

Recommendation Report for Planning Permission

**REF NO:** F/1/21/PL

**LOCATION:** Land to the North of The Towpath,  
South and East of Church Farm  
Ford

**PROPOSAL:** Change of use from agricultural land to use as open space (6 hectares) and education (10 hectares). This site also lies within the parish of Yapton, affects a Public Right of Way & is in CiL zone 3 (Zero Rated) as other development.

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| <b>SITE AND SURROUNDINGS</b> |
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**DESCRIPTION OF APPLICATION**

The application seeks permission for a material change of use of 6 ha of the land from agricultural use to open space being land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. public recreation . No operational development, engineering operations or landscaping are proposed as none are necessary in order to effect the change of use.

The other 10ha of the land would be for Education purposes as defined by the new use class F1 (a).

Access does not form part of this change of use application but potential vehicular access is shown as being possible from the existing adopted highways to the south.

The applicant advised that Implementation and delivery of this open space and educational land use could be achieved via land transfer or purchase and S106 Agreements and/or CiL Contributions (or a combination of both) from housing developments approved in the locality and public prescription and grants.

No operational development is proposed so there would be no earth moving, setting out of the land or upgrading of rights of way through this application.

**SITE AREA**

16 hectares.

**TOPOGRAPHY**

Predominantly flat.

**TREES**

Trees are along site boundaries. No trees of any significance would be affected by the development.

**BOUNDARY TREATMENT**

No proposed change to existing treatments.

**SITE CHARACTERISTICS**

The site area covers a large swathe of land which consists of the following elements:

- Open fields in agricultural use;
- 2 Public Right of Way (FP363 and 200\_2);

## CHARACTER OF LOCALITY

Predominantly rural. However residential development is present to the south, which is characterised predominantly by two storey dwellings

## REPRESENTATIONS

### Yapton Parish Council - Objection

1. Change of use from agricultural land to educational use is contrary to ALP's Policy HSP2c (SD8 i) which seeks to provide visual separation between Ford and Yapton.
2. Contrary to the Ford Development Plan which seeks to maintain a spatial gap between Yapton and Ford (SP1.2) and is clearly shown on its Proposals Map.
3. Applicant has disregarded the importance of existing PRoWs, namely paths 363 and 200\_2. The site engulfs path 363, its loss would be detrimental to existing green connectivity between Yapton and Ford and the River Arun.
4. Note the provision of 'Parkland' but question need where the parcel of land has a PRoW opening the countryside to residents.
5. The applicant refers to the Secondary School Site Selection Study produced by Systra (05/12/2018) but fails to replicate the same designated site (Site F Yapton) in terms of location or land area. Site F clearly respects and avoids impinging on any existing PRoW notably path number 363. The site lies north of path 363 and south of path 359.
6. Concerns regarding vehicular access. Currently only has access via private agricultural track to the north. The applicant suggests access via the Ford SD8 masterplan's 'green connectivity route' which is an upgrade of PRoW 363 and clearly designated for non-motorised vehicles. Any proposal that would lead to the use of vehicles along this green route would be a clear disregard to the years of community consultation and work on agreeing such green routes within the Ford SD8 Masterplan enabling improved connectivity with the two parish's rural backdrop.

### Ford Parish Council - Objection

The Ford Neighbourhood Development Plan was made 09/1/19. The area in the application is part of the Spatial Plan Policy SP1.2 Maintaining a gap between Ford and Yapton. This is shown in the Proposal Map. The application does not comply with the BUA1.1 Preventing coalescence between Ford and Yapton.

### 21 Objections

- Not all the land is available for development. A portion of land at the South of the application belongs to The Estate. This is private land containing unadopted facilities.
- Against local policy Yapton Neighbourhood Plan 2014-2029 Policy E.10. The Yapton Neighbourhood Plan Modification Proposal is currently undergoing public consultation and strengthens Policy E.10. The development is against policies in both plans by including The Estate land which contains the remnants of canal and towpath, and proposing to build vehicular access points over that land.
- The two proposed vehicular access points are inappropriate and unsafe. Both access points are off unadopted roads designed for limited residential traffic, the estate has a single vehicular access point which is itself off a small residential close with a single vehicular access point.
- The roads are not suitable for the level of traffic a school would bring.
- Two school vehicular access points off busy estate roads which themselves only have a single access point to the main road is illogical.
- School traffic next to the NEAP is a danger.
- The roads in The Estate are unadopted and built for residential (not through) traffic only.
- Parking space is at a premium in The Estate. School traffic would create conflict and frustration during

pick up and drop off periods.

