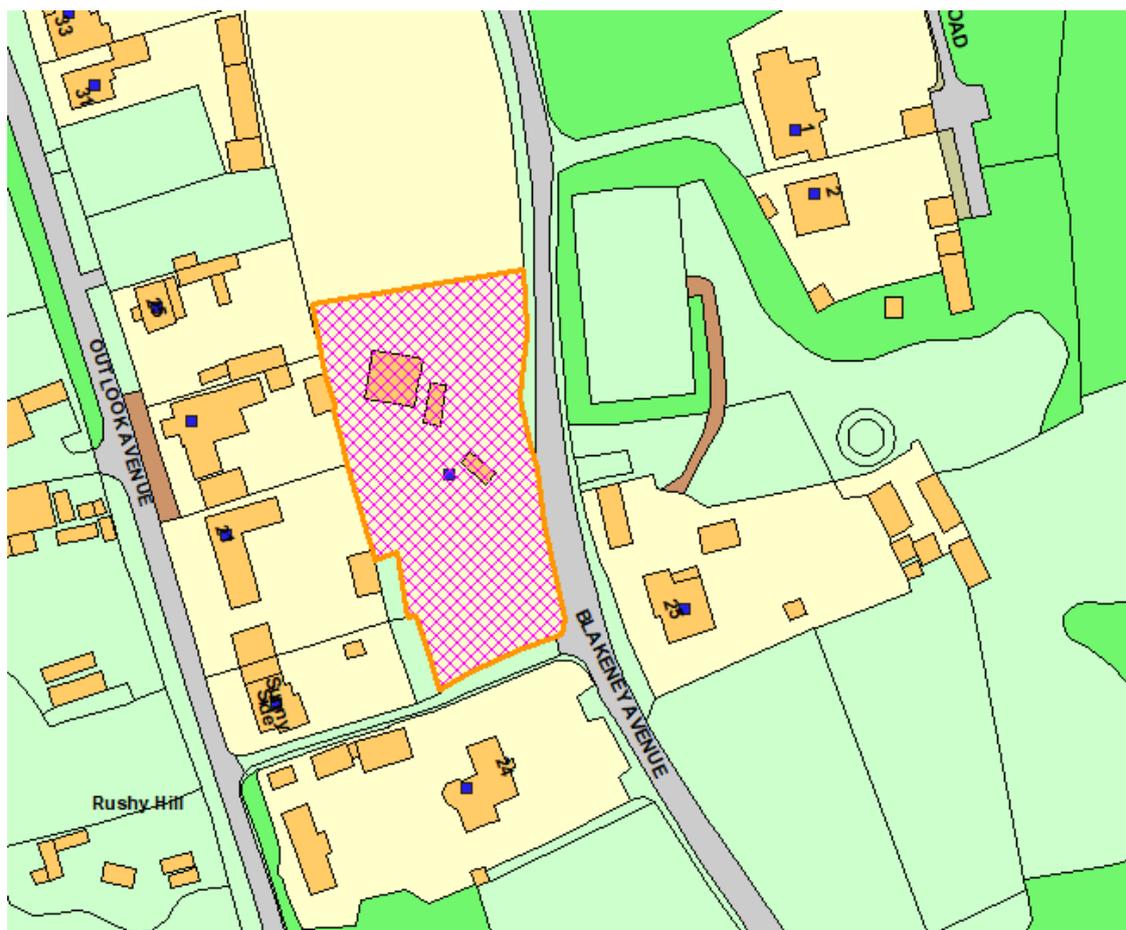


Report to: Planning Applications Committee
Date: 8 December 2021
Application No: LW/20/0390
Location: Sweetwater, 26 Blakeney Avenue, Peacehaven, BN10 8UY
Proposal: Change of use of land to use as a residential caravan site for gypsy/traveller family, involving removal of one existing stable and siting of one new static caravan/mobile home on existing hardstanding, and retention of the existing bungalow as day room/amenity building (amended scheme).

