



Appeal Decision

Site visit made on 30 April 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2025

Appeal Ref: APP/L3815/W/24/3353137

Land East of The Spinney, Lagness Road, Runcton, West Sussex PO20 1LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Doran against the decision of Chichester District Council.
 - The application Ref is 24/00697/FUL.
 - The development proposed is described as change of use of land to a traveller's caravan site for 5No. pitches.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of land to a traveller's caravan site for 5No. pitches, including 4No. dayrooms and hardstandings at Land East of The Spinney, Lagness Road, Runcton, West Sussex PO20 1LD in accordance with the terms of planning application Ref. 24/00697/FUL, dated 11 June 2024, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Though the description of development on the application form did not specify the number of pitches, the description above reflects that on the submitted plans, and the Council's decision notice. The description in the decision paragraph above reflects that this scheme includes the operational development on the plans, which the Council assessed following public consultation.
3. The application form also states the proposal commenced in 2023. At my visit, I observed this appears accurate as the site had been largely cleared, laid with materials and was occupied by one static and three touring caravans. That said, the southern boundary of the site differed, and its layout bore little resemblance, to that on the submitted plans. I have nevertheless considered the proposal as presented on the plans.
4. Accompanying the appeal is an amended layout, building elevations, and a Landscape Design Statement. They include amongst other things, a rotation of the mobile homes, changes in the location of the touring caravan spaces, the replacement of individual day rooms with one communal room, changes to the internal access road alignment, and changes to landscape planting.
5. The Procedural Guide¹ states the appeal process should not be used to evolve a scheme, and it is important that what is considered by an Inspector is essentially the same scheme considered by the LPA and by interested parties at the

¹ Paragraph 16.1 of the Procedural Guide: Planning appeals – England (2025).

application stage. I have had regard to relevant caselaw² in respect of amending schemes. In terms of the substantive considerations, the changes proposed are significant, but do not amount to a substantial change to the application.

6. The appellant undertook a consultation upon the revised scheme by means of a notice published in a newspaper circulating the locality, and I understand the layout is the subject of another application being considered by the Council. The appellant did not however consult by letter and draw recipients' attention to the revised scheme. Those who were contacted about the original application, made representation to the application and in receipt of the appeal notification, may not be aware of the notice, and/or changes proposed. Application representations to the application refer to issues which are affected by the amended scheme.
7. In consequence, were I to determine the appeal upon the amended scheme, I am concerned that it would deprive interested parties who were entitled to be consulted on the amended application of the opportunity to make any representations that, given the changes, they may have wanted to make on the amended scheme. Therefore, I have determined this appeal based on the scheme determined by the Council and which I can be assured that interested parties have had the opportunity to comment.
8. Planning obligations have submitted been to secure contributions to mitigate the effects of the development upon the Chichester and Langstone Harbour Special Protection Area and the Pagham Harbour Special Protection Area. The Council considers this addresses the related reason for refusal in its decision notice.

Main Issues

9. The main issues are the effect of the proposed development upon:
 - the character and appearance of the area including the gap between settlements;
 - protected species and the qualifying features of the Singleton and Cocking Tunnel Special Area of Conservation (the SCTSAC) as a habitats site; and,
 - the Chichester and Langstone Harbour Special Protection Area (the CLHSPA) and the Pagham Harbour Special Protection Area (the PHSPA) as habitats sites.

Reasons

Character and appearance

10. Much of the appeal site is adjacent to the Runcton settlement boundary within the countryside, previously forming part of a largely undeveloped gap, between Runcton and North Mundham. The character and appearance of the area can be characterised as including some linear built development along highways from the roundabout, but outside the settlement, due north and south of the Lagness Road (B2166), it is quite a rural and open landscape with a limited number of buildings, up to the Canal Mead junction.

² Holborn Studios Ltd v The Council of the London Borough of Hackney (2018).

