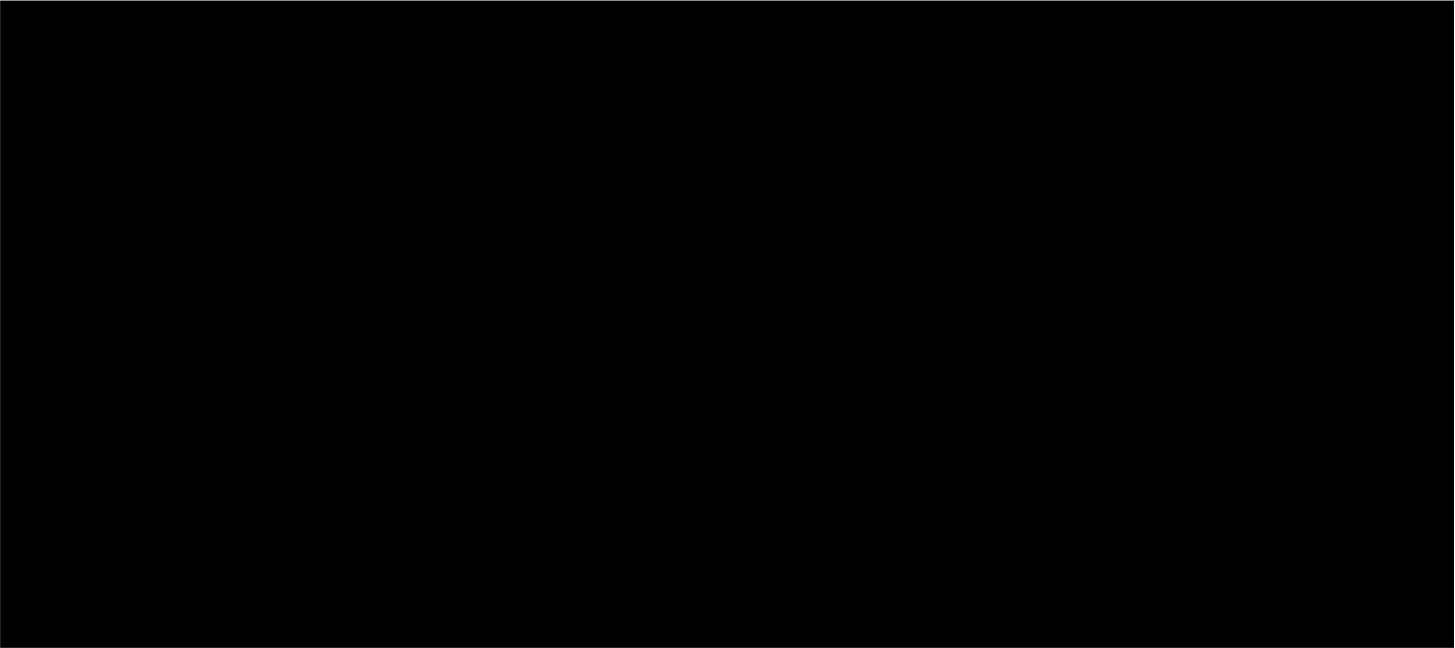
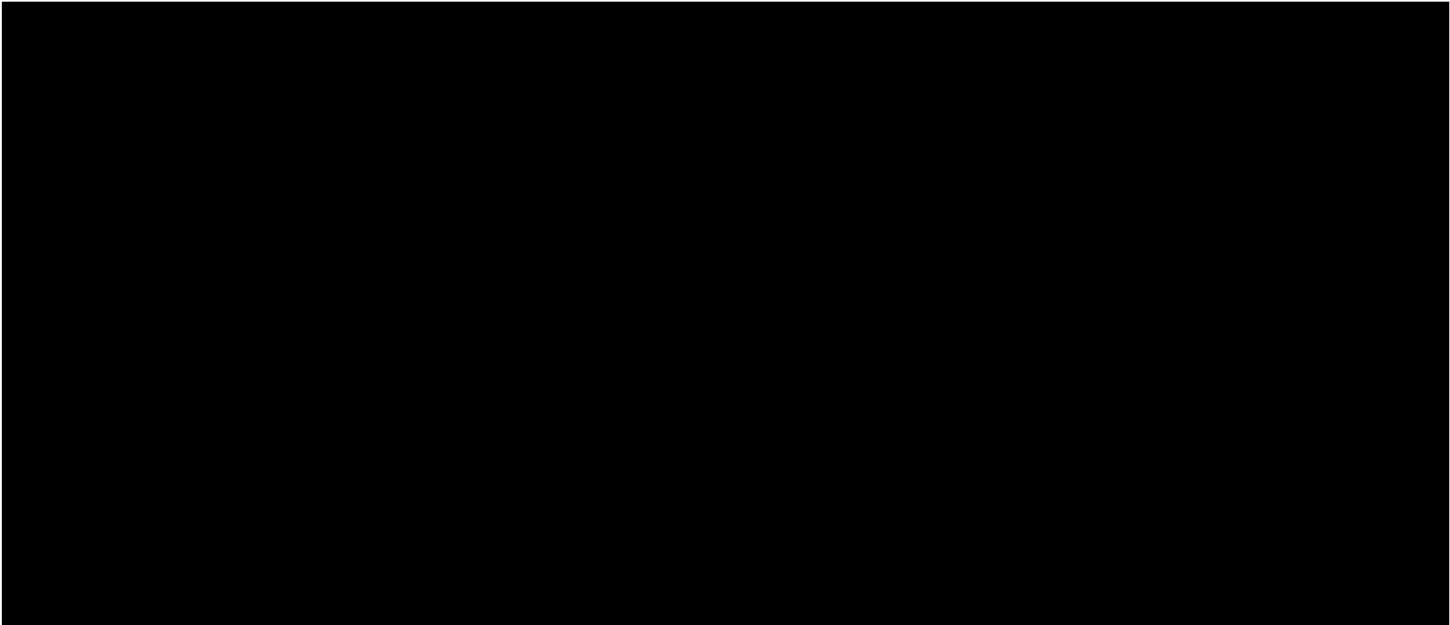