Applicant: Michael Cash
Ward: Peacehaven East
Recommendation: Grant Planning Permission.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 The proposed development as amended in August 2021, is considered to be acceptable. Approval is recommended, subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

2.2 Lewes District Local Plan

- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP13 – Sustainable Travel
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM25 – Design
- LDLP: – DM27 – Landscape Design

3. **Site Description**

- 3.1 The application site is located on the west side of Blakeney Avenue, an unmade road accessed at the north from South Coast Road (A259) and ends at its junction with The Highway to the south. Beyond to the south is open land, terminating in the coastal path.
- 3.2 The site is roughly rectangular in shape and covers an area of 0.2ha. Around two thirds of the site is rough grass, the remainder gravel/cinder including a pathway leading from a gate at the southern boundary to the centre of the site. There are three structures on the site – two stables and a single storey timber clad building with pitched roof.
- 3.3 The land to the north of the site is also in the applicant's ownership. On this site at present is a static caravan.
- 3.4 There are a number of residential properties in Blakeney Avenue and to the east of the site. Much of the land off Blakeney Avenue is in use as grazing, stabling and other equestrian activities. To the west of Blakeney Avenue is Outlook Avenue, also with a number of residential properties and equestrian uses.

- 3.5 The site lies outside of the planning boundary and is covered by an Article 4 Direction (Peacehaven Harbour Heights), designated in 1973. The A4 Direction controls the following matters only:

Houses

- The erection, construction, improvement or any alterations of gates, fences, walls or any other means of enclosure.
- The formation, laying out and construction of access to a highway.

Agricultural land

- The erection or construction of a building or structure on agricultural land
- The extraction of, working with or use of materials on agricultural land, including fertilisation

4. Proposed Development

- 4.1 The application as originally submitted was for the retention of the existing stables and the timber clad building, which would be used as a day room/amenity room, together with the formation of hardstanding to accommodate a fixed mobile home, a pitch for a touring caravan, and a post and rail fence to the north, separating the site from the land to the north.

- 4.2 In August 2021, an amendment to the layout was submitted, which is intended to address some of the concerns raised by objectors. The revised proposal now involves the removal of one of the existing stables and the siting of a fixed mobile home in roughly the same location on existing hardstanding, together with the retention of the existing timber clad building for use as day room/amenity building. The applicant has also confirmed that the existing caravan in the adjacent land in his ownership will be removed if this application is approved. This can be secured by condition.

- 4.3 The applicant is from a Traveller/Gypsy background. Travellers and Gypsies prefer to separate their main living/sleeping accommodation from bathroom and toilet facilities. Kitchen areas in mobile homes are often very limited. Therefore, the day room/amenity building is intended to be used for cooking, eating, laundry and use of bathroom.

5. Relevant Planning History

- 5.1 E/55/0535 - Outline Application for the erection of 35 dwelling houses - refused 2 August 1955.
- 5.2 E/66/0737 – Change of use of land fronting Blakeney Avenue, to Livery and Riding Stables and retention of timber building in connection therewith – not proceeded with.
- 5.3 E/67/0690 – Use of land as livery and riding stables and retention of stable building adjoining Blakeney Avenue. Restrictive Planning Condition No. 1. Temporary Permission Expires 31/07/1974. Building Regulations approved – approved 3 July 1967.

- 5.4 E/67/0810 - Planning and Building Regulations application for two pairs of loose-boxes on land off Blakeney Avenue. Temporary Permission Expires 31/07/1974. Building Regulations approved – approved 25 September 1967.
- 5.5 LW/76/0434 - Retention of two pairs of loose boxes. Temporary Permission Expires 30/06/79 – approved 10 June 1976.
- 5.6 LW/76/0435 Use of land as livery and riding stables and retention of stable buildings. Temporary Permission Expires 30/06/79 – approved 10 June 1976
- 5.7 LW/79/1195 - Continuation of Use (LW/76/0435) of land as livery and riding stables, retention of stable buildings, and retention (LW/76/0434) of two pairs of loose boxes. Permission Expires 31/08/1980 – approved 20 September 1979.
- 5.8 LW/80/1728 - Continuance of Use LW/79/1195 of land as livery and riding stables, retention of stable buildings and retention of two pairs of loose boxes. Expires 30/11/1985 – approved 19 November 1980.
- 5.9 LW/91/0727 - Outline application for the erection of dwelling house – refused 15 July 1991.
- 5.10 LW/94/1308 - Erection of two stables and two field shelters – approved 24 November 1994.
- 5.11 LW/97/1569 - Section 73A Retrospective application for the retention of post & rail fence – approved 8 December 1997.
- 5.12 LW/14/0629 - Erection of three dwellings – refused 6 November 2014, appeal dismissed 25 April 2015.
- 5.13 LW/16/1029 - Section 73A retrospective application for the siting of a mobile home on land at rear of property – approved 6 February 2017.
- 5.14 LW/18/0017 – Certificate of Lawful Development (existing) for Continued use as a residential dwelling – refused 18 June 2018 – insufficient evidence.
- 5.15 LW/18/0622 - Section 73A retrospective application for change of use of a building to a residential dwelling – refused 18 October 2018, subsequent appeal dismissed 13 June 2019.

