

Project: The Cottage, Shripney Road, Shripney
Prepared by: CS
Approved by: JB
Date: 02/08/2017

1.0 Introduction

- 1.1 In May 2017, Castle Properties submitted an outline planning application to Arun District Council (ADC) for the construction of 20 new houses and flats, plus a replacement dwelling (21 units in total) following the demolition of the existing dwelling and outbuildings at The Cottage, Shripney Road, Shripney.
- 1.2 The application (Ref: BE/63/17/OUT) was supported by a Transport Statement (TS) that considered the likely effects of this development upon the local road network and the transport sustainability of the site. On the basis of the analyses presented within the TS, it was concluded that the site was sustainable in accordance with local and national planning policies.
- 1.3 However the Planning Authority have requested further information on the sustainability of the site and this Technical Note provides the additional information required.

2.0 Planning Policy

Overview

- 2.1 There are a number of documents that contain planning policies relevant to sustainability. The key policy documents which set the context for the development proposals include:
 - » National Planning Policy Framework – March 2012;
 - » Planning Policy Guidance – March 2014;
 - » Saved Policies of The Arun District Local Plan – April 2003; and,
 - » West Sussex County Council – Transport Assessment Methodology – June 2007.

National Planning Policy Framework

- 2.2 The National Planning Policy Framework (NPPF) was published in March 2012, and sets out a presumption in favour of sustainable development that recognises the importance policies have in facilitating sustainable development, and that planning decisions should have regard to local circumstances. In this regard, promoting sustainability forms an important element of the NPPF and states at paragraph 7 that.

"There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **An Economic Role** – Contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure.
- **A Social Role** – Supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- **An Environmental Role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

2.3 The NPPF recognises the importance of transport policies in facilitating sustainable development, and that planning decisions should have regard to local circumstances. In this regard, promoting sustainable transport forms an important element of the NPPF and states at paragraph 29 that:

2.4 Paragraph 34 also states;

Planning Practice Guidance

2.7 Paragraph 013 of ID 42, Transport Assessments and Statements, states Transport Assessments and Statements should take into account the following considerations:

- ## Saved Policies of the Arun District Local Plan

2.9 A new Draft Local Plan 2011-2031 is still to be examined in public however the Policy SD SP1 of the draft Local Plan states;

This policy indicates that as the ethos of the NPPF has to be followed, then the transport aspects of a development with regards sustainability will be looked at differently for urban and rural areas.

West Sussex County Council ~ Transport Assessment Methodology

- 2.10 The Transport Assessment Methodology is produced by West Sussex County Council (WSCC), who are the highway and transport authority for ADC. The document details the requirements for sustainable transport assessments and within Section 6, the document requires that residential developments should be assessed to determine if the services of food, retail, health, employment and education can be achieved by walking, cycling and public transport within 60, 45, 30 and 15 minute periods during peak and off peak periods.
- 2.11 The analysis should be based on cycling speeds of 12km/h, walking speeds of 5km/h and bus stops within 400 metres at either end of the journey.
- 2.12 However, it should be noted that WSCC only require this assessment on sustainability to be undertaken on developments greater than 50 units or where the development generates more than 30 vehicle movements in any one hour period. Neither of these criteria apply to the current proposals for The Cottage on Shripney Road

3.0 Sustainability Transport Assessment

- 3.1 It is generally accepted that walking and cycling provide important alternatives to the private car, and should also be encouraged to form part of longer journeys via public transport. Indeed, it is noteworthy that the Institution of Highways and Transportation (IHT) has prepared several guidance documents that provide advice with respect to the provision of sustainable travel in conjunction with new developments. Within these documents it is suggested that:

- ✧ Most people will walk to a destination that is less than one mile, 1.6 kilometres (*Planning for Walking, 2015*);
- ✧ The bicycle is a potential mode of transport for all journeys under five miles, 8 kilometres(*Planning for Cycling, 2015*); and,
- ✧ Walking distances to bus stops should not exceed 400 metres, with people being prepared to walk twice as far to rail stations (*Planning for Walking, 2015*).

- 3.2 Notwithstanding the above, it should be noted that the NPPF recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural locations. Moreover, Manual for Streets (MfS) identifies 'walkable neighbourhoods' as being:

"characterised by having a range of facilities within 10 minutes (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot".

- 3.3 However, it is important to recognise that MfS does not consider 800 metres to be a maximum walking distance. Indeed, MfS and TD91/05 of the Design Manual for Roads and Bridges contend that walking can be used to access a variety of destinations within a range of up to 2 kilometres and 2 miles respectively. Finally, it is also important to recognise that two thirds of all trips that cover a maximum distance of 1 mile are completed on foot (National Travel Survey, 2015).

Walking and Cycling

- 3.4 A footway is located along the west side of the Shripney Road service road in the vicinity of the site and as detailed within the TS submitted with the planning application a footway link will be provided between the site access and this footway. Shripney Road and the service road benefit from street lighting and the footways provide access to the nearby local bus stops, Bognor and retail parks to the south.
- 3.5 Public footpath 151 crosses the southern area of the site and this provides access to Sack Lane and public footpath 200 which enables recreational walks to Barnham and Yapton to be undertaken.

- 3.6 At the end of the service road, 250 metres south of the site, a cycleway commences which provides a link to a comprehensive network of cycle routes around Bognor which provides links to Barnham, Bognor, Chichester and the national south coast cycle route.
- 3.7 An extract of the West Sussex online cycle map, showing the network of cycle routes is provided within Appendix A.

Public Transport

Accessibility by Bus

- 3.8 The nearest bus stops to the site are located along both sides of Shripney Road, approximately 100 metres to the west of the site access. These bus stops are served by service 66, which operates a circular route between Bognor Regis, Barnham, Yapton and Bognor Regis every 2 hours on Mondays to Saturdays. These routes do not operate on Sundays. The full details for service 66 are within Appendix B.
- 3.9 Additional services are available at the stops on Shripney Road, 1 kilometre to the south of the site. These stops are served by services 61 and 62 which provide connections to central Bognor Regis

Accessibility by Station

- 3.10 The nearest mainline railway station to the site is Barnham railway station, located circa five kilometres to the north east of the site and therefore within the thresholds included within Planning for Cycling for a journey which could be undertaken by bicycle. The station can also be reached by bus service 66.
- 3.11 A summary of the destinations and frequencies of services from Barnham railway station is provided in the table below.

Route	Destinations	Approximate Frequency (both directions)	
		Mon-Sat	Sun
Bognor Regis to Littlehampton	Barnham, Ford	Hourly	
London Victoria to Southampton Central	London Victoria, Clapham Junction, East Croydon, Redhill, Gatwick Airport, Three Bridges, Crawley, Horsham, Barnham , Chichester, Southbourne, Emsworth, Havant, Cosham, Portchester, Fareham, Swanwick, Southampton Central	Hourly	Hourly (change at Clapham Junction)
London Victoria to Portsmouth Harbour	London Victoria, Clapham Junction, East Croydon, Gatwick Airport, Three Bridges, Crawley, Horsham, Barnham , Chichester, Havant, Fratton, Portsmouth and Southsea, Portsmouth Harbour	Hourly	
Littlehampton to Portsmouth Harbour	Littlehampton, Ford, Barnham , Chichester, Fishbourne, Bosham, Nutbourne, Southbourne, Emsworth, Warblington, Havant, Bedhampton, Hilsea, Fratton, Portsmouth and Southsea, Portsmouth Harbour	Every 20-40 minutes	Every 30 minutes
Bognor Regis to London Victoria	Bognor Regis, Barnham , Ford, Arundel, Amberley, Pulborough, Billingshurst, Christ's Hospital, Horsham, Crawley, Three Bridges, Gatwick Airport, Redhill, East Croydon, Clapham Junction, London Victoria	Every 30 minutes	Hourly

Table 3.2 – Rail services from Barnham

- 3.12 Barnham station, while not within Shripney, is within easy reach and enables long distance and inter county trips to be undertaken by rail.

Baseline Travel Patterns

- 3.13 In order to assess the relative attractiveness of the sustainable modes of transport that the site has access to, the 2011 Census Data results associated with residents living in the local area has been interrogated (Bersted Parish Output Layer E05007582). Details of the data extracted from the 2011 Census is summarised in Table 3.1 and provided in Appendix C for completeness.

Mode	Bersted Parish	Arun District
Public Transport	6.1%	6.9%
• Rail	1.8%	4.5%
• Bus	4.3%	2.5%
Car/van driver	64.1%	60.8%
Car/van passenger	8.1%	6%
Taxi	0.4%	0.3%
Motorcycle	1.1%	0.9%
Pedal Cycle	4.8%	3.6%
On foot	6.7%	8.3%
Other	8.7%	13.2%
Total	100%	100%

Table 3.1 – Travel to Work Data (2011 Census)

- 3.14 Table 3.1 indicates that while the predominant mode of transport for travelling to work amongst existing residents is the private car, this amounts to 64.1% of all trips made against 60.8% of all trips made by car within Arun District as a whole. However, it is noteworthy that over 35% of people travel to work via sustainable modes of transport (i.e. public transport, walking and cycling) and as such it is considered that the sustainable transportation options introduced above provide existing residents of Shripney Lane with a wide choice of transportation modes for work based trips.

Local Amenities

- 3.15 Having regard to the above review of sustainable transport options, consideration has been given to the proximity of the application site to the key local services including education, employment, retail and health facilities. As is shown on the plan provided at Appendix D, the application site is well located with respect to a range of facilities and services that can be accessed by walking, cycling and public transport in accordance with the guiding principles of the NPPF.
- 3.16 Table 3.2 provides a summary of these together with the associated walk and cycle times, which are based on standard walk (i.e. 1.4m/s) and cycle speeds (i.e. 12mph or 5.4m/s) referenced in the Institute of Highways and Transportation's document entitled 'Planning for Walking' and the Department for Transport's 'Local Transport Note 2/08 - Cycle Infrastructure Design'.

Service	Route	Approximate Distance (Metres)	Journey Time (Minutes)	
			Walking	Cycling
Southern Cross Trading Estate (Employment)	Shripney Road	1,072	12	3
South Berstead Business park (Employment)	Shripney Road-Rowan Way-Durban Road	2,000	23	6
Oldlands Farm, Bognor Enterprise Zone (Rolls Royce)	Shripney Road	750	9	3
Knowledge Park Bognor Enterprise Zone	Shripney Road	500	6	2
Sainsbury's (Food Retail)	Shripney Road	1,574	18	5
Lidi (Food Retail), and Non-Food Stores,	Shripney Road	1,131	13	3
Robin Hood Public House	Shripney Road	50	1	1
South Berstead Primary School	Shripney Road	2,490	28	8
Berstead Green Surgery	Shripney Road-Rowan Way-Berghestede Road-Durston Drive	2,485	28	8
The Regis Secondary School	Shripney Road-Orchard Way- Chichester Road-Westloats Lane-	2,800	32	9

Table 3.2 - Typical Journey Times to Key Local Services

- 3.17 Table 3.2 clearly shows that employment and food shopping areas are all within the 1.6 kilometre distance recommended by Planning for Walking while Table 3.2 clearly details that employment, education, health and food shopping are all within the 8 kilometre distance recommended by Planning for Cycling.
- 3.18 It should also be noted that land either side of Shripney Road between the southern boundary of the village and Rowan Way has been identified by Arun District Council as an employment Enterprise Zone. The land at Oldlands Farm has been identified for manufacturing employment and Rolls Royce have already open a large workshop on the site, which is within 750 metres of the application site. While land to the west of Shripney Road has been identified as a Knowledge Park, which is within 500 metres of the site. These employment areas are within a maximum nine minute walk of the site.

Summary

- 3.19 The analysis within Section 3 confirms the site is in a sustainable location given its rural location and complies with the policies within the NPPF, the only policy framework that sustainable issues can be assessed against within Arun.
- 3.20 It has been shown that the existing modal split of residents within Berstead parish when assessed on the latest census data is comparable with the modal split of residents of Arun District as a whole.

4.0 Appeal and Relevant Planning Decisions

- 4.1 There are various appeal decisions where Inspectors have concluded that development sites with less opportunities to promote modal shift than those available at this application site still meet the requirements of the NPPF. The following paragraphs detail these decisions.

