



Appeal Decision

Site visit made on 19 April 2023

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/L3815/W/20/3271433

Land South East of Tower View Nursery, West Ashling Road, Hambrook, Funtington

- 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 RM Pettett against the decision of Chichester District Council.
 - The application Ref FU/19/00445/FUL, dated 8 February 2019, was refused by notice dated 11 June 2020.
 - The development proposed is the relocation of two existing travelling showpeople plots (including the provision of an area of hardstanding for the storage and maintenance of equipment and machinery) and six new pitches for Gypsies and Travellers including retention of hardstanding
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Decision

1. The appeal is allowed and planning permission is granted for the relocation of two existing travelling showpeople plots (including the provision of an area of hardstanding for the storage and maintenance of equipment and machinery) and six new pitches for Gypsies and Travellers including retention of hardstanding at Land South East of Tower View Nursery, West Ashling Road, Hambrook, Funtington in accordance with the terms of the application, Ref FU/19/00445/FUL, dated 8 February 2019, subject to the conditions in the schedule to this decision below.

Procedural Matters

2. The application form relating to the proposal subject to this appeal indicates that development had commenced at the site by that time. I note from evidence submitted by the parties that the disposition of hardstanding currently present at the site does not appear to accord with the planning permission¹ relating to the existing travelling showpeople plots. At the time of my site visit, the static caravans associated with the travelling showpeople plots as approved were present, but there were no other tourers or static caravans stationed there. I will therefore assess the appeal on the basis of the description of development set out above, and in the light of other submitted documents.
3. Due to the amount of time that had elapsed between the submission of this appeal and my site visit, I sought the written comments of parties, including Natural England on a number of matters of relevance to the appeal. I will take these written comments into account in my determination of the appeal, and refer to the related matters as appropriate below.

¹ FU/11/05305/FUL

4. Following the determination of the application that led to this appeal, Natural England updated the conservation statuses of the Chichester and Langstone Harbour Special Protection Area (SPA)/Ramsar and Solent Maritime Special Area of Conservation (SAC)/ Solent and Dorset Coast SPA (the European Sites) and its advice on development proposals with the potential to affect water quality resulting in adverse nutrient impacts on such sites. In short, Natural England advises that all new overnight accommodation which could affect the catchment area of the European Sites is to demonstrate that it would achieve 'nutrient neutrality' in order to prevent further harm to their integrity. Consequently, whilst the effect of the proposal on the integrity of the European Sites in terms of its nutrient output was not determinative at the time of the application, it nevertheless constitutes a relevant consideration in this appeal and the appropriate assessment that I am required to undertake pursuant to the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).
5. In its response to my pre-site visit note, the Council indicated, due to the submission of a planning obligation relating to the recreational impacts to the Chichester and Langstone Harbours SPA/RAMSAR, that it no longer objected to the development in terms of its effects in these regards. Moreover, the response also indicated that the Council no longer sought to contest that the appeal development is contrary to the spatial strategy of the development plan in terms of its location in the countryside. Accordingly, neither of these issues constitutes a main issue in my consideration of the appeal. However, I will cover these matters, where relevant, and where required to do so as part of my appropriate assessment of the development for the purposes of the Habitats Regulations.

Main Issue

6. The main issue in this case is whether the appeal development would respect the scale of and not dominate the nearest settled community.

Reasons

Site, surroundings and proposal

7. Set within a wider rural landscape of undulating fields bounded by hedgerows, mature trees and some fences, the appeal site, which is a gently sloping one, benefits from planning permission to be used as two travelling showpeople plots. The static caravans associated with that permission were in situ at the time of my visit. The appeal site is close to other Traveller sites with their mixture of static and touring caravans. Equestrian and agricultural uses in adjacent fields also include small scale structures. Residential development in the wider surroundings of the appeal site is, on the whole, dispersed and sporadic.
8. The proposed development would relocate the travelling showpeople plots within the appeal site to facilitate the provision of six pitches for Gypsies and Travellers.

Scale and Dominance

9. Taken together, and amongst other things, Policy 36 of the Chichester Local Plan: Key Policies (the Local Plan) and the Government's Planning Policy for Traveller Sites (PPTS) (at paragraphs 14 and 25) establish that sites in rural

areas should respect the scale of, and not dominate, the nearest settled community.