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www.arun.gov.uk

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From: paul collins [REDACTED]
Sent: 13 February 2021 13:42

Subject: P/4/21 - Material change of use of land from agricultural use to use for open space. - Land at Sefter Road, Hook Lane and Pagham Road Pagham

Dear All

I refer to the representation made on behalf of Hallam Land Management Limited dated 11 February 2021 (copy attached for cc recipients) and respond as follows:

Procedural matters

I note that the representation made does not challenge the fact that the application is made lawfully and may be determined by ADC as the LPA as submitted. The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. However, an applicant is required to notify owners of the land or buildings to which the application relates, as well as any agricultural tenants, in accordance with article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served and these requirements have been met.

Ownership matters

I attach the land registry documents for this site and highlight the facts that neither Hallam Land Management Limited or Bellway Homes (who the author of the representation made represents) have a notifiable interest in the site for the purposes article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as they are not freeholder owners, or Leaseholders of the site or agricultural tenants. I also point out that neither Hallam Land nor Bellway Homes have an interest in all of the site to which my application relates and that their interests do not extend to all of the land that is subject to the Outline Planning permission granted under ADC Ref: P/30/19 OUT and its related s106 Agreement or the site subject to the current but undetermined Application made under ADC Ref: P/ 132/20 RES.

Policy matters

I attach a copy of Policy GI SP1 Green Infrastructure and development together with the related Policy Map for Pagham which together demonstrate that the development plan identifies and allocates the site of my application as Green Infrastructure for the purposes of this policy and its supporting text. I am aware that this is in conflict with ALP Policies HSP1, H SP2 and SP2a which allocate SD2 Pagham North for development with 800 houses so that there is therefore an in built conflict within the Arun Local Plan in terms of policies adopted at the same time. As I have said in the supporting documents to my application Policies HSP1, H SP2 and SP2a are out of date housing policies for the purposes of applying the presumption in favour of sustainable development at Framework 2019 Paragraph 11 d and footnote 7.

How must a decision on my application for planning permission be made?

Unlike the author of the letter of representation to which I refer I do not intend to presume or assert how ADC should determine my application in such circumstances as I have no need to do so as this is clearly spelt out in the relevant legislation and the related PPG also attached,

However I do wish to record for the record that the facts that I have no legal or financial interest in the site and cannot therefore implement the planning permission if granted are not material considerations for the purposes of determining the application in accordance with Section 38 (6) of the act and my motives for making the application (which are not as presumed and asserted by the author of the subject letter in any case) are not material considerations either. However if ADC as the decision maker wishes to know what my motives are they only have to ask and they have not done so to date.

Therefore I remain expectant and look forward to receiving a decision from ADC in respect of my application made in accordance with all relevant legislation and material considerations by the due date which is 11/3/21.

Please place this e mail and the attachments on the following files P/4/21 and P/132/20 RES.

Paul Collins BA (Hons) DipTP





11 February 2021

Our Ref: OJ/16.154

Neil Crowther Esq
Arun District Council
Civic Offices
Maltravers Rd
Littlehampton
West Sussex
BN17 5LF

Application P/4/21 Material change of use of land from agricultural use to use for open space.

I am writing on behalf of my client, Hallam Land Management Limited, who have a legal interest in land that is subject to Application P/4/21, and Bellway Homes, who are Hallam's delivery partner for planning permission P/30/19/OUT. This seeks planning permission for a material change of use of land from agricultural use to use for open space.

The Applicant acknowledges that the application site is, in part, "agricultural land", and that for the Site to be "open space" it would constitute a material change in its use. It follows that the Applicant does not see the use of the land as "open space" as an immaterial change. The Applicant is therefore proposing that the Site is used in a new and different way from its current use.

This is explained in the applicant's Supporting Statement in the following terms:

Planning permission is sought for the use of the land for the purposes of public recreation. Such recreational land use could (if granted and implemented) incorporate new swales and ditches (including improvements to the existing) associated with a Sustainable Urban Drainage system for this part of Pagham as well as new allotments without the need for further planning permissions. (emphasis added)

Later the Supporting Statement refers to the land being used as Alternative Natural Green Space required to offset recreational disturbance on Pagham Harbour.

Plainly the Applicant intends for there to be public access to the land and for there to be engineering works that change the character and appearance of the land as well as its use. Such engineering works may require planning permission and / or land drainage consent.

