

[REDACTED]

From: Raymond Cole <Raymond.Cole@arun.gov.uk>
Sent: 02 July 2020 19:08
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: P/57/20 DOC - Land at Hook Lane

Please could you upload this e-mail to the application folder P/57/20/DOC as a further representation?

Thank you

Raymond Cole
Principal Planning Officer
Directorate of Place



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From: paul collins [REDACTED]
Sent: 28 June 2020 17:37
To: Raymond Cole <Raymond.Cole@arun.gov.uk>; Nicola Spencer <Nicola.Spencer@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Claire Potts <Claire.Potts@arun.gov.uk>
[REDACTED]

Subject: RE: P/57/20 DOC - Land at Hook Lane

Dear Ali

Thank you for placing a coloured and legible version of the submitted Design Code on the web site. Now that we can read it I understand that Pagham Parish Council will be considering the matter at a meeting on Tuesday 30 June and will forward their comments the day after so that you may if you wish determine the application by way of a refusal under delegated powers on Friday 3 July 2020.

It is already obvious (or should be) that this application for the discharge consent sought cannot be approved by ADC due to the obvious conflict between what it proposes and the terms and conditions and S106 Agreement relating to the Outline P/30/19 OUT and a whole raft of ALP 2018 Policies so the course of action I suggest would avoid the need for us to all to have to kick this around for the next 4 weeks or more only to end up in the same place we are now. I hope that you agree.

In this regard I take this opportunity to highlight the attached secretary of state appeal decision relating to the site under P/14/99 with apologies for its poor quality (perhaps you can improve the quality by arranging for a better copy direct from your microfiche records). 20 years ago I spent four days of my life as the then Head of ADC Planning services successfully defending the ADC decision to refuse a lesser quantum of development on this site than that now proposed in remarkably similar policy circumstances to those that prevail now and the site circumstances have not changed or improved since either so that as I noted in the case of the recently refused P/24/20 RES and P/40/20 DOC what goes around comes around and whilst *dress fashion may have changed the emperor had no clothes 20 years ago and the passage of time has not improved his state of dress*

Finally please note that Section 38(6) of the act 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.* And therefore applies to the determination the subject of this application.

I hope this assists and thanks
Paul Collins BA (Hons) DipTP

From: paul collins
Sent: Friday, June 26, 2020 4:50 PM
To: 'Raymond Cole' <Raymond.Cole@arun.gov.uk>; 'Nicola Spencer' <Nicola.Spencer@arun.gov.uk>; 'Neil Crowther' <Neil.Crowther@arun.gov.uk>; 'Claire.potts@arun.gov.uk' <Claire.potts@arun.gov.uk>

Subject: RE: P/57/20 DOC - Land at Hook Lane

Dear Mr Cole

Given your recommended decisions regarding P/24/20 RES and P/40/2020 DOC would you care to exercise the same wisdom and common sense in this case next week also by recommending that the discharge consent application under the above ref is refused under delegated powers at the earliest opportunity as the Design Code submitted clearly fails to demonstrate that the reserved matters application to be submitted pursuant to same (as stated in the Design Code) will demonstrate a scheme that can be developed in accordance with the terms and conditions of the OPP granted under Council ref: P/30/19 OUT and its associated S106 Agreement on which both are reliant.

A swift and correct decision in this regard will save us all a lot of wasted time effort and expense going forwards.

Notwithstanding the above my requests and notes in my e mail below remain pertinent.

Please place these e mails on your file.

Thanks

Paul Collins BA (Hons) DipTP
[Redacted]

From: paul collins [Redacted]
Sent: Thursday, June 25, 2020 10:16 AM
To: 'Raymond Cole' <Raymond.Cole@arun.gov.uk>; 'Nicola Spencer' <Nicola.Spencer@arun.gov.uk>
Cc: 'Nicola Swann' [Redacted]
Subject: P/57/20 DOC - Land at Hook Lane

Dear Mr Cole

Please could you arrange for a legible coloured version of the submitted Design code to be placed on the web site file.

You may also find it helpful to note the content of NPPG Paragraph 034 ID: 21a-034-20190723 Revision date 23 07 2019 which makes it clear that the statutory timescale for the determination of this application is 16 weeks and not 8 weeks as stated on your web site and that no deemed discharge procedure is available under article 28 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) because EIA development is exempted from such procedure by Schedule 6 of the same order.

Please place this e mail on the file

Thanks

Paul Collins BA (Hons) DipTP
[Redacted]

GOVERNMENT OFFICE
FOR THE SOUTH EAST

Surrey, East & West Sussex Area Team
Planning

Bridge House
1 Walnut Tree Close
Guildford
GU1 4GA

ENCLOSURE ONE

Attn: Mr Iain Peatling

Our Ref: APP/C3810/A/98/1027004
Your Ref: 9682/A

5 September 2000

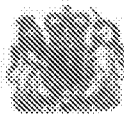
Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 -SECTION 78
APPEAL BY PROWING HOMES/PROJECTS DIVISION
OUTLINE PROPOSAL FOR RESIDENTIAL DEVELOPMENT AT HOOK LANE,
PAGHAM, WEST SUSSEX
APPLICATION NO. P/14/99

1. I am directed by the Secretary of State for the Environment, Transport and the Regions to say that consideration has been given to the report of the Inspector, Mr R S Foster MA MRTPI, who held an inquiry into your client's appeal against the failure of Arun District Council to determine, within the prescribed period, an application for outline planning permission for residential development (6.55ha), public open space (1.42ha), and structural landscaping (1ha) on land at Hook Lane, Pagham, West Sussex. A separate letter is enclosed dealing with the application for costs.
2. The Inspector, whose conclusions are annexed to this letter, recommended that the appeal be dismissed and outline planning permission be refused. A copy of the Inspector's report is enclosed.

Matters Arising Following the Public Inquiry

3. Since the inquiry, the Secretary of State received letters and enclosures from you on behalf of the appellant about the following matters:
 - (i) to confirm an amendment to provide a maximum of 175 dwellings on the appeal site and a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990;
 - (ii) later amendments to this undertaking;
 - (iii) a copy of West Sussex County Council's consideration of the Arun District Council local plan review; and
 - (iv) comments on the density of development on the site with regard to the new Planning Policy Guidance note No 3 'Housing' (PPG3) issued March 2000.



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He has also received from Arun District Council letters and enclosures:

- (i) responding to the above matters;
- (ii) pointing out other appeal decisions; and
- (iii) other matters relating to the progress of the local plan.

This correspondence has been taken into account by the Secretary of State in determining this appeal but it is not considered to raise any matters requiring wider reference back to the inquiry parties, either under Rule 16 of the Town and Country Planning (Inquiry Procedure) Rules 1992, or in the interests of natural justice, prior to making his decision. Copies of this correspondence are not attached to this letter but can be made available upon written request to the above address.

Policy Considerations

4. In deciding this appeal, the Secretary of State has had regard to section 34A of the Town and Country Planning Act 1990 (inserted by Section 26 of the Planning and Compensation Act 1991) which requires him to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the West Sussex Structure Plan 1993 and the Arun District Local Plan 1993. The unadopted West Sussex Structure Plan 1998, the Arun District Local Plan review of 1996 and the Second Review Deposit Draft of the Arun District Local Plan of January 2000, are also material considerations.