- The proposal robs the area of important green-lung and natural space.
- The land on which belongs to the Emerald Gardens estate and is private land, it is not available for sale or development without the approval of the management company, which all of the residents of the estate belong to.
- These car access points will cause a massive volume of traffic into a dead end road, causing financial maintenance for the residents, traffic pollution, the road is not very wide and parking is an issue already, any large vehicles will struggle to get down the road, causing safety issue to the residents.
- Flooding on the roads and more concrete is already a problem and the removal of soil, trees, bushes will increase flooding.
- The playground area, is always in use, to remove this along with the fields will leave nowhere for people to go.
- The wildlife and a very old tree would be destroyed.
- The historic canal and bridge will be destroyed
- The noise and building pollution from the school will cause difficulties to the residents.
- The design of the site should be such that cycles NMUs can be safely used across the site and importantly link with off site routes. The expectation would be that when all building is completed in and around Ford Airfield we are left with a robust and fully linking network of NMU routes.
- Grade 1 agricultural land with accompanying historic features, ie the Portsmouth to Arundel Canal.
- Traffic Generation - Covid-19 pandemic significantly increased the volume of service vehicles accessing the site.
- The noise and nuisance likely to be caused by development work and then by the influx onto of vehicles dropping off and picking up students, plus the likelihood of the NEAP being swamped by users of the educational Facilities, would severely affect resident's, and particularly their children's, enjoyment of the estate (a facility which they pay for).
- Risk of Increased Crime.
- The Ford NDP was made on the 9th January 2019 after the ADC Local Plan was adopted and is therefore the most current Plan. This proposal would be contrary to policies SP1; BUAB1; EH5 (Grade 1 Agricultural Land) ; EH7. It would also be contrary to ADC Policy H SP2c (SD8); C SP1 ; SO DM1
- The land actually provides the strategic gap between Ford and Clymping .
- If the school is built in one of the suggested areas it still maintains the gap but obstructs public right of way but if built in the other area it keeps the footpaths clear but doesn't maintain the gap.
- Development for 1,500 homes still has not come to committee so isn't application a premature?
- This land is bounded by existing and proposed (F/4/20/OUT) high density residential housing estates.
- This site would have a negative impact on children and staff that would be compelled to attend as they would have to traipse through surrounding estates with narrow roads and cul-de-sacs in the hope of finding a quick route to school.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The red edge of the site was reduced to delete the current area of open space and play area. The representations are noted and are considered in the Conclusions section. The proposal does not include any built form and would not compromise the spatial gap between Yapton and Ford (SP1.2) set out within Ford Neighbourhood Plan. The site does not lie in a Gap between Settlements identified in Arun Local Plan.

#### **CONSULTATIONS**

#### **CONSULTATION RESPONSES RECEIVED:**

Ecology Officer - Objection. We require an Extended Phase 1 Habitat Survey to be undertaken to

determine which protected species are using the site and what the impact would be.

Drainage Engineer - No Objection.

Fire Services - No Objection. Condition requested.

County Highways - Objection. Further information in form of transport assessment should be provided.

Archaeologist - No Objection. Condition requested.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted

### POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Grade 1 Agricultural Land

South of the site adjoins a HEELA site 18F2

Adjacent site subject of F/4/20/OUT

## DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

|        |                                                              |
|--------|--------------------------------------------------------------|
| ENVDM1 | ENV DM1 Designated Sites of Biodiversity or geographical imp |
| ENVDM5 | ENV DM5 Development and biodiversity                         |
| ENVSP1 | ENV SP1 Natural Environment                                  |
| HWBSP1 | HWB SP1 Health and Wellbeing                                 |
| ECCSP1 | ECC SP1 Adapting to Climate Change                           |
| SODM1  | SO DM1 Soils                                                 |
| GISP1  | GI SP1 Green Infrastructure and Development                  |
| OSRDM1 | Protection of open space,outdoor sport,comm& rec facilities  |
| INFSP1 | INF SP1 Infrastructure provision and implementation          |
| INFSP2 | INF SP2 New Secondary School                                 |
| SDSP1  | SD SP1 Sustainable Development                               |
| TSP1   | T SP1 Transport and Development                              |
| TDM1   | T DM1 Sustainable Travel and Public Rights of Way            |