It is a basic principle that a planning permission relates to the land concerned and runs with the land. Absent any control over land that is subject to either a planning application or thereafter a permission,

an applicant is not able to implement the said permission. It is material therefore to consider whether there is any prospect of a planning permission for "open space" being implemented.

In this instance, the Applicant is a private individual who has no legal interest in the land covered by the application. Accordingly, the Applicant has no means to secure the material change of use of the land for which permission is sought i.e. the Applicant cannot bring about the use of the Site in a new and different way.

The private individual has no means to enforce the cessation of the agricultural activity that would be required to implement that change of use. Similarly, the private individual has no means to undertake any soft or hard landscaping or engineering works necessary for the land to be used for the purposes of open space and public recreation. The private individual has no means of granting public access to the land such that it could serve any practical open space purpose in these terms.

The private individual refers to implementation and delivery of this recreational land being achieved via Section 106 Agreements – neither the private individual nor the local planning authority can oblige the landowner to enter in to such an agreement.

The private individual is aware from his involvement in matters associated with the application site historically, that the application site is part of the North Pagham Strategic Site allocated for development to meet the District's housing need in the adopted Local Plan.

The private individual has not put forward any justification as to why the Local Planning Authority should grant planning permission for the change of use sought in the context of development plan i.e. what material consideration is there that warrants a decision other than in accordance with the development plan that intends the site to be developed for housing and associated uses.

The Applicant acknowledges that the application would be in conflict with Policies H SP2 and SP2a. He then goes on to assert that these Policies are out of date but offers no reasoned justification for this opinion. In any event it is for the decision maker to determine weight to be given to development plan policies and, in this regard, the recent decision of the Court of Appeal in *Gladman Development Limited v Secretary of State for Housing Communities and Local Government and Corby Borough Council and Uttlesford District Council 2020 EWHC 518 Admin*, (which is aligned with the earlier Supreme Court judgement in *Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP and Cheshire East Borough Council 2017 UKSC 37*), directs that, in applying the presumption in favour of sustainable development in Government Policy, the development plan is the starting point in the decision-making process such is the statutory pre-eminence of Section 38(6). Policies H SP2 and SP2a are not simply disapplied, as is the Applicant's contention.

Moreover, land within the application site benefits from outline planning permission granted in September 2019, pursuant to the development plan. No statutory challenge was brought to the grant of this planning permission and it remains a lawful planning permission. You will be aware that certain of the outline planning permission's conditions have been discharged and that a reserved matters application has been submitted pursuant to condition 1 of the outline planning permission.

This is demonstrable evidence of the intention to develop the site in accordance with the development plan and the extant planning permission, which is material to the question of whether there is any prospect of the landowner permitting the alternative use. Plainly in these circumstances, there is not.



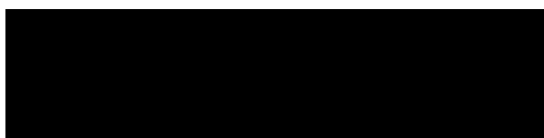
Lastly, the private individual will be aware from his previous involvement, and indeed from the declaration that the land registry has been viewed, who certain of the landowners are, and that a substantial part of the application site is subject to a charge in favour of Hallam Land Management Limited. No attempt has been made to engage with this landowner or their representative in respect of this proposed change of use.

I am left with no other conclusion than the application serves no meaningful purpose and it is entirely without merit. There is simply no reasoned justification for granting planning permission for the change of use that is sought, and moreover, the applicant has no means of implementing that change of use. For the avoidance of doubt, there is no prospect of the landowners that I represent making its land available for the use that the planning application seeks.

This appears to be another attempt to frustrate the legitimate development intentions of the landowners, which, as you will be aware, are in accordance with the development plan, and from which a significant public benefit accrues.

I trust you will consider these representations in determining application P/4/21.

Your faithfully,

A large black rectangular box used to redact the signature of Owen Jones.

Owen Jones
Director



Title Number : WSX341713

This title is dealt with by HM Land Registry, Durham Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 13 FEB 2021 at 11:09:41 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: WSX341713
Address of Property	: Land on the North side of Hook Lane, Rose Green, Bognor Regis
Price Stated	: £90,000
Registered Owner(s)	: ROGER CHARLES PHILPOT, JONATHAN BRUCE LOVEYS, ANGELA MARY CLEANTHI and ANTHONY BRIAN LOVEYS care of F. Barnes Solicitors, 14 Chase Cross Road, Romford RM5 3PS.
Lender(s)	: Hallam Land Management Limited

Title number WSX341713

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 13 FEB 2021 at 11:09:41. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

WEST SUSSEX : ARUN

- 1 (24.02.2011) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land on the North side of Hook Lane, Rose Green, Bognor Regis.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (08.10.2014) PROPRIETOR: ROGER CHARLES PHILPOT, JONATHAN BRUCE LOVEYS, ANGELA MARY CLEANTHI and ANTHONY BRIAN LOVEYS care of F. Barnes Solicitors, 14 Chase Cross Road, Romford RM5 3PS.
- 2 (24.02.2011) The value stated as at 24 February 2011 was £90,000.
- 3 (24.02.2011) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.
- 4 (21.07.2015) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction is to be registered without a certificate signed by a conveyancer that the provisions of clause 5 and 7 of an Agreement dated 6 July 2015 made between (1) Roger Charles Philpot, Jonathan Bruce Loveys, Angela Mary Cleanthi and Anthony Brian Loveys and (2) Hallam Land Management Limited have been complied with or do not apply to the disposition.
- 5 (21.07.2015) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 6 July 2015 in favour of Hallam Land Management Limited referred to in the Charges Register or their conveyancer.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (24.02.2011) The land is subject to the following rights reserved in a Deed of Grant dated 30 September 1955 made between (1) Helen Sybil Dow Sainter, James Dow Sainter and Gerald Bradley and (2) The County Council Of The Administrative County Of West Sussex:-