5. Other material considerations which the Secretary of State has taken into account include Planning Policy Guidance note 1 (PPG1) 'General Policy and Principles', and the new PPG3 'Housing' published on 7 March 2000. The Secretary of State has considered whether and how the housing policies, identified by the Inspector as being important to the consideration of the proposal, have been changed by the publication of the revised PPG3 'Housing'. In his view, the relevant policies are either not changed by the new PPG3 or the changes would not alter the Secretary of State's decision on these appeals.

6. Arun District Council resolved on 19 October 1999 that, if they had been in a position to determine the application, they would have refused it. The Inspector quotes the reasons given by the District Council in paragraph 2 of his report.

Main Issues and Considerations

7. The Secretary of State agrees with the opinion of the Inspector that the main issues in his determination of this appeal are:

- (i) questions of housing land supply;
- (ii) sustainability aspects of the proposal;
- (iii) matters relating to strategic gap policy and the landscape; and
- (iv) the issue of prematurity in relation to the Second Review of the Arun District Local Plan.

8. The Secretary of State agrees with the Inspector's view, given in paragraph 108 of the Inspector's report, that there is a substantial shortfall in housing land supply in Arun District. The Secretary of State takes the view that Arun District Council could not show the availability of a



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five-year supply of housing land, as required by the 1992 version of PPG3, nor could they demonstrate plans, at the time of the inquiry, for sufficient land for housing to accommodate likely demand for five years as required by draft revised PPG3.

9. The Secretary of State agrees with the Inspector's views on the sustainability aspects of the proposal for the reasons he has given in paragraphs 110 to 114 of his report.

10. The Secretary of State agrees with the Inspector's views on Strategic Gap policy and the landscape for the reasons he has given in paragraphs 115 and 116 of his report.

11. Even if there is the possibility of delay in the local plan process in Arun District, the Secretary of State agrees with the views of the Inspector on *proximity* for the reasons he has given in paragraph 123 of his report.

Conclusions

12. Whilst the Secretary of State accepts that there is currently a shortfall in housing land supply, he takes the view that the site performs poorly on sustainability grounds, it has a potential role in helping to retain the separate identity of and amenity of settlements, and that the merits of this site should be examined in the context of the local plan.

13. Accordingly, for the reasons given above and in the Inspector's report, the Secretary of State accepts the Inspector's recommendation. He hereby dismisses your client's appeal.

14. A separate note is enclosed with this letter setting out the circumstances in which the Secretary of State's decision may be challenged by making an application to the High Court.

Yours faithfully,

Christine Horton

Authorised by the Secretary of State for
the Environment, Transport and the Regions to sign in that behalf



Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

File Ref: APP/C/1810/A/999/1027004

To the Right Honourable John Penson MP
Secretary of State for the Environment, Transport and the Regions

Sir

I have the honour to report that on 7-10 December 1999 I held a public local inquiry at the Village Hall, Pagham into an appeal by Prowling Homes Projects Division against the failure of Arun District Council to determine within the prescribed period an outline planning application for development of land west of Hook Lane, Rose Green, Pagham for residential development (6.55ha), public open space (1.42ha) and structural landscaping (1ha). I inspected the site and its surroundings on 15 December 1999. At the inquiry applications for costs were made on behalf of both the appellants and the Council. Those applications are the subject of a separate report.

1. The appeal was recovered for determination by the Secretary of State by a direction made on 7 October 1999 because it 'raises issues relating to residential development on more than 6 ha of land'.

2. On 19 October 1999 the Council resolved that if they had been in a position to determine the application it would have been refused for the following deemed reasons -

'The site lies in a rural area and the proposal, being unrelated to the needs of agriculture, forestry, recreation, the extraction of minerals or the disposal of waste, conflicts with policies C1 and C4 of the Structure Plan, policies C1 and C4 of the Structure Plan (not formally adopted), policy E3T6 of the Arun District Local Plan and policies GEN4, GEN10 and REB of the Arun District Local Plan Review Deposit Draft, which seek to protect the countryside, safeguard agricultural land and ensure that the amount of land taken for development is kept to a minimum, consistent with the provisions of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development.

The proposal would involve development within the Chichester to Brighton Regis Strategic Gap and would threaten the objectives of maintaining the gap which are to prevent the coalescence of the settlements and retain their separate identities, it therefore conflicts with policy C3 of the West Sussex Structure Plan (not formally adopted) and policy GEN11 of the Arun District Local Plan Review Deposit Draft.

The proposal would constitute an alien intrusion in the countryside, detracting from the attractive open landscape and rural character of the area. The proposal is, therefore, contrary to policy C6 of the West Sussex Structure Plan, policy C7 of the West Sussex Structure Plan (not formally adopted), policies E3T6 and E3T7 of the Arun District Local Plan and policy GEN12 of the Arun District Local Plan Review Deposit Draft.

The Local Planning Authority is not satisfied that the development can be safely and adequately accessed and that there is capacity in the existing network to accommodate the extra traffic that would be generated. The proposal is, therefore, contrary to West Sussex Structure Plan policy T14 and policy T8 of the West Sussex Structure Plan (not formally adopted).

The site is not accessible to the rail network and does not comply with the terms of the policy implementation note 'Sustainable Transport 1999'. The proposal is, therefore, contrary to policy T1 of the West Sussex Structure Plan (not formally adopted) and policies GPN1 and TR1 of the Arun District Local Plan Review Deposit Draft.

No provision has been made for the construction of social housing as part of the development to meet the established local needs. Therefore, the proposal is contrary to policy H3 of the West Sussex Structure Plan, policy H4 of the West Sussex Structure Plan (not formally adopted) and policy HXG5 of the Arun District Local Plan Review Deposit Draft.

No provision has been made for the requirements of infrastructure directly required to service the proposed development. The proposal is, therefore, contrary to policy G4 of the West Sussex Structure Plan (not formally adopted).

3 This report includes descriptions of the appeal site and its surroundings, the gist of the representations made at the inquiry, and my conclusions and recommendation. Lists of appearances, documents, plans, and photographs are appended.

THE SITE AND ITS SURROUNDINGS

4 The appeal site lies on the south coast plain immediately to the west of the edge of the built-up area of Bognor and forms part of a roughly triangular area mainly in agricultural use and enclosed by Hook Lane, Seftor Road and Pagham Road.

5 To the south east of this triangle residential development fronts the whole length of Hook Lane except for a play area on the eastern side of its junction with Seftor Road. To the west is generally open arable farmland within the shallow valley of a meandering watercourse (the Pagham Rife) while to the north is further farmland of a somewhat more enclosed nature. A small area containing three dwellings and some former farm buildings lies outside the boundary of the 'red' and 'blue' lines on the application plan at the junction of Seftor Road and Pagham Road.

6 The triangular area is generally level but has a slight fall towards a drainage ditch near its north western edge at Seftor Bottom. The northern boundary is marked by a mixed deciduous hedgerow and a similar, though less continuous, hedgerow runs along the Pagham Road frontage. The Hook Lane frontage is formed primarily by a wire fence with a mainly defunct hedge although a short length of more mature hedge remains at the northern end.

7 The appeal site itself amounts to about 8.97ha and forms roughly the eastern half of the triangular arable area described above. Its western boundary is generally unmarked on the ground.

8 From most locations along Hook Lane there are open views across the site to the north and west towards the hedges along Seftor Road/Pagham Road and a number of agricultural buildings beyond them. At much greater distance the South Downs can be seen clearly and features such as Chichester Cathedral and Goodwood Racecourse are also visible at certain points.