[Ford Neighbourhood Plan 2019 Policy BUA1](#)

Ford Neighbourhood Plan 2019 Policy EH5

Ford Neighbourhood Plan 2019 Policy EH7

Ford Neighbourhood Plan 2019 Policy SP1

Built Up Area (BUA) boundary

Grade 1, 2 and 3a Agricultural Land

Local Gap

Spatial Plan for the Parish

## PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

## POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of Ford Neighbourhood Plan have been considered.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

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

The proposal conflicts with relevant Development Plan policies in that the site is in a countryside location and the proposal results in loss of rural character, there is insufficient detail as to how safe vehicular access would be provided, the site is high quality agricultural land in use and no soil appraisal has been submitted and there is inadequate detail in respect of educational use.

## OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

## CONCLUSIONS

The proposal the subject of this application gives rise to four main issues. These are:

1. Whether the change of use constitutes a departure from the development plan and, if so, whether material considerations in this particular case indicate that the plan should not be followed;
2. Whether there is sufficient justification for loss of high grade agricultural land;
3. Whether safe and suitable access to the site can be achieved for all users; and
4. Whether the site meets the new secondary school provision criteria.

The site adjoins the deliverable housing site for circa 300 dwellings in the same ownership identified by ADC in its HELLA 2020 Ref: 18Y3 and is outside the Built-up Area Boundary. Application F/4/20/OUT for Outline permission with all matters reserved except access for the development of up to 1,500 dwellings is awaiting determination. The principle of the development of the adjacent site has yet to be established by the grant of this outline planning permission.

The Development Plan:

The Ford NDP was made on the 9th January 2019 after the Arun Local Plan was adopted and is therefore the most current Plan.

Policy C SP1 Countryside of the Arun Local Plan relates to development of land outside of the defined Built Up Area Boundaries (BUAB) and ensures that it "will be recognised for its intrinsic beauty". This

policy sets out the types of development which will be permitted in the countryside. Quiet informal recreation of the site would be in accordance with the policy (part B), but education purposes, given the broad nature of the use included within the description of the application, would be in conflict with this policy and would not accord with other policies in the Local Plan which would allow for approval of the application.

Policies SP1 and BUA1 of Ford Neighbourhood Plan, which is the most up to date Development Plan, similarly states that Outside of the BUA, development will not be acceptable other than for the purposes of:

- Agriculture;
- Forestry;
- Recreation, or
- where other policies within the Development Plan indicate otherwise.

BUA1.1 seeks to distinguish between the built form of Ford and surrounding countryside and to protect the countryside from harmful development, preventing coalescence between Yapton and Ford.

The proposal lies in a local gap identified in Ford Neighbourhood Plan subject of policy EH7 which seeks to prevent coalescence of Yapton and Ford. No structures are included in the proposal which includes use of the land only.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is required to be considered in preparing the development plan and is a material consideration in planning decisions.

In assessing this proposal, the Arun Local Plan (ALP) and Ford Neighbourhood Plan (FNP) are the relevant development plan policies.

The change of use of the land to use for open space and education would be in direct conflict with policies SD SP2, C SP1, T SP1, INF SP2 and SO DM1 of Arun Local Plan and policies EH7 and BUA1 of Ford Neighbourhood Plan.

These Development Plan policies are up to date, in respect of the development proposed. The proposal is contrary to the up-to-date development plans comprising Arun Local Plan and Ford Neighbourhood Plan and is also contrary to the NPPF as a whole conflicting with para 170 as discussed below.

Para 170(a) of the NPPF states planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their status or identified quality in the development plan). The soils are the highest quality and the site lies in an area identified as countryside in both the Local and Neighbourhood Plan and as an area warranting additional protection within the Neighbourhood as an important visual gap. Para170 (b) of the NPPF states decisions should recognise the intrinsic character and beauty of the countryside including the economic and other benefits of the best and most versatile agricultural land.