10. The proposed development relates to the intensification of an existing site, with authorised use for travelling showpeople. The site, due to the undulating surrounding landform, its sloping nature, and the scale and density of field boundaries including hedgerows and trees is of very limited visibility in the wider landscape. Moreover, additional landscaping is proposed as part of the appeal scheme and its implementation could be secured by means of conditions. These aspects of the appeal scheme would mean that its visual implications would be minimal, and of itself it would constitute a small-scale use in a wider context where single-storey elements such as caravans and structures relating to agricultural and equestrian uses are not uncommon. Moreover, these features of the proposal and its surroundings would mean that it would have a negligible effect on the wider landscape including the South Downs National Park, and that it would also avoid adverse impacts to the West Ashling Conservation Area, and in arriving at this view I note that the appeal site is outside the boundaries of both of these designated areas.
11. The appeal site is within a cluster of Traveller sites, some of which appear to be authorised, and I note that similar uses exist in the wider Parish. The Council points to the differing and higher densities of occupation on the existing and proposed sites when compared to the more dispersed pattern of bricks and mortar housing in the postcode areas containing and adjacent to the appeal site. However, the same could be said of most Traveller uses in rural areas where they are situated away from a settlement boundary, and neither PPTS nor the Local Plan policies establish that such sites are unsuitable for such uses in principle. Moreover, the appeal site is spatially and visually contained, and physically separate from bricks and mortar dwellings. For these reasons, the proposed development would not “dominate” the nearest settled community if the term is understood as relating to those dispersed dwellings rather than adjacent settlements, in terms of being the most influential, conspicuous, prevailing, obvious, or commanding or controlling element in the wider area. Neither, for these reasons, would the modest expansion of authorised pitches that the proposed development would bring about to the cluster within which it is situated lead to cumulatively harmful effects in terms of dominance.
12. If a wider view of the nearest settled community were to be taken, as set out in the Parish Council’s appeal response, and according to the analysis of the area included therein, there are over twice as many bricks and mortar houses (193) when compared to caravans (90) in the West Ashling area. However, it is unclear how many of the estimated number of caravans are stationed on authorised sites, and moreover, some would appear to be outside the immediate ‘cluster’ related most directly with the appeal site, and rather are dispersed throughout the wider parish. A more recent estimate supplied by the Parish Council and based on an analysis of 2011 Census data and information relating to planning applications and enforcement activity suggests that there are 178 households in West Ashling and its immediate surroundings, with some 58 pitches/plots (with some 17 of these apparently unauthorised) on the wider cluster within which the appeal site sits. Again, this points to more than twice the number houses for the settled community when compared to Traveller provision. In any event, the proposed development would only give rise to a modest increase in pitches, and associated caravans, so that even on the basis

of the numerical analysis supplied by the Parish Council it would not lead to the dominance which Local Plan and national policies seek to avoid.

13. The Parish Council compares the overall area of the cluster within which the appeal site sits to the amount of land within the West Ashling settlement itself. However, the appeal proposal relates to the intensification of an existing authorised site and would not expand either its area or that of the wider cluster. It follows that the appeal proposal would not lead to dominance in these terms.
14. Accordingly, these considerations, taken together lead me to the conclusion on this main issue that the appeal scheme would respect the scale of, and not dominate, the nearest settled community. There would therefore be no conflict with either Policy 36 of the Local Plan or the PPTS insofar as they relate to these considerations.

