismissed.

Appeal C1

71. It is directed that the enforcement notice is corrected and varied by:

- Delete the second "to" and substitute "as";
- The deletion of the words "the close boarded and post and rail fence" and the substitution of the words "the fences and gates" in section 5(iv) what you are required to do; and
- The deletion of "Three months" and the substitution of "Twelve months" as the period for compliance.

72. Subject to the corrections and variation, the appeal is 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 C2

73. The appeal is dismissed.

AJ Steen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alison Heine Heine Planning

Bobby Knight Appellant

Frazer Sibley

FOR THE LOCAL PLANNING AUTHORITY:

Shona Archer Planning Enforcement Manager, Chichester District Council

Calum Thomas Senior Planning Officer, Chichester District Council

Steve Jarman Head of Traveller Assessment, ORS

DOCUMENTS SUBMITTED AT THE HEARING/INQUIRY:

Document 1: Nitrate Budget calculations for two residential units

Document 2: Chichester and Langstone Harbours Special Protection Area

ANNEX



Plot 13, Land North West Of Premier Business Park, Chichester, West Sussex



Chichester Road,

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N NOT TO SCALE

Enforcement Notice Plan - Reference: BI/20/00379/CONCOU

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