

MID SUSSEX DISTRICT COUNCIL

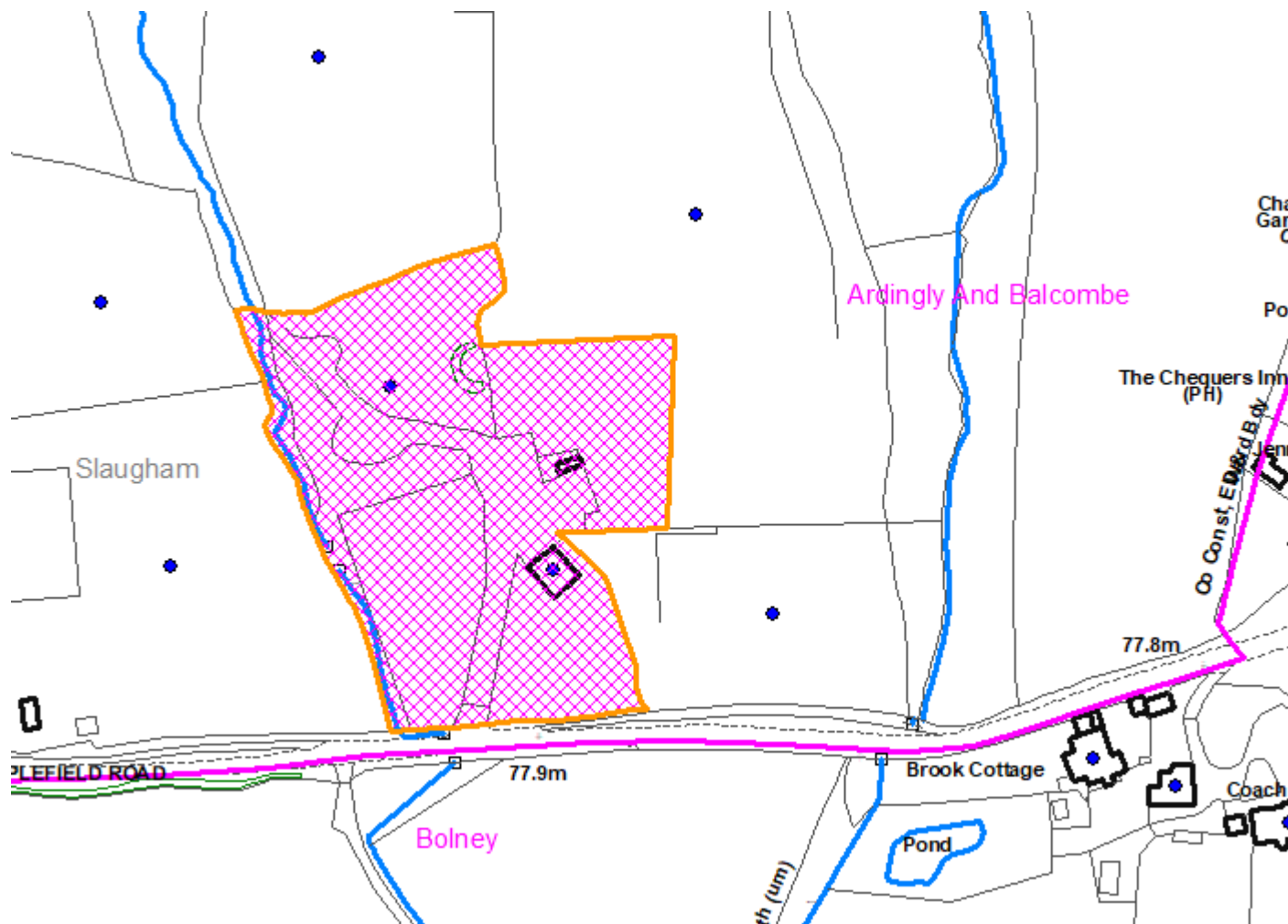
Planning Committee

**13 OCT 2022**

RECOMMENDED FOR REFUSAL

Slaugham

DM/22/2015



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**LAND NORTH OF STAPLEFIELD ROAD SLAUGHAM HAYWARDS HEATH  
WEST SUSSEX RH17 6AG**

**PROPOSED CHANGE OF USE OF LAND TO A TRANSIT SITE FOR  
GYPSY/TRAVELLER'S COMPRISING THE FORMATION OF 6 TOURING  
CARAVAN PITCHES FOR NOMADIC USE ONLY, AND THE ERECTION OF**

**6 UTILITY BUILDINGS, AS WELL AS THE FORMATION OF A CHILDREN'S PLAY AREA.  
MR LEN NUGENT**

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) /

ODPM CODE: Minor Gypsy

8 WEEK DATE: 13th October 2022

WARD MEMBERS: Cllr Gary Marsh / Cllr Jenny Edwards /

CASE OFFICER: Lesley Westphal

**PURPOSE OF REPORT**

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

**EXECUTIVE SUMMARY**

The site forms part of the former Slaugham Garden Nursery which has been vacant for a number of years. The site is located to the west of the historic village of Slaugham and to the north of the adjacent Staplefield Road. The site lies within the High Weald Area of Outstanding Natural Beauty (AONB).

Permission is sought for the change of use of the former nursery site to use for a Transit Site for Gypsy/Traveller's comprising the formation of 6 Touring Caravan Pitches for nomadic use only, and the erection of 6 utility buildings, as well as the formation of a children's play area.

It is considered that the scheme would be contrary to established policy regarding the need for and location of transit sites as well as causing harm to the character of the surrounding countryside. It is also considered that the proposal would fail to conserve the natural beauty of the AONB. Insufficient evidence has been provided regarding the impacts upon ecology and the means of dealing with proposed drainage, although it is acknowledged that the drainage issue could be dealt with by means of pre-commencement condition. Potentially these matters could be resolved with the submission of further details.

It is not considered that the scheme would adversely affect the character or setting of the nearest conservation area, the public highway nor the amenities of any residents in the vicinity of the site.

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations

indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations DPD and the Slaugham Neighbourhood Plan.

It is considered that the scheme would be contrary to the provisions of policies DP6, DP12, DP16, DP26, DP33 and DP38 of the Mid Sussex District Plan and Policies 1 and 3 of the Slaugham Neighbourhood Plan and should be refused.

### **RECOMMENDATION**

It is recommended that permission be refused for the reasons set out in Appendix A.

### **SUMMARY OF REPRESENTATIONS**

2 letters of support, including from the Friends, Families and Travellers Organisation (a Registered Charity), raising the following issues:

- Living nomadically is part of Gypsy and Traveller cultural heritage and many settled Travellers continue to maintain this tradition for at least part of the year
- There are approximately 3,000 caravans live in by families with no place to stop in England and for which there are currently only 42 available transit pitches across England. This is likely to be intensified by the recent Police, Crime, sentencing and Court Act (June 2022) which criminalises unauthorised stopping.
- The Traveller community needs more temporary facilities to avoid illegal occupations and associated costs: the site in Chichester is approximately 44km away which, if someone is travelling for economic purposes is quite a substantial distance, especially given the current cost of living crisis
- This national shortfall is reflected locally in Mid Sussex illustrated by the number of illegal encampments 28 over the last 12 months, the number of applicants on the County Council Waiting list (47) and for the Mid Sussex sites (25,23 and 21 for the Councils 3 sites).
- Transit sites allow respite for the travelling community to gain access to essential health, welfare and maternity services, for example, whilst still pursuing a nomadic way of life.
- The government has removed the duty of local authorities to participate in a nation wide strategic overview of needs and issues of Gypsies, leading to a lack of joined up thinking between regions, leading to shortfalls in provision.