Other Matters

European Sites

15. The appeal site is within the catchment area of the European Sites referenced above. Natural England's Standing Advice relating to the area sets out that developments which would lead to an increase in overnight stays, such as the appeal scheme, would be likely to lead to significant adverse effects on water quality of the European Sites resulting from increased nutrient loading emanating from wastewater associated with such uses.
16. In addition, Policy 50 of the Local Plan relates to the disturbance of birds in the Chichester and Langstone Harbours SPA/Ramsar arising as a result of development within its 5.6km Zone of Influence. The appeal site is within the "zone of influence" and could give rise to disturbance to birds within the SPA as a result of its future occupants undertaking recreational activities there.
17. Against this background, it is necessary for me to conduct an appropriate assessment on these matters, in line with the requirements of s63 of the Habitats Regulations.
18. The conservation objectives of the relevant European Sites include that their integrity is maintained or restored as appropriate. In terms of the Chichester and Langstone Harbour SPA/Ramsar this includes ensuring that the site contributes to achieving the aims of the Wild Birds Directive, in the light of the site's international importance relating to waterbird assemblage, with breeding and non-breeding populations of species including dark-bellied brent goose, common shelduck, eurasian wigeon, red-breasted merganser, common tern and little tern, amongst others. In terms of the Solent sites, internationally important features are, in summary, and amongst other things, the coastal lagoon, sandbank, mudflat, annual and perennial vegetation of drift lines and stony banks, shifting dunes and salt meadow features. The Solent sites provide habitats for Desmoulin's whorl snail, the sandwich tern, the common tern, the little tern, the roseate tern, the dark-bellied brent goose, the Eurasian teal, the ringed plover, the black-tailed godwit, and the Mediterranean gull.

Nutrients

19. As a result of the additional units proposed, the amount of wastewater emanating from the site would be increased. A nutrient budget produced by the appellant found that the proposed development would not secure nutrient neutrality. Consequently, the appeal scheme would have the potential to lead to additional nutrient loading to the catchments of the European Sites, which alone or in combination with other plans and projects would contribute to the rapid growth of certain plants through the process of eutrophication, reducing the overall biodiversity of the European Sites, and thus degrading the habitats linked to the catchment and their potential to maintain species and features of international importance. For these reasons, the proposed development would therefore lead to significant adverse impacts to the integrity of the European Sites.
20. The parties have put forward an offsite package (the Droke Lane Scheme), which, it is anticipated, would provide adequate mitigation for the proposed development's adverse effects in these regards. In short, the Droke Lane Scheme takes some 4.78ha of land out of active agricultural use in favour of creation of a 'mosaic' landscape including wildflower meadow, hedgerow planting, scrub with native trees, and tussocky meadow to reduce nutrients arising from the land as a result of farming activities. 'Credits' are available to be purchased by developers to bring about planting on the Droke Lane Scheme, and thus achieve nutrient neutrality for sites. The scheme is bound by an overarching legal agreement pursuant to s106 of the Town and Country Planning Act 1990, to which the Council, the South Downs National Park Authority and the landowner are signatories – which attests to the security and enforceability of its terms. That Natural England considers² the Droke Lane Scheme to be capable of the successful delivery of "offsite nutrient mitigation as a strategic solution", is a matter to which I accord significant weight, in the light of Court judgements³ relating to such advice.
21. The appeal scheme would result in a limited overall increase of residential accommodation in the area, and the amount of land needed to mitigate this at the Droke Lane Scheme would be a relatively modest 0.446ha. Material supplied by the parties confirms that sufficient credits are available relating to the Droke Lane Scheme and the appellant intends to secure these to mitigate the nutrient output of the proposed development. The Council considers that a condition could be attached to any permission to ensure that these credits are purchased prior to occupation of the proposed pitches, and I concur, based on the information received, that this would be an enforceable and reasonable use of conditions in this case, which would effectively secure mitigation of the proposed development's nutrient impacts. These considerations, taken together, give sufficient certainty that the mitigation would be secured prior to occupation of the proposed pitches. I consider that the presence of a legally enforceable and specific mitigation scheme in this case makes it materially different to the appeal decisions⁴ referred to me by the Parish Council, wherein such measures were found to be unavailable.

² As expressed in its response to the Planning Inspectorate on this matter in an e-mail dated 17 May 2023

³ Including *R(Wyatt) v Fareham Borough Council & Natural England* [2022] EWCA Civ 983

⁴ Appeal references: APP/L3815/C/20/3264513, APP/L3815/W/20/3266164, APP/L3815/C/21/3284975; APP/L3815/W/21/3268916; APP/L3815/C/21/3286063, APP/L3815/C/21/3286064, APP/L3815/C/21/3286065; APP/L3815/W/21/3267885, APP/L3815/C/21/3273750

Recreational Pressure

22. The additional pitches at the appeal site would, in combination with other plans and projects be likely to have a significant adverse effect on the Chichester and Langstone Harbours site as a result of recreational disturbance. A duly executed planning obligation has been submitted with the appeal which secures contribution to a package of mitigation measures including the provision of rangers, education and visitor information, to assist in the protection of bird species present at the European Site from recreational disturbance. This planning obligation offers a legally enforceable mechanism to secure these measures, which provides sufficient certainty that the adverse effects arising from the proposed development in terms of recreational disturbance would be acceptably mitigated.