All that the free right to enter on the said adjoining land to lay the

C: Charges Register continued

said surface drain between the points marked A-B and B-C on the said plan and for ever hereafter to repair and maintain all such connections with the drain marked on the said plan the Council making good all damage to the land caused by the works in connection with the laying of the drain and any subsequent entry for the maintenance thereof.

NOTE: Copy plan filed.

- 2 (24.02.2011) The land is subject to the rights granted by a Deed of Grant dated 28 July 1993 made between (1) Philip Alan Reid and Victor Kildea Arbuckle and (2) Southern Water Services Limited.

The said Deed also contains restrictive covenants by the grantor.

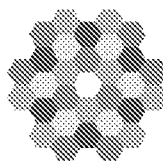
NOTE: Copy filed.

- 3 (21.07.2015) REGISTERED CHARGE dated 6 July 2015 affecting also title SX12015.
- 4 (21.07.2015) Proprietor: HALLAM LAND MANAGEMENT LIMITED (Co. Regn. No. 2456711) of Banner Cross Hall, Ecclesall Road South, Sheffield S11 9PD.
- 5 (21.07.2015) UNILATERAL NOTICE in respect of a right of pre-emption contained in an agreement dated 6 July 2015 made between (1) Roger Charles Philpot, Jonathan Bruce Loveys, Angela Mary Cleanthi and Anthony Brian Loveys and (2) Hallam Land Management Limited.
- 6 (21.07.2015) BENEFICIARY: Hallam Land Management Limited (Co.Regn.No.2456711) of Banner Cross Hall, Ecclesall Road South, Sheffield S11 9PD.
- 7 (05.06.2020) UNILATERAL NOTICE affecting the land tinted blue on the title plan in respect of an Agreement for sale dated 26 May 2020 made between (1) Roger Charles Philpot, Jonathan Bruce Loveys, Angel Mary Cleanthi and Anthony Brian Loveys (2) Hallam Land Management Limited and (3) Bellway Homes Limited.
- NOTE: Copy plan filed under SX12015.*
- 8 (05.06.2020) BENEFICIARY: Bellway Homes Limited (Co. Regn. No. 00670176) of Seaton Burn House, Dudley Lane, Seaton Burn, Newcastle Upon Tyne NE13 6BE.