11. The appeal site is the subject of an Enforcement Notice (EN) upheld with variation at appeal³. The EN appeal was not considered on ground a), that planning permission ought to be granted. The appeal was only considered on grounds c) (the matters do not constitute a breach of planning control), f) (the requirements are excessive), and g) (the compliance period is unreasonable). As varied the EN imposes the return the land to an open, verdant and largely undeveloped state. This and the documentation within submitted ecological evidence explaining the past site condition, forms the baseline for considering the effects of this proposal upon the character and appearance of the area and the gap between settlements.
12. Before development commenced, despite past vegetation clearance, much of the appeal site was a largely undeveloped and open piece of land with generally low-level vegetation with limited other vegetation features. As such, it would have been a positive contributor to the character and appearance of the area. Its size and position at the settlement edge, means it also formed a notable proportion of the gap between settlements, particularly on the southern side of the B2166.
13. The appeal development would result in a marked urbanisation between the area of the permitted detached dwelling, the settlement, and The Spinney. This would include made surfacing, new mobile homes, vehicles and touring caravans, day rooms, with associated domestication, paraphernalia, activity and comings and goings. Along the B2166 frontage there would only be small gaps between single storey elements. This would not reflect local character or development patterns, and neither would it enhance the key qualities and features of the rural area.
14. The appeal development would have an inherently harmful effect upon the character and appearance of the area and settlement gap. However, land due north on the opposite side of the B2166 and to the south of the appeal site would remain undeveloped. Land to the west of The Spinney appears to be undeveloped treed land. I see no evidence to imply these are to change. Therefore, there would still be significant gaps between the two settlements and their individual identity would still remain. Overall, I find there would be a moderate level of harm.
15. I note the Inspector's findings in the dismissed appeal for 9No. two-storey dwellings⁴ at this site, including upon coalescence and character and appearance, and that being a significant encroachment into an important visual break between two closely spaced settlements. However, that scheme was for a different type, intensity and scale of development with a greater amount of development and larger taller buildings, to that of this appeal scheme, which is of single storey buildings and caravans, which I have considered on its own merits and impacts.
16. The scope for hedgerow planting, and other measures indicated within the scope of this appeal scheme would mean, in time, what is a prominent site from the B2166 would have a much more limited visibility and sympathetic appearance. However, it could not fully mitigate the harm to the character and appearance of the area and reduction in the perceived and actual separation between two rural settlements. The harm would be visible from a moderate length of the B2166, land to the north and south, and properties due east and west of the appeal site.
17. For the reasons set out above, the appeal development would be harmful to the character and appearance of the area and the gap between Runcton and North

³ Ref. APP/L3815/C/23/3328152.

⁴ Ref. APP/L3815/W/21/3270759.

Mundham. This would conflict with Policies 47 and 48 of the Chichester Local Plan: Key Policies 2014 – 2029 (the LP). Amongst other things these require development respects and enhances distinctive local character, maintains the actual or perceived individual identity of settlements, and that the integrity of open and undeveloped land between settlements is not undermined. It also conflicts with Policies NE2, NE3, NE10, H13, P1, P2 and P5 of the Emerging Local Plan (2021 – 2039) (the ELP) which have similar objectives.

18. The scheme conflicts with paragraphs 135 and 139 of the National Planning Policy Framework (2024) (the Framework) which amongst other things expect schemes are sympathetic to local character, including the surrounding built environment and landscape setting, and in the context of local design policies is not well designed, so should generally be refused. It conflicts with the aim of paragraph 27 of the Planning Policy for Traveller Sites (2024) (the PPTS) which advises authorities should give weight to sites being soft landscaped in such a way as to positively enhance the environment and increase its openness.

The SCTSAC

19. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) require where a plan or project may result in a likely significant effect (LSE) on a designated habitats site, a competent authority is required to make an Appropriate Assessment (AA) of its implications upon the integrity of the habitats site in view of its conservation objectives. Any LSEs need to be considered alone and in combination with other development, adopting the precautionary principle.
20. The appeal site lies within 12km of the SCTSAC, which contains important habitats for hibernating bats with important populations of Barbastelle and Bechstein's bats (its qualifying features). Its conservation objectives are to maintain or restore its integrity, by maintaining or restoring the extent and distribution of the qualifying habitats and those of the qualifying species, the structure and function of the habitats and species, the supporting processes of the qualifying features' habitats, and the population and distribution of the qualifying species within the site.
21. The Council's Habitat Regulations Assessment Screening Matrix identifies certain development within 12km of the SCTSAC as requiring screening for LSEs upon Barbastelle and Bechstein's bats. The distance was identified by Natural England (NE) as a being where development could have a potential impact. Development the Matrix identifies as more likely to require mitigation and proceed to an AA, includes sites with bat records immediately adjacent, those involving severance or removal linear hedgerows, and/or involving significant new lighting.
22. The Preliminary Ecological Appraisals (PEAs) in 2017 and 2020 accompanying permitted applications adjacent to the appeal site for a detached dwelling, surveyed this appeal site for habitats and the potential for protected species. Though now out of date, they have a useful evidential value. There is reference in both PEAs to site clearance taking place under ecological supervision prior to survey. The appellant's current ecologist explains that the site was subsequently cleared following these applications, with all habitats removed.
23. In 2017 the northern hedgerow was identified as having good bird nesting potential and moderate bat foraging and commuting potential. Most trees had moderate bird nesting potential, and negligible to low bat roost and foraging and commuting potential. Some large Ash trees to the west had good potential for breeding birds

and moderate potential for bat roosting, foraging and commuting. The site had low suitability for reptiles, there were no signs of badgers using the site and surrounds, and no further surveys for Great Crested Newts were considered necessary.