Over 60 letters of objection including from the CPRE, and Warninglid Residents Association raising the following issues:

- The Council has only recently updated its detailed assessment of the needs of Gypsies and Travellers (GTAA) and concluded that there is no demand locally for transit sites that needs to be met within the district. Section 1.23 referring to 'historic low numbers of short term unauthorised encampments'.

- Policy DP33 provides that planning consent should only be considered where a "clearly defined need" has been assessed within the GTAA. The applicant assertion that there is a large unmet need across West Sussex is not supported by any evidence.
- The scheme would be contrary to the following policies:
- DP12: It offers no prospect of maintaining or enhancing the quality or the local rural or landscape character of the locality being intrusive visually and potential noise polluting. Its use is unrelated to agriculture and not supported by DP33. The site is not screened by existing vegetation with many trees being deciduous where they do exist and in any event the purpose of landscaping is not to hide otherwise unacceptable development but to permit the successful integration of development into its surroundings.
- DP16: the site is within a sensitive landscape (High Weald AONB), all the more so since Slaugham village has a medieval history that is intimately linked to the High Weald landscape -this being one of the best preserved landscapes in the North West Europe. Furthermore the site abuts an ancient woodland and a Local Wildlife Site and is hence of intrinsic landscape value. The application does not mention its possible impacts upon the High Weald AONB for its special visual qualities and essential characteristics - nor the High Weald Management Plan, despite this being a material consideration.
- Small scale housing has been rejected on this site previously due to incompatibility with Policy DP16
- Policy DP37 : The adjacent Homestead Wood would be a heritage asset for NPPF purpose and a 15m corridor should be maintained. There is potential for damage to the ecology if visitors and their children visit/use the woodland
- Policy DP35: Harm to the Slaugham Village Conservation Area. It may be relevant that the medieval beginnings of the village are closely linked to the historic significance of the High Weald Landscape. No enhancements or other contributions are offered that would benefit the Conservation Area.
- DP38: Harm to local ecology: the application submission recognises that further study work needs to be carried out - which hasn't been done. Furthermore the site is currently home to a number of species. Works were carried out earlier this year to remove trees and shrubs during the nesting season thus causing harm to wildlife previously on the site.
- Harm to the Site of Nature Conservation Interest at Homestead Wood
- Lack of detail on the childrens play area.
- Potential Site contamination hazard
- Lack of economic or social benefits
- No information to clarify how it would be ensured that only those meeting the planning definition of Gypsies could stay on the site
- In an unsustainable location there being no educational or health facilities reasonably accessible to the site nor public transport easily available
- Slaugham is a category 4 settlement and one of the few settlements which has been allocated a settlement requirement of no new homes before 2031.
- Poor access to public transport: there is no commercial bus route serving Slaugham - only the Handcross district Community bus, a volunteer service operating 4 routes, each running once a week in either direction.
- Increased noise and disturbance resulting from the constant changeover of residents on the site which would be incompatible with the quiet rural

character of the area. This would be exacerbated by reliance upon the private motor car for private journeys whilst residents are on the site.

- No details regarding waste disposal
- Potential inconvenience and highway safety concerns resulting from the caravans having to negotiate small rural lanes to access the site
- Some of the trees and hedgerow shown on the plan as screening the scheme were removed earlier this year
- Adverse impact upon the streetscene - the scheme being unrelated in use, location, typology and architectural character with its surroundings.
- Potential contamination on the site due to waste being previously dumped on the site
- Potential security threat to local residents homes
- As a result of the submission of a number of unsuitable previous applications for this site concern is expressed that this may be a way of ultimately securing permission for a residential scheme.

## **SUMMARY OF CONSULTEES**

### **WSCC Highways:**

No Objection.

### **WSCC Flood risk**

No comment

### **WSCC Gypsy and Traveller Team:**

WSCC would support additional capacity to support gypsies and Travellers moving through the county having appropriate stopping places.

### **MSDC Drainage:**

More information required to establish that drainage can, in principle, be provided.

### **MSDC Planning Policy:**

It is not considered that the application proposal satisfies a "clearly identified need" required by Policy DP33.

### **MSDC Ecology:**

Recommend further information is required prior to reaching a decision in order that the Council can establish the extent to which protected species may be affected and in order to ensure compliance with its statutory duties, including its biodiversity duty under S40 NERC Act 2006.

### **MSDC Environmental Protection:**

No objection, subject to condition.

## **MSDC Environmental Health (Contamination):**

No objection, subject to conditions

## **SLAUGHAM PARISH COUNCIL OBSERVATIONS**

Slaugham Parish Council object for the following reasons and noting that 25 residents were in attendance at the meeting:

The Mid Sussex GTAA does not identify any need for a transit site at this time as there is an operation site in Chichester. Policy DP33 indicates likewise so the principle of the scheme is unacceptable.

- The site is a Priority Habitat and adjacent to a Site of Nature Conservation Importance. The scheme therefore conflicts with policies DP12, DP16 and DP38.
- The site has previously been considered as part of the preparation of the site Allocations document (SHEELA ID 871) when it was considered that the site was not compliant with the District Plan Strategy and therefore not progressed.
- The site was further considered by the planning consultants during the preparation of the Neighbourhood Plan: reference SL15. It was concluded that the relatively isolated nature of the site and distance to local services and facilities it was not considered suitable for development.

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## **INTRODUCTION**

This application seeks permission for a change of use of this former nursery site to use for a Transit Site for Gypsy/Traveller's comprising the formation of six Touring Caravan Pitches for nomadic use only, and the erection of six utility buildings, as well as the formation of a children's play area.

This application is referred to the Committee as a result of the extent of public interest.

## **RELEVANT PLANNING HISTORY**

DM/19/4269 - Existing Lawful Development Certificate sought for use of a Barn as a Dwellinghouse. Refused and Appeal Dismissed; The Inspector concluded that it was less than probable that the use of the barn as a dwelling had been sustained for the required period and not established prior to a fire at the site in 2019.

DM/17/4326- Proposed 3 No. four bedroom dwellings on land at Slaugham Garden. Refused and Appeal Dismissed. Refused for the following reason:

*'Due to the location of the site within the countryside area of development restraint and the High Weald Area of Outstanding Natural Beauty, the proposal to form 3no. dwellings on this site will be an unsustainable form of development that harms the character and appearance of the surrounding rural area and would not conserve or enhance the natural beauty of the AONB. Such a proposal would be out of keeping with the character of the area where existing development is located close to the village centre of a linear nature close to the highway compared to this rearward backland development. In addition, the proposal is in an unsustainable location, where occupants would be reliant on the use of a private car to gain access to local services. The development conflicts with policies C1, C4, H2, H11 and T4 of the Mid Sussex Local Plan; policies DP10, DP12, DP14, DP19 and DP24 of the District Plan, policies 1 and 4 of the Neighbourhood Plan and paragraphs 7, 14, 17, 49, 55, 56 and 115 of the NPPF.'*

The Planning Inspector concluded that:

- The site is not previously developed land, previously having been in use for horticultural/agricultural use
- The cluster of three dwellings would be at odds with the prevailing linear pattern of development within this part of the AONB
- The fact that the site is screened on some sides does not mean that development would not result in harm to the character or appearance of the area
- The change from one form of development to another does not in itself lead to conserving or enhancing the scenic beauty of the AONB
- The scheme would fail to conserve and enhance landscape and scenic beauty and be contrary to Policies DP6, DP12, DP15 and DP26 of the MSDP.
- It would be contrary to policies 1 and 2 of the emerging Neighbourhood Plan which seek to protect the AONB and open countryside
- Contrary to the Framework including para 172 where great weight should be given to conserving and enhancing landscape and scenic beauty in AONB and para 127 where developments should be sympathetic to local character, and establish or maintain a strong sense of place.
- The proposal would result in an over reliance on private motor vehicle use and thus represent an unsustainable form of development with regard to local services and thus contrary to Policy DP21 of the MSDP and para 8 of the Framework which include the social objective of sustainable development to foster a well designed built environment with accessible services and thus minimising waste and pollution and moving to a low carbon economy.