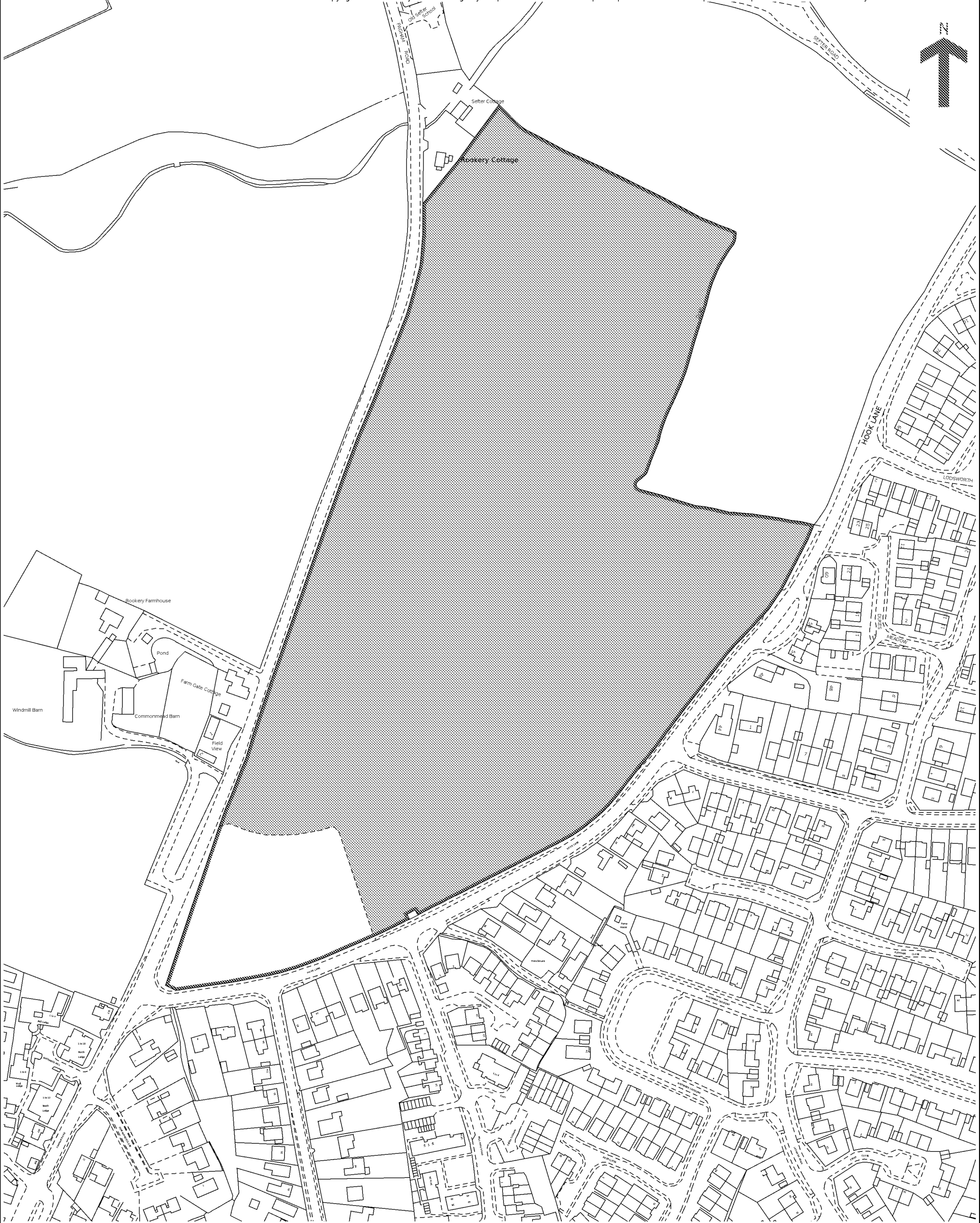
End of register

HM Land Registry
Current title plan

Title number **WSX341713**
Ordnance Survey map reference **SZ8999SE**
Scale **1:2500**
Administrative area **West Sussex : Arun**



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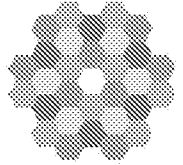
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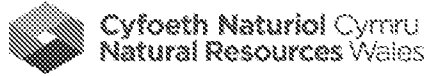
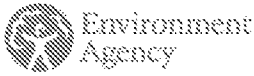
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This title is dealt with by HM Land Registry, Durham Office.

ARUN DISTRICT COUNCIL P/4/21/PL



in association with the



Flood Risk Indicator

Title number and property description

WSX341713

Land on the North side of Hook Lane, Rose Green,
Bognor Regis,

Flood risk

The land registered under the above title number does not fall within a river or sea floodplain but is within 25 metres of the nearest river or sea floodplain.

The land is in an area that has a very low chance of flooding from rivers or the sea which means that it is unlikely to flood except in extreme conditions. The chance of flooding each year is less than 0.1 percent (1 in 1000). This takes into account the effect of any flood defences that may be in this area.

This result was produced on 13 February 2021 based on Environment Agency and Natural Resources Wales flood risk data that was current as of July 2018 and Land Registry data that was current as of 13 February 2021. The Flood Risk Indicator is based on the most up to date Environment Agency and Natural Resources Wales flood data available at the date and time of your search.

Disclaimer

The information contained in this document is for general information purposes only. The flood risk information is provided by the Environment Agency and Natural Resources Wales. You should note that:-

The Flood Risk Indicator shows only the predicted likelihood of flooding of areas of land from rivers or the sea and it is not detailed enough to describe the likelihood of flooding for individual properties.

Individual properties may not always face the same chance of flooding as the areas that surround them because, for example the property may be higher than the surrounding land. There may also be particular occasions when flooding occurs and the observed pattern of flooding does not in reality match the predicted patterns shown on the Environment Agency and Natural Resources Wales flood data.

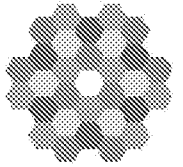
Because the flood data from the Environment Agency and Natural Resources Wales is created as a result of a modelling process, it may by its nature not be as accurate as might be desired.

If you believe that a particular property does not face the chance of flooding shown on the Environment Agency and Natural Resources Wales flood data, or if you have information that you believe may not have been taken into account, then you should contact your local Environment Agency or Natural Resources Wales office or see the Environment Agency or Natural Resources Wales website for more information on flood data.

We will endeavour to keep the information up to date and correct but make no representations or warranties of any kind, express or implied, about the completeness, accuracy, reliability, suitability or availability with respect to the flood data. Any reliance you place on such information is therefore strictly at your own risk.

See <https://www.gov.uk/browse/environment-countryside/flooding-extreme-weather>

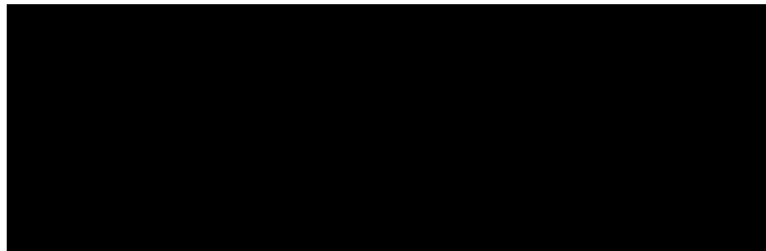
and <http://www.naturalresourceswales.gov.uk/flooding-and-water>



VAT receipt

Date
13 February 2021

Items
Flood Risk Indicator for WSX341713



HM Land Registry
Trafalgar House
1 Bedford Park
Croydon
CR0 2AQ

VAT registration number: GB 8888 181 53

7 Settlement Structure & Green Infrastructure

The Council will take into account cumulative impact of development in the consideration of planning applications.