West Chilmington, West Sussex

- 4.2 The full appeal decision is within Appendix E and is for a residential development in a rural village, where there is also a bus service. The Inspector concludes that a 10 to 15 minute walk distance is acceptable to reach some services and given the rural nature of the site it has to be accepted that some journeys will have to be undertaken by motor vehicles. Within paragraph 32 of the decision notice the Inspector states;

"I find that the ability to access day to day services in a manner not dissimilar to existing residents within a rural settlement adjoining the site means that the proposal would not represent a non-sustainable development due to rural communities having a greater reliance upon the private car".

Chester Road, Tattenhall, Cheshire

- 4.3 The relevant sections from this conjoined appeal for two sites are included within Appendix F. The inspector concludes that a range of services can be reached within 1.3 kilometres and states within paragraph 553;

"There is no doubt that many journeys would be undertaken by car as happens at present. Tattenhal is essentially a large village within a rural area and so this is not unexpected. Any growth in the village would lead to an increase in car travel. However, the important point is that there are opportunities to exercise other modal choices and this seems to me to accord with paragraph 29 of the Framework".

Shilton Road, Burford, Oxfordshire

- 4.4 The relevant sections from this appeal are within Appendix G, and is for a residential development and care home remote from the market town of Burford. The inspector concluded that walk times at normal walking pace of twenty minutes, representing circa 1750 metres to reach services is acceptable. Within paragraph 68, the inspector states;

"The time factor may be a discouragement for those with busy lives, especially given the ready availability of private motorised transport and the availability of free parking which is prevalent in this area, on and off-street within the town. It does not follow, however, that the proposed development would not be reasonably accessible on foot to those who choose to walk, either habitually or when circumstances favour the choice."

While in paragraph 73 the Inspector states;

*"In reality, innumerable factors, including health and the desire to be healthy influence individual choice. People tend to opt for the choice that in a practical sense suits them best and will vary according to circumstances. **It is no part of Framework policy to prescribe travel choice** [Motion Emphasis], but it is policy wherever practical to facilitate and encourage sustainable choices.*

Planning Application A/142/16/Out Merry England Nursery, Dappers Lane, Angermeyring

- 4.5 This planning application for 18 dwellings was approved on the 30th June 2017, is in a location with similar characteristics to the current proposals and within Arun District. The site is located further from bus stops than the proposals at The Cottage, which also have a limited service provision. The nearest convenience store is 1km from the site, a similar distance to the Lidi Store on Shripney Road from The Cottage and the nursery is not located close to any employment areas unlike the application site at The Cottage. The officers report states the following:

*"The National Planning Policy Framework (NPPF) states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. In this respect, the site is located within a reasonable walking distance of Angmering village and passenger transport infrastructure. The proposed links the village centre are being enhanced by the addition of the footway. Paragraph 29 of the NPPF also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. **Whilst paragraph 29 goes on to say that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas, residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips** [Motion emphasis], however it is recognised that this is a small scale development intended to be provide for local housing needs".*

The report later states:

"Therefore, the proposed site is considered to form a sustainable form of development which accords with Paragraph 29 of the NPPF as well as policy TM2 of the Angmering Neighbourhood Plan and as identified elsewhere in this report will not have an adverse impact upon the biodiversity at the site."

- 4.6 The report, therefore, clearly details the correct interpretation of paragraph 29 of the NPPF in accordance with the Inspectors decisions detailed above. Therefore, to ensure planning applications are determined consistently across Arun District the same sustainable assessment methods should be applied to the proposals for The Cottage, Shripney Road.

Richmond Lodge, Shripney Road, Bognor.

- 4.7 This site has been the subject to various planning applications the most recent being applications BC/10/10, BE/9/14 and BE/100/15/PL and is located 200 metres south of The Cottage. The applications have been for a mixture of either residential dwellings and flats and in all cases, there has been no objection on sustainability grounds. The latter two applications have been assessed within the current development plan policies, while BE/9/14 went to appeal where the Inspector raised no sustainable transport objections. Given the similar characteristics between these proposals and those at The Cottage, especially the relation of the site to local amenities, these approvals are a material consideration in determining the sustainability characteristics of The Cottage. We contend that given the close proximity of the two sites, if it was deemed that Richmond Lodge was a sustainable location in accordance with NPPF policies, then it follows that The Cottage is also within a sustainable location.

5.0 Summary

- 5.1 This Technical Note details the sustainable credentials of The Cottage with regards transport. It clearly shows that while some trips will be made by car, there are sustainable transport alternatives available to undertake a proportion of trips.
- 5.2 The NPPF requirements are to offer travel choice and not to prescribe travel choice and such these choices are available. It is contended the site complies with the sustainable policies included within the development plan.

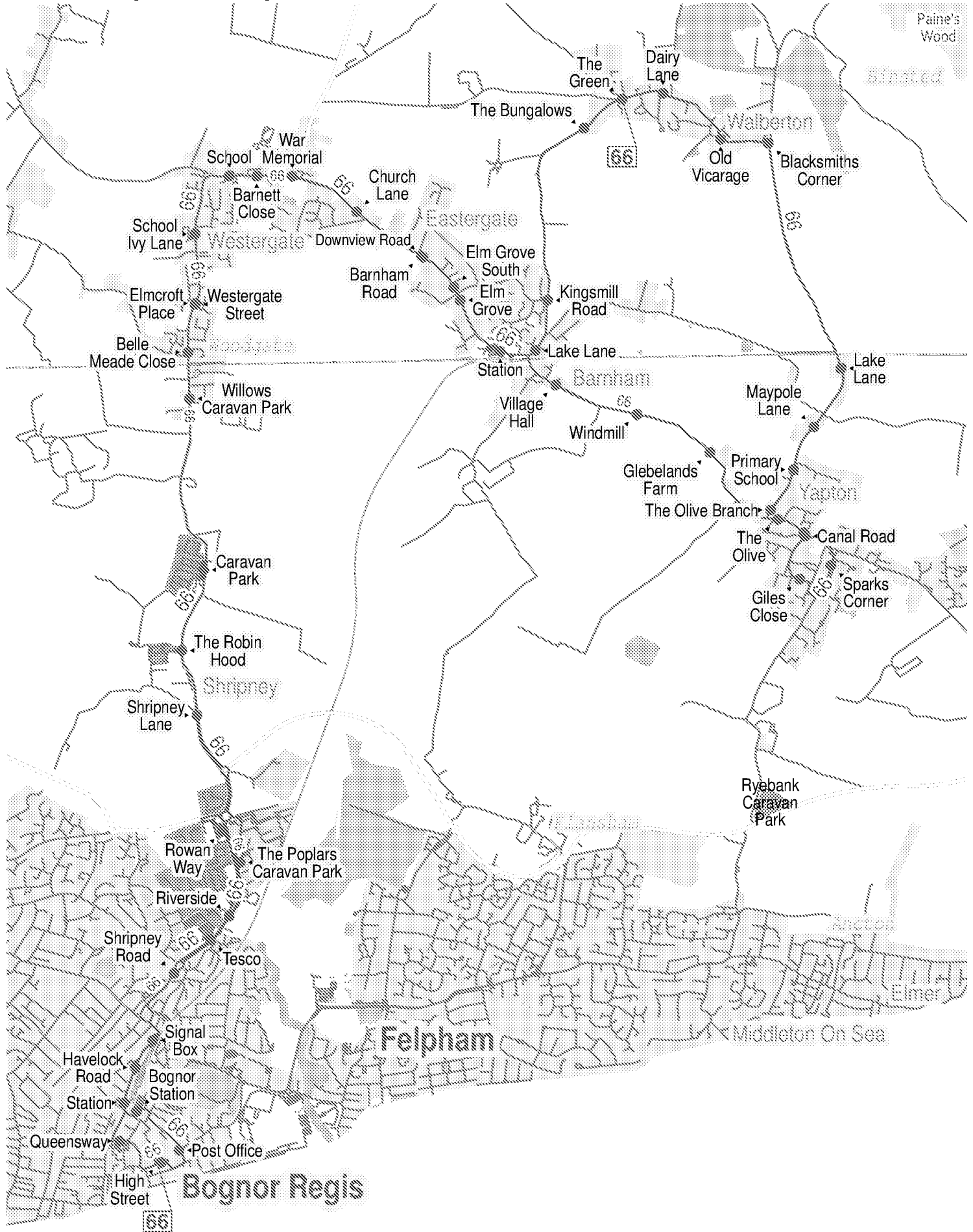
Appendix A

West Sussex Cycle Route Map



Appendix B

Bus Timetable



**66A/66C****Bognor Regis - Yapton - Bognor Regis**

Compass Travel

The information on this timetable is expected to be valid until at least 17th May 2017. Where we know of variations, before or after this date, then we show these at the top of each affected column in the table.

Direction of stops: where shown (eg: W-bound) this is the compass direction towards which the bus is pointing when it stops

Mondays to Fridays

Service	66	66A	66	66C	66	66A	66	66C	66	66A	66	66A	66	66C	66	66A
Service Restrictions	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2
Notes	SDO SHOL SHOL															
Bognor Regis, High Street (Stop A)	0705	0710	0815	0815	1015	1015	1215	1235	1300	1435	1440	1440	1615	1635	1735	1740
Bognor Regis, Station (Stop J)	0708	0713	0818	0818	1018	1018	1218	1238	1303	1438	1443	1443	1618	1638	1738	1743
South Bersted, nr Tesco	0712	0717	0821	0821	1021	1021	1221	1241	1306	1441	1446	1446	1621	1641	1741	1746
Shripney, opp The Robin Hood	0715	0720	0824	0824	1024	1024	1224	1244	1309	1444	1449	1449	1624	1644	1744	1749
Westergate, o/s Ormiston Six Villages Academy										1451						
Westergate, adj Barnett Close	0721	0726	0831	0831	1031	1031	1231	1251	1316	1456	1456	1456	1631	1651	1751	1756
Barnham, opp Station	0726	0731	0836	0836	1036	1036	1236	1256	1321	1501	1501	1501	1636	1656	1756	1801
Walberton, Post Office (S-bound)				0841					1301					1701		
Yapton, Canal Road (SW-bound)	0731	0736	0841	0841	1041	1041	1241	1307	1326	1506	1506	1506	1641	1707	1801	1806
Yapton, Sparks Corner (N-bound)	0734	0739	0844	0851	1043	1043	1243	1309	1328	1508	1508	1508	1643	1709	1803	1808
Walberton, o/s Old Vicarage	0743	0748	0852		1049	1049	1249		1334	1514	1514	1514	1649		1809	1814
Barnham, Station (NW-bound)	0749	0753	0857	0856	1054	1054	1254	1314	1339	1519	1519	1519	1654	1714		
Westergate, adj School	0754	0758	0902	0902	1059	1059	1259	1319	1344	1524	1524	1524	1659	1719		
Shripney, adj The Robin Hood	0800	0804	0910	0910	1106	1106	1306	1326	1351	1531	1531	1531	1706	1726		
South Bersted, opp Tesco	0803	0807	0913	0913	1109	1109	1309	1329	1354	1534	1534	1534	1709	1729		
Bognor Regis, Station (Stop K)	0806	0810	0917	0917	1112	1112	1312	1332	1357	1537	1537	1537	1712	1732		
Bognor Regis, High Street (Stop C)			0920	0920	1115	1115	1315	1335	1400	1540	1540	1540				
Bognor Regis, High Street (Stop A)	0809	0813											1715	1735		

Saturdays

Service	66	66A	66	66C	66	66A	66	66C	66	66	66A	66	66C	66	66A
Service Restrictions	5	6	5	6	5	6	5	6	5	5	6	5	6	5	6
Bognor Regis, High Street (Stop A)	0715	0715	0815	0815	1015	1015	1215	1235	1300	1440	1440	1615	1635	1735	1740
Bognor Regis, Station (Stop J)	0718	0718	0818	0818	1018	1018	1218	1238	1303	1443	1443	1618	1638	1738	1743
South Bersted, nr Tesco	0721	0721	0821	0821	1021	1021	1221	1241	1306	1446	1446	1621	1641	1741	1746
Shripney, opp The Robin Hood	0724	0724	0824	0824	1024	1024	1224	1244	1309	1449	1449	1624	1644	1744	1749
Westergate, adj Barnett Close	0730	0730	0831	0831	1031	1031	1231	1251	1316	1456	1456	1631	1651	1751	1756
Barnham, opp Station	0735	0735	0836	0836	1036	1036	1236	1256	1321	1501	1501	1636	1656	1756	1801
Walberton, Post Office (S-bound)				0841					1301				1701		
Yapton, Canal Road (SW-bound)	0740	0740	0841	0841	1041	1041	1241	1307	1326	1506	1506	1641	1707	1801	1806
Yapton, Sparks Corner (N-bound)	0742	0742	0844	0851	1043	1043	1243	1309	1328	1508	1508	1643	1709	1803	1808
Walberton, o/s Old Vicarage	0748	0748	0852		1049	1049	1249		1334	1514	1514	1649		1809	1814
Barnham, Station (NW-bound)	0753	0753	0857	0856	1054	1054	1254	1314	1339	1519	1519	1654	1714		
Westergate, adj School	0758	0758	0902	0902	1059	1059	1259	1319	1344	1524	1524	1659	1719		
Shripney, adj The Robin Hood	0804	0804	0910	0910	1106	1106	1306	1326	1351	1531	1531	1706	1726		
South Bersted, opp Tesco	0807	0807	0913	0913	1109	1109	1309	1329	1354	1534	1534	1709	1729		
Bognor Regis, Station (Stop K)	0810	0810	0917	0917	1112	1112	1312	1332	1357	1537	1537	1712	1732		
Bognor Regis, High Street (Stop C)			0920	0920	1115	1115	1315	1335	1400	1540	1540				
Bognor Regis, High Street (Stop A)	0813	0813										1715	1735		