DM/16/4406- Outline Planning Application for 9 Residential Units at the former site of Slaughtam Garden Nursery. Refused.

12/02876/LDC - The use of land for the storage of plant equipment and materials by a ground work contractor. This is an application to establish whether the development is lawful: this will be a legal decision where the planning merits of the proposed use cannot be taken into account. Refused.

08/03044/COU - Change of use of building to commercial uses falling within Use Classes B1 and B8. Refused.

03/02354/COU - Personal temporary planning permission for Woods and Baines Construction Ltd for change of use from agricultural to class B1 use ( business use), with ancillary storage, for a period of two years. Withdrawn.

02/02623/COU - Change of use to mixed use for landscaping, agricultural and construction works, contractors using the premises. Withdrawn.

01/01947/COU - Change of use from horticultural to mixed use horticultural and office use in association with applicant's business. Withdrawn.

01/01934/FUL - New security fencing to front of site. Withdrawn.

## **SITE AND SURROUNDINGS**

The site forms part of the former Slaugham Garden Nursery which has been vacant for a number of years. The site is located to the west of the historic village of Slaugham and to the north of the adjacent Staplefield Road.

To the west of the access into the site, is an area of land that formed the nursery area. There were previously some poly tunnels on this part of the site, but they had gone by 2018 - no longer being evident on the aerial photographs of the site. This area is bounded on its northern extent by a line of tall conifers. To the north of the conifer screen lies an open field with two steel storage containers and fencing stored but little else. Part of this field lies within the red line, i.e application site, whilst part lies outside, but within the same ownership.

To the east of the access road is a prefabricated industrial building with, currently, two caravans stored in front of the building. The surrounding area is littered with small scale detritus.

The site rises gently uphill from the highway. It is well screened on the northern and eastern boundaries by existing trees and with some cover along the easternmost part of the site frontage. Trees which were previously along the frontage to the west of the access road appear to have been removed earlier this year. Consequently the front part of the site is open to view from Staplefield Road.

The site entrance lies approximately 260m's west of St Mary's Church. The streetscene within, and nearby to, Slaugham is characterised by a generally linear form. As one leaves the centre of the settlement development becomes more sporadic, but continues its linear form comprising mainly individual dwellings close to the highway such as along Staplefield Road.

The site is situated within the Countryside Area of Development Restraint and the High Weald Area of Outstanding Natural Beauty. To the east of the blue line lies an Ancient Woodland (Homestead Wood), but this lies some 60m's from the application site as identified by the red line. Homestead Wood and Orange Gill are identified as a Local Wildlife Site.

Staplefield Road is identified as an historic routeway linking to the local area..

The nearest settlement with an identified settlement boundary is Handcross to the north east.

The nearest boundary of the Slaugham Conservation Area lies some 62m's to the east of the site along the south of Staplefield Road. With the main part of the Conservation Area formed around the settlement stretching down to include St Marys Church and the few houses adjacent to the west.

The application site is located in Flood Zone 1.

## **APPLICATION DETAILS**

The application seeks to provide a six pitch transit site for Gypsies and Travellers that meet the definition within Planning Policy for Travellers Sites (PPTS)

The six pitches would be accessed by the existing access, with one pitch backing onto the Staplefield Road to the west of the access road, three more sited opposite to the north and the remaining two pitches sited to the north east across the line of the existing access road. Alongside these two pitches would lie a third plot comprising overflow parking for three caravans, six parking spaces and a private amenity area.

Each of the six pitches would have a small single storey amenity block providing a shower, toilet and hand basin and which will house electric, water, and gas utilities. These would be 2m x 3m in size with a mono pitch asphalt roof, timber clad elevations and a single UPVC window. They would be located at the front of the pitch with two parking spaces to one side and the touring caravan shown as being positioned to the rear of the amenity blocks. At the rear of each pitch would be a small private amenity space.

A larger area of shared amenity space is shown in the field to the rear of the conifer screen on the eastern side of the site.

The application form identifies the creation of a childrens play area, but apart from the shared amenity space no information has been shown of this use.

Drainage will be by cesspit but no details have been provided.

The applicant advises that the operation of the transit site is proposed to allow short stays of a maximum of 28 days, with a "no-return" period of at least 3 months.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

*'In dealing with such an application the authority shall have regard to:*

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

*'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

The requirement to determine applications *"in accordance with the plan"* does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (SADPD) and the Slaugham Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

## **Mid Sussex District Plan**

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP6 Settlement Hierarchy

DP10 Strategic allocation to the east of Pease Pottage

DP12: Protection and enhancement of the countryside

DP16: High Weald Area of Outstanding Natural Beauty

DP21: Transport

DP26: Character and Design

DP33: Gypsies, Travellers and Travelling Showpeople

DP34 Listed buildings and other heritage assets

DP35: Conservation areas

DP37: Trees, woodland and hedgerows

DP38: Biodiversity

DP39 Sustainable design and construction

DP41: Flood risk and drainage

## **Site Allocations DPD**

Mid Sussex District Council adopted its Site Allocations Development Plan Document on 29th June 2022. The Site Allocations DPD identifies sufficient housing sites to provide a five year housing land supply to 2031 and also makes sure that enough land is allocated to meet identified employment needs.

There are no policies deemed relevant to this application.

## **Neighbourhood Plan**

Slaugham Neighbourhood Plan, made September 2019

Relevant policies:

Policy 1: Protecting the Area of Outstanding Natural Beauty

Policy 2: Sustainable Development Measures

Policy 3: Green infrastructure

Policy 4: Conservation Areas

## **Mid Sussex Design Guide Supplementary Planning Document (SPD)**

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

It provides no specific guidance on Gypsy and Traveller sites, concentrating on permanent homes and development although the general principles of design, such as reflecting existing character, including landscape character remain applicable.

## **Mid Sussex Gypsy and Traveller Accommodation Assessment 2022**

## **High Weald AONB Management Plan**

## **National Planning Policy Framework (NPPF) (2022)**

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

Paragraph 12 of the NPPF states;

*'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 38 of the NPPF states;

*'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration and Sections 2,4,8,9,12,14,15 and 16 are considered to be relevant to this application.

## **Planning Policy for Traveller sites 2015**

### **National Planning Policy Guidance**

### **National Design Guide**

## **ASSESSMENT**

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Principle of and Need for the Development
- Character and Appearance/Impact upon the High Weald AONB
- Highways
- Neighbour Amenity
- Drainage
- Ecology
- Conservation Area
- Impact upon nearby woodland.

### **Principle of and Need for the Development**

Policy DP6 advises that development will be permitted within towns and villages with defined built up area boundaries. Outside settlement boundaries development will be supported where it is specifically allocated, where it is for fewer than 10 dwellings and is contiguous with the settlement boundary, and is demonstrated to be sustainable including by reference to the settlement hierarchy.