THE PROPOSAL

9 The application plan shows a brief illustrative indication of the appeal site divided by access roads from Hook Lane into 3 sections of residential development, totalling 6.55ha. A public open space of 1.42ha is shown at the northern end of the site and there are indications of

the locations of structure planting (totalling 1ha), including a new landscape boundary along the western edge of the appeal site

10 This scheme is developed further by the 'Development Concept Plan' in Doc 5 (D1, D2, D3) in which areas of higher and medium density are shown towards the centre of the site and lower density mainly to the south

11 The total number of dwellings proposed for the site is 178

12 The application is accompanied by main and supplementary unilateral undertakings (Docs 9 & 10), which very broadly provide for the following:-

- (1) Before occupation of the first dwelling, the developer to contribute the sum of £36,000 towards the improvement of local primary health care facilities in consultation with the West Sussex Health Authority
- (2) Within a specified time of the commencement of the scheme the developer to offer to sell 27% of the dwellings (or an appropriate land equivalent) to the New Downland Housing Association, or another Association, to be used as social housing and 3% of the dwellings as low cost housing (unless in the latter case these are provided by the developer)
- (3) Open spaces to be provided as part of the development in accordance with details set out in Doc 9
- (4) 0.3 acres of serviced 'community land' in an agreed location to be provided to Arun DC by the developer, together with a 'community contribution' of £70,000 towards provision of community services on the site, unless within one year of the commencement of the development the Council confirms that it does not intend to take transfer of the community site, in which case the developer shall pay £50,000 to Arun DC or its nominee to enhance existing community facilities and/or primary health care facilities
- (5) Before occupation of the last dwelling, the developer to commission the production of a piece of art costing between £25,000 and £50,000 for display at the site to the benefit of the community
- (6) Before occupation of the 100th dwelling the developer to provide screened recycling bins and a clothing bank at the community site
- (7) The developer to pay education contributions to the County Council in accordance with the detailed formulae set out in Doc 9
- (8) The developer to provide fire hydrants etc in accordance with details set out in Doc 9
- (9) The developer to provide library contributions in accordance with the formulae set out in Doc 9
- (10) Before the commencement of the development, mini-roundabouts to be completed at the junctions of Rose Green Road/Grosvenor Road, Saffer Road/Pagham Road, and Hook Lane/Pagham Road
- (11) Before the occupation of the 101st dwelling (excluding the affordable dwellings), various ancillary highway works to have been completed by the developer as follows:- works at the western end of Drift Road to construct 20-30m of footway/cycleway at either end of Frobisher Road to enable cyclists to by-pass junctions; works at Nyetimber Road, either to widen the existing footways to provide a footway/cycleway or to provide

carriageway markings for a cycleway reservation, the construction of a new controlled pedestrian crossing at Hains Lane, the provision of a cycle rack at Rose Green shops, and the construction of two new bus shelters at locations to be agreed.

13. The supplementary undertaking also commits the developer and the landowner not to commence development for residential purposes on any of the 'blue land' outside the appeal site but within the triangle referred to in paragraphs 4-7 above before 1 June 2006 without the prior consent of the District Council. This obligation is conditional on (i) the grant of planning permission on the current appeal site, (ii) the Secretary of State requiring the restriction to be imposed, (iii) the restriction not being imposed by means of any condition on planning permission for the appeal scheme, and (iv) the current development commencing. It is also subject to the terms of paragraph 3.12 of the deed to the supplementary obligation.

THE CASE FOR THE APPELLANT

Housing land supply in Arun District

14. The current statutory development plan comprises the West Sussex Structure Plan 1993 (WSSP93) and the adopted Arun District Local Plan 1993 (ADLP93). Policy III of the former requires Arun to provide 12,200 dwellings in the period 1989-2006. However, the intended replacement of the ADLP93 (the First Review ADLP, placed on deposit in January 1997) was never progressed to local plan inquiry stage and was finally abandoned. A planning vacuum has therefore developed in the supply of land in Arun District. The agreed table at Doc 12/19 shows that only 4870 dwellings had been built by 1998, leaving an outstanding residual requirement of 5890 to 2003 and 7310 to 2006.

15. Measuring this requirement against the current 5-year land supply, the same table shows a significant shortfall amounting either to 2330 on WSCC figures (or 3210 on ADC figures because the latter make more pessimistic assumptions about unidentified sites). 5-year land supply therefore amounts to either 2.85 years (WSCC) or 2.27 years (ADC).

16. ADC claims to be taking action to tackle the shortfall through preparation of the Second Review ADLP (SRADLP), due to be placed on deposit in January 2000. However, the new plan still does not make sufficient provision to remove the shortfall in supply against the requirements of WSSP93. The table indicates that the plan would leave a shortfall of 1370 on the WSCC figures or 2050 on the ADC figures. The 5-year supply would be increased only to 3.84 years (WSCC) or 3.26 years (ADC). If the 158 units resulting from the recent successful appeals at Courtwick Lane, Littlehampton and Arundel Road, Fortwell (Doc 4/26) are added to the provision made in the SRADLP the shortfall still only reduces to 1212 (WSCC) or 1892 (ADC). This is the equivalent of 3.97 years supply (WSCC) or 3.39 years (ADC).

17. Building rates realised during the period of the WSSP93 to date (ie 1989-1998) have been well below the provision required in the plan. ADC therefore prefers to rely on the 'past trends' approach. As the same table indicates, this approach produces a supply of 6.21 years (WSCC) or 4.95 years (ADC) judged against the residual requirement of the current development plan, a supply of 8.35 years (WSCC) or 7.10 years (ADC) measured against the SRADLP, and a supply of 8.65 years (WSCC) or 7.39 years (ADC) set against the SRADLP plus the supply stemming from the recent appeals.

18. The Council's approach is misconceived. It is wrong for the SRADLP to be prepared in partial conformity with the WSSP93 in the hope that, by the time the long delayed review of the WSSP is completed, the requirement to 2006 will include the writing-off of past non-provision. In any case review of the WSSP will not be completed before 2002 at the earliest. It is also significant that the 1998 review of the WSSP sought to embrace that approach but was rejected by the SGG/TR as making insufficient provision for new housing.

19 In the two appeal decisions at Courtwick Lane and Fostonwell the 'past trends' approach to the provision of housing land in Arun was considered but firmly rejected. The fact that the build rate in Worthing and Arun has been only 60% of the requirement (Doc 4/31 para 2.4) due partly to the recession in the housing market during the first half of the 90s and partly to lack of available land. There is no clear evidence to support the ADC's assertion that building rates would not rise if more land were to be made available.

20 The steps being taken by ADC to remedy the shortfall are insufficient. They amount to 'too little, too late' and do not comply with the advice in para 49 of PPG3. As to the first element of that advice, no instruction has been given to officers to seek the submission, or accelerate the processing, of applications for new housing. Rather, it has been resolved to 'take all steps necessary to resist attempts being made by some to undermine the planned system by pursuing development of the individual sites in an ad hoc way outside of the local plan review process' (Doc 13/14). The Council's view remains that all the sites in the list of outstanding applications and appeals (Doc 13/6) are outside the Build-Up Area (BUA) and therefore contrary to policy. Moreover, ADC's suggestion that, following the deposit period for the SRADLP, permission could be granted for appropriate objection sites not only ignores the terms of the above resolution but also the whole nature and purpose of the local plan inquiry process including the legitimate expectation of fair and equitable treatment of objection sites. If this course were pursued ADC would be subject to applications for judicial review by dissatisfied objectors with all the consequent further delay to the plan-making process. As to the second course suggested in PPG3, the Council confirmed that no steps were being taken to secure the provision of infrastructure for any sites.