Sundays

no service

Early May Holiday (Monday 1st May)

no service

Spring Bank Holiday (Monday 29th May)

no service

- Service Restrictions:
- 1 - to 21.4.17
 - 2 - from 24.4.17
 - 3 - from 24.4.17, not 30.5.17 to 2.6., 26.7. to 1.9.
 - 4 - only 30.5.17 to 2.6., 26.7. to 1.9.
 - 5 - to 22.4.17
 - 6 - from 29.4.17

Notes: SDO - School days only
SHOL - Operates during School Holidays

Appendix C

Census Data

QS703EW - Method of Travel to Work (2001 specification)

ONS Crown Copyright Reserved [from Nomis on 2 August 2017]

population	All usual residents aged 16 to 74
units	Persons
area type	english parishes / welsh communities
area name	E04009854 : Bersted

Method of Travel to Work	2011	
Work mainly at or from home	352	8.4
Underground, metro, light rail,	4	0.1
Train	72	1.7
Bus, minibuss or coach	180	4.3
Taxi	18	0.4
Motorcycle, scooter or moped	48	1.1
Driving a car or van	2,701	64.1
Passenger in a car or van	340	8.1
Bicycle	201	4.8
On foot	281	6.7
Other method of travel to work	15	0.4
	4,212	100.0

In order to protect against disclosure of personal information, records have been swapped between different geographic areas. Some counts will be affected, particularly small counts at the lowest geographies.

QS703EW - Method of Travel to Work (2001 specification)

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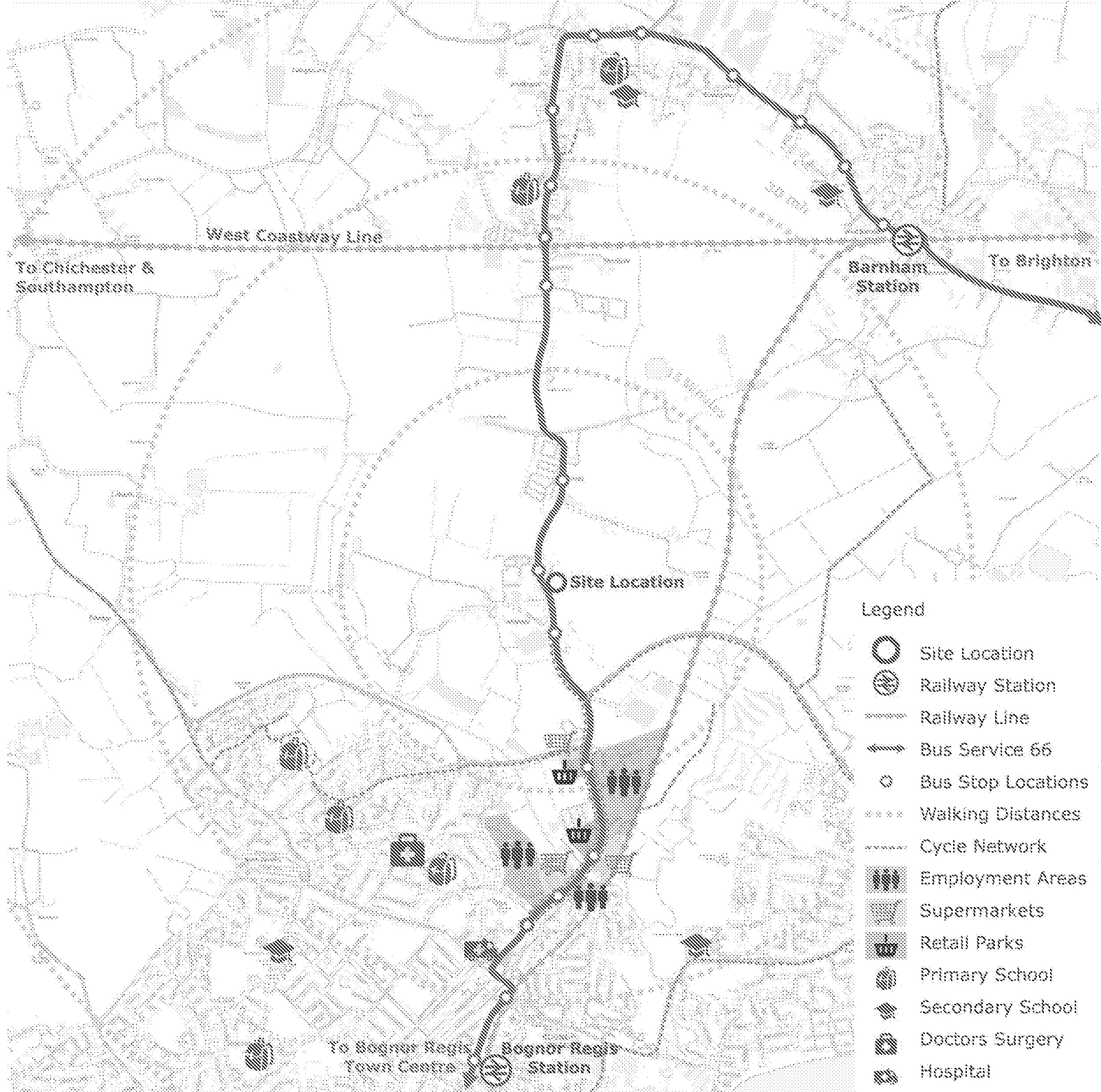
population	All usual residents aged 16 to 74
units	Persons
area type	local authorities: district / unitary (prior to April 2015)
area name	Arun

Method of Travel to Work	2011	
Work mainly at or from home	8,436	12.51
Underground, metro, light rail, Train	86	0.13
Bus, minibuss or coach	2,972	4.41
Taxi	1,622	2.40
Motorcycle, scooter or moped	214	0.32
Driving a car or van	585	0.87
Passenger in a car or van	41,037	60.85
Bicycle	4,095	6.07
On foot	2,435	3.61
Other method of travel to work	5,620	8.33
	341	0.51
	67,443	

In order to protect against disclosure of personal information, records have been swapped between different geographic areas. Some counts will be affected, particularly small counts at the lowest geographies.

Appendix D

Local Amenities Plan



Appendix E

Appeal Decision West Chiltington, West Sussex

Appeal Decision

Inquiry held on 25 and 26 October 2016

Site visits made on 24 and 26 October 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 November 2016

Appeal Ref: APP/Z3825/W/16/3150965

Land at Threals Lane, West Chiltington, West Sussex

Easting: 509252 Northing: 116729

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Walls and Mr Steel of Scorpio Property Limited against the decision of Horsham District Council.
 - The application Ref DC/15/0193, dated 23 January 2015, was refused by notice dated 29 January 2016.
 - The development proposed is the 'Erection of 8 new dwellings, comprising 6 detached and 2 semi-detached houses with related accesses, garaging and car parking. Provision of a new footpath adjacent to Threals Lane.'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 8 new dwellings, comprising 6 detached and 2 semi-detached houses with related accesses, garaging and car parking. Provision of a new footpath adjacent to Threals Lane at Land at Threals Lane, West Chiltington, West Sussex in accordance with the terms of the application, Ref DC/15/0193, dated 23 January 2015, subject to the conditions set out in Appendix A.

Main Issues

2. The main issues are:
 - Whether the proposal represents a sustainable pattern of development, having particular regard to the location of the appeal site and the ability to access day-to-day services; and;
 - Whether the proposed development would make adequate provision in respect of local infrastructure with specific regards to affordable housing, education, and local sport, recreation and community facilities.

Reasons

Planning Policy Context

3. The adopted development plan for the appeal site area is the *Horsham District Planning Framework 2015* (HDPF). Policies 2, 3, 4 and 15 explain how the Council will provide the development required over the plan period, with Policy 15 focussing on housing delivery. Policies 39 and 43 refer to infrastructure provision.

4. Initially the appellant contested whether the LPA could or could not demonstrate a five year supply of deliverable housing land supply sites. However, this issue was agreed and resolved before the Inquiry in that the LPA could demonstrate a five year supply of deliverable housing sites. In this respect, Paragraph 49 of the Framework is not engaged in terms of relevant policies for the supply of housing being considered out of date.
5. Policy 2, Strategic Policy: Strategic Development¹, sets out the broad focus of the spatial strategy to 2031 in terms of growth. This is further expanded within Policies 3 and 4 of the HDPF.
6. The appeal site lies across two civil parishes; Thakeham, which most of the site lies within, and West Chiltington which contains the parcel of land to the north and the settlement which the appeal site directly adjoins. Policy 3, Strategic Policy: Development Hierarchy², sets out a development hierarchy and that development will be permitted within towns and villages that have defined built-up areas. West Chiltington Village and Common (herein West Chiltington) is classified as a 'medium village' in the policy. These are '*settlements (which) have a moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements.*' Thakeham is classified as a 'smaller village'; that is '*Villages with limited services, facilities, social networks but with good accessibility to larger settlements (e.g. road or rail) or settlements with some employment but limited services facilities or accessibility. Residents are reliant on larger settlements to access most of their requirements.*'
7. Policy 4, Strategic Policy: Settlement Expansion³, relates to the expansion of settlements outside of the built-up areas, in order to meet identified local housing, employment and community needs. It sets out five criteria which need to be met in order to be supported by the LPA. These include that '*the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement.*'
8. Policy 15, Strategic Policy: Housing Provision⁴, is a 'housing numbers' policy; that is, how the LPA will deliver at least 16,000 homes within the period 2011 to 2031. Put simply, this will be through the delivery of homes already permitted (part 2), strategic sites (part 3), the provision of at least 1500 homes in accordance with the settlement hierarchy allocated through neighbourhood plans (part 4) and 750 windfall units (part 5). The HDPF glossary defines windfall sites as '*A site not specifically allocated for development in the Local Development Framework which unexpectedly becomes available for development during the lifetime of a plan.*'⁵ At the Inquiry under cross examination, the Council confirmed that were planning permission forthcoming, the site would be a 'windfall site' under this definition⁶.

¹ CD08, HDPF, pages 22 to 23

² CD08, HDPF, page 25 to 26

³ CD08, HDPF, page 27

⁴ CD08, HDPF, page 56

⁵ CD08, HDPF, page 163

⁶ Evidence of Miss Richardson, during cross-examination

9. Policy 16, Strategic Policy: Meeting Local Housing Needs⁷, seeks to ensure that a mix of housing sizes, types and tenures to meet the district's needs are provided in order to create sustainable and balanced communities. In particular, the policy seeks the provision of affordable housing on sites of between 5 and 14 dwellings at level of 20% or a financial contribution equivalent to this.
10. Policy 26, Strategic Policy: Countryside Protection seeks that outside built-up area boundaries, the rural character is protected against inappropriate development and that the proposal must be essential to the countryside location and enable the sustainable development of rural areas.
11. Policy 27, Strategic Policy: Settlement Coalescence⁸ seeks to protect landscapes from development which would result in the coalescence of settlements.
12. Policy 39, Strategic Policy: Infrastructure Provision⁹ seeks to that any additional requirements on local infrastructure is mitigated through the use of planning obligations or Community Infrastructure Levy.
13. Policy 40: Sustainable Transport¹⁰, seeks to encourage non-car modes and support appropriate to the existing transport network and there will be a choice in the modes of transport available.
14. Policy 43: Community Facilities, Leisure and Recreation¹¹, seeks to support the provision of new or improved community facilities or services, particularly where they meet the identified needs of local communities or contribute to the provision of Green Infrastructure.
15. Neither the parishes of West Chiltington nor Thakeham have a 'made' neighbourhood plan. However, both are in the process of formulating separate ones.
16. The *West Chiltington Parish Neighbourhood Plan 2015 Pre-submission Version*¹² (WCNP) is at a relatively early stage having not yet been formally submitted, examined, or subject to a referendum. In accordance with Paragraph 216 of the National Planning Policy Framework (the Framework), relevant policies within this emerging plan should be afforded little weight at the present time. Nevertheless, the WCNP does identify that '*63 households identified a need to move to affordable housing within 10 years*' and '*the number of households seeking affordable homes has increased slightly,*' with Objective 3 being '*to prioritise development in favour of affordable homes that meet a local need.*'¹³ This is expressed further in draft Policies H1 and H2, which seek to meet local housing need through two sites providing 20 affordable homes and prioritisation of affordable housing for local people¹⁴. In this respect, it is clear that there is some aspirational demand locally for affordable housing which is reflective of Policy 16 of the HDPF.