Slaugham is a Category 4 Settlement identified as a small village with limited services often only serving the settlement itself.

Policy DP12 advises that the countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted provided it maintains or where possible enhances the quality of the rural and landscape character of the district and is necessary for agriculture or is supported by a specific policy elsewhere within the plan.

Policy DP33 deals with Gypsies, Travellers and Travelling Showpeople and where it refers to the provision of new sites, it states that they will be permitted where:

- *'The site satisfies a clearly defined need as identified by the GTAA*
- *The site is reasonably accessible to schools, shops, health and other local services and community facilities*
- *The scheme is appropriately located and designed to ensure good quality living accommodation with a satisfactory local environment*
- *The site is compatible with neighbouring land uses and minimise impact upon adjacent uses and built form and landscape character*
- *It should not dominate the nearest settled community*
- *In the case of proposals within the High Weald AONB policy DP16 will apply.'*

In this instance the site lies within the countryside area of development restraint and would not comply with either policy DP6 or DP12, insofar as it would not be within a settlement boundary or for the purposes of agriculture.

The applicant suggests that the site comprises previously developed land, but it is noted that the Inspector considered this matter as part of the 2019 appeal and concluded that since the previous use had been for horticulture/agriculture that it did not constitute previously developed land. Officers are not aware of any circumstances that would change this conclusion.

Notwithstanding the above, policy DP33 represents a specific policy reference which could allow proposals to be supported within the context of DP12. As set out above, policy DP33 requires a site to *'satisfy a clearly defined need as identified within the GTTA'* and this will be assessed in the following section.

#### Need for the development

Policy DP33 of the District Plan identifies that the Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not indicate a need to consider transit provision at this time, due to an operational public transit site in Chichester. It

advises that levels of unauthorised encampments in Mid Sussex will be monitored over the plan period to identify any additional requirements for such provision.

The Council reviewed the Gypsy and Traveller Accommodation Assessment (GTAA) in April of this year. As part of its ongoing monitoring, the report recommends that the Council should also seek to gather information from residents on the reasons for their stay in the local area; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in the local area.

The GTAA recommends that a review of the evidence base relating to unauthorised encampments, including the monitoring referred to above, should be undertaken on a West Sussex-wide basis. This review will establish whether there is a need for investment in any further transit provision or emergency stopping places, or whether a managed approach is preferable. The GTAA identifies historic low numbers of short term unauthorised encampments and the County Council confirm that 28 have been recorded in the last year.

To address unauthorised encampments the GTAA recommended that in the short term the Council should continue its current approach, such as negotiated stopping. This describes a process where a short term agreement allows caravans to be sited on specific suitable pieces of ground for an agreed and limited time with the provision of limited services such as water, waste disposal and toilets. It also advises that temporary stopping places can be made available at times of increased demand due to fairs or cultural celebrations. These places would include provision of basic facilities such as cold water, portaloos, sewage and refuse disposal points.

The applicant draws attention to the wider West Sussex region having a large unmet need and continued unauthorised encampments but offers no independent evidence to support this statement. They further draw attention to the Planning Policy for Traveller sites (PPTS) document in such decisions. The overarching aim of that documents is to *"ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community."* It is clear however that whilst it recommends the promotion of more private traveller site provision, that local planning authorities should make their own assessment of the need for the purposes of planning.

The Mid Sussex GTAA concludes at paragraph 1.23 onwards that *"due to historic low numbers of short -term unauthorised encampments and the existing public transit site in Chichester that it is not recommended that there is a need for a formal public transit site in Mid Sussex at this time."*

It is noted that the West Sussex Gypsy and Traveller Team support additional capacity to support gypsies and Travellers moving through the county, having appropriate stopping places and that the comments of the Friends, Families and Travellers organisation is that throughout the country there are insufficient transit places available. However, the results of the District Council updated GTAA are so recent and the conclusions very clear that there is no evidence of a current need within this district.

In the absence of evidence from the applicant to contradict the conclusions of the GTAA it is concluded that there is no need for a transit site and that this scheme would be contrary to the updated GTAA and Policy DP33 of the District Plan.

In light of the above, it is considered that the principle of, and the need for, the development has not been established and as such the application is contrary to policies DP6, DP12 and DP33 of the Mid Sussex District Plan.

### **Character and Appearance/Impact upon the High Weald AONB**

As stated above, Policy DP12 seeks to protect the intrinsic beauty of the countryside and requires development to maintain, or where possible enhances the quality of the rural and landscape character of the District.

Policy DP16 advises that development in the High Weald AONB will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald Management Plan.

In terms of the impacts upon the AONB, the applicant advises that:

- *"Spatially, the harm of the proposal would mostly stem from the hardstanding, much of which is in existence already, and the utility buildings, which are modest in scale.*
- *The nature of touring caravans is that they are temporary, and are not uncommon sights within the countryside.*
- *Making use of landscaping, and existing screening of the site to ensure that the impact of the proposal is relatively minimal.*
- *In contrast to a permanent Traveller site, used as a settled base, the application site is not designed to accommodate a residential use constantly throughout the year. As such, the amenity buildings proposed are small in scale and reflect the temporary nature of any occupation of the site.*
- *Much of the existing hardstanding on site would be reused, with an area to be removed entirely to promote a communal play space within the site itself."*

Policy DP26 requires all development to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. It must, amongst others, address the character and scale of surrounding buildings and landscape, protect open spaces trees and gardens that contribute to the character of the area, create a pedestrian friendly layout that is safe, well connected and legible and accessible and incorporate well integrated parking.

The AONB Management Plan sets out long term objectives for conserving this nationally important landscape. It references the NPPF which applies a presumption in favour of sustainable development recognising that strategic policies should objectively assessed needs for housing and other uses . Planning applications should be assessed against an up-to-date Development Plan.

It is clear that many forms of development exist within the AONB landscape, including Gypsy and Traveller sites, and are considered to be acceptable in the context of the AONB. This scheme would not harm any geological feature of the

surrounding landscape, nor other features that the Management Plan uses to define 'natural beauty', such as settlements, routeways, woodland, water systems or fields and heaths that are currently used for grazing livestock or which form distinctive lowland heaths or river valleys.

In assessing the scheme's impact upon the area it is assessed in terms of the scale and form of the layout and buildings/structures and its compatibility with the character of the surrounding area.

The description above identifies a linear form of development with a cluster of dwellings in the centre of Slaugham leading to a more dispersed linear form at the edge of the settlement and sporadic linear form beyond that. This scheme provides a wholly different form of development with a cluster of caravans sited in two groups which extend some distance back into the site, rather than being sited at the front of the site and addressing the adjacent highway as is more normal for the character of this nearby area.

It is clear that the scheme would be significantly different in character to its surroundings and would not fit sympathetically with its surroundings, either in terms of the type of homes provided on it nor their scale and layout. It is suggested that because the caravans are transient in nature and not expected to be on site all year that this would reduce the level of harm and compensate for such harm as is caused. It is not possible to say for how much of the year the site would be occupied, and the applicant has not suggested a permission for only a few months per year, so it must be assessed against an assumed year round occupation. The fact that the caravans would only be on site for 4 weeks at a time does not minimise their impacts if they are immediately replaced with other caravans.

