Appeal against refusal of application DC/25/0055

Use of land for the stationing of 5 static caravans for residential purposes and 3 associated day rooms. Associated landscape works.

Greenfield Farm Valewood Lane Barns Green West Sussex

24th July 2025

Response to LPA comments

The LPA consider that argument that only lawful development should be considered when assessing landscape / character impact is overly narrow.

They consider that the cumulative landscape effect is not confined to lawful developments alone; it must consider what is on the ground and visible (whether authorised or not) since it is the perceived impact on the character and visual quality of the landscape that is key.

We continue to disagree with this approach.

Unlawful development does not, by its nature benefit from consent, and there are powers in place for it to be removed through the use of Enforcement Notices. It is therefore not permanent and so would be removed or regularised through subsequent applications or appeals.

Once removed it would no longer have an impact and so this is a material consideration. It cannot be correct to consider unlawful development which the LPA have the power to remove.

The baseline against which the impact of the proposed development should be made is the lawful surrounding development and NOT the unlawful situation which does not benefit from consent.

The adjacent sites benefit from permission for 11 pitches, whereas the LPA have made their assessment against a baseline of 42 caravans, the majority of which are not lawful.

With the assessment undertaken correctly against the lawful permissions of the adjacent sites it is clear that there is far less cumulative impact, and the resultant cumulative impact would not lead to harm to the character and appearance of the landscape.

The LPA also introduce an argument in relation to paragraph 26 of PPTS. This did not form part of the reasons for refusal and so should not be introduced at this stage as an argument.

Notwithstanding the above, as this has been introduced, we wish to respond to this point.

The LPA state

> *As per the Officer's report, standalone the appeal proposal would not represent harm to the overall character of the site and surrounding area. However, cumulatively, the development would result in adverse harm, as assessed by the Council. To this end, paragraph 26 of the PPTS states 'Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure'.*

The site resides within the Parish of Itchingfield

The LPA state that in 2021 its population was 1,778 persons. The 2011 census states that this is spread across 578 homes

The combined total of gypsy and traveller sites across both the appeal site and Kingfisher farm is 25 units. Each unit having an average population of 2.47 (based on census data) would give a population of 62 persons residing in the gypsy and traveller sites within the parish.

With the addition of the proposed 5 pitches the number of authorised units would amount to 30 giving a population of 74 persons.

Comparing 74 Gyspy Travellers to a population of 1,778 persons within the settled community cannot in any way be considered to dominate.

Even if the unlawful position was assessed (which we maintain is incorrect as they do not benefit from permission) there would be a total of 62 units and so a population of 153 gypsy travellers set against a population of 1,778 persons within the settled community. This again cannot in any way be considered to dominate.

The LPA seek to consider the 24x dwellings on the 'dog leg' of Valewood Lane (see figure 2 within their statement of case) to be the nearest settled community for the purpose of paragraph 26 of PPTS

The Council's approach is rather contrived, and the nearest settled community should not be just the immediately adjacent houses but should be considered to be the Parish of Itchingfield.

The approach to assessing the impact on the settled community was considered in appeal APP/H1840/W/19/3237790 at Land South of The Close, Cleeve Prior, Worcestershire, WR11 8LF

This appeal related to 6 pitches in addition to an existing provision of 31 pitches within the parish of Cleeve Prior. The parish had a population of 561 people in 247 households

The Inspector considered that the parish should be considered the nearest settled community and assessed that:

> *even if all of these existing pitches were occupied, that would only result in a combined total of 37 pitches (including the appeal site).*

> *In these circumstances, and in the context of a parish of 247 households, I do not consider that the development would result in a cumulative domination of the settled community.*

Taking in to account the population of the nearest settled community and relevant appeal decisions it is clear that the pitches to be provided on the appeal site would be of minor significance however assessed.

There would be a relatively modest number of residents and this addition to the locality would not dominate the settled community.

As such, the proposal (with or without accounting for the unlawful development in the area) would not be contrary to the provisions of paragraph 26 of the PPTS.