24. By the 2020 PEA, most of the appeal site comprised bare ground, ephemeral or short perennial vegetation, with very low ecological potential. It was deemed of negligible value for badgers, reptiles and amphibians. The northern hedgerow offered a low-quality bat commuting corridor. Of two remaining trees, one of low bat roost potential required removal, and a larger Ash of moderate potential, the PEA implied was to remain. It was however absent at my visit, and unclear when it was removed, by who, or whether under ecological supervision.
25. Though habitat change and succession can take place I am not provided with evidence this occurred between the 2020 PEA and the application. The appellant's ecological adviser explains photographs submitted with the 2021 application show the site remained cleared between 2018 – 2021. The following year, the Appellant acquired the site, and it remained cleared, as set out in photographs from March 2024.
26. There is limited substantiation by the Council of site features that led it to determine an extended phase one habitat survey is necessary, and the view that there is a moderate likelihood of protected species being present, and affected by the development. Specifically in respect of bats and the SCTSAC, it appears to me this was only possible for one tree, which it is by no means certain was present, when the application was being considered. From all the evidence before me, aside of nesting birds which could be mitigated, I am not persuaded it could have been said, that it was likely protected species would have been present.
27. I have consulted NE upon this appeal. It's view, having considered the evidence, is that the SCTSAC would not be affected such that there would be LSEs, due to the significant distance to the SCTSAC, and there being no apparent significant impact or severance to flightlines from this proposal. As the appropriate nature conservation body, I give NE's views significant weight. Having been given the opportunity to respond, the Council has not subsequently disputed NE's view.
28. It is apparent that most habitat with moderate potential was removed prior to the more recent PEA. Given the scale and nature of this appeal development, its distance from the SCTSAC, and NE's views, taking all the evidence into account, there has not been and would not be, any LSEs upon the SCTSAC or its qualifying features in view of its conservation objectives as a result of this appeal scheme. Suitably worded conditions could secure additional landscaping and habitat boxes that would provide some enhancements to the site.
29. Therefore, for the reasons set out above, the appeal development would not have an adverse effect upon protected species, or the integrity of the SCTSAC as a designated habitats site in view of its conservation objectives. It is compliant with the Regulations, and Policy 49 of the LP which requires that the biodiversity value of a site is safeguarded, including the stepping stones that connect sites, and demonstrable harm to habitats and species that are protected, is avoided.
30. It would be compliant with paragraph 193 of the Framework insofar as this seeks to ensure significant harm to biodiversity is avoided. Subject to the imposition of suitably worded planning conditions, it would also not conflict with Policies NE5 and NE8 of the ELP which seek to ensure the conservation, protection,

enhancement and restoration of biodiversity, and proposals maximise the opportunity for new planting to contribute to biodiversity net gain.