⁷ CD08, HDPF, page 58

⁸ CD08, HDPF, page 103

⁹ CD08, HDPF, page 126

¹⁰ CD08, HDPF, page 128

¹¹ CD08, HDPF, page 132

¹² CD14

¹³ CD14, WCNP, pages 12 and 13

¹⁴ CD14, WCNP, pages 28 and 29

17. The *Thakeham Parish Neighbourhood Plan to 2031 (Submission Plan) Sept. 2015* (TNP)¹⁵ is at a more advanced stage; with it having been submitted for independent examination under the relevant regulations. I heard at the Inquiry from a member of the Thakeham Neighbourhood Plan Steering Group that the Examiner's Report is expected 'imminently'. Clearly, this report is not before me at the present time and it is not for me to second guess the Examiner's findings, whatever they may be. In accordance with Paragraph 216 of the Framework, and without any detailed evidence of any unresolved objections or that the emerging one will be adopted in its current state, relevant policies within this emerging plan can only be afforded no more than limited weight at the present time, as suggested by the main parties.
18. Policy 1: A Spatial Plan for the Parish of the TNP indicates that '*proposals outside of a built up area boundary will be required to conform to Development Plan policies in respect of the control of development in the countryside*' and '*in doing so, proposals must not undermine the visual and physical integrity of the gaps between the built-up areas of Thakeham, West Chiltington...*'¹⁶ Put simply, the supporting paragraphs of the policy explain that housing permissions for the period 2011 – 2014 resulting in 221 consented homes, is a quantum considerably greater than is appropriate in a rural location. In this respect, there is no provision within the TNP to deliver any of the 1500 homes under part 4 of Policy 15 of the HDPF, as these are already covered under part 2 of the aforesaid policy.
19. I heard at the Inquiry that the area covered by the 'gaps' element of Policy 1 of the TNP, as shown on Inset Map Central Area as 'A' with yellow hatching¹⁷ has been increased to cover the appeal site area¹⁸, which has occurred after the Strategic Environment Assessment (SEA) and Sustainability Assessment (SA) and consultation have been undertaken.
20. Policy 11: Local Spaces of the TNP designates Local Green Spaces, which includes x) *Hardborough/High Bar Copse*¹⁹, as shown on the TNP Policies Map July 2015, Inset Map Central Area²⁰, indicates that '*proposals for development in a Local Green Space will be resisted, unless they are ancillary to the use of the land for a public recreational purpose or are required for a statutory utility infrastructure purpose.*' The appeal site lies within the area designated as a Local Green Space in this emerging plan.

Whether a sustainable pattern of development

21. The appeal site is located on the eastern side of Threals Lane, which itself forms the boundary between the parishes of West Chiltington to the west of the lane and Thakeham to the east. The street scene is characterised by the western edge of Threals Lane comprising large mainly detached houses, with development on the eastern side generally more sporadic. The site itself contains a number of single storey corrugated roofed structures along its western edge.

¹⁵ CD11, TNP

¹⁶ CD11, TNP, page 23

¹⁷ CD11, TNP, page 41

¹⁸ IP1, map showing increased yellow hatched area 'A'

¹⁹ CD11, TNP, page 35

²⁰ CD11, TNP, page 41

22. Whilst a large part of the appeal site lies within the Thakeham parish, in practice the nearest settlement to the appeal site is directly located to the west in the form of West Chiltington. In practical terms, any future occupiers are likely to identify with the 'medium village' of West Chiltington, both in terms of serving their needs and geographically, rather than the 'small village' of Thakeham, which would be accessed either using the adjacent bridleway or a circuitous road route.
23. This is of relevance, as Policy 4 of the HDPF which deals with development outside of built up area boundaries indicates, at part 1, that a site will be supported where it is allocated and adjoins an existing settlement edge. The appeal site is neither allocated within the development plan or a made neighbourhood plan. The main parties broadly agreed at the Inquiry that the proposal would fulfil parts 2 to 5 of the Policy. The tension here lies between the wording of Policy 4 at part 1, and the lack of any other specific policy dealing with windfall sites and the criteria they might be assessed against. The appellant made the point that the 'and' in the sentence should be an 'or' for it to read with clarity or sense. However, it is not my role as a Section 78 appeal Inspector to re-examine or re-draft what is a recently adopted policy.
24. Nonetheless, the LPA rely almost exclusively on this one sentence of this one policy as the basis for an 'in principle' objection to the scheme. At paragraph 5.2 of Miss Richardson's Proof²¹, it states that *'the appeal scheme does not comprises sustainable development by virtue of its non-compliance with the Development Plan and because the development conflicts with the aims of the NPPF in terms of sustainable locations for new development.'* This appears to me to be a singular approach, held together by the sole thread of the site not being allocated. I am not convinced that the approach of a site being automatically 'unsustainable' if it is not allocated in a development plan is a pragmatic, realistic or common sense one.
25. It may well be the case that a site is sustainable, yet unallocated for any number of reasons. But this can only be considered after one assesses if a proposal would or would not constitute a 'sustainable development'. Indeed, it is clear that the overarching aim of the HDPF seeks to deliver sustainable development, and this is partially through a focus on a settlement hierarchy as detailed in Policy 3. This is broadly reflective of the Framework, which at Paragraph 49 indicates that *'housing applications should be considered in the context of the presumption in favour of sustainable development'*.
26. Paragraphs 7 and 8 of the Framework detail the three mutually dependent limbs of sustainable development namely; economic, social and environmental. How the proposal could meet these is set out in detail within the Proof of Evidence of Mr Rodway²², but are nonetheless useful to summarise here and aspects of these require further exploration, which I will also undertake below.
27. The economic limb could be achieved through the creation of jobs during the construction phase and the revenue from factors such as the new homes bonus and council tax. These are factors which would enable the development to meet the economic role of sustainable development. They are also modest benefits weighing in favour of the proposal.

²¹ Proof of Evidence of Aimee Richardson - Land at Threals Lane, West Chiltington

²² Proof of Evidence, Tim Rodway

28. The social role could be achieved through the provision of housing within the south east of England, where there is a real and serious deficit of housing across the region. In addition to the six market housing dwellings, the scheme would also provide two affordable housing units within the West Chiltington parish, where the emerging WCNP and other documents identify there is local demand for such accommodation. I consider this specific matter in greater detail within the section on Local Infrastructure.
29. In terms of daily services, the LPA is concerned that future occupiers would be reliant upon the private motor car to access these and that this dependency would render the proposal as unsustainable. However, the appeal site directly adjoins an existing rural community, and it is not uncommon in rural areas for there to be greater reliance on private vehicles in a way very different to those living in large towns or cities, for example. Moreover, the adopted development plan identifies that West Chiltington has an existing moderate level of services and facilities and some access to public transport. Indeed, Thakeham, as a small village under Policy 3, is identified as having good accessibility to larger settlements. What is more, by the local planning authority's own adopted development plan classification of West Chiltington as a medium village under Policy 3 of the HDPF, there is a clear local plan policy indication that the directly adjoining settlement already provides a range of day-to-day services or has good accessibility to them.
30. Indeed, I was able to see that within West Chiltington itself there are a variety of services and facilities serving the local population, which include two post offices (one containing a small convenience store), butchers, hair salon, beauty salon, a primary school, church, village hall, sports pavilion, visitor accommodation and allotments, for example. These are located about 10-15 minutes, at a moderate walking pace, from the appeal site, a walk I undertook during my second site inspection. More widely, there is a doctor's surgery in Storrington to the south, and a further primary school in Thakeham. There is also an existing bus service route that runs 7 days a week within walking distance from the appeal site. In terms of services such as dentists, secondary schools, hospitals and supermarkets, for example, these are located further afield in larger towns such as Pulborough and Storrington.
31. I acknowledge the Council's concerns that access to some services will be by motor vehicle, given some of the distances or routes involved. However, the settlement of West Chiltington is served by a number of services that could be utilised on a daily basis by a variety of travel modes. Indeed, the level of services and facilities within this particular settlement are especially generous when compared to others within this part of West Sussex – including Thakeham to the east. I am reinforced in this view by the fact the LPA have specifically identified West Chiltington as a 'medium village', rather than an 'unclassified settlement' for example. When one takes into account the existing services within West Chiltington, and also those provided further afield in either smaller villages or larger towns, it is clear that future occupiers would not be solely reliant upon the use of private motor vehicles to any greater extent than existing residents.
32. Accordingly, I find that the ability to access day-to-day services in a manner not dissimilar to existing residents within a rural settlement adjoining the site means that the proposal would not represent a non-sustainable development due to rural communities having a greater reliance upon the private motor car.

- In this respect, and taking into account the provision of both market and affordable housing, I find that the proposal would fulfil the social role of sustainable development.
33. In terms of the environmental limb of sustainable development, the proposal acknowledges the need to protect dormice and the site itself is, at the present time an area of unused land; with its last use as agricultural land in the form of a pig farm. I note that the emerging TNP allocates the land as Local Green Space within a wider geographical allocation of Hardborough/High Bar Copse in emerging Policy 11. Clearly this neighbourhood plan has not been made and should be afforded the limited weight I have indicated above. Nonetheless, the emerging TNP is an expression of how the community of the Thakeham parish wish to see their area change over time, and I have therefore considered the TNP carefully.
 34. I saw that the character of the wider proposed Local Green Space is mainly wooded with a bridleway running through part of it. In contrast, the appeal site does not have any public access across it, and on a number of boundaries there are fences preventing such access. Added to this is the overgrown nature of the site and the lack of large trees within main part of the site, both of which create a different character to the copse (or wooded) area. The supporting paragraphs of emerging Policy 11 of the TNP indicates that '*the green spaces are an integral part of the Parish and The policy seeks to protect them for the enjoyment of future generations, to protect and enhance biodiversity, to promote health and recreation and to contribute to rural tourism.*²³'
 35. The proposal in this case would protect and enhance biodiversity through the creation of an area exclusively set aside for dormice a species for which a nascent population has been found onsite. These are protected under both *The Wildlife and Countryside Act 1981* (as amended) and the *Conservation of Habitats and Species Regulations 2010* (as amended) and are a European protected species. The provision of such an area for an emerging population of dormice, which can be secured through the use of a suitably worded condition, is a significant benefit in favour of the proposal. The proposal has also taken into account existing protected trees on the site and nearby, and has sited the proposed dwellings in a manner that the largest or most important can be retained.
 36. The appeal scheme would also improve the appearance of what is a relatively unkempt area of scrub land, thus providing a visual benefit on the edge of settlement location. The provision of a footpath along Threals Lane would help improve and provide safer access to the public bridleway and wider public rights of way network. The proposal also makes provision for the improvement of facilities at the West Chiltington Recreation Ground, which would help improve public open space within the local area, as emerging Policy 11 of the TNP broadly seeks to achieve.
 37. In terms of the 'Gap' policy set out at Policy 1 of the TNP, this seeks to prevent the coalescence of settlements, very much in the way that Policy 27 of the HDPF pursues. Indeed, Policy 27 sets out that '*development will be resisted unless it can be demonstrated that there is no significant reduction in the openness and 'break' between settlements.*' The main parties agree that the

²³ CD11, TNP, page 35 to 36

proposal would not result in a coalescence of the settlements of Thakeham and West Chiltington. Given the intervening large area of copse that would remain unaffected by the proposal, I consider that there would remain a clear visual and physical break between these settlements and therefore the proposal would not offend Policy 27 of the HDPF, nor emerging Policy 1 of the TNP. As a result of these various factors, I consider that the proposal would fulfil the environmental role of sustainable development.

