

EMAIL ONLY

Hannah Kersley

hannah.Kersley@arun.gov.uk

Mocatta House
Trafalgar Place
Brighton
BN1 4DU

URL www.dowsettmayhew.com

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Dear Hannah

LU/8173/26/OUT - Outline planning application (with all matters except access reserved) for the construction of up to 20 residential units at Westholme Nursery Toddington Lane Littlehampton BN17 7PP

I write in reference to the above application currently pending determination with the Local Planning Authority.

We have been closely monitoring the progress of the application through the Council's online planning register and are encouraged to note that, with the exception of comments from WSCC Education and the Council's Ecology Officer, no objections have been raised by any statutory or technical consultees to date, including WSCC LLFA who objected to the previous application. This is a significant material consideration and demonstrates that the current proposals have successfully addressed one of the previous reasons for refusal.

In respect of the comments from WSCC Education, we note that these are materially the same as those raised in response to the previous application (LU/83/25/OUT). On that occasion, officers were satisfied that the matter could be appropriately addressed through a financial contribution towards temporary education transport costs for children attending the nearest available or West Sussex catchment school with capacity, as identified in WSCC's consultation response. As set out within the submitted Planning Statement, such a contribution can readily be secured through a suitably worded Section 106 Agreement. The issue therefore does not represent a reason to withhold planning permission and is capable of being satisfactorily addressed through the planning process in the same manner as previously accepted by officers.

With regard to the Ecology Officer's comments, these relate solely to administrative omissions within the submitted Biodiversity Net Gain Metric, namely the absence of the metric date and the author's details. Attached is an updated version of the metric which includes the missing information. Given that the comments do not relate to any substantive ecological concern regarding the development itself, we trust this clarification satisfactorily addresses the matter and enables the Ecology Officer's holding objection to be withdrawn.

Whilst writing, we would also like to draw attention to the implications of the recently updated National Planning Policy Framework (NPPF), which we consider provides particularly strong support for the determination of this application.

The updated NPPF continues to place significant emphasis on the presumption in favour of sustainable development. Policy S3 confirms that this presumption is applied through Policy S4 when considering proposals located within settlements. Importantly, Policy S4 establishes a positive starting point for decision-making by stating that:

*“Development proposals within settlements **should be approved** unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.”*

The policy therefore requires a clear demonstration of substantial adverse impacts before planning permission can be withheld.

Policy S4 further identifies a limited range of circumstances where adverse effects **may** outweigh the benefits of development. It is submitted that the proposed development does not fall within any of those circumstances.

Specifically:

- The site is not allocated or safeguarded for any alternative use within the development plan.
- The proposal would not result in the loss of publicly accessible open space, recreation land or community facilities.
- The site is not designated as Local Green Space.
- The submitted ecological evidence confirms that the site is not an area of particular importance for biodiversity or geodiversity.
- The site is not located within a Protected Landscape designation.
- The proposal does not constitute development within an existing residential curtilage.
- The development would not result in the loss of cemetery or burial ground land.
- The proposal would not undermine any water storage or flood risk management function, as confirmed through the submitted Flood Risk Assessment and accepted by WSCC LLFA.

It is therefore submitted that none of the situations expressly identified within Policy S4 are engaged in this case.

Furthermore, there are no national decision-making policies applicable to this proposal that indicate permission should be refused. The most relevant policies are considered below and, in each case, the proposal demonstrably complies with the requirements of the Framework.

Policy DP3 - Key principles for well-designed places

Policy DP3 seeks to ensure proposals deliver high quality design that responds positively to local character and context.

Whilst this is an outline application with all matters reserved, sufficient information has been submitted to demonstrate that the site is capable of delivering an attractive, well-designed and policy-compliant development. Importantly, the reduction in dwelling numbers from the earlier scheme has enabled the indicative layout to respond directly to previous concerns regarding density, enclosure and perceptions of overdevelopment.