It is further suggested that due to existing tree cover around the site and with further landscaping, to be secured by condition, that the visual impacts of the scheme could be mitigated. Further landscaping along the site frontage and along the western boundary could undoubtedly add further screening to the site. However a scheme that would otherwise be unacceptable and out of character with the character of its surroundings should not be considered acceptable because it can be 'hidden' by additional planting. The scheme should be designed in a manner that is compatible with its surrounding landscape.

Guidance is provided on the layout of sites in a document entitled 'Places we're proud of' issued by the National Policy Advisory Panel on Gypsy and Traveller housing (January 2021). This document considers the success of some existing sites and notes that a scheme in Cornwall has many elements of best practice in design including *'being based on the recommended circular design'*. It needs to be considered that this is not permanent housing and there should perhaps not be an expectation that it has to mirror the scale, layout, design etc of permanent housing around it.

Since it is considered that a significantly different form of accommodation on site would harm the AONB character, then the harm identified would need to be weighed against the identified need, and the AONB Management Plan references that part of

the NPPF which refers to the need to plan at a strategic level for housing need and other uses.

As identified above the Council does not consider that there is an identified need and on that basis this is a development for which there is no need. The scheme would have an adverse impact on the character and appearance of the area and would fail to conserve and enhance landscape and scenic beauty in the High Weald AONB. It would be contrary to Policies DP6, DP12, DP15 and DP26 of the District Plan and would conflict with Policy 1 of the Slaugham Neighbourhood Plan, which seeks to protect the AONB and open countryside

## Highways

Policy DP21 seeks to ensure that new development is sustainably located, with appropriate opportunities to facilitate and promote the use of alternative means of transport to the private car, provides adequate on site parking, avoids any additional traffic congestion and promotes highways safety.

Policy DP33 requires, amongst other things, that new Gypsy, Traveller and travelling Showpeople sites are *'reasonably accessible to schools, shops, heath and other local services and community services'*.

The County Highways Authority has considered the scheme and raises no objections, considering that the access is safe and sufficient parking would be provided on site. They refer to a bus service which would provide access to the wider area, but local residents advise that these are voluntary services, and which do not provide a daily service.

The Inspector when considering the appeal determined in 2019 for three houses, concluded that as a result of unlit narrow country roads without footpaths that future residents would be reliant upon private motor vehicles of taxi's - indeed noting an over reliance on private motor vehicles in order to access day to day services such as schools, doctors and grocery shops. Even taking account of the scale of three units it was concluded that residents of the site would be heavily reliant upon the private motor vehicle. Whilst it was recognised that levels of motor usage are typically higher in rural areas (owing to the relative costs of providing and running public transport services and the geographical distance to services involved), the Inspector concluded that this does necessarily justify the creation of more new homes in what are potentially unsustainable locations which would further compound such issues. It was concluded that this represented an unsustainable development with regard to access to local services. It was concluded that the proposal would therefore be contrary to Policy DP21, which amongst other aims *'seeks a resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time'*, and Paragraph 8 of the NPPF.

The applicant draws attention to the fact that *"the scheme will enable temporary access to education, and health facilities for short periods of time and that it is not considered necessary for the site to be located suitably as a settled base, as the occupants will be reliant on private vehicles regardless. Its location a short distance from the centre of Slaugham, and the public transport links, is however a benefit of*

*the proposal, and I do not consider there to be any conflict with this policy."*

Furthermore, the applicant concludes that *"a more restrictive consideration could be considered if a permanent site were proposed, but in light of the short stays, and the roadside nature of the families who would be occupying the site for short periods, I consider the sustainability benefits of reducing unauthorised encampments outweighs any harm which may result from poor accessibility"*.

The transient nature of the site's provision and lifestyle of those using the site is recognised, but it is still Council policy that accommodation for Gypsies and Travellers should be located in sustainable locations. Policy DP33 advises that any new sites or extensions to existing sites should be *"reasonably accessible to schools, shops, health and other local services and community facilities"*.

This may only be a temporary stopping place, but given the locational approach to development within the District Plan and the NPPF it is not considered appropriate to ignore the issue of sustainable access to facilities and services.

Accordingly it is considered that day to day use of the site by residents to access services and facilities would be reliant upon the private motor vehicle and therefore it would be contrary to the approach of the District Plan and National guidance, being contrary to policies DP21 and DP33 of the Mid Sussex District Plan.

### **Neighbour Amenity**

Policy DP26 in part seeks to ensure that development:

*'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.'*

The site lies outside the settlement of Slaugham and some 120m's at the nearest point to the nearest dwelling on the opposite side of Staplefield Road, on the edge of Slaugham. Given the intervening screening effect of trees and woodland on and adjacent to the site, it is not considered that the scheme would be visually intrusive to any residents from their properties. At that distance there is no reason to anticipate that such noise and disturbance would be created by six families as to cause a noise nuisance to surrounding residents.

There may be some minor inconvenience on the highway when the caravans move to and from the site, but it is not anticipated that this would be of such magnitude as to constitute a significant adverse impact upon any local residents. Concerns have been raised regarding potential for more rural crime, but there is no evidence to suggest that the use of the site in this way would generate additional concerns.

Overall it is not considered that the scheme would create significant adverse impacts upon the amenities of local residents. It is considered that the application complies with policy DP26 of the District Plan in respect of this issue.

## **Drainage**

Policy DP41 seeks to ensure that new is safe across its lifetime and does not increase risks of flooding elsewhere whilst protecting surface and ground water quality.

The application advises that it will use cesspit drainage but has provided no details of this or of surface water drainage. The Councils Drainage Engineer has asked for evidence to demonstrate that drainage can, in principle be provided, rather than dealing with this by condition.

The applicant has offered to provide this information and there is no reason to anticipate that it could not be provided. It could be dealt with by means of pre-commencement to ensure that the scheme is not occupied until drainage is agreed and in place. On this basis no objections are raised..

## **Ecology**

Policy DP38 requires biodiversity to be protected and enhanced taking opportunities to improve, enhance manage and restore bio diversity where possible as well as avoiding damage to and protecting and enhancing the special characteristics of a range of sites including AONBs, Ancient Woodland, and locally designated Sites of Nature Conservation Interest.

The site itself lies within the High Weald AONB and lies in close proximity to Holmstead Wood (to the east), which is ancient woodland, and therefore a heritage asset for the purposes of the NPPF. This is also a Priority Habitat and designated Local wildlife Site.

The submitted Preliminary Ecology Appraisal is the same document as that submitted for a 2017 application for three houses and the red line application site does not match that of the current application: the current site being larger than that previously considered for three detached houses. It is now also considered out of date.

At that time it identified a number of structures on the site which are no longer present. It identified the site to have moderate ecological value comprising locally common habitats which have the potential to support a number of protected species. It identified two Sites of Nature Conservation Interest within 0.5km of the site, two trees with bat roost suitability, the presence of a waterbody with average suitability to support Great Crested Newts, potential suitability to support reptiles, the presence of common habitats suitable for protected species and the presence of locally common habitats and plants including ornamental plants.

The habitats on site were identified suitable to support foraging and roosting bats, badgers, breeding birds, greater crested newts, dormice and reptiles with the then

works having potential to impact breeding birds, dormice, great crested newts and reptiles.