21 Instead, the Council relies solely on the process of the SRADLP. However, the deposit plan meets only 64% (4700) of the residual requirement of 7330. This must raise serious questions as to whether the plan will receive a certificate of conformity from WSCC, given that the County would normally grant one only if provision was within plus or minus 10% of the requirement for the District (Doc 4/28, para 1.2). It also remains to be seen whether GOSF will enter a formal objection to the under-provision before the deadline of 13 December 1999 (Doc 4/32).

22 The SRADLP places heavy reliance on windfalls (1330 of 4700) despite the Council's view that Arun is 'full up in the BUAs'. Moreover, the new allocations (1230 of 4700) derive only from two locations, 1050 at North Bersted/Felpham and 180 at Toddington. As admitted by ADC, the former is a major project yet to be subjected to any EIA. Much of the site is Grade 1 agricultural land in an area where the strategic gap has still to be defined and there are considerable issues needing to be addressed, such as flood prevention, and the provision of roads and a rail station. The land falls within 3 separate sites and there is a need to bring together a number of land ownerships before effective development briefs can be prepared and development commenced. No formal consultation has yet been undertaken on either of the above options so there is no measure of support or probable opposition at present. There is certainly no real prospect that the larger option, in particular, will make any meaningful contribution to housing land supply in the immediate future.

23 In view of the extent of the shortfall carried into the SRADLP, and the likelihood of many objections to it, very little weight can be attached to the plan. The Council is likely to find itself having to face a protracted local plan inquiry and/or a delayed Inspector's report, as well as the real prospect of having to deposit substantive modifications and the probability of a second inquiry. Irrespective of legal challenges, including the potential from October 2000 of challenges arising from the Human Rights Act, it is increasingly unlikely that the SRADLP can be adopted by April 2002.

24 The SRADLP therefore cannot, and indeed is not intended to, enable the production of the necessary number of dwellings to reduce the shortfall to any material degree. Since the planned system is failing to deliver the appropriate level of housing provision in Arun the appeal system is the only mechanism for bringing forward sufficient new housing land.

The issue of prematurity

25 Although this issue does not form one of the deemed reasons for refusal, ADC alleges that the appeal proposals would cause 'cumulative effect' in the context used in para 47 of PPG1. However, the manifest shortcomings of this argument are demonstrated by the sheer scale and continuing nature of the shortfall in housing land. This is shown by the final version of Doc 13/8, a list of all the sites in Arun where there is currently an undetermined application or appeal for housing. Even if all these sites were to receive planning permission only 1431 extra dwellings would be added to the supply side, compared with the outstanding residual requirement to 2006 of 2530 (Doc 13/9). In any case, since all these sites are outside the BUA, their comparative merits and demerits will certainly differ.

26 Bearing in mind the planned underprovision of the SRADLP particular care needs to be given to the views expressed on the appeal application in April 1999 by the County Council (Doc 13/4 paras 3.3 & 5.2 p51-52). The same is true of the comments expressed by the Inspector in regard to concerns about prematurity in paras 17-19 of the Woodgate appeal decision dated November 1999 (Doc 4/21). In that case the Inspector was not informed by ADC about the scale of underprovision which would be made in the deposit draft SRADLP.

27 The circumstances of this case therefore do not fit with those discussed in para 47 of PPG1.

Sustainability issues

28 The committee report to ADC on the SRADLP (Doc 13/12) records that 'urban extensions (with urban infill) make the best use of the current geography of the provision of and access to goods and services' and represent 'the short term strategy best able to provide the infrastructure to support development'. The appeal scheme is an urban extension and the site is within reasonable walking distance of some local services at Pagham Road (6-7 minutes) and a greater number at Rose Green (12-13 minutes) (see Doc 4/2 and 29). While the provision of education and health facilities may not be geographically finely-tuned to the reception of growth at this point it is submitted that a sufficient range of opportunities are (and with the aid of the proposed contributions, can be) provided to achieve the aim of placing new development in a location which can help to reduce the need to travel.

29 The criteria at para 23 of the draft replacement of PPG3 are met in their entirety. Firstly, the Council accepts that urban extensions are necessary. Secondly, on the issue of location and accessibility, it is admitted that the site fully meets the requirements of the WSCC Policy Implementation Note (PIN) on Sustainable Transport, dated January 1999. This note was prepared with the aim of ensuring consistency in the interpretation and implementation of the requirements of PPG13 (Doc 4/23). The PIN requires that developments should be within 400m of a bus stop providing access to a frequent service with routes to appropriate destinations. 'Frequent' being defined as at least twice an hour in each direction during daytimes on Mondays to Saturdays, including the usual times of travel to and from work. In respect of rail travel, sites should be within 800m of a station or linked to one by bus services meeting the foregoing definition. As for cycling provision, sites should be linked to existing or potential cycle routes.

30 In this case the site has access to a twice-hourly daytime long-distance service running along Pagham Road en route from Bognor to Chichester and Guildford (reducing to once hourly between 20.21 and 21.21 and on Sundays). A twice-hourly local daytime route also runs

circuitously through Rose Green, including a short length of Hook Lane, en route to Bognor Town Centre and other outlying parts of the town (Doc 4/2 & 24)

31 The South Coast Cycle Route runs along Sefton Road to the immediate north of the appeal site en route from Bognor and Rose Green to Chichester (Doc 4/2 and 25) and the scheme makes certain provisions for increasing the safety and convenience of cycle travel (see para 10(11))

32 Turning to the third criterion of para 23 of draft PPG3 (capacity of existing infrastructure), the TIA (Docs 7 & 8), the undertakings (Docs 9 & 10), and the statutory consultation responses (Doc 13/4), - as affected in the latter case by the findings of the TIA and the provisions of the undertakings - all demonstrate that sufficient capacity either exists or can be provided

33 On criterion 4 (ability to build communities), the appeal site relates well to the existing local centres at Rose Green and Nyetimber which are the focal points of the existing community

34 Finally, on criterion 5 (physical constraints on the development of the land), there is nothing to prevent the appeal site from coming forward without delay unlike, certainly, the major of the two allocated sites in the SRADLP. The prospects of the second allocation are not yet known.

35 Turning to the sustainability of the appeal site compared with that of other sites suggested to ADC by objectors to the pre-deposit version of the SRADLP, the Council's sustainability matrix (Doc 13/10) is an unreliable basis for comparability. The Council has conceded that the appeal site's 'score' is better than indicated in the matrix and that it would now rank higher than some shown as more favourable. ADC accepts that the only heading under which it does not score positively is in respect of the adopted criteria concerning proximity to jobs, a factor that would be common to any new urban extension site within the wider Pagham area. However, in that context it should be noted that the long distance bus service and cycle route do provide opportunities to travel to the major employment locations at Chichester.

36 On the basis of the information in the TIA (Docs 7 & 8), together with the transport-related provisions of the undertakings (Docs 9 & 10), WSCC concluded that the appeal site is a sustainable location in transportation terms (Doc 13/6 p65)

37 As for the issue of the quality of the agricultural land, with an urban area surrounded by land of the best and most versatile quality, any urban extension will involve land of that standard. However, the consultant's assessment (Doc 4/26) confirms that the proposal raises no issues of farm viability. It is submitted that in this case the overriding need for new housing land outweighs the loss of 8.5ha of Grade 2 land.

Issues concerning the strategic gap and the landscape

38 There are two issues to consider. Firstly, would development be detrimental to the Bognor Regis-Chichester Gap Strategic Gap and secondly, would development of the appeal site cause unacceptable harm to the landscape?