The revised illustrative layout demonstrates that the proposals:

- Make efficient but appropriate use of the site.
- Provide a more spacious and legible development form.
- Improve separation between dwellings and built form.
- Allow stronger integration of landscaping and open character.
- Facilitate a high quality residential environment capable of delivering an attractive sense of place.

Rather than representing overdevelopment, the revised proposals demonstrate a carefully considered and proportionate response to the site's context, confirming that up to 20 dwellings can be accommodated whilst maintaining a high standard of design and amenity.

Policy TR6 - Assessing transport impacts

Policy TR6(4) requires refusal only where development would result in a severe impact on the transport network or an unacceptable impact on highway safety.

The submitted Transport Statement demonstrates that safe and suitable access can be achieved and that the development would generate only limited additional vehicle movements. Significantly, WSCC Highways Authority has raised no objection to the proposals, confirming that the development would not give rise to severe transport impacts or highway safety concerns.

It is therefore clear that the proposal fully satisfies the requirements of Policy TR6.

Policies F5, F6 and F7 - Managing flood risk and coastal change

The submitted Flood Risk Assessment demonstrates that all the proposed dwellings can be located entirely within Flood Zone 1, the area of lowest flood risk.

The assessment further confirms that:

- The development will be safe throughout its lifetime.
- Residual flood risks can be appropriately managed.
- The proposal will not increase flood risk on or off-site.

These conclusions have been reviewed and accepted by WSCC LLFA.

Whilst it remains the case that the updated NPPF continues to seek to steer development to areas with the lowest risk of flooding, for all the reasons set out in the originally submitted Planning Statement, it remains the applicants case that the risk of flooding to people and

property has been adequately mitigated to the degree that they are substantially outweighed by the benefits of the proposals.

Policy N2 - Improving the natural environment

Policy N2 requires refusal only where significant harm to biodiversity cannot be avoided, mitigated or compensated.

The submitted Updated Preliminary Ecological Appraisal and Ecological Assessment confirms that the development would not result in significant harm to biodiversity. No evidence has been presented to the contrary and the current Ecology Officer comments relate solely to administrative amendments to the BNG metric rather than any substantive ecological objection to the scheme.

Policy N6 - Areas of particular importance for biodiversity and geodiversity

The proposals would not result in the loss or deterioration of any irreplaceable habitat, including ancient woodland or ancient/veteran trees. Consequently, the policy does not provide any basis for resisting the development.

Policy HE6 - Proposals affecting designated heritage assets

The submitted Heritage Statement concludes that the proposal would not result in substantial harm to, or total loss of, the significance of any designated heritage asset.

As such, the circumstances in which Policy HE6(5) indicates refusal are not engaged.

Conclusion

It is submitted that the planning position is increasingly clear.

The proposal has been subject to detailed technical scrutiny and no objections have been raised by highways, drainage, heritage or any other technical consultee. The matters raised by WSCC Education and the Ecology Officer are capable of straightforward resolution and do not constitute reasons for refusing permission.

Importantly, the proposal sits squarely within the positive decision-making framework established by Policies S3 and S4 of the updated NPPF. None of the circumstances identified within Policy S4 as weighing against approval arise in this case, and there are no applicable national decision-making policies that indicate planning permission should be refused.

Against this background, the scheme would deliver the clear benefits associated with the provision of up to 20 new homes in a sustainable settlement location, whilst doing so without giving rise to any unacceptable technical, environmental, heritage, highway or flood risk impacts.

Accordingly, it is our firm view that the benefits of the development clearly and demonstrably outweigh any perceived adverse effects and that the proposal fully accords with the development plan and national policy framework when read as a whole. The application therefore represents sustainable development for which planning permission should be granted without delay.

We would be grateful if the above representations are taken into account in the determination of the application.

Yours sincerely



Sarah Sheath BSc (Hons) DipTP MRTPI
Senior Planner