The following were recommended:

- A survey to identify badger presence if 12 months have elapsed since April 2017
- Bat surveys undertaken in 2017 indicated moderate levels of bat activity within the area of grassland to the north of the site, along the northern boundary hedgerow and within the woodland to the south of the site. The then development was considered to have potential to impact all habitat types on site and foraging and commuting bats through the expected increase in recreational use, noise and light pollution with a negative effect on the local bat populations.
- Vegetation clearance undertaken during October - February since the broadleaved woodland, hedgerows and scrub all have the potential to support breeding birds
- No records of dormice were recorded on site but there was considered a likely impact upon the local dormouse population due to the removal of habitats that provide opportunities for foraging and nesting hazel dormice.
- Potential impacts upon a low population of grass snakes within the local area and habitat was proposed for removal which would support reptiles on the site.
- No evidence of Great Crested Newts was found in the nearby pond although individual losses may occur in the absence of mitigation measures. Potential impacts upon Great Crested Newts if they are found to be present: their potential presence should be identified within the pond to the south west of the site. A minimum of 7 refugia checks needed to be carried out to ascertain presence/suspected absence and approximate population size. No survey results for this have been made available

A Technical note dated August 2022 recommends updated survey information in respect of Great Crested Newts, Reptiles, Invertebrates and hazel dormice.

The Council's ecologist concludes that further information is required prior to reaching a decision in order that the Council can establish the extent to which protected species may be affected, and in order to ensure compliance with its statutory duties, including its biodiversity duty under S40 NERC Act 2006.

They are not satisfied that there is sufficient ecological information available for determination of this application.

On this basis, insufficient information has been provided to allow the Council to be clear that the scheme would not cause harm to existing biodiversity and would therefore not accord with Policy DP38 of the District Plan.

## **Conservation Area**

Policy DP35 requires new development to protect the setting of conservation areas and particularly views into and out of these areas.

The entrance to the site lies just over 100m's from the nearest part of the Slaugham Conservation Area. The site itself is largely shielded from the east in the direction of the Conservation Area by existing woodland and planting. The Conservation Area would lie out of sight of the scheme being proposed, and no views would be available from the Conservation Area into the site. It is considered that the entrance into the site and the part of the site where development would be visible from Staplefield Road would lie far enough from the nearest part of the conservation Area to ensure that it would not adversely affect the setting of the conservation Area.

It is concluded that the scheme would not adversely affect the Conservation Area nor the setting of the Conservation Area and would therefore comply with Policy DP35.

### **Impact upon Trees and Woodland**

Policy DP38 encourages the protection and enhancement of trees, woodland and hedgerows and encouragement of new planting.

The submitted Arboricultural; Impact Assessment is dated 2018 and relates to the previously submitted application with a different development boundary than now proposed. It appears that a number of Category C trees have been removed and that the few Category B trees identified would not be harmed by the proposed scheme.

An Arboricultural Impact Assessment and Method Statement dated August 2022 has been submitted in support of the application. The submitted layout plan indicates existing trees as indicative only, but the accompanying AIA identifies 6 category U and C trees to be removed from across the site. Any trees of Category B are around the edges of the site and unlikely to be affected by the scheme. This is not considered to be significantly harmful to the character of the trees on site nor the general character of the area.

The site has been previously assessed for possible TPO designation, following the removal of some frontage trees, but such a designation was not considered appropriate.

A screen of tall conifers that lie to the rear of three of the pitches and are identified as Category B2 trees, appears to encroach quite significantly into the amenity space proposed for each of these three units, giving a somewhat cramped appearance to the pitch layout. The conifers are notable simply as a result of their size and span across the western part of the site. Whilst they would undoubtedly encroach into the amenity area of three of the pitches, there is a shared amenity area proposed immediately to the north of the conifers so the overall impact upon residents of these three pitches may be relatively inconsequential. However, in your officers view the layout of the site could be improved by moving the three pitches further from such a tall screen of trees and potentially removing pressure for their removal in due course.

The red line site is not immediately adjacent to the nearby Homestead Wood, being ancient woodland and a Local Wildlife Site. It is also a Priority Habit. However

concern has been expressed by residents that bringing residents to live on the wider site nearby and within the same ownership may open up access to the Wood by residents which could adversely affect the quality of the woodland and its range of biodiversity.

Had this application been found to be acceptable it is anticipated that fencing could be provided to segregate the transit site from the nearby ancient woodland, which may have been able to protect it from intrusion and damage. It is not considered that concerns about unauthorised access to the woodland should be reflected in a reason for refusal.

Overall whilst the layout could be improved, in officers view in relation to the proximity to existing trees, the scheme is not anticipated to have adverse impacts upon the existing woodland such as to harm the character of the area and additional planting could be secured by condition if the overall scheme were considered acceptable.

## **CONCLUSION**

The scheme proposes the use of a former horticultural nursery lying in a countryside area of development restraint and the High Weald AONB for use as a private Gypsy and Traveller transit site with 6 pitches and an additional pitch containing space for three overflow touring caravans and 6 parking spaces. Each pitch would provide space for one caravan, two parking spaces, a modest amenity area and a small amenity block providing a shower room and electricity, water and waste disposal facilities.

The site lies outside the nearest settlement of Slaugham and in view of the lack of facilities and services within reasonable walking distance, added to the narrow roads, lack of pavements and lighting and it is considered that residents would be wholly reliant upon the private motor vehicle for their transport around the area, during their stay. Whilst their way of life is already wholly reliant upon the private motor vehicle the Councils approach to new Gypsy and Traveller sites it is that they should be sustainably located and if that could be achieved there is no reason that public transport could not be used to access the facilities that the residents wish to use. Such an approach would accord with the general spatial development approach of both national and local policies.

The Council has recently reviewed its Gypsy and Traveller Accommodation Assessment and concluded that there is no identified need for a transit site within the district: there being record low number of unauthorised encampments and a transit site in Chichester already. Others disagree and both the County Council and the Friends, Families and Travellers Organisation have contacted the Council to welcome such provision - advising that nationally there is a general shortage of transit sites. However the Council is not required to make up for shortfalls in other districts or counties. No evidence has been submitted by the applicant to demonstrate that the current method for dealing with Gypsies and Travellers in transit together with the existing transit site in the county is inappropriate.

The design and character of the scheme would not be sympathetic to the general surrounding character of this part of the High Weald AONB and would be unacceptable harming the natural beauty of the surrounding AONB contrary to policies DP6, DP12, DP16 and DP26 of the District Plan and Policy 1 of the Slaugham Neighbourhood Plan, which seeks to protect the AONB and open countryside.

Insufficient evidence has been provided regarding potential impacts upon biodiversity and ecology within the site and would be contrary to Policy DP38 of the District Plan and Policy 3 of the Slaugham Neighbourhood Plan.

It is considered that the scheme would not have unacceptable impacts upon the adjacent highway network, Slaugham Conservation Area nor residents amenities.

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Burgess Hill Neighbourhood Plan.

In light of the above it is considered that the proposal fails to comply with policies DP6, DP12, DP16, DP21, DP26, DP33 and DP38 of the Mid Sussex District Plan and policies 1 and 3 of the Slaugham Neighbourhood Plan and should be refused.

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## **APPENDIX A – REASONS FOR REFUSAL**

1. A need for the Transit site has not been demonstrated and the scheme would therefore be contrary to the provisions of Policy DP33 of the Mid Sussex District Plan 2014-2031 and the Mid Sussex Gypsy and Traveller Accommodation Assessment April 2022 and the provisions of the National Planning Policy Framework.
2. As a result of the location of the site within a Countryside Area of Development Restraint and the High Weald Area of Outstanding Natural Beauty, the proposal to create a Transit site would result in an unsustainable form of development that would harm the character and appearance of the surrounding rural area and would not conserve or enhance the natural beauty of the AONB. Such a proposal would be out of keeping with the character of the area where existing development is located close to the village centre and demonstrates a linear form close to the highway compared to this cluster of pitches with associated caravans, cars and utility buildings which do not address the highway.