## **EDUCATION**

With regard to education, the secondary school Option F from the Planning Policy Sub-Committee Agenda of 27th February 2019 is the option which is closest to the site. It is further north than the land identified for education use in this application. The application site as submitted is not included in any of

the options being discussed.

The Masterplan Document submitted for the Ford Strategic Housing Allocation has been endorsed by the Council. It allows for further assessment of three shortlisted sites. Arun District Council have commissioned Systra to undertake a study to further assess those three sites and to make a recommendation on the preferred location/site for the secondary school. This recommendation will then be used to inform the final selection of a suitable and deliverable site for the new 10 form entry Secondary School for Arun. The aim of the study is to identify a secondary school site which is accessible, safe and maximises sustainable transport options in the central area of the District, without having severe impact on the highway network while providing a safe journey to and from school. The study explored the different accessibility scenarios for each option alongside key site constraints. These scenarios set out mitigation required to maximise safe sustainable transport options to the new Secondary School.

At the Development Control Committee meeting on 3rd February 2021, the Ford masterplan was endorsed subject to confirmation that there is agreement between a recognised education provider and the landowners regarding the transfer of land for the delivery of a new secondary school at Yapton/Ford.

Policy INF SP2 of Arun Local Plan refers to a new secondary school site of at least 10ha. This site extends to 16ha, but part of the site relates to provision of open space with less than 10ha relating to specifically education (the southern portion of the site was deleted to exclude the Neighbourhood Open Space erroneously originally included in the site). The proposal does not contain sufficient information to determine whether policy INF SP2 is relevant or whether it meets the requirements of policy INF SP2 in this respect. The policy sets out 5 criteria which any proposal for a secondary school would be required to meet and there is no information submitted with the proposal to identify compliance with these criteria including that it is capable of being supplied with services, made accessible for all forms of transport or designed to reduce noise and light impacts.

Policy INF SP1 of Arun Local Plan refers to infrastructure provision and is supportive of development proposals which contribute towards infrastructure and services needed to support development to meet the needs of occupiers and users. Whilst the application does not specify the type of educational use, it is not possible to determine whether the proposals are acceptable because there is an absence of any information showing how the site might be used, how it might be accessed and what these impacts would be on the amenity of adjoining occupants. The proposal does not contain sufficient information to demonstrate how the proposed educational use of the site would benefit occupiers and users.

The change of use constitutes a departure from the development plan and there are no material considerations in this particular case of sufficient weight to indicate that the plan should not be followed.

## ACCESS TO THE SITE

Additional information in respect of access to the site was requested from the agent who advised:-

"the application is made for the change of use of the land only and permission for access ( if required) and any operational development required as a consequence of implementing either of the uses proposed (if approved) would require separate planning permission. Therefore the evidence you request regarding access is not required.

ALP policy T SP1 seeks to ensure that development "...provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

Additionally, ALP policy T DM1 begins: "New development must ensure ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community."

Para 108(b) of the NPPF requires proposals to ensure safe and suitable access to the site can be achieved for all users.

The Arun Design Guide Supplementary Planning Document (SPD) January 2021 states, "A successful movement framework should be easily accessible by all including the young, elderly and those with movement difficulties; and should encourage healthy and sustainable choices, making it as easy to walk, cycle, horse ride or take public transport as it is to drive".

WSCC Highways request a transport assessment is provided to support the application to assess the suitability of site, access to the site, its off site impacts and any necessary mitigation required. Currently the only access is via private agricultural track to the north. The applicant suggests access via the Ford SD8 masterplan's 'green connectivity route' which is an upgrade of PRoW 363 and clearly designated for non-motorised vehicles. Any proposal that would lead to the use of vehicles along this green route would be counter to the community consultation and work which has been undertaken agreeing such green routes within the Ford SD8 Masterplan enabling improved connectivity with the two parish's rural backdrop.

Provision of adequate information showing how the site would be accessed is essential in order to determine whether the proposed use is acceptable. The applicant has declined to provide any information which results in the Council being unable to consider whether the proposals are acceptable. In the absence of this information, the applicant has failed to demonstrate that adequate access arrangements can be made.