39 Dealing first with the strategic gap, policy C5 of the WSSP91 establishes the concept of such gaps, including that between Bognor and Chichester, with the object of preventing coalescence and retaining the separate identity and amenity of settlements. The precise boundaries of the gaps are to be defined in local plans. Only land which it is essential to keep generally free from development in order to secure the objects of the policy on a long term basis is to be included within them. Policy C5 further states that within the policy framework set by policy C1 (countryside protection), development within strategic gaps will be permitted only in

compelling circumstances. In this case the serious shortage of housing land and the lack of harm caused to other development plan policies provide the necessary compelling circumstances

40 The boundaries of this particular gap have not yet been defined in an adopted local plan for Arun (although they have been so defined within Chichester). The SRADLP generally draws the boundary of the gap tight against the BUA, except for the proposed allocated areas. It therefore follows Hook Lane and includes the whole of the appeal site (Plan folder C/CBA1 & 2). However, there is no empirical work to demonstrate how this choice of line fits with the advice on the selection of boundaries given in the WSSP93, particularly the need for them to take account of the long-term and to follow recognisable physical features. At this time the SRADLP boundary cannot be regarded as immutable because (a) it does not take account of the future development needs of the area, even in the shorter term, and (b) it does not contribute to the wider landscape or countryside to the north and west because of its limited visibility from these areas within the gap.

41 Looking towards the site from the north and west from within the generally flat rural landscape the land forming the Pagham Road/Selfer Road/Hook Lane triangle land is not perceived as an important component of the landscape and does not contribute to the overall appearance of the gap because the robust mature hedgerows along Pagham Road and Selfer Roads provide a firm means of enclosure. In the 'traveller's mind' test posed by paragraph 2.12 of WSSP93 no harm would be caused to the purposes of the gap if development were to take place as proposed. While the appeal site is clearly visible as open land across Hook Lane from the BUA to the east and, as such, contributes to its setting, the latter forms a dominant element in the local landscape and an urbanising influence on the former.

42 The issue of the precise boundary of the gap is really one for the SRADLP but it is not necessary for the land within the triangle to be included. Pagham Road/Selfer Road would be the most logical and appropriate boundary in this area. Alternatively the structural landscaping belt could provide a recognisable future boundary serving the same purpose.

43 Turning to broader visual considerations, development of the site would clearly lead to change in its current appearance and the amenity that it provides when viewed from Hook Lane. However, there are no special landscape designations covering the land and it is well contained by the hedgerows along Pagham Road and Selfer Road. These would both remain, backed in each case by an undeveloped area of open space. The detailed layout of the development could also provide for a range of further mitigation measures. These could include planting along Hook Lane, the possible preservation of certain views from Hook Lane across the site, and the provision of pedestrian routes access through the site, including links to the new footpath/cycleway through the structural landscaping belt as shown in the concept plan (Doc 5/DH/W3). The latter would comprise a substantial belt at least 5m in width including mature trees planted at 2-2.5m in height with an understorey of shrub planting. An effective screen could be formed within 10 years. There is also no reason why views currently enjoyed from Hook Lane should not continue to be perceived from this new footpath/cycleway.

44 In sum, there is no case for dismissal of the appeal on grounds of demonstrable harm on visual grounds. If the need for the development is established this is an obvious and appropriate site on which to meet it.

Issues raised by third parties

45 Traffic related matters. The Transportation Impact Assessment covers all those matters raised with the appellants by WSCC and they are satisfied with its findings. Concern was not expressed by WSCC that the amount of traffic generated by the development would have any significant worsening effect on safety conditions between the site and Chichester or on AM peak

hour queuing at the two relevant junctions where local roads coming from the south join with the Chichester Bypass (A27)

46 Risk of flooding etc: The views of the statutory consultees (the Environment Agency, Southern Water and Portsmouth Water Company) are before the inquiry as responses to ADC's consultation (Doc 13/4). None has raised objection to the principle of development.

47 Ecological value of the site: The findings of the ecological appraisal commissioned by the appellants (Doc 6/G) are that the species-rich hedges along Pagham Road and Sefton Road (which would both be classified as 'important' under the Hedgerow Regulations) are the only habitats identified as having nature conservation value. No badger setts were recorded and any loss of foraging areas would be negligible. There were no habitats of value for roosting or hibernating bats or any other protected species. It is likely that the site supports a range of bird species typical of farmland and urban fringe habitats. The proposed structural landscaping would add value to the existing hedges. In addition to the content of the report it is submitted that while overwintering birds such as Brent Geese and Lapwings would no longer be able to forage on the areas to be developed, the other parts of the triangle would remain open for foraging, as would the extensive areas of surrounding countryside.

48 Views of Chichester Cathedral: Such views could be protected, where appropriate, by allowing vistas along proposed access roads and/or omitting certain sections of planting.

49 Appellants' interest in the site: Prowings' interest in the land is long term. They have held the appeal site under option since 1988, together with the other 'blue' land within the triangle, having previously identified its potential after earlier development of some of the existing local housing. At the 1990 inquiry into the ADLP93 they were unsuccessful in having the site allocated due to the adequate supply of land at that time, while their attempt to pursue the matter through the ADLP96 ended when ADC resolved to discontinue the process of preparing that plan. The proposal has now been pursued to appeal because of the continuing unwillingness of ADC to find adequate solutions to the housing shortfall through either the local plan or the development control processes.

THE CASE FOR ARUN DISTRICT COUNCIL

Housing land supply in Arun District

50 There is no disagreement about the factual position set out in Doc 13/19 (and described in paragraphs 14-17 above). A mid-range figure shows a land supply of 3+ years, while the WSSC figures show a greater amount. This conclusion was supported by the Inspector in the Woodgate appeal decision (Doc 4/21).

51 PPG3 gives advice about the weight to be afforded to such a shortfall. In particular, para 53 stresses that even where the shortfall is significant this will generally point primarily to a need to review the plan. This is exactly what the Council is in the course of doing, with the SRADLP about to be placed on deposit in January 2000.

52 Whereas the shortfall in housing land is currently measured against the WSSP93 this is increasingly out of date. The forthcoming review of the Structure Plan will provide new requirements from a fresh base date, probably 1998. The housing land requirement in Arun may then be adjusted either upwards or downwards. The SRADLP therefore adopts a short-term pragmatic approach, taking account of the current uncertainty at regional and county level, so as not to prejudge or predetermine these longer term matters.

53 The Council contends that house-building rates within Arun have been well below the level provided for in the WSSP93 and are likely to remain so for the immediate future. The SRADLP therefore approaches the issue of land release on the basis of past trends, rather than the residual method. This would allow for an average build rate over the next 5 years of 587 pa. This is much closer to the rate of 541 pa achieved in the period 1989-1998 (embracing both boom and bust periods) than it is to the rate of 916 pa that would be necessary to catch up with the full residual shortfall implied by the WSSP93.

54 These arguments have yet to be fully examined through the local plan process, drawing on a thorough District wide analysis of options. That is the only way of exploring the matter properly.

55 As indicated in paragraphs 52 and 53 of PPG3, land supply calculations can rarely be exact and decisions on individual applications should not turn too precisely on calculations of 5-year land availability. Even where there is a substantial shortfall, land availability considerations should not be regarded as overriding all other factors. Nevertheless, the Council is (through the process of the SRADLP) undertaking the process of releasing land in more appropriate locations than the appeal site insofar as this is prudent at present.

56 In the meantime the appeal site lies in an area of open countryside where any large-scale development would be visually prominent and seriously conflict with countryside protection policies such as C1 of WSSP93 and EVT6 & 7 of ADLP93.