In addition, the proposal is in an unsustainable location, where occupants would be reliant on the use of a private car to gain access to local services. The development conflicts with policies DP6, DP12, DP16, and DP26 of the District Plan, policy 1 of the Slaugham Neighbourhood Plan and the provision of the National Planning Policy Framework.

3. Insufficient evidence has been provided to demonstrate that the scheme would not adversely impact upon the bio diversity of this site contrary to the provision of Policy DP38 of the Mid Sussex District Plan, Policy 3 of the Slaugham Neighbourhood Plan and the provisions of the National Planning Policy Framework

## INFORMATIVES

1. 1. In accordance with Article 35 of the Town and Country Planning (General Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide preapplication advice and advise on the best course of action in respect of any future application for a revised development.

### Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	J004190-DD-01		27.06.2022
Existing Site Plan	J004190-DD-02		27.06.2022
Proposed Site Plan	J004190-DD-03		27.06.2022
Proposed Floor and Elevations Plan	J004190-DD-04	Utility	27.06.2022

## APPENDIX B – CONSULTATIONS

### Parish Consultation

- SPC OBJECT

The Parish Council would like to refer to the following planning policies within the Mid Sussex District Plan.

The key policy in the determination of this application is DP33: Gypsies, Travellers and Travelling Showpeople, including Evidence Base: Mid Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment.

The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not identify any need for permanent pitches and plots for Gypsies and Travellers and Travelling Showpeople who still travel for the period up to 2031.

With respect to provision in Slaugham, the Parish Council wish to draw attention to Paragraph 3, bullet point 2 which confirms, MSDC will make provision for:

' the allocation of pitches within the strategic allocation to the east of Pease Pottage; or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and

made operational within an appropriate timescale (Policy DP10: Strategic Allocation to the east of Pease Pottage refers);

Attention is also drawn to Paragraph 5, of Policy 33 which states:

The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not indicate a need to consider transit provision at this time as there is an operational public transit site in Chichester.

In light of the above policy requirements, it is considered the principle of development is not acceptable.

Furthermore, given the Parish's contribution towards the provision of permanent pitches and plots at Pease Pottage, it is considered the Parish have adequately contributed towards provision in the district and no further provision should be permitted in the parish.

The site is designated as priority habitat. In addition, the site is adjacent to a special area of conservation and registered as a SNCI - Site of Nature Conservation Importance SINC's (or Wildlife Sites) are sites of substantive nature conservation value. Their designation is a non-statutory one but they are vital for enabling the planning system to recognise, protect and enhance special sites. The SNCI area is adjacent to amenity area parking proposed.

In light of these environmental designations and given the site lies within the High Weald AONB the Parish Council also consider the proposed development conflicts with  
DP12: Protection and Enhancement of Countryside  
DP16: High Weald Area of Outstanding Natural Beauty  
DP38: Biodiversity

As Officers will be aware, the application site has previously been assessed by MSDC as part of the preparation of the Site Allocations Development Plan Document (SHELAA ID: 871). This assessment concluded the site was not compliant with the District Plan strategy and was not proposed for development

<https://www.midsussex.gov.uk/media/4746/site-selection-paper-1.pdf>

The site was also independently assessed by Parish Council planning Consultants during the preparation of the Slaugham Neighbourhood Plan.

The Slaugham Parish Housing Land Availability Assessment (PHLAA) assessed the application site under reference SL15: Land at Slaugham Garden Nursery, Slaugham.

A summary of the suitability of the site, is set out below for ease:

'The site is currently a vacant nursery within the High Weald AONB. Part of the site is designated as Priority Habitat and Ancient and Semi Natural Woodland. The site is bordered by trees and hedgerows and is relatively visually contained. To the south is Staplefield Road, which affords access and limited views of the site. The site is in a generally rural tranquil location. Given the relatively isolated nature of the site and distance to local services and facilities, it is not considered suitable for Development'

For the above reasons, the Parish Council wish to object to the principle of the proposed development at Slaugham Nursery (DM/22/2015)

- SPC OBJECT - Confirmed in the minutes of the meeting held 1st September 2022 issued to the LPA planning team.

### **WSCC Highways:**

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on the above Full Planning Application with regards to any highway safety or capacity concerns.

### Background and Site Context

The application site is located to the north of Staplefield Road, within approx. 300 metres west of Slaugham village. The site forms part of former Slaugham Garden Nursery which is now being vacant for many years. The development proposals are for the provision of transitory accommodation for gypsies and travellers. The proposal will accommodate 6 nos. touring caravan pitches for nomadic use only and the erection of 6 nos. utility buildings, as well as the formation of a children's play area. The site has been previously subject to a few applications albeit for residential (C3) or B1 / B8 uses etc. which differs significantly from the current proposal.

### Access and Visibility

The site is accessed from Staplefield Road which is a classified 'C' road, subject to national speed limit. No change is proposed to the existing access arrangements. The gate at the site entrance is set back from the access road which will avoid the vehicles queuing up on the highway while trying to access the site.

WSCC maps have been checked for visibility splays at the site entrance and considered adequate for the posted speed limit. An inspection of data supplied to WSCC by Sussex Police over a period of last five years reveals that there has been no incident reported near to the site access. This indicates the site access has been operating in a safe manner in its current form.

### Parking Arrangements

The former uses of the site had the provision of 4 nos. car parking spaces. The development proposes to provide a total of 12 nos. car parking spaces (2 each) and 6 nos. spaces for the touring caravans (1 each). Also, provision is made for 6 nos. car parking spaces and 3 nos. spaces for touring caravans for overspill parking. In accordance with WSCC Parking Guidance, the site is located within Zone 1 which allocates 1.7 for 2-bed dwellings and 2.2 for a 3-bed dwellings. When these standards are applied to the development, it equates to a maximum of 3 parking spaces each which the development proposes to provide.

The LHA advises provision of safe and secure cycle storage facility to encourage sustainable travel.

### Trip Generation and Highway Impact

The site is an established access with the previous use as a Garden Nursery. The use of site as a touring caravan is not expected to generate regular vehicular trips during the AM and PM peak hours. Therefore, the LHA consider the trips generated with the movement of 6

nos. touring caravans is not expected to cause a detrimental impact on the operation of the local highway network.

### Sustainable Transport Accessibility

The site is located in a rural setting with no provision of footways. The nearest bus stops to the site are located within 300 metres to the east, within Slaugham village. These bus stops facilitate connection onto wider transport network. Provision of cycle parking is encouraged to promote sustainable travel. Although most of the trips undertaken by the residents are car dependent, there are opportunities for sustainable travel.

### Conclusion

In conclusion, the Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

If the Local Planning Authority (LPA) mind to approve the application, the following conditions should be applied:

### CONDITIONS

#### Vehicle Parking

No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA.

Reason: To provide adequate on-site car parking space for the development.

#### Cycle Parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the LPA. Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies

### **WSCC Flood Risk**

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development with regards to surface water flood risk.

Due to the scale of this application and the low surface water flood risk of the site, we have no comments to submit for this application. Please consult the District Drainage Engineer.

### **WSCC Gypsy and Traveller Team**

WSCC would support additional capacity to support gypsies and Travellers moving through the county having appropriate stopping places.

