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2 March 2021

Councillor Jamie Bennett
Chairman of the Development Control Committee

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Dear Councillor Bennett

Planning application P/1/21/PL – Land at Summer Lane, Pagham. Material change of use of land from agriculture to use as open space.

I write on behalf of the landowners of land at Summer Lane, Pagham to object to the planning application above. I have copied this letter to the planning officer as well as members of the development control committee for their information.

I can confirm that notice *has not been sent* to all the landowners of this site.

We have been made aware that Paula Hilton and Brian Biermann (the applicants) have made a planning application on our clients' land to change its use from 'agriculture to open space'. Such an application is laudable but regrettably out of focus with the landowners intention to develop and deliver the site for housing, which is consistent with the development strategy of the adopted Local Plan and the subsequent planning consents achieved for the site. The application is also inconsistent with the adopted development strategy for the District.

Equally we are concerned that the applicants are not cognisant of the fact that the delivery of new housing has already commenced on this site and will filter across the remainder of the site during the course of this year. Additional housing and community facilities to the south of this application site will also follow later this year, which is again consistent with the original outline planning application (P/140/16/OUT) and the approved development strategy for the District. The applicant therefore has no ability to deliver his development and his ambition to provide 'open space' across the site has therefore already been defeated. Equally apparent is the fact that the applicant has no control or ownership of any part of this site and has not entered into discussion with the landowners or their agents. To achieve access to the site and to deliver their proposals is therefore impossible and their motives for this application are unknown.

Irrespective of the ownership and deliverability issues, it is also abundantly clear that the application is contrary to the adopted development plan for Arun. After a long examination of the Arun Local Plan (the Plan), it was adopted by the Council in 2018. The application site is designated on the policies map of the plan as part of the strategic housing allocation, SD1 Pagham South. The application proposal conflicts with Policy SD1 because it fails to bring forward the housing and associated infrastructure prescribed by the Plan and required by the housing strategy of this Plan.

When making decisions, 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.

There is, therefore, an obligation by the decision maker to first consider the primacy of the development plan when making their decision, provided that the plan is up to date and is consistent with the National Planning Policy Framework. Despite there being a shortage of housing land, the plan is otherwise up to date and the shortage of housing does not weigh in favour of permitting the application proposal, and conversely strengthens the need to retain the site for housing.

The Arun Local Plan had a considerable task in accommodating the District's development needs. The eventual sites allocated were debated thoroughly at examination and subsequently agreed by the Inspector and adopted by the Council. The Local Plan debate never focused on using this site for open space and was subsequently the site was allocated for housing. The removal of a strategic housing site from the plan, to be replaced by open space, as proposed by this planning application would fundamentally dismantle the approved housing strategy, to the detriment of all who live in the District.

The applicant has not advanced a case to demonstrate that the open space that he is advocating would overcome and mitigate the potential loss of housing and other community facilities that this site has been designated to provide between 2011 and 2031. Indeed it is difficult to see how the land being used as *private* open space would provide any public benefit and would only serve to worsen the housing crisis that currently exists in England, making housing less affordable and further out of the reach of those who need it most.

At present, the Council cannot demonstrate a five year supply of deliverable housing and the loss of this site to other uses would only exacerbate this position to the detriment of the strategic delivery of housing in the District, aggravating the shortfall and placing development pressures on other parts of the District.

The applicant has also failed to demonstrate why the open space is needed in this location and how the public would access this private land? Given that each of the new strategic housing allocations in the locality are well catered for with regard to open space, it is considered profligate to provide new *private* open space, that would have no public access and when an abundance of publicly accessible open space would otherwise be provided. It is considered that open space of this nature, would have no public benefit and would further frustrate the housing shortage within the District.

Given that there is a demonstrable shortage of housing, it is clear that the need for housing should take precedent over the need for open space that is amply provided for elsewhere.

Regrettably, it is considered that this application is ill-conceived, with little understanding or regard to the development plan system. In our opinion, the application has an acute and detrimental conflict with local policy and in the first instance fails to have regard to policies H SP1, H SP2 and H SP2a of the Arun Local Plan 2011-2031. Fundamentally, the development would irreversibly damage the housing strategy of the Plan, to the detriment of the housing supply and affordability of housing within the District.

We also believe that the applicant has failed to demonstrate a need for the proposed development or how safe access could be achieved to the site. The proposal would therefore be contrary to policies T SP1 and T DM1 of the Plan.

We have read your officers report on this application and believe it is a fair representation of the planning policy situation pertaining to the site.

We therefore respectfully agree that the application should be refused on this occasion.

Yours faithfully

For Ridge and Partners LLP