The issue of prematurity

57 The case falls four-square within the circumstances of para 47 of PPG1. Firstly, the SRADLP has been approved by the Council and is to be placed on deposit in January 2000 before the determination of this case. Secondly, the appeal proposals are of significant scale (175 dwellings) and the cumulative effect of allowing them would also be significant, especially in terms of the precedent that would be set for undermining the local plan process. This is apparent from the growing number of applications and appeals that are already in the pipeline (Doc 13/8). Indeed applications for two substantial residential schemes were lodged on the day immediately preceding the opening of the inquiry. One of these was for an even more substantial site to the north of the current appeal site across Selter Road (Doc 13/7). This proposes about 300 houses on a site of 13.4ha.

58 The Council is seriously committed to a firm timetable for the local plan (Doc 13/11) and aims for adoption by about April 2002. Although the appellants have suggested that delay could occur for a number of reasons, including the possible refusal of WSCC to grant a certificate of conformity on grounds of insufficient housing provision, ADC officers believe that WSCC officers will recommend that a certificate be granted. The Worthing Local Plan has already been certified in conformity with the WSSP93, even though its housing provision was some 23% below that required by the structure plan. That District suffers from very similar heavy constraints on capacity to those applying in Arun.

59 Release of the appeal site would prejudice the process of the SRADLP. The site is intended to accommodate 175 dwellings and is therefore larger than the sites the subject of the appeal decisions concerning Courtwick Lane (118 dwellings) and Fontwell (40 dwellings). It would almost certainly set a precedent for the future development of the 'blue land' occupying most of the rest of the triangle, notwithstanding the undertaking not to pursue development of that land before June 2006 (Doc 10). In addition it would set a strong precedent for granting permission on the nearby large, and very recent, application site referred to above, to the north of Selter Road.

60 The issue of prematurity was considered thoroughly by the Inspector in dismissing the appeal concerning a site in Woodgate (Doc 4/21). Considerable weight needs to be given to this decision because it is the most recent. The position on housing shortfall was therefore very similar. The Inspector supported the view that important housing decisions should be considered as part of the local plan review and, moreover, since that inquiry the SRADLP process has progressed to deposit stage.

61 The Woodgate decision takes account of the earlier Courtwick Lane and Fontwell decisions but reaches the view that, notwithstanding those cases, the point is imminent at which the SRADLP process could become seriously prejudiced. It therefore represents clear support for the plan-led system. Although the appellants suggested that the weight to be accorded to it should be reduced because the Inspector was not aware of the alleged shortfall being made in the SRADLP there is no evidence to suggest that he would have reached a different conclusion if he had been made aware of this. His clear view was that 'if balanced and well informed decisions on housing land allocations are to be made, including comparative assessments of competing sites, it is important that they are made in the context of the local plan'. Even if the SRADLP does provide insufficient land, the Woodgate decision can be seen as supportive of ADC's position that releases made outside the local plan should only be made after a full comparative review of candidate sites.

Sustainability issues

62 A judgement on the sustainability of this site is a comparative issue which should be reached as part of the process of the SRADLP. In the deposit plan the Council is trying to follow Government guidance with respect to the juxtaposition of housing with employment/retail centres and the need for an integrated approach to planning and transport policy. The land releases in the SRADLP represent an integrated package which is entirely consistent with the principles of sustainability (Doc 13/21 & 22). The proposed allocations at North Bersted provide supporting infrastructure in the form of a missing west-east link in the strategic road network and are integrated with traffic management proposals for Bognor and improvements to the rail network. The sites are close to the various facilities of the town centre and therefore minimise travel distances.

63 Although the appeal site is an urban extension (the type of strategy option which the Council considers most sustainable in principle) it is not the only option of this type. The extent of other possible options for meeting development pressures is shown by (a) the list of other outstanding residential applications and appeals (Doc 13/8) and (b) the sites included within the 'sustainability matrix', a desk top comparison of the relative merits of sites put forward as 'omissions objections' to the pre-deposit draft of the SRADLP, (Doc 13/10).

64 It is recognised that the appellants have done what they can to deal with issues of sustainability but the physical location of the site (6 miles from Chichester centre and 4 miles from Bognor centre) prevents the appellants convincingly addressing its separation from major social and retail centres. That position has not fundamentally changed since the Local Plan Inspector concluded in 1990 (Doc 13/15) that the site was not well related to major employment areas in Bognor. Given the level of public transport links and the anecdotal evidence of local residents about the lack of attraction of public transport as a realistic alternative, it is only realistic to conclude that residents at the appeal site would travel by private vehicles, even to the relatively minimal local facilities and certainly to the nearest major centres.

65 Although predicted traffic movements may well be within the capacity for the local urban and rural highway network, and other technical highway requirements may be met, the release of such a large site in this location falls a long way short of meeting wider national and

local principles of sustainable development. This lack of sustainability may not be a determining factor if there were no better available options, but that is not the case here.

66 The problems of integrating new residents into the local infrastructure of health care and education have also been described by local residents and representatives, including the likely inadequacy of the financial provisions of the undertaking in making good these deficiencies in practical terms. These views are expressed clearly in the 861 letters submitted to the Council in response to the application, only one of which supported it (see the 7 level arch files forming Doc 18).

67 In terms of agriculture, this is Grade 2 agricultural land protected from development except in compelling circumstances by policy C4 of WSSP93, supported by policy EVT6 of ADLP93. Similar protection is continued in policy Area12 of the SRADLP. It is well farmed and there are no urban fringe problems that diminish its usefulness.

Issues concerning the strategic gap and landscape considerations

68 Policy C5 of the WSSP93 requires the appellants to demonstrate 'compelling circumstances' before planning permission can be granted within the Chichester-Bognor Regis strategic gap. The principle of strategic gap policy is well-established and it has been accepted by the appellants that the local plan process is the appropriate forum for defining the detailed boundary of the gap. It needs to be stressed, as the explanatory paragraphs in the WSSP93 indicate, that the gap is a land-use policy not related to landscape quality. Its aim is to prevent confluence and retain the separate identity and amenity of settlements.

69 The boundary proposed in the SRADLP is the appropriate one, being drawn along the edge of the present settlement boundary. It would be inappropriate to make changes to this boundary on a piecemeal basis in advance of the local plan inquiry. Little weight should be given to the appellants' suggestion that the Pagham Road/Selfer Road boundary hedge is more appropriate or, alternatively, that the proposed structural planting would provide a suitable boundary. These suggestions were tempered by the appellants' perception of the significance of the housing shortfall.

70 Views across the appeal site from Hook Lane are expansive, to Chichester Cathedral and the South Downs, and are mainly free of peripheral developments except for a farm and farm cottages along Pagham Road. The land is actively farmed and has a distinct rural character with no degradation by urban fringe uses. While the existing hedges in Pagham Road and Selfer Road would, with further reinforcement, restrict opportunities for views into the site from the countryside, rooflines would be visible and the new housing would change the character of these roads, making development appear to protrude significantly out into open countryside. Any new screen planting in the proposed landscape belt would be an alien feature largely out of place in this open and largely treeless landscape.

71 The greatest impact on landscape views would be perceived from Hook Lane where the open aspect would be entirely lost. Despite the flat topography and the layers of intervening hedges, development would also be perceptible in views from the rural footpath to the north leading from the edge of South Mundham to Copyhold Farm.