38. At this stage, I conclude that the proposed development would broadly accord with Policy 2, Policy 3, Policy 4, Policy 15, Policy 26, Policy 27, Policy 40 and Policy 43 of the HDPF, the aims of which I have aforesaid. It would also broadly comply with the provisions of both emerging Policy 1 and emerging Policy 11 of the TNP and the general thrust of the WCNP for the reasons stated above.

Local Infrastructure

39. At the Inquiry the appellant submitted a signed and dated unilateral undertaking, under Section 106 of the TCPA (herein S106). The main parties considered that this overcomes the second reason for refusal on the Council's decision notice. Nevertheless, this does not remove the requirement for me to consider the contents of the S106 against the tests set out in the Framework and the Community Infrastructure Levy Regulations 2010.
40. Put simply, the S106 makes provision for education: consisting of £31,511 for primary education, £33,913 for secondary education and £7,945 for sixth form education; a sum of £3,717 for community facilities for the Parish Council; monies of £15,197 for open space and recreation; and two, 3 bedroom dwelling units of affordable housing²⁴. The matters set out in the S106 are detailed within Horsham District Council's *Written CIL Justification Statement* (undated) and the *Written CIL Justification by West Sussex County Council* dated 6 July 2016, both of which were submitted prior to the opening of the Inquiry.
41. These monies are sought in connection with Policy 39 and Policy 43 of the HDPF, as supported by the *Planning Obligations Supplementary Planning Document June 2007*²⁵ (SPD). In particular, the education contribution would be used for primary education at West Chiltington Primary School and secondary and sixth form education at Steyning Grammar School. Given the scale of the development at eight dwellings, and the relative proximity of these schools to the appeal site, it is not unreasonable to assume that future younger occupiers of the dwellings would both create and add to the existing demand for these education services.
42. The sums sought for community facilities and open space relate to the need identified by West Chiltington Parish Council to improve the play equipment and skate park facilities at West Chiltington Recreation Ground and the Parish Reading Room and Museum. These are facilities that future occupiers are likely to use, for both leisure and recreation, and are a realistic distance from the appeal site to be used on a regular basis by future occupiers.

²⁴ APP2

²⁵ CD10 *Planning Obligations Supplementary Planning Document June 2007* – Although the weight of this document is limited as it was adopted after the adoption of the HDPF and does not specifically refer to this adopted development plan or the policies contained therein.

43. The LPA has confirmed at Paragraph 3.4 of its *Written CIL Justification Statement* that the projects specified have no previous obligations secured to fund them in relation to the five-contribution pooling limit. With no evidence to the contrary, I see no reason not to concur.
44. Policy 16 of the HDPF seeks the provision of affordable housing at a rate of 20% on sites of between 5 and 14 dwellings. This reflects the information contained within the draft WCNP, where affordable housing is sought within West Chiltington and in its draft Policies H1 and H2. This demand is also supported by the *Thakeham Housing Needs Survey Report 2009*²⁶ and the *West Chiltington Parish Housing Needs Report 2014*²⁷, the latter of which at page 13 indicates 64% support for affordable housing. I am reinforced in the view that some demand exists locally by the fact that the *Horsham District Council Housing Authority Monitoring Mid Yearly Update May 2016*²⁸ indicates at paragraph 4.72 that '*challenges of affordability and access to housing finance remain*' and that such demand has increased since 508 households were on the LPAs waiting list as at March 2015, representing an increase of 23 households from 2013/14²⁹.
45. I note the guidance set out in the national *Planning Practice Guidance* (the Guidance) and the *Written Ministerial Statement 'Small-scale Developers' on 28 November 2014* in terms of affordable housing³⁰. Put simply, these set out that for developments of 10 units or less, affordable housing should not be sought by the LPA. In this case, the LPA has set out why the HDPF seeks affordable housing and this is supported by the emerging WCNP and other documents considered above.
46. The LPA's stance of proactively seeking affordable housing in this case, as indicated by the second reason for refusal, is inconsistent with current national guidance. However, this does not negate the fact that there is a real and pressing need for affordable housing within the region, within district, and within the immediate vicinity of the appeal site. When considered in this local context, and taking into account the provision of Section 38(6) of *The Planning and Compulsory Planning Act 2004* (as amended), which gives primacy to the development plan, and that the provision of two affordable housing units in this case are offered willingly by the appellant in this case to meet a specific local need, these would be a significant benefit in favour of the proposed development in this case.
47. Paragraph 204 of the Framework and CIL Regulation 122(2) set out the three tests for seeking planning obligations: that they must be '*necessary to make the development acceptable in planning terms, directly relate to the development, and fairly and reasonably related in scale and kind to the development.*' All the obligations in this case are necessary, directly related, and fairly and reasonably related to the development. Therefore, they meet all the tests within the CIL Regulations 122 and 123, and should be taken into account in the decision. What is more, the provision of both affordable housing

²⁶ CD24

²⁷ CD25

²⁸ CD27

²⁹ CD27, paragraph 4.75, page 24

³⁰ <http://planningguidance.communities.gov.uk/blog/guidance/planning-obligations/planning-obligations-guidance/> accessed 31 October 2016 and <http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm141128/wmstext/141128m0001.htm#14112842000008> Small-scale developers

and contribution to community facilities, and public open space and recreation, are public benefits which weigh in favour of the grant of planning permission.

Other Matters

48. A number of concerns have been raised by interested parties, and I now consider these before coming to an overall conclusion. I note the concerns raised by interested parties in relation to trees, including those protected by a Tree Preservation Order (TPO), that the site (or a part thereof) lies within Flood Zone 1 and apprehensions over flooding, concerns relating to traffic movements and highway safety, and in terms of land contamination.
49. However, in many of these cases there is no objection from various bodies such as the Environment Agency or the local highways authority, or from the Council's Arboricultural, Environmental Health or Flooding Officers. What is more, I have not been provided with cogent or detailed evidence that points to any significantly different conclusions than those found by these professionals in their respective fields of expertise. With little contradictory evidence, I see no reasons not to concur with the comments made, and accordingly I do not find that these matters provide justification for the dismissal of planning permission in this case.
50. I acknowledge the concerns raised by West Sussex County Council in respect of ecology and the level of information submitted in respect of specific species such as Great Crested Newts and Bats. However, since then the appellant has submitted an ecological report and further surveys³¹ which consist of site specific assessment. What is more, beyond asserting that some potential habitats might exist on site, the comments from the County Council do not specifically identify species, such as Great Crested Newts, having been recorded on the appeal site. I do not consider, on the basis of the evidence before me, which includes a site specific ecological survey and report, that there is a reasonable likelihood of these species being present on the appeal site and therefore the County Council's concerns of the lack of this information does not, in itself, point to a dismissal of the proposed scheme.
51. Lastly, England is suffering from a real and acute housing shortage, which is recognised at Paragraph 46 of the Framework in terms of anticipating a significant boost in the supply of housing. This problem is especially acute within the south east, and the eight dwellings proposed here, including two affordable housing units, which contribute to supply should be considered as a benefit in favour of the proposal; irrespective of what position a LPA is able to demonstrate in terms of housing land supply.

Conditions

52. A number of conditions were submitted within the agreed Statement of Common Ground by the main parties. In considering these I have taken into account the points made at the Inquiry and Paragraph 206 of the Framework and the Guidance in respect of the use of planning conditions. Where appropriate I have re-drafted the wording so as to ensure compliance with the above tests.

³¹ CD03, PJC Ecology, Preliminary Ecological Appraisal, April 2015

53. A condition requiring the proposal to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt and to provide certainty.
54. A condition relating to a construction management plan including hours of construction is necessary to minimise disruption to residents during building works and for highway safety reasons.
55. Details of surface water, foul drainage and sewerage are necessary and reasonable in order to ensure that the site is adequately drained, both in terms of excess water onto the highway and more generally.
56. The submission of details for refuse and recycling storage would be onerous in this case, and are not necessary given the large areas of space around the proposed dwellings for the storage of such items.
57. Details of soft and hard landscaping and the submission of samples of external materials are necessary in order to protect the character and appearance of the street scene.
58. The removal of permitted development rights afforded under *The General Permitted Development Order 2015* (as amended), or other such restrictive conditions relating to extensions, outbuildings, boundary treatments and external lighting would be both burdensome by removing the ability of future occupiers to extend or alter their property freely on what are generally spacious plots, and may be difficult to enforce. What is more, boundary treatments can be dealt with by means of the landscaping condition. There are no exceptional reasons for the removal of permitted development rights in this case and this type of condition would therefore fail to meet the tests set out in Paragraph 206 of the Framework in this case.
59. A condition requiring that the vehicular access and the footpath have been constructed before occupation is necessary to protect highway users, including pedestrian and drivers. However, these details are shown on drawing 599/02 Rev B, and therefore the submission and approval of further details in this respect is not necessary. A condition requiring details of visibility splays, and that these are retained at the access points is necessary and reasonable given the narrowness of the lane. A condition requiring the provision of parking spaces is not necessary as the driveways shown on the plans are large enough to provide room for parking.
60. A condition requiring the works to be carried out in accordance with the tree survey and report³² including the standards set out in *BS5837:2012 Trees in relation to construction* and the use of root protection areas, is necessary in order to protect retained existing trees on the site during construction works. For similar reasons, details of trenches and pipes runs for services to be submitted to and agreed by the LPA would be reasonable in order to ensure that the roots of trees are not unnecessarily affected by the proposed development and to fulfil the duty under Section 197 of the TCPA to include appropriate provision for the preservation of trees.
61. Given the previous use of the site for pig farming, conditions relating to contamination and unexpected contamination are reasonable and necessary in

³² CD03, Tree Survey & Report, Furse Landscape Architects dated 20 January 2015 and amended 10 February 2015

order to minimise any harm to human health. However, a condition requiring a licensed contractor to remove waste is dealt with by other regulatory regimes and it would be onerous to replicate such provision under the Planning Acts. For similar reasons, a condition removing the ability to burn anything on the site would also be dealt with by air pollution controls, and it may well be that the most effective and efficient method of dealing with plant waste, such as bracken and scrub, is on site.

62. The submission of an Ecological Mitigation and Management Plan, incorporating the recommendations set out in the *PJC Ecology, Preliminary Ecological Appraisal* (dated April 2015) and the inclusion of biodiversity enhancements such as bat and bird boxes, is reasonable given that these could provide suitable mitigation to any resident species on or near to the appeal site. For similar reasons the setting aside of the area shown on Figure 6³³ for dormice, including restrictions on any future residential development of that land under permitted development rights with items such as sheds or garages for example, is reasonable in this case given the ecological surveys³⁴ that have identified such species using parts of the appeal site.

Overall Conclusion

63. The proposal would result in a small conflict with one single element of Policy 4 of the HDPF, in terms of the fact the site is not allocated within the development plan or a made neighbourhood plan. However, based upon the evidence before me, there are no other material conflicts with the development plan and the site represents a windfall site as defined by the glossary in both the HDPF and the Framework and as identified under Policy 15 of the HDPF. Whilst the proposal results in a 'technical' breach of part of one policy of the development plan, the adopted development plan for the area should be taken as a whole and conflict with one or more policies does not mean that the proposed development does not comply with the plan in its entirety.
64. Set against this extremely limited conflict, are a number of benefits including the provision of 8 homes, of which 2 three bedroom dwellings (20%) would be affordable housing, and an area specifically set aside for dormice, both of which weigh significantly in favour of the proposal. There would also be contributions to community facilities, and public open space and recreation, the creation of direct and indirect jobs during the construction phase and the introduction of a further 8 households which could help sustain services within the wider locality and the sustainable location of the development on the edge of an existing settlement which is identified as a medium village within the HDPF, all of which weigh moderately in favour of the proposal.
65. When the small degree of conflict with one sentence of an adopted development plan is set against the overall thrust of the policies of the adopted development plan and the Framework, it is clear that the proposal would represent a sustainable development for which a presumption applies. Accordingly, I find that the proposal would accord with the development plan and there are no material considerations that indicate that the proposal should not be approved.