Appropriate Assessment

23. For the reasons set out above, the proposed pitches would be likely to give rise to significant adverse effects to the integrity of European Sites in terms of recreational and nutrient impacts. However, the combination of the submitted planning obligation, which secures appropriate mitigation for its recreational impacts, and the take up of mitigation credits at the Droke Lane Scheme, as secured by a condition, would ensure that the appeal scheme would not adversely affect the integrity of the relevant European sites. Consequently, I consider that the appeal scheme would be acceptable in these terms and accord with Policy 50 of the Local Plan, and the National Planning Policy Framework (the Framework), insofar as, and amongst other things, they expect development within the Zone of Influence of the Chichester and Langstone Harbours SPA/Ramsar to secure appropriate mitigation measures in respect of recreational disturbance, and that sites of biodiversity value should be protected.

Location

24. The appeal site is outside of a settlement boundary and there are only limited services (including a primary school) in the nearest settlement. Moreover, routes to the settlement are lacking in footways and street-lighting. It is highly probable, therefore, that occupants of the proposed pitches would use private vehicles to access services. Nevertheless, and taking into account the conclusions of my fellow Inspector in their decision on an appeal⁵ relating to a neighbouring site, it is far from unusual for such uses to be located in rural areas, wherein reliance on the use of private cars is commonplace. Furthermore, the distances to services from the appeal site are not excessive. It is also relevant that the Framework (at paragraph 105) is clear that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Taking these considerations together leads me to the view that the appeal scheme would be in an appropriate location for the purposes of Policy 36 of the Local Plan insofar as it relates to the provision of Gypsy and Traveller accommodation.

General need for Traveller accommodation

25. I have been supplied with the Chichester District Council Gypsy and Traveller Accommodation Assessment (December 2022) (the GTAA), which establishes a

⁵ Appeal reference: APP/L3815/W/21/3268916

need for 121 pitches for Gypsies and Travellers that meet the definition of the term given in the PPTS to the period 2039, with up to a further 9 pitches needed for “undetermined” households, and 28 pitches for those who do not meet the PPTS definition. 82 pitches for those meeting the planning definition are required over the period 2022 to 2026. The Council has indicated⁶ that it cannot currently demonstrate a five year supply against this requirement, and that it is unaware of alternative pitches in the District to meet this need. I consider that this attests to considerable unmet need in the District that the proposed development would go some way to addressing. This is particularly relevant as the Council is currently reliant on windfall developments, considered against the criteria of Policy 36, rather than allocations. The proposed development’s contribution towards meeting these identified needs accordingly attracts considerable weight in its favour. Moreover, in the light of these considerations, the presence of vacant pitches in the area, which the Parish Council refers to, does not undermine the GTAA’s clear findings in these regards, or indicate that the proposed development is not required to meet such needs.

26. Taking these considerations together with the description of development set out above, and the potential to attach conditions restricting the occupancy of the proposed pitches to Gypsy and Traveller households, means that the appeal scheme would clearly relate to addressing these specific needs. The attachment of a suitably-worded condition would be enforceable should non-Gypsy and Traveller households reside at the appeal site. Accordingly, I consider that this matter would effectively address the Parish Council’s concerns relating to the potential for ‘speculative applications’ to give rise to sites occupied by non-Gypsy and Traveller households. Although the Parish Council considers that provision for Gypsy and Traveller accommodation should also be made in other locations outside of the Parish this is a matter of more direct relevance to the preparation and examination of the development plan.