72 Thus, as well as the policy need to preserve the strategic gap, arising from policy C5 of the WSSP93 and GEN11 of the SRADLP, the scheme would be contrary to policy C6 of the WSSP93 and related policies of the ADLP and SRADLP.

THE CASE FOR INTERESTED ORGANISATIONS AND INDIVIDUALS

73. Pagham Parish Council endorses the District Council's case. In its view the proposal is a substantial and inappropriate departure from the statutory development plan and is also contrary to the unadopted WSSP and the deposit draft ADLP.

74. The development would not be consistent with the policies and vision for a more sustainable pattern of development set out by the Government and by SERPLAN. Clearly defined policies resisting development in the countryside should be supported. No opportunity should be given for arbitrary and uncoordinated development. That would represent the antithesis of proper planning. This is a test case by which the credibility of the planning system in this local authority area can be judged.

75. The appeal site offers panoramic views across open countryside to the South Downs including features such as Kingley Vale, Chichester Cathedral, Trundel and Halmaker Wind Mill. This beauty is appreciated not only by residents of Hook Lane but by all living in the Pagham area. Support for the protection of such countryside can be found in paragraph 2.14 of PPG7 and policy GEN3 of the ADLP1993. The 860 objections to the scheme received by Arun DC show the value placed on this natural asset by local people.

76. If permission were to be given this important part of Pagham's rich heritage would be irreversibly lost and a trigger for further applications for development would be created.

77. Nothing has changed since the site was dealt with at the 1990 inquiry into the ADLP. At that time the Inspector concluded that the site was not well related to the major employment areas in Bognor Regis.

78. The Council is not routinely opposed to all new development. It has supported a number of housing developments considered to be appropriate in location, scale and design and sustainable within the framework of the existing community. However, it is clear that the current housing land allocation shortfall in Arun has become part of a vexed and ongoing political dispute at Parliamentary level. In the meantime, decisions to release land other than that already allocated for development will prove costly for Pagham.

79. This grade 2 agricultural land has been successfully farmed for over 200 years and continues to be so on a crop rotational basis and in accordance with national guidance in PPG7. There is no reason why the landscape of farms and winding lanes that has evolved over centuries should be replaced by the proposed sudden and dramatic change. Growers have been sitting on this land and are seeking merely to exploit the potential increase in land value. They have made no effort to contribute to a structured plan-led process based on the constraints of the existing BUA.

80. Protection of the strategic gap is vital because it provides an all-important buffer to safeguard the village against unnecessary encroachment of the development into the surrounding countryside. The Summer Lane decision (Dec 17) is relevant in this respect, as is the Woodgate decision.

81. Infrastructure issues are also important. Employment opportunities in the parish have declined and are very limited. Peak hour traffic queues on local roads are indicative of the number of residents who have to travel to work by car. The rural route from Pagham towards Chichester is reputed to be the busiest non-classified road in the county and has recently witnessed further fatalities due to the speed and volume of traffic using what is little more than a country lane. Increased loads due to the development could not be addressed by any road improvements in the vicinity of the site. Rather, the main effect of the proposed roundabouts would probably be more pressures for further encroachments into the strategic gap.

82. The existing infrastructure for education, health, public transport, and foul/stormwater drainage in Pagham are all at capacity. Significantly increased investment would be needed to address all these deficiencies. There are also concerns about the effects of the development on natural drainage in the area. Lengthy discussions with the Environment Agency about its flood relief scheme, involving diverting more water down the Pagham Rife, have shown a continual change in information regarding the true extent of the flood plain. This instils little confidence that further building over of naturally absorbent land would not add to the certain yet unquantified risk and extent of flooding in the area.

83. The appellants' evidence centres on selective quotes from PPGs. It ignores the existence and strength of the opposition to the scheme. Much of the appellants' case is based on the alleged insufficiency of housing land and the time that the new local plan will take to be adopted. This effectively acknowledges that the development is contrary to the provisions of the current development plan and the emerging revisions to it.

84. On the issue of the building rate necessary to make up for past 'underprovision', the appellants have ignored the current skills shortage in the building trades, to the extent that some builders are being driven to adopt prefabricated methods in order to cope.

85. Arthur White spoke on behalf of the Pagham & Nymtamber Residents Association, an organisation representing 50% of the population of that area. He referred to the lack of capacity in local infrastructure and the lack of valid reasons for reaching any different conclusion about the appeal site from that at the 1990 local plan inquiry.

86. Mr D Reythorne spoke on behalf of the Governors of Rose Green Junior School. The school has a full pupil-role. If it had to absorb the 61 or so children aged 7-11 that could be living at the appeal site it would either have to grow by a further class of 30 in every age group or try to cope with the difficult educational and financial implications of mixed age classes below full class size. Either way, it would need more accommodation in the form of classrooms, hall-space, library-space and toilets.

87. Gary Woods spoke on behalf of the Governors of Rose Green Infants School. This school also has a full pupil-role. There are already two mobile classrooms and the school hall cannot accommodate all the pupils at once. Major rebuilding would be required to cope with a further 70 or so children. In addition the school is at the end of a cul-de-sac and the existing congestion at the start and end of the day would be made worse.

88. Dr M G Ridley spoke as head of Grove House Surgery, covering Rose Green, Nymtamber and Pagham (plan F). This is a practice with 6 GPs, 24 other employed staff and 14 visiting staff employed by other agencies. A new surgery had been built in Rose Green in 1994 and extended twice since then. A minor branch clinic at Pagham Beach serves as an outpost for that community on an appointments-only basis. It is not permanently manned and all records have to be taken to the site.

89. Pressures on the practice are intense. There are about 2050 patients per doctor rather than the 'best practices' figure of 1800. Furthermore, 35% of the practice's patients are aged 65+ and 19% are aged 75+, twice the national averages in these vulnerable age groups requiring a disproportionate amount of health care.

90. It would not be easy to take on a further GP even if the Health Authority decided this was appropriate. The Rose Green surgery and the outpost at Pagham Beach are already used to capacity and there is no further land for expansion at Rose Green. Bognor is a closed area for GP recruitment, despite the shortages.

91. The Health Authority is the body responsible for strategic planning of access to care and would have to make plans to absorb pressures if the appeal were allowed. However, the sum offered through the undertaking would fall a long way short of what would be needed in terms of buildings and staff, so there would be a requirement for a substantial input of public funds.

92. Dr Ridley accepted that the Authority's initial objection in April 1999 had been replaced with further letters to Prowings in August and Arun in November (Doc 16). However, he was concerned about the practicability of further building works at Pagham, discussed in those letters, as a solution to the problem that would be posed by more patients resulting from the appeal scheme.

93. The nearest General Hospital at Chichester is also operating at capacity with a waiting list of more than a year for outpatient appointments in some departments and a further 18 months for some operations. Transport to the hospital from Pagham is difficult, with no hospital cars and few buses.

94. Geoffrey King spoke as Chairman of the Mill Farm Residents Association. Mill Farm is a park home site 400m from the appeal site and is a former residential holiday home park, now being converted to permanent park homes for over 40s. This involves no further encroachment onto agricultural land or the strategic gap, no demands on local schools and little peak hour traffic generation. None of this is true of the appeal proposals, they would spoil the local countryside and create a concrete jungle.

95. Mick Britton felt that the appellants' arguments relied on Arun's lack of a strategy, but it was not right for this to be left to be resolved by predatory developers following the profit motive.

96. Mr D Foster said that the developers were quick to produce a range of benefits to answer individual points of objection to their scheme, but their approach would lead to one field after another being built on. What was needed was a more overall strategy based on bottom-up thinking.