To ensure better management of the rural-urban fringe in those areas where significant new development is proposed, early consideration will need to be given to landscape and biodiversity enhancement, woodland management, recreation provision and access routes.

7.3 Green Infrastructure

- 7.3.1** The National Planning Policy Framework (NPPF) states that planning should encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage and food production). It also states that Local Planning Authorities should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.
- 7.3.2** The Government's Natural Environment White Paper⁽¹³⁾ outlines a vision for the natural environment over the next 50 years. The Paper aims to take a strategic approach to planning for nature within and across local areas. This approach will guide development to the best locations, encourage greener design and enable development to enhance natural networks.
- 7.3.3** The Local Plan's strategic objectives recognise the need to take a strategic approach to encourage multiple benefits from the use of land in urban and rural areas and support the National Planning Policy Framework and the Government's Natural Environment White Paper.
- 7.3.4** The Local Plan will achieve these objectives by taking a strategic approach to managing the District's Green Infrastructure Network. This strategic approach to Green Infrastructure will be subject to regular review, taking account of the progress of the Local Plan as detailed in the Authority Monitoring Report. (Section 23 - Monitoring and the Monitoring Framework Technical Appendix)

What is Green Infrastructure?

- 7.3.5** The National Planning Policy Framework⁽¹⁴⁾ defines Green Infrastructure (GI) as "A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities."

13 The Natural Choice: Securing the Value of Nature. Defra, June 2011

14 as published in March 2012

7 Settlement Structure & Green Infrastructure

7.3.6 The South East Green Infrastructure Framework uses the definition of GI in the South East Plan (2008). This definition identifies eleven types or typologies of GI and to this we have added an additional typology covering Beaches and Coastal Areas and features such as rifes and twittens which are terms locally specific to Arun (see Glossary for more detail). The typologies provide a helpful framework for identifying 'what' may be considered a GI asset in the District:

- Parks and gardens - including urban parks, country parks and formal gardens
- Natural and semi-natural urban green spaces - including woodlands, urban forestry, scrub
- Grasslands (e.g. downlands, commons and meadows) wetlands, flood plains, open and running water, wastelands and derelict open land and the coast
- Public Rights of Way including footpaths, cycleways, bridleways
- Twittens
- Outdoor sports facilities (with natural or artificial surfaces and either publicly or privately owned) - including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas
- Amenity greenspace (most commonly, but not exclusively in housing areas) - including informal recreation spaces, green spaces in and around housing, domestic gardens and village greens
- Provision for children and teenagers - including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas (e.g. 'hanging out' areas, teenage shelters) allotments, community gardens, and farms
- Cemeteries and churchyards
- Green roofs and walls
- Accessible countryside in urban fringe areas, and
- Rifes, rivers and the coastline

7.3.7 The aim of the Green Infrastructure Policy is to maintain and enhance the existing network of Green Infrastructure assets. The Policy will also aim to ensure that these assets provide multiple functions and benefits and help to protect and enhance the distinctive character of the District.

Why is Green Infrastructure important?

7.3.8 Well connected GI assets perform a range of important functions relating to the natural environment, climate change mitigation and adaption and quality of life. The Arun District Green Infrastructure Study (June 2012) establishes that the GI assets which currently exist in the District perform the following seven primary functions:

1. Access links and access to recreation – the provision of sustainable transport and access routes and a variety of recreational opportunities for the widest range of social, interest and age groups;
2. Conserving and enhancing biodiversity – the provision of 'space for nature', areas that conserve or enhance wildlife habitats or provide new habitats;

7 Settlement Structure & Green Infrastructure

3. Sense of place – the landscape assets and their settings that provide the local character and sense of place and help provide high quality environments in which people want to live and work;
4. Historic character – areas of importance to the historic character, including specific cultural heritage assets;
5. Productive green environments - areas that provide opportunities for local sustainable food and fuel production at the local level ('edible landscapes'), including allotments, community orchards, community gardens, urban farms, coppicing of local woodlands;
6. Sustainable water resources – provision of 'space for water', Sustainable Urban Drainage Systems (SUDS) and other areas that play a role in the sustainable management of water resources; and
7. Climate change – areas that provide for climate change adaptation through more flexible multi-functional approaches to urban and landscape design and management, including urban shading and cooling.

7.3.9 The Study investigated the strengths and weaknesses of the existing Green Infrastructure Network, and the quality of the Green Infrastructure assets themselves and identified a number of opportunities to strengthen the GI network (see Table 7.1 below).

Function	Opportunity to strengthen the network
Access and Recreation	Improve access to green space within the District and connect fragmented access routes across the coastal plain. Address open space deficiencies in areas experiencing high levels of social deprivation.
Biodiversity and Access to Nature	Improve biodiversity and landscape quality of the strategic gaps along the coast and provide connectivity between the gaps to open countryside in the District.
Sense of Place	Gaps between settlements which perform a sense of place function provide the last sections of undeveloped coast in the District and should be safeguarded to resist coastal squeeze and coalescence.
Historic Character	Opportunities to promote the historic features of the coastal plain must be taken in order to protect them from development along the coast.
Productive Green Environments	Opportunities to exploit woodland in the District to provide timber for fuel. Utilise the District's fertile land by promoting and increasing provision of allotments.