6. **Consultations**

6.1 Environmental Health

- 6.1.1 Original application - After considering the proposed change of use of the land for domestic purposes, I can confirm that I have no objection.
- 6.1.2 The application form makes reference to a new septic tank which will be installed on the land. Whilst this will be addressed by Building Regulations, I would like to draw attention to the nature of the local geology, which contains clay and sand outcrops and is historically subject to subsidence. Special consideration should be made to the location of the land drain serving the septic tank to ensure that settled wastewater does not drain onto a clay-rich subsoil, as this will hinder percolation and risk causing a hazard if it emerges above the ground surface downstream. If you consider it appropriate, I suggest the following condition:

- Drainage works must be carried out in accordance with a drainage statement to be submitted to and approved by the local planning authority. The statement should demonstrate how any discharge of treated wastewater to the subsoil will be made showing full consideration of the surrounding geology to ensure appropriate percolation into the ground. The statement should be accompanied by a drainage plan.

6.1.3 Amended application – I have no comments in terms of air quality.

6.2 ESCC Rights of Way

6.2.1 No comments received for either original or amended applications.

6.3 ESCC Traveller & Gypsy Liaison Officer

6.3.1 No comments received for either original or amended applications.

6.4 Friends Families and Travellers

6.4.1 No comments received for either original or amended applications.

6.5 Planning Policy - original application

6.5.1 The relevant policy is LPP1 Core Policy CP3, which states that applications for site for Gypsies and Travellers proposals will be supported where they meet the listed criteria and are in conformity with other relevant district wide policies.

6.5.2 Key here is that the intended occupiers meet the definition of Gypsies and Travellers which is set out in the glossary in LPP1:

Gypsies and Travellers - Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.

6.5.3 If the occupiers meet the definition and the proposal is considered in accordance with the criteria of CP3 and any other relevant policy, then in principle there would be no policy objection to the proposal.

6.5.4 No comments received for amended application.

6.6 Peacehaven Town Council - original application

6.6.1 Peacehaven is currently in the process of trying to protect the natural green space. Within any town there are Planning boundaries and up to those boundaries are urban settlements and this application LW/20/0390, is outside of this urban Boundary and in the countryside.

6.6.2 LDC have a core strategy part 2 in place. This document has a policy DM4 giving exceptions of when something can be built in the countryside or agricultural land, and this new application does not meet any of those exceptions. According to the core strategy document for Lewes, very strong policies are set for travellers and it was found that there was no more need to find anymore sites for

Travelers, the main site is just off Lewes and there is room there for more.

- 6.6.3 It is Article 4 land, which is a rural area of outstanding natural beauty, there are nearby horses and there are environmental concerns to protect this area. This new site is unnecessary when there is space at the main site and it doesn't fit any criteria to 1) build/develop in the countryside and 2) to make any allowance for travellers.
- 6.6.4 Town Councillors have been to view the site and have reviewed all areas of this proposed site:
- There is a static caravan already on the site and a septic tank fitted at far end of it which was fitted 2 years ago, and the position of the septic tank is a concern.
 - The existing building there which is a 1-bedroom bungalow, is classed on the application as the day room/games room, this has a wooden base/veranda, this building base is rotting away. The water comes in and goes out to a septic tank. New caravan will be further up, with a longer distance to go to the septic tank.
 - The Grazing land stated on the application is not actually grazing land, the grazing land is further down.
 - Concerns why there will be a touring caravan next to hedge at the back, as well as a static van?
 - Large gate opening out on to a public footpath. Which is unsuitable for large vehicles.
 - The land here is Clay based ground surface, so water struggles to drain away. Potential for flooding and a natural spring is here.
 - 1 traveller family can be up to 70 people. Concerns this site will be used for a bigger family than stated.
 - This area is Defined as a rural area/county side area. Different set of planning rules should be applied to this area of natural beauty.
 - Concerns that previous Planning Applications for the last 25yrs have suddenly disappeared from the LDC Planning website.
 - Annual report for building, last one in 2018 states that Blakeney Ave is a red zone, unsuitable for building. Piece of land is actually grazing land and soak away, which is a soggy piece of land, the access to this site is the A259 which has always been unrepaired as always collapsing on this section.
- 6.6.5 Peacehaven Town Council would like to OBJECT TO THIS APPLICATION.
- 6.6.6 Amended application - It was resolved to recommend refusal on the following basis:
- There had been no substantial change to this application