The CLHSPA and PHSPA

31. The appeal site lies within Zones of Influence (Zols) of the CLHSPA and the PHSPA. They support important populations of breeding, non-breeding and over-wintering birds (its qualifying features). Their conservation objectives are to maintain or restore their integrity by maintaining or restoring the extent, distribution, structure, function and supporting processes of the habitats of the qualifying features, and the population and distribution of the qualifying features within the sites.
32. Recreational activities such as walking, dog walking and water sports by visitors within the sites result in disturbance to the qualifying features, causing LSEs upon them. New housing and occupiers within the Zols are likely to result in increased visits to the sites by residents, resulting in recreational disturbance. Therefore, by introducing new dwellings and occupiers within the Zols, if unmitigated, this appeal scheme alone and in combination with other development would have LSEs.
33. The Council has partnership arrangements respectively for the CLHSPA and the PHSPA, to implement packages of Strategic Access, Management and Monitoring (SAMMs) to mitigate for, and facilitate the delivery of new dwellings and pitches within its area. The SAMMs include wardens, educational activities, green infrastructure improvements and monitoring, funded by a per dwelling/pitch tariff for developments within each Zol, secured against each new development. Where developments are within both Zols the higher contribution of the two will be paid.
34. NE has been consulted and is of the view that subject to a payment being secured against this appeal scheme as advanced by the appellant, the measures would be sufficient to avoid any adverse impacts (LSEs) upon the integrity of the CLHSPA and PHSPA. The latest planning obligation secures a payment commensurate to the latest higher contribution, which I understand has now been fully paid, and the Council no longer objects to the proposal in this regard.
35. Based upon the evidence before me, I see no reason why the sum would not be directed by the Council and partner organisations as required through established partnership arrangements towards the costed SAMMs. Therefore, although payments do not bind the Council, based on the specific evidence before me, the payments are a sufficient mechanism to enable the delivery of proportionate mitigation in accordance with the SAMMs. I am therefore satisfied, following an appropriate assessment, that the mitigation is appropriately secured and would be delivered in a timely manner to mitigate the LSEs from the appeal scheme.
36. Therefore, for the reasons set out above, the appeal development would not have an adverse effect upon the integrity of the CLHSPA and PHSPA as designated habitats sites, in view of their conservation objectives. It complies with the Regulations, and Policies 50 and 51 of the LP which require that development adequately mitigates any LSEs upon designated habitats sites through securing deliverable avoidance/mitigation measures to ensure there are no LSEs. It would also be compliant with Policy NE7 of the ELP which has similar objectives.

Other Matters

37. The appeal site lies outside the settlement boundary in conflict with policies in that regard. However, there is no dispute between the main parties this scheme complies with the criteria of Policy 36 of the LP and is acceptable in principle. It is a wide-ranging policy for assessing gypsy and traveller proposals, including in respect of location. The criteria are similar to a number of requirements in Policies H13 and H14 of the ELP. Of those that differ, I have considered character above and pitch need below, as well as the scope for suitably worded conditions.
38. Some interested party representations do not necessarily share the above view. Considering points raised, I consider the site well placed for walking and cycling to some local facilities, there are bus stops for services to Chichester and Bognor Regis nearby, and the site has good access to the main road network. While the scheme would be likely to result in increased private motor vehicle journeys, it is in an appropriate location for this type of development, and well placed for occupiers to benefit from local facilities. Sustainable transport use could be enhanced by some limited degree by the provision of suitable cycle parking facilities.
39. I note interested party concerns over site access, including its specification, the intensity of use, and vehicular traffic. Having considered the scheme and highway conditions, the Highway Authority (HA) has no safety concerns. It is satisfied there are no apparent visibility issues, and the scheme would not give rise to an unacceptable intensification of vehicular movements. Subject to the imposition of suitably worded conditions there would be provision for parking and turning within the site, allowing vehicles to enter the public highway in a forward gear.
40. The access does not have a footway but serves few properties and vehicle speeds and numbers would be limited. From what I saw and the evidence before me, the access road is of sufficient width and visibility for its intended use. It is unlikely the development would result in damage to roads or property. While noting strongly held views, there is limited substantiating evidence advanced, which based upon what I saw does not lead me to depart from the considered view of the HA, which attracts significant weight.
41. The site is located within flood zone 1. I note comments in respect of a historically infilled canal, drainage and water table matters, the ground covering materials and fines within the surface dressing resulting impermeability of the surface over time. However, based upon the evidence before me, these matters could be considered appropriately and addressed by the imposition of suitably worded planning conditions, to ensure the scheme would be safe, drained satisfactorily, not increase flood risk elsewhere, and be suitable for the future users.
42. Increased activity and associated comings and goings would be likely to be limited and not significantly different greater than settled residential occupation of the site with a similar number of dwellings. Construction effects would be temporary, and I see no reason why they could not be managed to acceptable levels. Distances, angles and land levels are such that privacy could be ensured to acceptable levels. I conclude, therefore, subject to the imposition of suitably worded planning conditions, it would not result in harmful living conditions to the future or neighbouring occupiers, including in respect of matters such as noise, disturbance, density, privacy, light or daylight.