7 Settlement Structure & Green Infrastructure

Function	Opportunity to strengthen the network
Sustainable Water Environments	Take the opportunity to protect those parts of the Green Infrastructure network that provide flood attenuation, such as the strategic gaps between settlements along the coast.
Climate change	Increase tree coverage within urban areas and promote walking and cycling routes to encourage alternative modes of transport to the car.

Table 7.1

- 7.3.10** The District's Green Infrastructure Network will come under greater pressure as a result of new development. Maintaining a network of green spaces is essential to enhancing biodiversity by providing important green linkages and corridors for species, thus helping to protect against habitat fragmentation.
- 7.3.11** A key part of the spatial strategy for the District is therefore to develop a strategic 'Green Infrastructure Network' by creating and connecting quality green environments both within and beyond the urban areas. In particular, coastal communities will have the opportunity to be linked with the South Downs National Park.
- 7.3.12** The Green Network Maps present the District's existing Green Infrastructure network and should be viewed alongside the Local Plan policies to identify opportunities for protecting, enhancing and connecting Green Infrastructure assets as part of new development. The maps will be subject to updates when new Green Infrastructure assets, and links between the assets are formed.

Local Green Spaces

- 7.3.13** Local communities have the opportunity through the preparation of Neighbourhood Development Plans to designate Local Green Spaces. Where these spaces are designated formally, they will be added to the District's Green Infrastructure Network.
- 7.3.14** Local Green Space can be designated where the space is in reasonably close proximity to the community it serves; where the green area is demonstrably special to a local community and holds a particular local significance; and where the green area concerned is local in character and not an extensive tract of land.
- 7.3.15** Local communities are therefore encouraged to identify Local Green Spaces through the Neighbourhood Development Plan process. This is seen as an important way to protect locally distinctive green spaces and encourage the improvement, enhancement and connectivity of the spaces with the rest of the District's Green Infrastructure Network, to encourage multi-functional benefits.

Policy GI SP1

Green Infrastructure and development

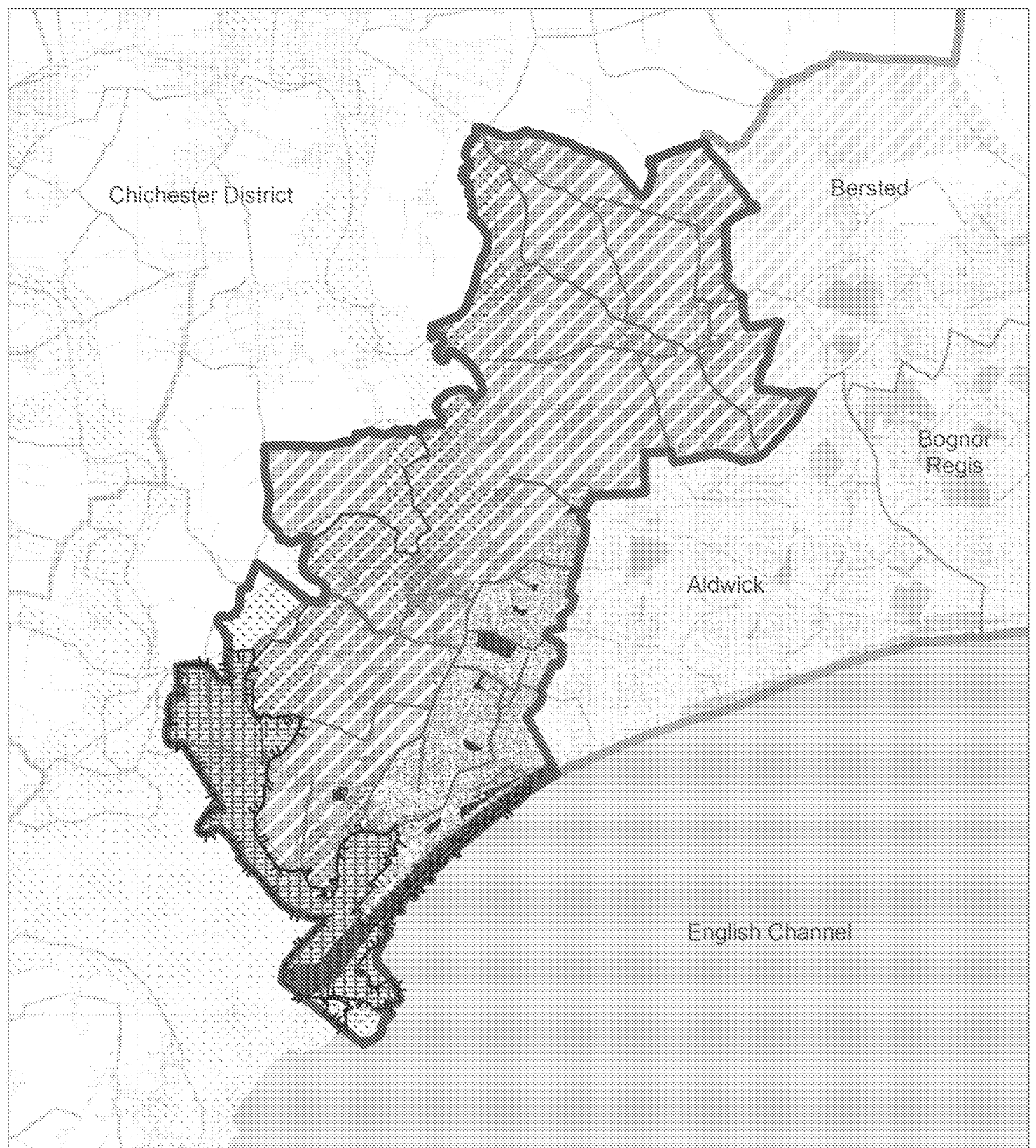
The existing Green Infrastructure Network, as shown on the Green Network Maps for each parish and town, must be considered at an early stage of the design process for all major development proposals.