- The Town Council's previous recommendation for refusal therefore stands, for the reasons stated. Please carry this forward as part of the Town Council's response to this amended application.
- The caravan has just been moved to a slightly different position.
- Unacceptable change of use
- Approval would set a precedent for this type of development in a rural area/buffer zone between Peacehaven and Newhaven
- The existing building is NOT a bungalow
- There are known issues with water pressure and electricity supply in the area
- It was resolved that, should LDC be minded to approve this application, the following Conditions should be included:
- Site hours limited to Monday-Friday 08:00 to 18:00 and Saturday 08:00 to 13:00, no working on Sundays or Bank Holidays, no plant and equipment to be started up outside of these hours, no loud music to be played
- Vehicles belonging to construction staff should not block access for other residents and should not be parked on grass verges or at junctions
- Any damage to the grass verges during construction must be repaired by the developer
- All construction equipment and supplies to be delivered between the hours of 09:30 and 14:30 to avoid rush hour on the A259 and ease congestion
- If parking at the front of property required, recommend that suitable provision is made for the safety of pedestrians and cyclists
- An asbestos survey should be carried out prior to demolition
- A vehicle wheel wash system to be used to stop contamination of the public highway

7. Neighbour Representations

7.1 Original application - Representations have been received from 11 local residents objecting to the application for the following reasons:

- Land is unsuitable for further building
- Land is subject to flooding, additional hardstanding would increase this and lead to subsidence to nearby properties
- Impact on wildlife
- There is no existing 'bungalow' on the site
- Applicant has trespassed on adjoining land and cut down trees

- Proposal is out of character, allowing a static caravan would set a precedent for other strips of land in the area
- Land is adjacent to AONB and SDNP
- Area can't support any more dwellings
- Previous residential uses on this site have been refused
- Road is in poor condition
- Land has been used for grazing and is a greenfield site
- Drainage, refuse collection needs to be taken into consideration
- Planning history of site is not on the website
- Residents in Outlook Avenue not consulted
- The site is outside of the planning boundary, new development not permitted
- Septic tank was out in without permission
- There is a spring on the site
- LDC has sufficient space for Travellers, this would undermine the strategy
- AONB would be ruined
- Insufficient infrastructure, area is subject to power cuts
- Road will be subject to additional traffic which would cause more damage
- Proposed planting will block sightlines of the road
- Proposed hardstanding area is too large and will be out of keeping with the character of the area
- Road is used as a rat run for the tenants in the caravan park, which has increased in size
- Site does not meet the Site Assessment Criteria for Traveller Sites, LDC quota has been reached
- Site is subject to an Article 4 Direction, further development will lead to domestication of the area
- Concern that use of the existing building will become an additional dwelling by stealth.
- Additional noise and disturbance
- A Gypsy/Traveller site here would be detrimental to the area

7.2 Amended application – representations have been received from 10 local residents objecting to the application for the following reasons:

- Very little change to original application, still does not meet the criteria for a Travellers Site
- No main drainage

- Blakeney Avenue is still a steep narrow road
- The site has not been previously developed
- Application is out of character
- Caravan will overlook nearby properties
- Loss of privacy
- Noise and disturbance
- Previous applications have been refused
- Would set a precedent for more static caravans
- Buildings should be removed
- Increased danger of water running down onto A259
- Increase in deterioration of Blakeney Avenue
- Misleading information regarding use of 'bungalow' as just toilets
- Approving will reward illegal behaviour
- Contrary to council policy
- A caravan near properties will devalue them
- Concerns raised about the applicant's behaviour.