43. Even with detailed landscaping to be agreed, there would be limited amenity areas and play space, which may not be fully compliant with relevant policies. However, the development would not result in harmful living conditions and would be likely to improve the living conditions of future occupiers who have unsatisfactory or no other locations to lawfully reside. Landscaping could be agreed to ensure a balance is struck between ensuring suitable privacy while ensuring the scheme does not appear entirely isolated from the community.
44. Having considered expectations in respect of waste storage and collection, there appears to be capacity for appropriate storage and collection arrangements made, which could be addressed by a planning condition. I am provided with no substantive demonstration that wastewater infrastructure does not have capacity or would be unable to accommodate the development.
45. From what I saw and the evidence before me, including the views of the Council who has familiarity with the area, this scheme would not alone or in combination, dominate the settled community or put undue pressure on local services. Though there are allegations of the site being untidy, unneighbourly and ant-social behaviour, it is not inherent in the use proposed. The untidiness could be on account of the appellant being reluctant to invest in what is currently an unauthorised site. Moreover, any such behaviour is a matter for the relevant authorities to deal with as appropriate.
46. The application was submitted after Biodiversity Net Gain (BNG) became a mandatory requirement. However, as the development had already commenced it is exempt from the deemed condition under Paragraph 13 of Schedule 7A of the Act. However, a scheme of landscaping, and habitat boxes, can be secured by suitably worded planning conditions to meet development plan objectives.
47. While the appeal site is in the countryside, it is next to and not away from an existing settlement and noting the persistent failure to deliver sufficient sites and the magnitude of shortfall in the Council area, it would seem inevitable a number of pitches will need to be delivered outside settlement boundaries. In this context the need outweighs the policy conflict. Given this and my findings above, I consider the scheme is compliant with paragraph 26 of the PPTS.
48. It is put to me that allowing this appeal would set a precedent for future planning breaches. My decision is upon the merits of the submitted application. Specifically, that the development has commenced does not carry weight in favour of allowing this appeal. Planning is concerned with land use in the public interest, so that the protection of purely private interests such as any effects on the value of a neighbouring property, could not be a material consideration⁵.

Planning Balance

49. Paragraph 28 of the PPTS confirms that if an authority cannot demonstrate an up to date 5-year supply of deliverable sites, the provisions in paragraph 11(d) of the Framework apply. The Council does not dispute it cannot demonstrate an up to date 5-year supply. Policies protecting areas or assets of particular importance in footnote 7, do not provide a strong reason for refusing the development. So, permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the policies in the

⁵ Planning Practice Guidance Ref. Paragraph: 008 Reference ID: 21b-008-20140306.

Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

50. The need for pitches is significantly greater than set out in LP Policy 36 and it does not contain specific site allocations. Some Inspectors have found there to have been long waiting lists and a significant unmet demand over the years. A consistent theme highlighted in previous cases is the allegation of a sustained policy failure to provide sufficient gypsy sites to meet district needs. The Council confirms the ELP places a considerable reliance upon windfall sites to make adequate provision. This points towards there not being an adopted or imminent policy solution to resolve current need.
51. I am informed, based upon the latest GTAA⁶, there was a need for around a further 121 pitches for those that met the previous planning definition and 34 for those who do not. Need might now be greater due to the more inclusive definition of Gypsies and Travellers in the revised PPTS. In August 2024 an Inspector found a residual requirement for 74 pitches to be provided by April 2028⁷. The EN appeal Inspector in October 2024 confirmed 71 pitches still need to be provided⁸. A shortfall around this amount constitutes a very significant shortfall.
52. A letter from the Council's Gypsy Liaison officer is said to demonstrate no alternative public sites and a considerable waiting list. At the EN appeal, the Council did not dispute there were no available alternative sites, for the appellant or other travellers living at the site, to move onto⁹. Significant parts of the area are National Landscapes, the National Park and at risk of flooding. Typically, land values, and policies in respect of character and appearance may make it difficult to obtain permission within settlements. In-light of persistent issues with site delivery, and the current large shortfall needed to be delivered in the short-term, 5-pitches attracts very significant weight in favour of the scheme.
53. While noting the personal circumstances advanced, the evidence is that there is not currently a five-year supply of deliverable sites and there are no alternative sites. It would not be necessary to restrict pitches to the appellant, as it is a site which could also be available for other individuals who are of a nomadic habit of life, including such persons who on grounds only of their own or their families or dependants educational or health needs or old age, have ceased to travel. The benefits of providing the certainty of a settled base to such persons, add further weight in favour of the appeal scheme as do the equality implications.
54. There would also be some limited temporary economic benefits during construction and some on-going spend and support to rural services and facilities in the local area once complete and occupied. These attract limited weight in favour of the appeal scheme.
55. The appeal scheme has resulted in unintentional unauthorised development. While it was carried out intentionally, the appellant has paid a planning fee and invested in professional planning, landscape and ecological advice in seeking the grant of planning permission, making commitments to significantly improve the site from its current condition. These can be secured by planning conditions. The

⁶ The Gypsy and Traveller Accommodation Assessment (2022).