PPTS considerations

27. The appeal scheme would intensify the use of an authorised site, and in these terms would contribute to the effective use of brownfield land. Existing and proposed planting around the perimeter and on the appeal site, taken together with the proposed provision of amenity space relating to each pitch and plot, would mean that the site would incorporate adequate soft landscaping, which would promote opportunities for healthy lifestyles, and would avoid the site being enclosed with high walls and fences. There would therefore be no conflict with the PPTS (at paragraph 26) in these terms insofar as matters relevant to the consideration of applications (and by corollary appeals) are concerned. Moreover, conditions have been suggested by the Council relating to the approved layout of the site, and to secure its landscaping and ecological enhancements. Subject to such conditions, I consider that the proposed development would minimise impacts on and provide net gains for biodiversity in accordance with the Framework’s expectations (per paragraph 174).

Highway Safety

28. The proposed additional plots would be for residential rather than commercial uses. The local highway authority has not objected to the proposed development, finding that the existing access to West Ashling Road affords

⁶ In the submitted Statement of Common Ground

“good forward visibility” and that only a “small increase in trips” would be generated by the appeal scheme. Moreover, conditions could be attached relating to individual access arrangements, to the layout ensuring adequate turning facilities so that vehicles associated with the proposed development could conveniently exit the appeal site in forward gear, and in association with refuse storage and collection arrangements. For these reasons, I consider that the proposed development would ensure that a safe and suitable access could be achieved to the site, and that severe impacts to the transport network as a result of capacity, congestion or highway safety would be avoided. For these reasons, the proposed development would accord with the Framework (at paragraphs 110 to 111), and Policy 49 of the Local Plan in these terms.

Infrastructure

29. Concerns have been expressed that incremental smaller developments in an area do not trigger community infrastructure levy or other contributions, and the effects that this may have on local services. Be that as it may, the proposed development that is subject to this appeal would lead to only a limited increase of households residing in the area, and is, of itself, unlikely to give rise to undue pressure on local infrastructure.
30. There are no outstanding objections from statutory consultees with reference to the proposed foul and surface water drainage arrangements for the site. Moreover, the attachment of appropriately worded conditions relating to the installation and maintenance of drainage measures would mean that the proposed development would make acceptable arrangements in these terms. Subject to such conditions, the appeal scheme would ensure that flood risk would not be increased.

Miscellaneous matters

31. References to anti-social behaviour and activities such as burning materials have been made. However, these matters are largely subject to legislative provisions outside of the Planning Acts, and moreover, their alleged incidences are not conclusively linked to the existing or proposed uses at the appeal site. Conditions could also be attached, which would restrict the burning of materials on the site. Although the Human Rights Act 1998 has been referenced by interested parties, I have been pointed to no specific convention rights which would be interfered with as a result of the appeal scheme. These matters do not therefore weigh against the proposed development.

Conditions

32. The Framework establishes (at paragraph 56) that conditions should only be attached where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I will consider the conditions suggested by the Council with these matters in mind, and where necessary, I will make alterations to their wording in the interests of clarity and precision. In addition to the conditions suggested by the Council, I will also consider whether conditions relating to the planning permission⁷ which established the use of the site for travelling showpeople accommodation need also to be attached, as a new permission relating to the whole site would be established. A copy of that permission, and related

⁷ FU/11/05305/FUL

conditions, was supplied by the appellant as part of their original appeal statement. As some elements of the appeal scheme have already occurred, including the permitted change of use of the land for travelling showpeople's accommodation, and the unauthorised installation of hardstanding, I have amended the wording of suggested conditions which would have required compliance with them prior to development to ensure that the relevant triggers would be enforceable.