8. **Appraisal**

8.1 Background

8.1.1 As can be seen from the planning history, the site has a planning complex history, involving multiple applications and several different landowners. Formerly associated with number 23 Outlook Avenue, the site and the land to the north is now in the ownership of the applicant. As the application relates to buildings/structures that are currently on the site, it is considered appropriate to examine in further detail certain aspects of applications relating to these structures.

8.1.2 It is clear that stables have been on the site as far back as 1967. Whether or not they are in 'exactly' the same positions as they are now is difficult to ascertain.

8.1.3 The static caravan in the adjacent land has planning permission under LW/16/1029, but with the following restrictive condition:

The area of land identified on the location plan submitted with the application and hereby approved shall be used for the stationing of a single mobile home to be used only for purposes that are incidental to the use of the site for the keeping of horses for recreational purposes and for no other purposes unless otherwise approved in writing by the local planning authority.

Reason: In order to safeguard the character and appearance of the locality and protect residential amenity in accordance with retained policies ST3 and RE8 and Core Policies 10 and 11 of the Lewes

District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

- 8.1.4 The current status of the caravan – i.e., whether or not it is currently being used in accordance with the above planning permission – would be immaterial if this application is approved as the applicant has agreed to remove it from the site.
- 8.1.5 The planning history of the existing timber clad building on the site, that is proposed to be used as a ‘day room/amenity (see paragraph 4.3 above), is less clear. It is variously described in historical documents as one of a number of ‘*low timber clad buildings*’ (Inspector’s decision LW/14/0629), a ‘*rural dwelling*’ (Application form LW/18/0017), a ‘*barn*’ (Design and Access Statement LW/18/0622) and ‘*rural building*’. (Inspector’s decision LW/18/0622).
- 8.1.6 According to a statement from the previous owner of the site, Mr Betts, submitted under LW/18/0017 (for lawful use), the building was constructed sometime between 2006 and 2007, seemingly for ancillary use to number 23 Outlook Avenue and without planning permission. The building was apparently fitted out for residential use in 2012 and occupied by Mr Bett’s sons at various times. Photos taken at the time of this application confirm that the fitting out works had indeed been carried out.
- 8.1.7 However, this application was refused on the basis of insufficient information to demonstrate that the building had been in residential use for more than 4 years prior to the submission of the application.
- 8.1.8 The Inspector’s decision in respect of LW/18/0622, states in paragraph 4 that ‘*The Appeal building is already used as a single dwelling and no details have been provided regarding when the building was constructed and what activities it has been used for, including dates. At the same time the Appellant has stated that an application for a Certificate of Lawfulness for the use of the Appeal building as a dwelling was refused*’.
- 8.1.9 In paragraph 3, he states that ‘*It is apparent from the 2015 Appeal decision, which relates to the construction of three dwellings on the site, that at that time there were no dwellings on the Appeal site and that the site was occupied by a range of low timber-clad buildings around a concrete apron which the Appellant indicated were used in association with 23 Outlook Avenue*’.
- 8.1.10 The appeal was determined on the basis that the building was in residential use at the time of that appeal (2019), the decision being that it ‘*unacceptably harms the open and semi-rural character and appearance of this area of countryside*.’ Following the appeal decision, the Council did not instigate enforcement action for the removal of the building.
- 8.1.11 The applicant has agreed to alter the building by way of removing the existing stepped terrace and patio doors to the front (north facing) elevation in order that it appears less domestic. Some

additional planting can be added to mask it further. These measures can be secured by condition.

- 8.1.12 Under these circumstances, it is considered that the *proposed* use of the building as applied for under this application -i.e., to provide ancillary facilities for residents of the static caravan – is appropriate.

8.2 Principle

- 8.2.1 The site falls outside of the planning boundary for the area, where development is normally resisted under policy DM1. Policy CP2 seeks to provide “*flexible, socially inclusive and adaptable accommodation to help meet the diverse need.*” The Planning Statement submitted with the application confirm that the accommodation is for use by one Gypsy/Traveller family. Planning Policy does not object to the proposal on policy grounds.
- 8.2.2 One of the purposes of DM1 is to protect the “*distinctive character and quality of the countryside*”. In this case, a static caravan and the timber building have clearly been in place for a number of years, possibly in excess of 10 years. Notwithstanding the planning history, it would be difficult to justify a refusal that this application would erode the distinctive character and quality of this site and the surrounding area.