⁷ Ref. APP/L3815/C/23/3333619.

⁸ Ref. APP/L3815/C/23/3328152 referencing APP/L3815/C/23/3333619.

⁹ Paragraph 22 of decision letter for Ref. APP/L3815/C/23/3328152.

evidence also very strongly points towards that the appellant and his family had no alternative options in the area, noting the magnitude of the persistent pitch shortfall in the area and their endeavours to find suitable authorised sites. I attribute the intentional unauthorised development limited weight against the appeal scheme.

56. The Inspector for the 9-dwelling scheme dismissed that appeal despite the tilted balance being engaged, with a 4.3-year housing land supply. However, it was for a different type, intensity, scale and amount of development, and considerations for bricks and mortar dwellings differ to the local pitch shortfall in this development, so that decision does not lead me to alter my overall conclusion.
57. The harm to the character and appearance of the area including the gap between settlements means the appeal development is not compliant with the development plan read as a whole, or the Framework read as a whole. The policy conflicts and harms are such that they attract significant weight against the appeal scheme. However, the matters and benefits in favour of this scheme, overall, attract very significant weight in its favour and are of such magnitude that they outweigh the harmful effects. Therefore, the adverse effects of the appeal scheme are outweighed by its benefits, so, planning permission should be granted.

Conditions

58. I have considered the suggested conditions in the context of the advice in the Framework and Planning Practice Guidance, and that the development has commenced. In the interests of certainty, a condition is necessary to specify the development shall be carried out in accordance with the submitted plans (1). To meet the needs of the gypsy and traveller community a condition is necessary to ensure its occupation only by such persons (2). In the interests of certainty and the character and appearance of the area it is necessary to restrict the number of caravans in accordance with the submitted application (3).
59. To ensure the development is satisfactorily drained and does not lead to flooding elsewhere it is necessary to impose conditions for the submission of a scheme for surface water drainage (4). In the interests of the living conditions of future and neighbouring occupiers a condition for a scheme of refuse and recycling storage and collection is necessary (5). In the interests of providing options for low emission vehicles, sustainable design features, and reducing carbon emissions conditions are necessary for the provision of EV charging points, cycle parking and sustainability measures (6 and 7). I have amended the Council's renewable energy condition to require a timetable for implementation and the retention of renewable energy measures, to ensure benefits are realised.
60. In the interests of the character and appearance of the area, the living conditions of all occupiers, and suitable parking arrangements, conditions are necessary to secure boundary treatments, and the implementation of submitted vehicle parking arrangements (8 and 10). I have made amendments to require timetables for implementation and retention in accordance with the approved details.
61. In the interests of the character and appearance of the area, securing benefits to biodiversity, surfacing replacement works and levels, and ensuring landscaping allows satisfactory circulation arrangements a scheme for hard and soft landscaping provision is necessary (10). In the interests of improving biodiversity, a habitat boxes condition is necessary (11). In the interests of managing fire risk

management and ensuring fire-fighting water is within an adequate distance, a condition requiring the provision of a fire hydrant is necessary (12).

62. To prevent risks of pollution to human health and the environment a condition to cater for the event of finding contamination is necessary (13). In the interests of the character and appearance of the area, the living conditions of neighbouring occupiers, and biodiversity, a condition to withdraw permitted development rights and control external illumination is necessary (15). Given the sensitive location of the appeal site it is necessary to withdraw permitted development rights for means of enclosure (16).
63. In the interests of highway safety and the living conditions of neighbouring occupiers a condition to require a Construction and Environment Management Plan is necessary (14). In the interests of the living conditions of neighbouring occupiers and the character and appearance of the area conditions are necessary in respect of restricting the number or size of commercial vehicles (17), preventing commercial activities and the storage of materials on site (18) are necessary.

Conclusion

64. The development conflicts with the development plan read as a whole, the Framework taken as a whole and the PPTS taken as a whole. However, there are material considerations that indicate the application should be determined other than in accordance with the development plan, the Framework and PPTS. Therefore, for the reasons given, the appeal is allowed.