³³ APP4

³⁴ CD03 Dormouse Survey and Mitigation Strategy, The Ecology Partnership November 2015

66. For the reasons given above, and having taken into account all matters raised, including those by both the main and interested parties, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Laura Philips of Counsel

Instructed by Horsham District Council

She called:
Aimee Richardson

Senior Planning Officer –
Development Control

FOR THE APPELLANT:

Christopher Boyle, QC

Instructed by Rodway Planning

He called:
Tim Rodway
Philip Bell

Planning Agent
Highways and accessibility witness

INTERESTED PERSONS:

Speaking against the proposal:

Jean Locker

Thakeham Neighbourhood Plan Steering
Group Member

Robert Gustar

West Chiltington Parish Council –
Planning Chairman

Sharon Davis

West Chiltington Parish Council

Steven Mead

Local resident

Speaking in favour of the proposal:

Alan Harris

Local resident

Documents submitted at Inquiry:

By the LPA:

LPA1	LPA's Closing Submissions (by Laura Philips of Counsel)
LPA2	List of places to visit during unaccompanied site inspection agreed between the main parties, in consultation with interested parties

By Appellant:

APP1	Copies of eight representations from persons unable to attend Inquiry
APP2	Unilateral Undertaking by Scorpio Limited dated 25 th October 2016
APP3	Statement of Common Ground relating to 3146231
APP4	Figure 6. The red dotted line delineates the recommended new garden boundaries and the area marked out in orange is the recommended area for enhancement works for dormice
APP5	Closing Submissions on behalf of the appellants, by Christopher Boyle, QC of Landmark Chambers

By interested parties:

IP1	Copy of email from Neighbourhood Planning Officer to Clerk of Thakeham Parish Council and copy of Policies Map Central inset (undated)
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Appendix A – List of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RPC/SP1; RPC/LOC1; 599/01 REV B; 599/03; 599/05; 599/06 REV A; 599/07 REV A; 599/02 Rev B; 599/04; ROD-THE-TS-001 Rev A; ROD-THE-TS-002 Rev A; ROD-THE-TS-003; and, Figure 6 of the Dormouse Survey and Mitigation Strategy – Land at Threals Lane, West Chiltonton by the Ecology Partnership (December 2015).
- 3) Prior to the commencement of the development hereby permitted, details of surface water drainage designed so as to prevent the discharge of water onto the public highway shall be submitted to and approved in writing by the local planning authority. The development thereafter shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement and Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Statement and Plan shall provide for:
 - i) the anticipated phasing of site clearance including demolition and the construction of the dwellings, which should take into account the avoidance of specific times of the year in order to protect local biodiversity and species on or near to the appeal site;
 - ii) the anticipated number, frequency and types of vehicles used during clearance and construction phases;
 - iii) the method of access and routeing of these vehicles;
 - iv) the parking of vehicles of site operatives and visitors;
 - v) loading and unloading of plant, materials and waste;
 - vi) storage of plant and materials used in constructing the development;
 - vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - viii) wheel washing facilities;
 - ix) measures to control the emission of dust and dirt during construction;
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - xi) delivery, demolition and construction working hours.

The approved Construction Method Statement and Management Plan shall be adhered to throughout the construction period for the development.
- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) a statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) a detailed plan and specification for topsoil stripping, storage and re-use on the site in accordance with recognised codes of best practice;
- iv) planting and seeding plans and schedules which specify the species planting size, densities and plant number and locations. Such details should also include those to be used in the area set aside for dormice as part of Condition 16 of this decision;
- v) tree pit and staking/underground guying details;
- vi) a written hard and soft specification of planting, including ground preparation, cultivation and other operations associated with plant and grass establishment;
- vii) means of enclosure and retaining structures;
- viii) boundary treatments, including details of the finishes and materials for any walls, fences or other similar structures;
- ix) vehicle parking layouts;
- x) other vehicle and pedestrian access and circulation areas;
- xi) hard surfacing materials, including their layout, colour, size, texture, coursing and levels;
- xii) proposed and existing functional services above and below ground [for example drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
- xiii) lighting, floodlighting and/or CCTV; and
- xiv) full details of a scheme of management and/or maintenance of the items listed from i) to xiii).

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with the scheme of management and/or maintenance set out at xiv) of this condition.

- 6) No development of buildings shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre by 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 7) Prior to the commencement of the development hereby permitted, full details of foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. The drainage works shall thereafter be implemented and retained as approved.
- 8) No part of the development hereby permitted shall be occupied until the proposed vehicular accesses and the footpath are installed and made

available for use as shown on drawing 599/02 Rev B. Thereafter the footpath shall be retained and shall not be permanently blocked or obstructed.

- 9) No part of the development hereby permitted shall be occupied until visibility splays of 2 metres by 39 metres have been provided at the proposed vehicular accesses into and from the proposed dwellings. The visibility splays shall thereafter be retained and no structure exceeding 0.6 metres in height shall be placed within these visibility splays.
- 10) The development hereby permitted shall be carried out strictly in accordance with the Tree Survey & Report by Furse Landscape Architects Ltd dated 20 January 2015 and amended 10 February 2015. In particular, the root protection areas (RPAs) shall be implemented and retained during construction works as suggested, and in accordance with BS5837:2012 or any replacement or updated standard.
- 11) Prior to the commencement of the development hereby permitted, full details of any trenches or pipe runs for services, drains or any other purpose, to be excavated anywhere within the root protection area of any tree or hedge targeted for retention on or off the site shall be submitted to and agreed in writing with the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
- 12) No development shall commence until an assessment of the risks posed by any contamination (including but not limited to asbestos), carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority.

The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

- 13) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority in writing. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.
- 14) No development shall take place, including any works of demolition or site clearance, until an Ecological Mitigation and Management Plan (EMMP) is submitted to and agreed in writing by the local planning authority. The plan shall include;

- i) Any necessary pre-work surveys, updates or assessments;
- ii) A detailed dormouse, badger and reptile mitigation method statement;
- iii) A lighting plan for the site;
- iv) Capture recommendations where necessary; and,
- v) Full details of any biodiversity enhancements, including features such as bird and bat boxes, and any other recommendations to be implemented as made in the PJC Ecology/The Ecology Partnership 2015 supporting documents.

Any measures submitted within the approved EMMP shall be implemented as agreed, and thereafter retained.

- 15) The extent of the grounds serving the proposed dwellings shall reflect those shown in Figure 6 of the Dormouse Survey and Mitigation Strategy – Land at Threals Lane, West Chiltington by the Ecology Partnership (December 2015). No domestic or residential building, structure, or means of enclosure shall be erected on the land contained within the orange polygon (on the eastern side of the site) of the aforesaid drawing, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Appendix F

Appeal Decision Chester Road, Tattenhall, Cheshire

Report to the Secretary of State for Communities and Local Government

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 13 January 2014

TOWN AND COUNTRY PLANNING ACT 1990

CHESHIRE WEST AND CHESTER COUNCIL

Appeals made by

TAYLOR WIMPEY UK LTD (APPEAL A)

MR ASHLEY WALL (APPEAL B)

BARRATT HOMES (APPEAL C)

TOWN AND COUNTRY PLANNING ACT 1990

Pre-Inquiry Meeting held on: 28 May 2013

Inquiry held on: 4-7 June, 11-14 June, 18-21 June 2013

Site visits held on: 3 June, 11 July (unaccompanied), 12 July 2013 (unaccompanied and accompanied)

Land adjacent Adari, Chester Road, Tattenhall, Cheshire (APP/A0665/A/12/2180958)

Land to rear of 15-38 Greenlands, Tattenhall, Cheshire (APP/A0665/A/12/2185667)

Land opposite Brook Hall Cottages, Chester Road, Tattenhall, Cheshire (APP/A0665/A/12/2188464)

540. Taking all of the above factors into account, it is very difficult to conclude, that the identity of the village would be severely harmed or that the special qualities that currently exist would be unacceptably eroded.

EFFECT ON OTHER HERITAGE ASSETS

541. Brook Hall is an attractive country house in an elevated position to the north of the village. It stands within a parkland setting but neither the house nor its grounds are listed as being of architectural or historic importance either statutorily or locally. It is outside the conservation area and even if it is considered to be a non-designated heritage asset it is not considered that either of the Appeal A or C schemes would affect its setting. The eastern boundary of the parkland landscape appears to be the hedgerow to the east of Footpath 8 which is separated from Site A by an intervening field. The southern boundary is defined by the treed frontage of Chester Road [13; 197; 262].
542. The Appeal A and C developments would result in the loss of some ridge and furrow earth works, which were part of the medieval field system around the village. Whilst this is a non-designated heritage asset of local interest it is far from intact and has been severed and fragmented by development, such as the construction of Rookery Drive. On the ground itself the feature has little visual distinction and, in my opinion, its loss would be of little heritage significance. The connection with the Brook Hall estate seems a tenuous one and there is little to support the view that the property helped slow down the erosion of ridge and furrow when it was built in the 19th century. The recording of relevant archaeological information could be controlled through a planning condition, which would be an appropriate response [196; 262].

CONCLUSIONS

543. For the reasons given above, Appeal C would have some adverse effect on the setting of Tattenhall Conservation Area and there would be some conflict with saved Policies ENV 37 and ENV 38. The other two appeal proposals would have no such impact and therefore would comply with the aforementioned policies. There would be no material loss of significance in terms of other undesignated heritage assets or important views from any of the schemes, apart from in respect of Appeal C and the view from the disused railway line. There is no reason why these should not be well designed additions to the existing settlement. Whilst the concerns relating to a large influx of new residents is acknowledged there is little evidence that such a change would result in unacceptable harm. The overall conclusion is that there would be no adverse effect on the layout and character of Tattenhall and its heritage assets.

CONSIDERATION FIVE: WHETHER THE DEVELOPMENTS WOULD BE ACCESSIBLE TO A RANGE OF TRAVEL MODES AND WOULD PROMOTE SUSTAINABLE TRAVEL CHOICES.

544. The Council has raised no objections on grounds of accessibility and it considers that all of the appeal schemes would offer opportunities to travel by modes other than the car. However local objectors disagree and believe that the developments would be inherently unsustainable because of their reliance

on the car. Tattenhall has been designated as a KSC in the emerging Local Plan, which means that it offers a level of services and facilities to meet local needs and sustain small-scale development. Clearly there will be many journeys that will necessitate travel further afield and many, although not all, of these would be undertaken by car. However that is likely to be the case in many housing locations because it is very unlikely that all requirements would be found on the doorstep [31; 92; 309; 329; 335; 337; 343; 344; 350.10].

WALKING AND CYCLING

545. There was much discussion as to whether new residents would walk into the village from the appeal sites. The Institution of Highways and Transportation document: *Guidelines for Providing for Journeys on Foot*, advises that acceptable walking distances vary between individuals, the nature of the walk and the purpose for which it is being conducted. The guidance suggests that for school or work a “desirable” distance would be 500 m and the “preferred maximum” would be 2 km. Tattenhall is clearly not equivalent to a town centre location and so the most appropriate advice for other journeys suggests respective distances of between 400 m and 1.2 km.
546. In the case of Appeal A the village centre is about 675 m from the centre of the site, the distance from the primary school is around 450 m and the doctor’s surgery is about 255 m. Site C is a little further out but in my opinion the walk along Chester Road would still be a relatively easy one of around 730 m to the village centre and 555 m to the school. These would both be acceptable walk distances especially bearing in mind that there would be a continuous footway connection from the site access. Local objectors referred to the state of existing footways which are often narrow and difficult to negotiate. However in many cases I observed that the width has been substantially reduced due to encroaching vegetation and poor maintenance [199; 200; 309; 332; 345].
547. Site C also includes proposals for drop kerbs and tactile paving. These would aid movement for those with mobility impairments and also parents with pushchairs. Although Chester Road can be busy at times it is still essentially a country road and, in my opinion, the walk is a pleasant one through the village to the school and the High Street. Although the potential for links to Grackle Croft and Ravensholme Lane from Site C was mooted there is no guarantee that this would happen, due to land ownership issues [218; 309].
548. In the case of Appeal B, the centre of the site would be between about 950 m and 1.3 km from the village facilities, school and doctor’s surgery. There is no reason why some trips should not be on foot as again the walk is relatively easy, pleasant and secure. The proposal includes a new section of footway along the site frontage to link with the existing pavement on the western side of Tattenhall Road close to its crossing with Keys Brook. I heard from objectors that many of the Greenlands residents drive to the village, including to the school. However it is not known whether these are trips combined with other purposes such as journeys to work, for example. It is the case that some incomers may also drive the short distance into the village. However the most relevant factor is that the site offers a reasonable choice to use other modes of travel [26; 257; 335; 344; 395].