8.3 Design and Landscape

- 8.3.1 The design aspects of this proposal are confined to the alterations to the existing building, the appearance of the new static caravan, planting and the finish to the access road. All of these matters can be secured by conditions to ensure compliance with the relevant design aspects of policies CP11, DM25 and DM27 and the Article 4 Direction in respect of boundary treatment.
- 8.3.2 Crucially, the removal of the existing static caravan will improve the overall appearance of the wider site from longer views.

8.4 Amenity

- 8.4.1 The existing building does not overlook or overshadow any of the surrounding properties. Similarly, the location of the proposed new static caravan would ensure that the privacy of residents of the properties to the west of the site is not compromised.

8.5 Transport and parking

- 8.5.1 There is space for vehicle parking close to the proposed location of the new static caravan.
- 8.5.2 A condition is recommended to secure cycle parking facilities.
- 8.5.3 There are bus stops on the A259 close to the junction with Blakeney Avenue, serving the 12, 12A, 14 and 14C bus routes.
- 8.5.4 It is considered that the proposal does not conflict with policy CP13.

8.6 Comments on objections

- 8.6.1 The comments received have been covered in the preceding sections.
- 8.6.2 With regard to the condition of the road, it is considered that the level of vehicle activity that would be generated by this proposal would not be significantly different from existing situation and use and therefore a refusal on this ground alone would be difficult to justify.

8.7 Conclusion

- 8.7.1 The application as amended does not propose any additional structures on the site than are there already. The alterations to the timber building will reduce its visual impact and the new static caravan will be located within an existing grouping.
- 8.7.2 It is considered that the proposal would not lead to such significant harm to the character and appearance of the area as to justify a reason for refusal.
- 8.7.3 Approval is therefore recommended.

9. **Human Rights Implications**

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

- 10.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions

10.2 Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Location Plan	25 June 2020	Location Plan
Proposed Block Plan	26 August 2021	Amended Layout
Other Plans	25 June 2020	Fencing Plans
Planning Statement	25 June 2020	Planning Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Within 28 days of the static caravan/mobile home hereby approved being brought into use the existing static home/caravan on the adjoining site to the north in the applicant's ownership shall be removed and the land restored to its former condition.

Reason: In order to reduce the visual impact of the development having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

3. The use hereby approved shall not be commenced until full details of the proposed new static caravan/mobile home and its exact location on the site have been submitted to and approved by the Local Planning Authority.

To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

4. The use hereby commenced shall not be commenced until details of external alterations to remove the terrace to and change the north facing windows of the existing timber building on the site have been submitted to and approved by the Local Planning Committee. The works shall be carried out in full as approved before occupation of the site.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

5. The use hereby commenced shall not be commenced until details of all proposed landscaping works, including surface materials of the access road, fencing and planting to the southern and eastern boundaries of the site have been submitted to and approved by the Local Planning Committee. The works shall be carried out in full as approved before occupation of the site.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. The use hereby commenced shall not be commenced until details of a drainage scheme to serve the site has been submitted to and approved by the Local Planning Authority. The works shall be carried out in full as approved before occupation of the site. The drainage scheme should demonstrate how any discharge of treated wastewater to the subsoil will be made showing full consideration of the surrounding geology to ensure appropriate percolation into the ground.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policies CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

7. The use hereby commenced shall not be commenced until details of secure and undercover cycle parking have been submitted to and

approved by the Local Planning Committee. The works shall be carried out in full as approved before occupation of the site.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

8. The use hereby commenced shall not be commenced until details of refuse and recycling facilities have been submitted to and approved by the Local Planning Committee. The works shall be carried out in full as approved before occupation of the site.

Reason: In the interests of the amenities of the area, having regard to policy DM26 and guidance within the National Planning Policy Framework.

9. The timber building shall not be used other than for amenity and ancillary use only of the future occupants (and their family and friends) of the proposed static caravan and not at any time for overnight occupation.

Reason: The Local Planning Authority, having regard to the specific living requirements of the intended users of the building, has permitted this development in exception to policies that seek to resist development outside the planning boundary.

11. **Background Papers**

- 11.1 None.