The site includes footpath 363 and its loss would be detrimental to existing green connectivity between Yapton and Ford and the River Arun. It is not clear how provision would be made to retain this footpath. Given the nature of the existing limited means of access described above and the absence of any proposed improvements, it is concluded that the applicant has failed to demonstrate that the proposal will not provide safe and suitable access to the site for all users, contrary to ALP policies T SP1 & T DM1, Paragraph 108(b) of the NPPF and Part F of the Arun Design Guide SPD.

## LOSS OF AGRICULTURAL LAND

The applicant has not submitted a sustainability and options appraisal as required by policy SO DM1. Para 11.1.6 of the Arun Local Plan requires a report to be submitted with the application.

Policy SO DM1 'Soils' of Arun Local Plan confirms that, unless designated by the Local Plan or a Neighbourhood Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term.

The application is not accompanied by even a Land Quality Report to assess land classification. Evidence suggests the majority of land in this area is either already identified as, or anticipated to be the highest grade agricultural land (Grade1).

Policy SO DM1 states:

"Where development is permitted it should, as far as possible, use the lowest grade of land suitable for that development. Development will not be permitted unless:

- d. The applicant has submitted sustainability and options appraisals, mitigation measures, and a soil resources plan for the development site;
- e. Site appraisal documents submitted by the applicant must demonstrate that consideration has been given to DEFRA's Soil Strategy for England (25);
- f. The productivity of the land is demonstrated using a methodology for assessing gross margins as contained in the Arun Soils and Agricultural Land Assessment Report (26); and
- g. The applicant has submitted a comprehensive soil resources plan for the development site which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a Productive Green Environment following development.

Developments shall also be consistent with all other Local Plan policies."

The proposal does not include information to address the submission of a sustainability and options appraisal and criteria (d) to (g) and also is not consistent with all other Local Plan policies. It is therefore contrary to this policy.

The proposal, being on soil graded 1, conflicts with these policies and given the lack of a sustainability and options appraisal there is not considered to be an adequate justification for an exception.

Policy EH5 of Ford Neighbourhood Plan contains similar wording to SO DM1 and seeks to prevent development on high grade agricultural land required for the operational needs of agriculture and the proposal therefore clearly does not accord with this more recent development plan policy either.

## OTHER MATTERS

Granting permission would not mean the site becomes allocated open space. Only a development plan could allocate the site as open space and it would need to be in use as open space for such a designation allocation to be made.

The change of use would not result in any significant harm to site biodiversity although the increase in footfall across what are currently part open agricultural fields would require mitigation measures to be sought to off set impacts from disturbance on local habitats.

## CONCLUSION

The application is recommended for refusal for the following reasons:

### HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

**CIL DETAILS**

This application is not CIL Liable.

**RECOMMENDATION****REFUSE**

- 1 The site is outside the built up area boundary in an area recognised for its intrinsic character and beauty and based on the limited information submitted and lack of justification/allocation the educational use of part of the site would adversely affect the rural character of the area contrary to policies SD SP2 and C SP1 of Arun Local Plan and policies SP1, BUA1 and EH7 of Ford Neighbourhood Plan.
- 2 The proposal results in unacceptable loss of high grade agricultural land in conflict with policy SO DM1 of Arun Local Plan, d policy EH5 of Ford Neighbourhood Plan and the NPPF which requires the economic benefit of the land to be considered and for development to use the lowest grade of land suitable for that development unless a sustainability and options appraisals, mitigation measures, and a soil resources plan for the development site have been submitted to allow for an assessment of adequate justification for the proposal as an exception.
- 3 The proposal fails to demonstrate educational use of this site in this location would be acceptable. Insufficient information has been submitted to enable the Local Planning Authority to assess the impact of the educational use proposed in conflict with policies INF SP1 and INF SP2 of Arun Local Plan.
- 4 The proposal fails to demonstrate that a safe and suitable access to the site for all users can be achieved contrary to policies T SP1 and T DM1 of the Arun Local Plan 2011-2031, paragraph 108(b) of the National Planning Policy Framework and part F of the Arun Design Guide Supplementary Planning Document January 2021.
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.