549. All sites would also provide the opportunity to cycle. It is acknowledged that the roads around the village are narrow in places and there are no dedicated cycle lanes. Nevertheless National Cycle Route 45, which runs between Salisbury and Chester, passes through the village. From my site visits it is clear that the area is popular with cyclists, who are frequently seen within the vicinity. There is no evidence that cyclists within this area are prone to high accident risk and there is thus no reason why new residents would not undertake some journeys on a bike. Some may cycle to Chester and I heard from one of the highway expert witnesses⁷⁹ that this journey took about half an hour. However it is appreciated that for many people such a journey would seem daunting, especially if using main roads such as the A41. On the other hand local recreational or work trips could successfully be undertaken on a bike from all of the appeal sites [12; 309; 338].

BUS TRAVEL

550. The village is served by the 41/ 41A service, which runs between Chester through Malpas and to Whitchurch. The bus travels along Tattenhall Road, the High Street and Frog Lane. In the Chester direction there is an hourly weekday and Saturday service and the journey takes about 30 minutes. In the Whitchurch direction there is a less regular service that takes about 45 minutes. The regularity of the service allows villagers to plan their trip and the bus operator has confirmed that it is used by workers, shoppers and some school children [201; 341.4].
551. The bus operator also confirmed that the increased patronage arising from the appeal developments would be welcome and this would help support the service in the longer term. Whilst a rural service could not be expected to be as frequent as one in an urban area, that available to Tattenhall seems to me to be relatively good. Included in the Planning Obligations is a financial contribution to improve the level of service provided by the bus to half hourly. This would only be triggered if all three developments proposals were implemented. Neither the Council nor the Appellants believe this to be necessary in terms of the CIL Regulations. It is considered that an extended bus service would offer a considerable benefit to new and existing residents. However it is difficult to conclude on the basis of the customer projections, that such improvement is required in order for the appeal developments to go ahead [202; 338; 347; 350.10; 391].
552. The Planning Obligation for Appeal B includes provision for a new bus stop outside its site. There is also provision for another bus stop on the eastern side of the road if this is considered necessary by the Council. This would mean that those using the bus would have the service close at hand. The other two sites are further away from bus stops but still within a reasonable walking distance. The Planning Obligations for Appeals A and C include a payment to improve accessibility to existing bus stops in the High Street. In addition, there would be a new cantilevered bus shelter provided to the bus stop in Tattenhall Road, south of its junction with Park Avenue. All of these improvements would encourage bus patronage by improving facilities for

⁷⁹ Mr Bowers, who gave highways evidence on behalf of Barratt Homes.

people wishing to use this mode of travel and making it a more convenient and attractive transport opportunity [391; 397].

553. There is no doubt that many journeys would be undertaken by car as happens at present. Tattenhall is essentially a large village within a rural area and so this is not unexpected. Any new growth in the village would lead to an increase in car travel. However the important point is that there are opportunities to exercise other modal choices and this seems to me to accord with Paragraph 29 of the Framework. It is therefore concluded that the developments would be accessible by a range of travel modes and would promote sustainable travel choices. They would comply with saved Policy TR19 in the CLDP and the Framework in this respect.

CONSIDERATION SIX: WHETHER THE DEVELOPMENTS WOULD GENERATE TRAFFIC THAT WOULD CAUSE UNACCEPTABLE CONGESTION OR UNDUE HARM TO HIGHWAY SAFETY.

INTRODUCTION

554. The Council, in its role as Highway Authority, is satisfied that the appeal developments, either alone or in combination, would not have an adverse impact on the local highway network apart from at the Chester Road/ A41 junction. The modelling took account of other schemes recently granted planning permission, including The Oak Room, the Frog Lane Care Community and the Redrow housing development [92; 204; 313].
555. There was a great deal of local objection to the development proposals on traffic grounds. During my site visits I drove across the local highway network which runs in and out of the village. The A41 is to the west of Tattenhall and on 11 July I travelled along this busy main road in both directions, including northwards into Chester. I also drove through its junctions with Rocky Lane, Frog Lane and Chester Road during the evening peak between about 1730 and 1745 hours. On 12 July I stood and observed the Chester Road/ A41 junction during the morning peak between about 0820 and 0840 hours. On my visit the previous day I had observed the parking around Tattenhall Primary School between about 1515 and 1545 hours [12; 327-329; 332; 333; 336; 337; 340; 341; 350.9; 350.11].

IMPACT ON THE LOCAL HIGHWAY NETWORK

556. Local objectors did not consider that the local roads could accommodate the traffic generated by the appeal developments. As mentioned above many are relatively narrow country lanes. They are used by heavy goods vehicles as well as local buses and agricultural vehicles. This also appears to be a popular area for cyclists. Due to road alignments and limited visibility it is often difficult to overtake. However there is little evidence that the local road network suffers unduly from congestion or that accidents are particularly prevalent. Tattenhall is a village that is destined for growth at some level and it is difficult to conclude that the traffic that would be generated by the appeal developments would cause unacceptable harm to the safe and efficient operation of the local network. It is a matter of some weight that the local Highway Authority, who would be expected to be familiar with their own road system, has not objected to the appeal developments [313; 335; 341.1; 350.10].

Appendix G

Appeal Decision, Shilton Road, Burford, Oxfordshire



Appeal Decision

Inquiry opened on 26 July 2016

Site visits made on 26 July and 7 November 2016

by Keith Manning BSc (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 January 2017

Appeal Ref: APP/D3125/W/15/3139687

Land west of Shilton Road, Burford

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hallam Land Management Ltd against the decision of West Oxfordshire District Council.
 - The application Ref 15/00166/OUT, dated 16 January 2015, was refused by notice dated 17 August 2015.
 - The development proposed is residential development of up to 91 dwellings (50% affordable) and 5.2 acres of care provision comprising of up to 78 assisted/supported living apartments and up to a 90 bed care home. Two new accesses onto Shilton Road (B4020); Local infrastructure improvements including new crossings on the Shilton Road and A40; and open space, landscaping and biodiversity enhancements.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 91 dwellings (50% affordable) and 5.2 acres of care provision comprising of up to 78 assisted/supported living apartments and up to a 90 bed care home. Two new accesses onto Shilton Road (B4020); Local infrastructure improvements including new crossings on the Shilton Road and A40; and open space, landscaping and biodiversity enhancements at land west of Shilton Road, Burford in accordance with the terms of the application, Ref 15/00166/OUT, dated 16 January 2015 subject to the conditions set out in the Annex hereto.

Preliminary and Procedural Matters

2. The application is in outline with all matters reserved except for access.
3. The inquiry opened on 26 July 2016 and sat for four consecutive days. It quickly became clear that, owing to the number of witnesses and the scope of the evidence, further time would be required. Accordingly I adjourned the inquiry until 8 November 2016 and the inquiry sat for a further four days, closing on 11 November 2016.
4. I conducted a formal site visit with the appropriate witnesses and other representatives of the parties on 26 July, specifically to examine plant life within the site boundary which had been discussed that day. My formal site visit of a more wide ranging nature, including a walk into the town of Burford, was conducted on 7 November. Local objectors in attendance

prevailing character of the extensive open limestone wolds landscape generally experienced south of Burford.

66. Having considered the evidence before me and visited the site and the surrounding area I am satisfied in the light of the above analysis that, in principle, the proposed development would not unacceptably harm the character and appearance of the area having particular regard to its landscape setting, local distinctiveness and the established settlement pattern. The intentions of the development plan in those important respects, which merit full weight, would, moreover, be satisfied.

Accessibility

67. Following initial disagreement over what are essentially matters of fact and calculation, TRG and the appellant's transport consultants co-operated constructively to agree precise distances and likely journey times on foot³⁰, and I am appreciative that they took the trouble to do so. What the work essentially demonstrates is that the extensive range of town centre and community facilities, from the public house at the top of the hill to the doctor's surgery towards the lower part of the town, can be reached by foot at a reasonably normal walking pace within ten to twenty minutes (in round terms 950 – 1,750 metres).
68. This, in my experience, is by no means an unusual distance from residential areas to a central place with facilities as good as Burford's. The time factor may be a discouragement for those with busy lives, especially given the ready availability of private motorised transport and the availability of free parking, which is prevalent in this area, on and off-street within the town. It does not follow, however, that the proposed development would not be reasonably accessible on foot to those who choose to walk, either habitually or when circumstances favour the choice.
69. Like many historic towns, Burford has a centre which is essentially linear, so that facilities at one end of the main street are appreciably further on than those at the near end to the walker's home origin. Whilst all trips are clearly not to the nearest facility, they are not necessarily to the furthest and, in reality, people may well visit two or more destinations within the linear town centre, prolonging their trip and pausing between destinations as they conduct their business.
70. Bearing this in mind, I consider a degree of caution is needed in using time and distance alone, although I appreciate that studies indicate statistical trends and apparent thresholds at which people tend to resort to other forms of transport and it seems that the northern end of Burford centre, being in excess of 1.5 km from the site would generally be a little in excess of the 16 minute threshold cited in the evidence of TRG as the point at which people tend not to walk, in contrast with the 15 minutes ceiling below which up to 90% of fit and able pedestrians "would be liable to walk".³¹
71. The figures, on the face of it, suggest a marked change in behaviour across the boundaries of the defined thresholds and clearly there are dangers in crudely applying nationally derived and simply presented statistics to a particular

³⁰ ID29

³¹ Derived from paragraphs 2.8 and 2.9 of TRG supplemental statement and ID29 agreed distances/times, following 2014 National Travel Survey

situation locally. It seems to me most unlikely that a resident contemplating a walk to Burford town centre from Shilton Road would opt for the car simply because he or she needed to call at, for example, the doctor's surgery rather than, for example, the Chemist/Post Office/Newsagent. Equally, it would be unlikely that the mode of transport to, for example, the nearest public house would be influenced solely by the fact that it is perhaps 10 minutes' walk rather than 15 or 20. A range of other factors are likely to be at least as influential.

72. In other scenarios these might include the purpose or purposes of the trip, whether bulky or numerous goods were to be purchased, the time available, the perception of parking difficulty, the weather and the light. So, for example, the conditions prevailing at a summer weekend, when the town centre is busy with tourists, and the resident has time to enjoy it, would be more conducive to walking for a few light errands in the town centre than would the need to go shopping for heavy food and other necessities on a bleak, wet winter weekday when parking might be easier (due to lesser pressure from tourists) and walking would be rather less enjoyable for most people.
73. In reality, innumerable factors, including health and the desire to be healthy, influence individual choice. People tend to opt for the choice that in a practical sense suits them best and this will vary according to circumstances. It is no part of Framework policy to prescribe travel choice, but it is policy wherever practical to facilitate and encourage sustainable choices.
74. In distance and walking time terms the centre of Burford, taken as a whole, would not in my view be sufficiently close to the site to positively encourage alternatives to the use of the car in a way that eminently 'walkable' urban neighbourhoods do. Realistically, it is unlikely that even the able-bodied, certainly the economically active amongst them with time constraints, would routinely opt for walking as an alternative to private transport, albeit cycling would be a time saving option for those so inclined, the rigours of The Hill notwithstanding.
75. However, the present tendency to use the car for speed and convenience is not, in any event, confined to the situation under consideration here and the requirements of national policy are to provide for alternatives, as is clear from paragraph 29 of the Framework, according to geographic circumstances. As far as the latter point is concerned, it is pertinent that whilst clearly not a truly urban situation, the site is not located in the deep countryside where expectations of real transport choice would be unrealistic, but rather Burford is identified as a 'Rural Service Centre' in the TCLP where a degree of housing growth is to be anticipated and is currently proposed, albeit I accord only limited weight to its emerging formal status in that respect. The geographic reality that Burford is an established significant settlement is material nonetheless in this context.
76. The appellant has proposed and is committed to a range of measures to improve access on foot and also proposes support for the newly routed 233 bus service which passes the site and connects it with the centre of Burford. Although at the upper end of the walking distance that would be considered desirable for the positive encouragement of walking, as I have noted, it cannot be reasonably held in my view that the site is inaccessible on foot to and from

the town centre, that links cannot in any event be improved, or that alternatives to the use of the car are not available. The highways authority was explicit in agreeing in the H & T SoCG that.. *"The wide range of facilities available within Burford and Carterton which can be reached within acceptable walking distance or bus journey times means that the site is accessible to a wide range of facilities, is not isolated, and that residents and visitors to the site will not be reliant on the private car."* (The emphases are mine.)