Mr D Szymanski

INSPECTOR

----- Schedule of conditions -----

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2304SP_R0_000.1 Rev. 001; 2304SP_R0_001.1 REV 001; 2304SP_R0_101 REV 000; 2304SP_R0_100 REV 000; 2304SP_R0_003 REV 001; 2304SP_R0_002.2 Rev 002.
- 2) The site shall be occupied only by persons meeting the definition of gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites, December 2024.
- 3) No more than 10 caravans shall be stationed on the site at any time, of which no more than 5 shall be a static caravan. All such caravans stationed on the site shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968.
- 4) Within 12 months of the date of this decision a surface water drainage scheme shall have been submitted to, approved in writing by the Local Planning Authority. The design shall 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 winter percolation testing, to BRE 365 or a similar approved method, is required to support the design of any infiltration drainage. The scheme shall include a timescale for implementation and completion of the works. Upon completion, the system shall be retained and maintained. Within 28 days of the date of a failure to meet the requirements of this condition, the use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of such use shall be removed and the land restored to a condition in accordance with a scheme approved by the Local Planning Authority, until such time as this condition is complied with. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, or an appeal has been made to and accepted as validly made by the Secretary of State against the Local Planning Authority refusing to approve the scheme or failing to give a decision within the prescribed period, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.
- 5) Notwithstanding the approved plans, within 9 months of the date of this decision a scheme for the provision of refuse and recycling storage facilities, a management strategy for collection, and a timetable for its implementation, shall have been submitted to and approved by the Local Planning Authority. Thereafter the storage facilities and collection management shall be maintained in accordance with the approved scheme. Within 28 days of the date of a failure to meet the requirements of this condition, the use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of such use shall be removed and the land restored to a condition in accordance with a scheme approved by the Local Planning Authority, until such time as this condition is complied with. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, or an appeal has

been made to and accepted as validly made by the Secretary of State against the Local Planning Authority refusing to approve the scheme or failing to give a decision within the prescribed period, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.

- 6) Notwithstanding the approved plans, within 9 months of the date of this decision a strategy outlining details of how sustainability measures and renewable technologies will be incorporated into the development and a timetable for their implementation shall have been submitted to and approved by the Local Planning Authority. The strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved and retained thereafter unless any variation is agreed in writing by the Local Planning Authority. Within 28 days of the date of a failure to meet the requirements of this condition, the use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of such use shall be removed and the land restored to a condition in accordance with a scheme approved by the Local Planning Authority, until such time as this condition is complied with. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, or an appeal has been made to and accepted as validly made by the Secretary of State against the Local Planning Authority refusing to approve the scheme or failing to give a decision within the prescribed period, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.
- 7) Notwithstanding the approved plans, within 9 months of the date of this decision, a scheme for the provision of Electric Vehicle (EV) charging points and covered secure cycle parking spaces, and a timetable for its implementation, shall have been submitted to and approved by the Local Planning Authority. Thereafter the EV charging points and covered cycle parking shall be retained for that purpose. Within 28 days of the date of a failure to meet the requirements of this condition, the use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of such use shall be removed and the land restored to a condition in accordance with a scheme approved by the Local Planning Authority, until such time as this condition is complied with. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, or an appeal has been made to and accepted as validly made by the Secretary of State against the Local Planning Authority refusing to approve the scheme or failing to give a decision within the prescribed period, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.
- 8) Within 9 months of the date of this decision, the vehicle parking and turning spaces shall be provided in accordance with the submitted approved plan/drawing Ref. 2304SP_R0_001.1 REV 001. The spaces shall thereafter, be retained for their designated use at all times. Within 28 days of the date of a failure to meet the requirements of this condition, the use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of such use shall be removed and the land restored to a condition

in accordance with a scheme approved by the Local Planning Authority, until such time as this condition is complied with. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, or an appeal has been made to and accepted as validly made by the Secretary of State against the Local Planning Authority refusing to approve the scheme or failing to give a decision within the prescribed period, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.