WSCC currently manage a 9 pitch transit site outside Chichester allowing unauthorised encampments on public land to be directed by Sussex Police to the transit site.

Unless the applicant proposes to become a Registered Social Landlord those accessing the proposed site would be voluntary and is it my understanding that the Sussex Police would not have the authority to direct unauthorised encampments to the site.

OFFICER NOTE: The Friends, Families and Travellers Organisation advises that the Police can direct them to the transit site but access to the site remains at the discretion of the owner of the site.

The WSCC Transit site has good access to local amenities which appears might propose a challenge with the location of the new site.

Confirmation is given of the numbers on waiting lists and the unauthorised encampments during the past 12 months as referred to by the Friends, Families and Travellers Organisation.

### **MSDC Drainage**

The flood risk and drainage team have started reviewing the information submitted as part of this application. We note there is no information regarding foul or surface water drainage provided. The applicant has also failed to answer the question "How will surface water be disposed of?" on the application form.

As we have no indication that surface water drainage has been considered by the applicant we'll require further information to be provided before we can fully review the application. We acknowledge that the applicant wishes to address drainage via a condition. However, at this stage of planning we do need to understand that drainage can, in principle be provided. Please could the applicant provide the following outline information:

1. Proposed method of managing surface water drainage, which will be required for all impermeable surfacing on site.

### **MSDC Planning Policy**

The Mid Sussex District Plan 2014-2031 was adopted in March 2018 and the Site Allocations DPD adopted in June 2022. The Slaugham Neighbourhood Plan was 'made' September 2019.

The following District Plan policies are considered key in the consideration of the above p Policy DP6: Settlement Hierarchy supports the growth of settlements where it meets local housing, employment and community needs.

#### Principle of development in this location

Policy DP12: Protection and Enhancement of Countryside seeks to protect the countryside for its intrinsic character and beauty. Development outside the built-up area boundaries will only be supported if certain criteria are met. The application site is outside the built-up area boundary.

Policy DP33: Gypsies, Travellers and Travelling Showpeople identifies the local need for permanent pitches and sets out criteria for the provision of new sites, as well as extensions to existing sites. National Planning Policy for Traveller Sites (PPTS) (2015) and Policy DP33

recognise that Traveller sites can be located in rural and semi-rural locations; however, they should not dominate the nearest settled community. The nearest settlement to the application site is Slaugham, a category 4 settlement (small village).

### Gypsy and Traveller Accommodation Need and Provision

Policy DP33 sets out the need for Gypsies, Travellers and Travelling Showpeople accommodation based on the 2016 Mid Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment (GTAA). The GTAA has recently been updated to support the preparation of the District Plan Review. It is considered to be the best available evidence of need.

The 2022 GTAA identifies a need for four net permanent pitches for Gypsies and Travellers who still travel and 12 net permanent pitches for Gypsies and Travellers who no longer travel, for the period 2021 to 2038.

The GTAA also assessed the need for transit accommodation, concluding that there is no need within Mid Sussex district. This conclusion is based on the historic low numbers of short-term unauthorised encampments in the district and the presence of an existing transit site within West Sussex at Chichester which often has capacity. This is based on average weekly occupancy data provided by West Sussex County Council, who manage the site. Consequently, there is no immediate need for another transit site.

It is not considered that the application proposal satisfies a "clearly identified need" required by Policy DP33.

### High Weald AONB

The site is within the High Weald Area of Outstanding Natural Beauty (AONB) and therefore protected by the Countryside and Rights of Way Act 2000 for its outstanding natural beauty. District Plan Policy DP16 is relevant.

The High Weald AONB Management Plan 2019-2024 is the strategy for looking after the High Weald AONB in order to achieve the statutory purpose of conserving and enhancing the High Weald AONB. It is a material planning consideration. The Management Plan can be used to guide environmental land management and assess the impact of development or other changes on the High Weald AONB. The High Weald Statement of Significance sets out what comprises the natural beauty of the High Weald.

The NPPF (paragraph 176) states that "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues." and that "Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.". The decision maker must therefore be satisfied that the development is not "major development", as expressed by footnote 60 of the NPPF, and complies with the statutory purposes and the High Weald Management Plan.

### Slaugham Neighbourhood Plan ('made' September 2019)

Policy 1: Protecting the Area of Outstanding Natural Beauty of the Slaugham Neighbourhood Plan is considered relevant to the application proposal. Policy 1 seeks to protect the High

Weald AONB through only supporting development proposals that conserve or enhance the natural beauty and has regard to the High Weald AONB Management Plan.

### **MSDC Ecology**

We have reviewed the Site Walkover Technical Note (ACD Environmental, August 2022) and the Preliminary Ecology Appraisal (Arbeco Ltd., June 2017) supplied by the applicant, relating to the likely impacts of development on protected & Priority species, particularly bats, Great Crested Newt and reptiles, and Priority habitats, with identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application as we note that the Site Walkover Technical Note (ACD Environmental, August 2022) recommends further surveys for Great Crested Newt, reptiles and invertebrates.

Therefore, we recommend a suitability qualified ecologist should submit an updated report or an addendum following a site visit with any further mitigation measures or results of surveys which are required.

This is required prior to determination because the Local Planning Authority must consider the guidance under paragraph 99 of the ODPM Circular 06/2005. This advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. Therefore, if there is a reasonable likelihood of protected species being present and affected by the development, the surveys should be completed and any necessary measures to protect the species should be in place before the permission is granted.

This further information is therefore required to provide the LPA with certainty of impacts on legally protected species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

In addition, the Site Walkover Technical Note (ACD Environmental, August 2022) recommends that, if proposals change, further surveys may be needed for bats and Hazel Dormouse (both European Protected Species) and Badger. We recommend that confirmation of final proposals for the site is provided to ensure there is no impact on protected species.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

### **MSDC Environmental Protection**

The development is in a rural location and does not raise any particular concerns for the Environmental Protection team. A condition to control construction noise is recommended:

Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday to Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Reason. To accord with MSDC Policy DP29: Noise, Air and Light Pollution

### **MSDC Environmental Health (Contamination)**

Our records indicate that the site was historically a nursery, and that a pit to the north of the site was infilled with unknown material in circa 1957. The use and storage of pesticides and fertilisers associated with the historical nursery may have led to localised contamination. Additionally, some materials such as scrap metals, ash and Asbestos were regarded as inert historically, and were sometimes used as infill. The made ground could therefore potentially contain contaminants. Given the potential risks outlined above and the sensitive use of proposed application (residential with a children's play area), conditions should be attached requiring investigation to take place and for remediation to take place if required. The recommended condition is phased, and can be approved in its entirety, if phases a or b find the risk to be so low as to not warrant any further investigation.

Recommendation: Approve with conditions

1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified
  - ' all previous uses
  - ' potential contaminants associated with those uses
  - ' a conceptual model of the site indicating sources, pathways, and receptors
  - ' potentially unacceptable risks arising from contamination at the site

and, unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

I noted that there were six 200L oil drums on site in varying states of repair, dotted around the central area of the site. All bar one of these tanks were on soft landscaping and none were bunded. Two were missing their caps and appeared to be filled with water. Its not clear at this stage if they were at some point full of oil which has been gradually pushed out by rain, or if they were originally empty and left at site. The foliage around them seemed in good health, and there was no olfactory or visual evidence of oil.

I also noted two large patches where it was evident fires had taken place on the north section of the site.

These findings do not change my original recommendations, but if the site was to be developed, I would expect the originally requested contaminated land investigation to also look at these potential sources of contamination on site.