77. All in all, on the basis of my own assessment, I have no reason to doubt the overall veracity of that conclusion as far as the reasonably able-bodied are concerned. Moreover, the walk into Burford is by no means unpleasant and, once the A40 is crossed, the walk down into the town is arguably one of the best means of appreciating its special qualities, taking it out of the ordinary and making the walk itself a pleasure to be enjoyed for its own sake. This is a factor which I consider has been considerably underplayed by parties arguing that the site is in an unsustainable location, and one which in my view would positively encourage walking for those with the time and basic inclination, for example able-bodied older people, countering to some degree at least the factors previously considered to be negative.
78. Significant concern has been expressed regarding the constraints imposed by The Hill, the gradient of which is of course an impediment to those in poor health or confined to wheelchairs and (whilst demonstrably not impossible) it is furthermore clearly very difficult for somebody assisting a wheelchair user to cope with it. However, in common with many other towns built historically in hilly country, steeply sloping streets are a fact of life in Burford. When visiting the Council's recent draft allocation off Barns Lane³², for example, I observed an electric mobility scooter labouring up the shared surface of that highway, which is clearly not ideal. Those who originally laid out The Hill, which is a broad street with separation of pedestrians from through traffic, seemingly anticipated its use as a thoroughfare for, amongst others, travellers on foot, making the best of prevailing circumstances, but the gradient remains inescapable.
79. Nevertheless, bearing in mind the nature of the town's circumstances and environment, I do not consider undue weight should be placed on the existence of The Hill in the walking route from the appeal site. For most, it would not be a particular problem in the context of a walk to or from the town centre. Neither is it inconceivable that residents from the appeal site (or those already living on Shilton Road) might opt to walk down into the town but catch the 233 bus back, especially if weighty shopping needed to be carried. The mobility impaired cannot practically be expected to do other than adapt their arrangements to the prevailing topography of the town centre, which cannot be changed and is likely to affect the way they move around the town under any scenario involving additional development. The gradient of The Hill, in itself, is not a reason to resist in principle development south of the A40, even though, of itself, it clearly does not positively weigh in favour of such development in the context of access by foot.
80. Thus, for residents of the conventional dwellings proposed, the site is in my judgement capable of being made reasonably accessible by foot, bearing in

³² ID34 Policy BC1b

mind the package of measures proposed, even if not wholly convenient. Judged in the round and (importantly) in context I would not therefore consider the location of the appeal site to be fundamentally inaccessible. In drawing that conclusion I am conscious that a colleague seemingly took a different view in determining an appeal³³ at 'Windermere' just south of the garden centre on Shilton Road, but that concerned an individual small development incapable of supporting the comprehensive measures associated with this proposal, which I consider to be essential mitigation of extant inhibitions to accessibility.

81. Whilst I am bound to consider the proposal before me on its specific individual merits, I am also very conscious of the comments of the Inspector who reported on the present local plan in June 2005, to the effect that it would not be "at all desirable to look at any development requiring a crossing of the A40." The Local Plan Inspector's remark³⁴ is undoubtedly material, but in my view merits limited weight in this case. I am not party to the detailed evidence before him, the strategic and national planning policy context was very different 11 years ago (as is clear from his covering letter and the tenor of the current emerging local plan) and, although the remark was in the context of referring to sites the Inspector regarded as "somewhat peripheral to the town", it is the case nonetheless that important developments associated with the town, including some housing, have already taken place south of the A40.
82. As I have previously noted, the town today does not stop at the A40 and there is therefore an established requirement for residents and others to cross the A40 regardless of the outcome of this appeal. The precise reasons for the Inspector's remark are therefore unclear and I am not in any event bound to share his apparent view that the A40 is a boundary which necessarily constrains, or should constrain, further growth. For reasons previously detailed, I do not.
83. Although I do not consider the appeal site to be fundamentally unsustainable in terms of its location relative to the centre of Burford for general purpose housing, the Council is concerned nevertheless that the other primary elements of the proposed development are, by virtue of their very nature, unsustainably located and this proposition merits careful consideration quite apart from that I have undertaken thus far.
84. The residents of nursing homes, almost by definition, are generally unable to avail themselves of opportunities to leave the premises independently and on foot. The norm is by motorised transport in the company of a carer. Ready accessibility to town centre facilities is not a mainstream requirement and many such institutions occupy rural premises in relatively isolated locations. The appellant's evidence on this is as persuasive as it is in any event logical. Moreover, taking a realistic view, friends and relatives of nursing home residents, if not coming by public transport, will use cars for what is generally a single purpose visit and the dedicated parking would be a distinct advantage; and the site is not remote and inaccessible in the way that a truly rural location would be to those who do not have the use of a car.
85. The assisted/supported living apartments are, intuitively at least, given its proposed location, more problematic. However, Burford is proposed to be a

³³ Ref APP/D3125/A/10/2124197

³⁴ ID10 paragraph 5.343

'Rural Service Centre' and there is an emerging local planning intention to locate extra care housing in such settlements³⁵. While I accord no more than limited weight to that policy background, there is in any event an undisputed need, identified by OCC³⁶, for perhaps as many as 90 extra care places in Burford by the end of the next decade, growing from a need for around 55 places now. Although a number of third parties claim that there is in general a range of opportunities for accommodating the elderly within and around Burford, such claims are unsupported by credible evidence that these are sufficient or would be universally considered to be of an adequate standard. I have no evidence that there is any specific provision to meet the need for extra-care accommodation identified by OCC. Rather the evidence is directly to the contrary.

86. Extra-care living is essentially a provider response to the needs of an ageing and increasingly long-lived population, elements of which strive to maintain their independence as long as possible, subject to varying degrees of assistance which may be increased over time. In my experience reasonable proximity to local facilities is perceived as advantageous but relatively large developments are required for practicality and viability given the importance of appropriate staffing, communal facilities and physical layout conducive to efficient operation. Central area sites for such accommodation are a rare commodity in the best of circumstances and demolition and redevelopment of suburban dwellings on aggregated plots is not an uncommon arrangement.
87. I have no evidence to suggest that there are any previously developed sites in the historic core of Burford that could meet the identified need and I place little weight on the recently proposed greenfield allocation for residential development on Barns Lane. Even were this to have been mooted to include for extra care accommodation, specifically, there is much uncertainty over when and if the site might eventually be deliverable as a development opportunity. It is, moreover, also an elevated location requiring navigation of steep streets towards the town centre in any event.
88. The undoubted and convenient attractions of the Burford Garden Centre to prospective residents of the extra care accommodation, as an alternative in some respects to the town centre, are not something I accord any more than limited weight to, even though it features as an advantage in aspects of the appellant's case. Although it is a well-established and thriving business, the essential permanence of an established town centre cannot be assumed for it. However, insofar as the appellant's witness confirmed in response to my question that its existence was an advantage rather than a requirement for the proposed extra care housing, it seems to me that it can be taken at face value as exactly that. It is no substitute for the centre of Burford itself.
89. This begs the question of access to facilities, bearing in mind that residents of extra-care accommodation may well not be as sprightly as they might wish. I acknowledge that some residents might find a walk into the town centre both stimulating and beneficial, even the return journey up The Hill in some instances, but I doubt that would be the norm given some of the factors that tend to induce contemplation of moving into extra-care accommodation. In an ideal world, a flatter journey for such residents would, common sense suggests, be preferable. While I consider the

³⁵ ID34 draft policy H4

³⁶ CD4.14

appellant's relevant witness, notwithstanding his wide experience in the field, to be perhaps a little optimistic on that particular point, it is nevertheless pertinent that Burford is a town in which gradient is largely inescapable other than within a tightly limited area around the valley floor.

90. As it is, the world rarely is ideal and people always respond to practical difficulties, possibly in this case balancing general proximity to established social and/or family connections in Burford, or the surrounding area more widely, with having to do so. The possibilities for access to the town centre remain varied in any event, especially for those for whom time is less of a constraint than for the economically active. A bus service is available in one or both directions, to suit; driving is an obvious possibility for those that own a car, or sharing a car journey with friends from the same development; taxis are often used by the elderly and there might even be special arrangements laid on by the management of the accommodation.³⁷ Some extra-care residents may choose to walk when personal and weather circumstances favour that choice, but it is unsurprising as a general principle that the National Travel Survey 2014 indicates that the elderly, especially those over 70, are markedly less likely to walk for 20 minutes than younger people.
91. The Council's closing submissions³⁸ highlight that the Department for Transport's Inclusive Mobility Report establishes that a suitable walking distance for those who are mobility impaired is 100m. On that basis, I acknowledge that it would arguably be logical to hope that specialist accommodation for the elderly, many of whom might be (or might become) mobility impaired, would always be located within that sort of distance of a settlement centre. That is plainly impractical, however, for a whole variety of possible reasons, not least in historic towns such as Burford. Therefore it must be accepted that even moderately short walking distances will not facilitate that mode of transport for most people in that category in most care situations. Some form of personal or communal powered transport is likely to be used for trips to all but the most immediately adjacent destinations. If an alternative location for extra-care accommodation were to be identified in Burford (which is not the case before me) closer in towards the historic centre, it would not necessarily be the case that appreciably more of its residents would in fact avail themselves of the opportunity to walk, certainly unless it were at the very heart of the town.
92. Bearing all of the above in mind, I do not consider the Council's portrayal of the proposed development as likely to become an enclave of the isolated elderly, simply by virtue of its location, to be at all realistic. Care homes are perforce fairly insular but many elderly people opt for extra-care accommodation precisely in order to overcome the isolation they might otherwise experience continuing to live in conventional housing. In terms of integration with the community both elements would be likely to benefit from the Use Class C3 family housing also proposed on the site, which would help to promote social balance, contrasting favourably with other models of provision such as geographically isolated nursing homes and gated communities for the more active elderly.

³⁷ The likely provider has not yet been identified, so management practices remain unknown

³⁸ See ID61 paragraph 49biii

93. Nor is there any evidence, notwithstanding the open market nature of the proposal, that the extra-care element would disproportionately attract in-movers from elsewhere in the country. It is reasonable to conclude that the relatively elderly and affluent nature of the local population is likely to result in advantageous local take up.
94. For all the above reasons, whilst I understand the theoretical basis of its position, I am not overall persuaded that those aspects of the Council's case alleging isolation, remoteness and undue reliance on the use of private vehicles are in reality sufficiently convincing to demonstrate harmful conflict with relevant policy concerning accessibility. Bearing in mind the package of measures proposed, the location of the development cannot be said to be fundamentally unsustainable for the range of uses proposed. On a balanced view I find no unacceptable conflict with the penultimate core principle of the Framework as set out in its paragraph 17. Under the auspices of that core principle the Framework advocates a balanced and practical approach to the issue, as opposed to a prescriptive universal template, as is clear from Section 4 *Promoting sustainable transport*. It does not seek to prevent needed development that cannot practically conform to a theoretical ideal. This seems to me to be a case in point.
95. Policy BE3 of the Local Plan is not inconsistent with the Framework in the sense that it seeks to provide for access to and promote accessibility of new development in a sustainable fashion, albeit the recognition of having to strike a practical balance is less explicit and I therefore accord it moderate weight. Nevertheless, the policy criteria relevant to this issue do not lead to a fundamentally different conclusion, on balance, than that which I have drawn in the context of national policy, namely that, with mitigating improvements of the type proposed the site is not, on balance, unacceptably inaccessible for the uses proposed and may therefore be considered capable of being made sustainable.
96. To conclude on this issue, although the balance is clearly a relatively fine one, for all the reasons I have given, I consider, in the knowledge that a comprehensive package of individually modest, but in aggregate sufficient, measures would be put in place, the proposed development would be sufficiently accessible to services and facilities so as to generally allow adequate and realistic choice in modes of transport, notwithstanding that the less mobile elderly would necessarily have more limited choices, variable according to circumstances, as is inevitably the case in many care situations.

Effect on local services and facilities

97. The Council's third and final reason for refusal concerned the lack of any agreed mitigation package in respect of its impact on the local community and facilities. This shortcoming would conflict with policy BE1 of the local plan which is not inconsistent with the Framework and merits full weight.
98. Relatively late in the day, but in time to be taken into account nevertheless, agreements were struck with both the Council and the County Council in the form of planning obligations to each that comprehensively address the concerns of both authorities. On that basis, the Council confirms³⁹, subject to

³⁹ ID