33. In the interests of certainty, I have attached a condition which specifies the approved plans [2].
34. To ensure that occupancy of the site accords with the description of development given above, and that it would contribute to meeting identified needs and thus benefit from the locational criteria set out in the Local Plan in respect of such uses, conditions are attached [3 and 4], which would ensure that the relevant pitches or plots are only to be occupied by gypsies and travellers or travelling showpeople respectively. The conditions reflect a recent Court judgement relating to the planning definition of the term 'traveller' in order to avoid the potential for unlawful discrimination relating to members of households on the grounds of age or health related reasons.
35. Conditions are attached [5 and 6] which require the submission, approval and implementation of details relating to surface water drainage, and the provision of foul drainage in accordance with the approved plans. I have made minor modifications to the wording of the conditions as submitted by the Council in the interests of enforceability and to ensure that the condition would be reasonable. Some of the suggested conditions relating to drainage are amalgamated to ensure that conditions are 'kept to a minimum' in line with the Framework's expectations in these regards (per paragraph 56). A condition [7] is attached relating to the management and maintenance of the foul water treatment measures which is required to ensure that this aspect of the proposal is effective over the lifetime of the development.
36. In order to ensure that the proposed development makes sufficient provision for waste management and provides adequate storage facilities (in accordance with paragraph 8 of the National Planning Policy for Waste), a condition [8] is attached which requires details of these measures to be submitted to the Council for its approval, and for the proposed development to implement those measures.
37. A condition [9] is imposed to ensure that the proposed development would minimise impacts on and provide net gains for biodiversity and thus secure consistency with the Framework and the Local Plan. Amendments have been made to the submitted wording insofar as the timing and implementation of the expected actions are concerned in the interests of enforceability, reasonableness and to ensure that they would be consistent with the relevant implementation arrangements relating to the landscaping aspects of the scheme.
38. I have imposed a condition requiring adequate turning facilities to be provided on site in the interests of highway safety [10].
39. In the interests of the character and appearance of the appeal scheme and the residential amenity of its occupants, conditions requiring the submission [11] and implementation [12] of a landscaping scheme are attached. I have made

amendments to the condition suggested by the Council to ensure that it is enforceable and reasonable and so that elements covered by other conditions (including parking and layout) are not repeated.

40. In the interests of residential amenity and to ensure that the proposed development would accord with the description given in the heading above, a condition [13] is imposed which places limitations on the amount of pitches and plots and the number of caravans that can be stationed on the site. I have amended the suggested restriction to reflect the amount of caravans permitted by the extant permission relating to the travelling showpeople element of the site (1 static and 1 touring caravan per plot), which the appeal scheme seeks to relocate. I have amalgamated two suggested conditions to accord with the Framework expectation that they should be kept to a minimum.
41. In the interests of the character and appearance of the site, and to avoid adverse impacts to the residential amenity of its occupants and those of its surroundings a condition [14] is attached which precludes the carrying out of commercial activities on the proposed Gypsy and Traveller pitches, and also places restrictions on the burning of materials across the site as a whole. I have amended the wording of the suggested condition, however, to ensure that the extant travelling showpeople use that would be relocated, which includes an element for the storage and maintenance of equipment, is not precluded. The amended condition carries over the restrictions imposed on the planning permission relating to that extant use on hours of maintenance and servicing operations, and on the height of items that can be stored on the site, which remain necessary in the interests of residential amenity of the occupants of the site and its surroundings.
42. In order for the proposed development to secure nutrient neutrality, for the reasons set out in relation to this matter given above, a condition [15] is imposed which requires a certificate of credit relating to the Droke Lane Scheme to be provided by the appellant prior to the occupation of the proposed pitches. The condition, relates to the element of the site that would give rise to additional nutrient loading to the catchment of European Sites, and specifically captures the terms of the agreed mitigation scheme. It is therefore reasonable and enforceable, and offers sufficient certainty that this measure would be implemented prior to the discharge of the additional wastewater flows that would arise as a result of the proposed development.
43. I have not been supplied with details relating to the number of electric vehicle charging points anticipated or the amount of bicycles that would be expected to be included in covered storage areas. Whilst Policy 39 of the Local Plan states that the level of residential and cycle parking will be assessed on a flexible site-by-site basis, the lack of precision relating to these conditions, taken together with limited explanation as to their necessity mean that it is not justified to impose them in this case.

Conclusion

44. The appeal scheme would accord with the development plan insofar as the policies drawn to my attention are concerned. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan and Location Plan 1814-2.01 Rev A; Ordinary Watercourse Location Plan D1776-002; Proposed Drainage Arrangement D1776-003; Construction Details D1776-004.
- 3) Units 1 to 6 of the site (as identified on the Proposed Drainage Arrangement plan D1776-003) shall not be occupied by any persons other than Gypsies and Travellers defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently.
- 4) Units 7 to 8 of the site (as identified on the Proposed Drainage Arrangement plan D1776-003) shall not be occupied by any persons other than travelling showpeople, defined as members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such), including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently.
- 5) Units 1 to 6 of the site (as identified on the Proposed Drainage Arrangement plan D1776-003) shall not be occupied until full details of the proposed surface water drainage scheme shall have been submitted to, and approved in writing by, the Local Planning Authority.