- 9) Notwithstanding the approved plans, within 9 months of the date of this decision, a detailed scheme for the provision of hard and soft landscaping works, and timetable for their implementation shall have been submitted to and approved by the Local Planning Authority. The scheme shall include the details of the replacement of the existing site surfaces with surfacing materials, surface cross sections, levels, a planting plan, a schedule of plants with species, plant sizes and numbers/densities, details of infrastructure, a timetable for scheme implementation, and provision for retention, planting replacements, and ongoing maintenance. The scheme shall be implemented and maintained thereafter in accordance with the approved details. Within 28 days of the date of a failure to meet the requirements of this condition, the use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of such use shall be removed and the land restored to a condition in accordance with a scheme approved by the Local Planning Authority, until such time as this condition is complied with. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, or an appeal has been made to and accepted as validly made by the Secretary of State against the Local Planning Authority refusing to approve the scheme or failing to give a decision within the prescribed period, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.
- 10) Notwithstanding the approved plans, within 9 months of the date of this decision, a scheme for the provision of boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include scaled plans showing the location of the boundary treatments, elevations, details of the materials and finishes, and a timetable for their implementation. The boundary treatments shall be erected as approved and maintained thereafter. Within 28 days of the date of a failure to meet the requirements of this condition, the use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of such use shall be removed and the land restored to a condition in accordance with a scheme approved by the Local Planning Authority, until such time as this condition is complied with. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, or an appeal has been made to and accepted as validly made by the Secretary of State against the Local Planning Authority refusing to approve the scheme or failing to give a decision within the prescribed period, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.
- 11) Notwithstanding the approved plans, within 9 months of the date of this decision a scheme shall have been submitted to and approved in writing, including a timetable

for implementation, for the installation of bat boxes and bird boxes on the building/trees facing south/south westerly positioned 3-5m above ground and the provision of hedgehog nesting boxes within the site. Thereafter, the approved habitat boxes shall be retained and maintained. Within 28 days of the date of a failure to meet the requirements of this condition, the use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of such use shall be removed and the land restored to a condition in accordance with a scheme approved by the Local Planning Authority, until such time as this condition is complied with. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, or an appeal has been made to and accepted as validly made by the Secretary of State against the Local Planning Authority refusing to approve the scheme or failing to give a decision within the prescribed period, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.

- 12) Within 9 months of the date of this decision, details showing the location of one fire hydrant shall be submitted to and approved in writing by the Local Planning Authority. The fire hydrant shall be provided within 6 months of its approval in writing by the Local Planning Authority and be maintained thereafter as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network. The fire hydrant shall be connected to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting shall be installed in the in accordance with the approved details. Within 28 days of the date of a failure to meet the requirements of this condition, the use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of such use shall be removed and the land restored to a condition in accordance with a scheme approved by the Local Planning Authority, until such time as this condition is complied with. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, or an appeal has been made to and accepted as validly made by the Secretary of State against the Local Planning Authority refusing to approve the scheme or failing to give a decision within the prescribed period, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.

- 13) In the event that contamination is found when carrying out work as part of the development hereby permitted, the works shall immediately cease, and the contamination shall be reported in writing immediately to the Local Planning Authority. Development work shall not be re-commenced until:
 - a) an investigation and risk assessment has been undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, and this has been submitted to and approved in writing by the Local Planning Authority;
 - b) where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority

- c) following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.
- 14) No further development shall take place at the site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- a) construction working hours;
 - b) the anticipated number, frequency and types of vehicles used during construction;
 - c) the provision made for the parking of vehicles by contractors, site operatives and visitors;
 - d) the loading, unloading and storage of plant, materials and waste;
 - e) measures for mitigating the effects of construction on the public highway;
 - f) appropriate storage of fuel and chemicals in bunded tanks or suitably paved areas;
 - g) the location of any site huts/cabins/offices;
 - h) details of how noise, lighting, dust (and other airborne pollutants), vibration, smoke, and odour from construction work will be controlled and mitigated;
 - i) a system for the management of complaints with an appropriate reporting system.

The construction of the development shall be implemented and completed in strict accordance with the approved CEMP unless otherwise previously agreed in writing with the Local Planning Authority. Within 28 days of the date of a failure to meet the requirements of this condition, the use hereby permitted shall cease and all caravans, structures, equipment, hardstanding and materials brought onto the land for the purposes of such use shall be removed and the land restored to a condition in accordance with a scheme approved by the Local Planning Authority, until such time as this condition is complied with. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, or an appeal has been made to and accepted as validly made by the Secretary of State against the Local Planning Authority refusing to approve the scheme or failing to give a decision within the prescribed period, the operation of the time limits specified in this condition will be suspended until that legal challenge or appeal has been finally determined.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme.
- 16) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no walls, fences or other means of

enclosure (including bunding) other than those shown on the approved plans shall be erected within or on the boundary of the site unless details of their height, materials and location shall have first been submitted to and approved in writing by the Local Planning Authority via a subsequent planning application.

- 17) No commercial activities shall take place on the site at any time, including the storage of materials, and no burning of any item or waste materials of any kind may take place at the site.
- 18) No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.

End of Schedule.