All major development must be designed to protect and enhance existing Green Infrastructure assets, and the connections between them, in order to ensure a joined up Green Infrastructure Network. The Green Infrastructure Network must be protected from light pollution to ensure that areas defined by their tranquillity are protected from the negative effects of light in development.

Where compatible with nature conservation objectives, development proposals must identify opportunities to connect existing Green Infrastructure assets with the coast, the South Downs National Park or to the District's inland villages. Opportunities to enhance the network should take account of the multiple functions of Green Infrastructure assets and should be based upon those opportunities set out in the supporting text.

7.4 Settlement Structure and Gaps Between Settlements

- 7.4.1** Arun District is characterised by a distinctive settlement pattern. The coastline is dominated by the towns of Bognor Regis and Littlehampton, smaller settlements, and the extensive twentieth century suburbs associated with them. The most sizeable break in this almost continuous band of urban development along the coast is at the mouth of the River Arun, around Climping. Inland the settlement pattern comprises a series of villages and hamlets, including Angmering and the 'five villages' area, centred on Barnham (Landscape Study, 2017).
- 7.4.2** It is important to retain the settlement structure of Arun District and recognise the value of gaps between settlements for preventing the coalescence of individual settlements and for retaining the separate identity and amenity of settlements. Furthermore, the gaps, which are largely undeveloped, and fall outside the Built-up Area Boundary, are also crucial for protecting the areas of undeveloped coastline and for contributing to the District's multifunctional Green Infrastructure Network.
- 7.4.3** The principle of a gap policy is well established within West Sussex Development Plans and were included within the most recent West Sussex Structure Plan (2001-2016) and the Arun Local Plan 2003. The policies within the Structure Plan and Arun Local Plan sought to safeguard those gaps between settlements which contribute to the distinctive character and settlement structure of the District, as well as protect the undeveloped coastline.



Pagham Parish

Green Infrastructure Network

Scale: 1:35,000 @ A4

Rectories of Parish: 1052.8



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Ordnance Survey 100018487



Key:

Arun District Boundary



Parish Boundary



Surrounding Parishes



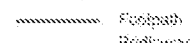
Rivers



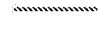
Regional Routes



Public Rights of Way



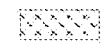
Cycle Routes



Local Nature Reserve



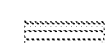
Biodiversity Opportunity Area



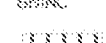
Existing Open Space



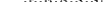
BNCI



Sites of Nature Conservation Importance



SHINC



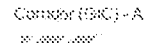
Sites of International Importance for Nature Conservation



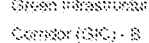
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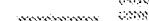
Green Infrastructure



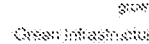
Corridor (SIC) - A



Green Infrastructure



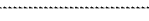
Corridor (SIC) - B



(Also subject to community, infrastructure and housing growth)



Green Infrastructure



Corridor (GIO) - C



(Employment and Education Provision Only)

How must decisions on applications for planning permission be made?

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 – these provisions also apply to appeals).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at paragraph 14 of the Framework. If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

Paragraph: 006 Reference ID: 21b-006-20190315 Revision date: 15 03 2019

What is a material planning consideration?

A material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).

The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

Paragraph: 008 Reference ID: 21b-008-20140306 Revision date: 06 03 2014

What weight can be given to a material consideration?

The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

Paragraph: 009 Reference ID: 21b-009-20140306 Revision date: 06 03 2014

Can local planning authorities take the planning history of a site into account when determining an application for planning permission?

The planning history of a site may be a relevant consideration in the determination of an application. In particular, when considering applications for major development involving the provision of housing, the National Planning Policy Framework indicates that local planning authorities should assess why an earlier grant of planning permission for similar development on the same site did not start. Relevant factors to take into consideration might include evidence as to the reasons why an earlier permission was not implemented, the time that has elapsed since the previous permission expired and the number of similar applications made for the same site.

Paragraph: 010 Reference ID: 21b-010-20190315 Revision date: 15 03 2019 See previous version

What approach must be taken where development plan policies conflict with one another?

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework.

Paragraph: 012 Reference ID: 21b-012-20140306 Revision date: 06 03 2014

Can the local planning authority decide not to follow the policies in the development plan?

The local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed, subject to any conditions prescribed by direction by the Secretary of State. This power to depart from development plan policy is confirmed in article 32 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In cases where the local planning authority intends to depart from development plan policy, article 15(3) of the Development Management Procedure Order sets out the publicity requirements which must be followed before the decision is taken.

Paragraph: 013 Reference ID: 21b-013-20150327 Revision date: 27 03 2015