The scheme design is to follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

Winter groundwater monitoring, to establish the highest annual ground water levels, and percolation testing to BRE 365, or a similar approved method, is required to support the design of any infiltration drainage.

The scheme is to include details relating to the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

The scheme is to ensure that any discharge to a watercourse shall be at a rate no greater than the pre-development run-off values.

The submitted scheme is to include arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

The caravans on units 1 to 6 of the site shall not be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the approved surface water drainage scheme, which is to be maintained thereafter in accordance with the approved scheme.

- 6) Units 1 to 6 of the site (as identified on the Proposed Drainage Arrangement plan D1776-003) shall not be occupied until full foul drainage for the site has been installed in accordance with approved plans nos. D1776-003 and D1776-004.
- 7) Units 1 to 6 (as identified on the Proposed Drainage Arrangement plan D1776-003) shall not be occupied until a maintenance and management plan for the foul water treatment measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the foul water treatment measures shall be maintained and managed in accordance with the approved maintenance and management plan.
- 8) Units 1 to 6 (as identified on the Proposed Drainage Arrangement plan D1776-003) shall not be occupied until details of refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Units 1 to 6 (as identified on the Proposed Drainage Arrangement plan D1776-003) shall not be occupied until the refuse and recycling storage facilities shall have been installed as approved and the approved facilities shall thereafter be maintained and kept available for their approved purposes in perpetuity.
- 9) Units 1 to 6 of the site (as identified on the Proposed Drainage Arrangement plan D1776-003) shall not be occupied until a scheme for ecological enhancements shall have been submitted to and approved in writing by the Local Planning Authority. The ecological enhancements shall include as a minimum the following measures: a) any trees removed should be replaced at a ratio of 2:1 b) filling any gaps in tree lines or hedgerows with native species c) bat and bird boxes installed on the site, and d) provision of gaps at the bottom of any fences to allow movement of small mammals across the site. Thereafter the approved scheme shall be carried out in the first planting and seeding seasons following the occupation of the caravans at Units 1 to 6 of the site (as identified on the Proposed Drainage Arrangement plan D1776-003) or the completion of the development, whichever is the sooner.
- 10) Units 1 to 6 of the site (as identified on the Proposed Drainage Arrangement plan D1776-003) shall not be occupied until the car parking and touring caravan spaces shall have been constructed and laid out in accordance with the approved Site Plan and Location Plan 1814-2.01 Rev A. These spaces shall thereafter be retained at all times for their designated purpose.
- 11) Units 1 to 6 of the site (as identified on the Proposed Drainage Arrangement plan D1776-003) shall not be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include:
indications of all existing trees and hedgerows on the land, identifying those to be retained and setting out measures for their protection throughout the course of development;
details of additional trees and hedges to be planted pursuant to the ecological enhancements required by condition [9];
a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities;

plans showing the proposed finished levels or contours;
details of hard surfacing materials; and
details of the means of enclosure.

- 12) All planting, seeding, turfing, means of enclosure and hard landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the caravans or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 13) There shall be no more than 6 gypsy and traveller pitches and no more than 2 plots for travelling showpeople on the site and on each of the pitches and plots 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.
- 14) No commercial activities shall take place on the land, including the storage of materials, except in the "storage and maintenance area" shown on plan no. 1814/2.10 Revision A and no equipment over 5m in height shall be stored on the site. The burning of materials shall not take place on the land at any time and no commercial activities and/or maintenance of vehicles and equipment, shall take place outside the hours of 0800 to 1800 Monday - Saturday and not at any time on Sundays or on Bank or Public Holidays.
- 15) Units 1 to 6 of the site (as identified on the Proposed Drainage Arrangement plan D1776-003) shall not be occupied until there shall have been submitted to the Local Planning Authority the Notice of Purchase in accordance with the requirements of the legal agreement between Chichester District Council, South Downs National Park Authority and John Holt dated 21.12.2022 in respect of the Credits Linked Land identified in the Nutrient Neutrality Assessment and Mitigation Strategy Report (dated 13.03.2023) submitted with the appeal on 24.03.2023.

*****End of Conditions*****