97. Mr T Wright was concerned that development on the site would interfere with natural drainage through the sub-soil from the Kaise Green area (plan D) via the appeal site to Beffer Bottom. In his view existing drainage problems in the nearby built-up area could be exacerbated if the scheme were to be implemented.

98. Vivienne Carlisle said that some people already had to send children to the primary school at North Mundham, but this is also nearly full. She repeated concerns about the capacity of local health care.

99. Ray Radmall referred to the written representations submitted by the Pagham Conservation Volunteers covering policy objections to the scheme. He also referred to the flood risks threatening low-lying areas of the coastal plain in this area and his lack of confidence in the ability of the Environment Agency to predict uncertain flood events or apply effective control of developments affecting surface water drainage in the area between the Downs and the sea.

100. Over the past 2-3 years information about the peak volumes of surface water discharging via the Pagham Rife had shown a tendency to rise, while the risks of incursions of seawater at Pagham Wall had also increased (Plan E). These factors could place the appeal site at risk. In the meantime, it was unclear how surface water would be held on the appeal site, where it would drain to (especially in times of flood), and how it would affect natural drainage systems in the locality.

101. Written representations are at Doc 3. Southern Water refers to the lack of capacity at Pagham wastewater treatment works and the local wastewater pumping station at Nyetimber.

Crescent. Therefore to make best use of infrastructure the development should not connect to the sewers in Hock Lane but to the Carlson Avenue pumping station or the gravity sewers in Deth Road and Frodisher Road to the east of the site. There are no public surface water sewers in the vicinity so surface water would need to discharge to local land drainage ditches and storm water storage would probably be required.

102 A large number of letters of objection from local residents echo and reinforce the points made at the inquiry by the Parish Council and other local speakers.

103 Mr S Jupp writes the only letter of qualified support for the scheme. He expresses grave reservations about the planning system in Arun becoming appeal-led but supports this scheme as an urban extension which is better than the Council's chosen option at Bersted.

INSPECTOR'S CONCLUSIONS

104 In my view the main issues in this case can be considered under 4 headings: (i) questions of housing land supply, (ii) sustainability aspects of the proposal, (iii) matters relating to strategic gap policy and the landscape, and (iv) the issue of premature in relation to the SRADLP.

Housing land supply

105 The appeal site is not within the built-up area as defined in the adopted ADLP93. Development here would therefore be contrary to countryside protection policies C1 of the approved WSSP93 and EVT6 of the ADLP. However, policy EVT6 does provide for justified exceptions where substantial benefits, including social benefits, are provided. The provision of necessary housing land could be considered one such benefit.

106 Against a requirement set by the WSSP93 for the provision of 12,200 new dwellings in Arun in the period 1987-2006 only 4870 had been built by 1998, leaving a residual balance for the period of 7330 [14].

107 Unfortunately the local plan process, to which one would look for resolution of this issue, has been seriously delayed in Arun. The ADLP93, drawn up against the background of an earlier approved structure plan, has not yet been replaced. A first review of the local plan was placed on deposit in January 1997 but never progressed to inquiry stage and was abandoned [14]. The second review (SRADLP) was only placed on deposit in January 2000 [16]. Consequently there is no up-to-date local plan that has yet been tested.

108 Looking at the 5-year land supply situation for 1998-2003, based on provision in the adopted ADLP93, there was a residual requirement for 5890 dwellings, equivalent to between 2.27 and 2.85 years [15]. There has since been a marginal increase in supply of 158 as a result of the Courtwick Lane and Fomwell appeal decisions [16]. However, the shortfall is still substantial and must therefore be given significant weight in determining this appeal, in accordance with paragraph 53 of PPG3.

109 The Council prefers to look at supply in terms of past building rates, pointing out that completions have taken place at the rate of 541 pa in the period 1985-98 whereas the residual method would require an accelerated completion rate of 616 pa to catch up with the WSSP93 provision [53]. It would certainly represent an impressive speeding up in the rate of development if completions were to be achieved at that level, so to that extent I have some sympathy with the Council's view. However, there was no hard evidence from either the appellants or the local planning authority about the relative extent to which the past low completions rate has been due to market conditions on one hand or an absence of available sites

on the other. Overall I do not think the past low building rate should greatly diminish the weight to be attached to the shortfall, measured against the present statutory plan.

Sustainability aspects of the proposal

110 Policy provides that development on agricultural land of the quality of the appeal site will be permitted only in compelling circumstances [67]. This approach is continued in the deposit draft of the SRADLP although the Council accepts that housing development needs will require encroachments onto high quality land at North Bersted [22]. Moreover, it appears that any steps to reduce the present size of the housing shortfall will inevitably require development of some of the high quality agricultural land that is common around the edge of the Bognor area. Nonetheless, the site is actively farmed and does not have the appearance or character of land with urban fringe problems or a weakened potential for agricultural use. I therefore consider that its loss is a material factor in this appeal.

111 Turning to the site's location in relation to services and employment, it lies at the western edge of the Bognor urban area about 4 miles from the town centre and 6 miles along country roads to Chichester [64]. As the 1990 Inspector observed, the site is not well related to the major employment areas of Bognor [64]. A small number of local shops and services are to be found in Pagham Road and a greater number about 12-13 minutes walk away in Rose Green [28] but the doctor's surgery there is under pressure [88-93] and the local infant and primary schools have full pupil rosters [86-87]. The appellants would make contributions towards local education, medical and library services [12], and the providing authorities for these matters have withdrawn their objections, but the evidence of persons responsible for managing and delivering these services on the ground indicates that there could, in practice, be a considerable period of difficulties and readjustments before the new population would be absorbed. Although in my experience it is rarely practicable to make a wholly comfortable fit between new housing development needs and immediate adequate capacity in the receiving area, I consider these matters to be disadvantages of the current proposals.

112 On the issue of transport links, the site complies with the County Council's non-statutory Policy Implementation Note (PIN) on Sustainable Transport in terms of walking distances to bus stops served by routes to appropriate destinations including Bognor town centre and railway station and Chichester [29-30]. These routes meet the somewhat limited minimum requirements of the PIN for half-hour frequencies and the scheme includes provision of new bus shelters. However, it seems to me that the site's location on the perimeter of the built-up area and its distance from town centres and employment areas would not realistically contribute to national aims of reducing travel by private vehicle.

113 As for cycling, the scheme makes provision for some limited improvements of benefit to cycle users in and near Hook Lane [31]. However, there was little evidence on the ground that the local section of the 'South Coast Cycle Route' between Bognor and Chichester along Selter Road and Pagham Road currently amounts to more than a signposting exercise. The route follows a winding lane carrying a fair volume of fast moving traffic and seemed to me to have very little appeal as a safe haven for cyclists.

114 The site comprises an urban extension, the type of solution preferred by the Council for meeting growth needs in Arun [63]. However, on an overall judgement of all the above matters I consider that the scheme suffers material disadvantages as a sustainable option for meeting Arun's housing needs.

Strategic gap policy and the landscape

115 Until the eventual adoption of the SRADLP it will be unclear whether or not the proposed inclusion of the appeal site within the defined boundaries of the Chichester-Bognor

Regis Strategic Gap will endure [19-40]. However, in the meantime, I consider that Hook Lane provides a strikingly clear edge to the BUA in this part of Bognor. In my experience this is an unusually clear visual break between town and genuinely open countryside.

[116] Employing the 'traveller's mind' test from para 2.12 of the WSSP93 is assumed to me that (in the perception of those travelling towards the north-west) the scope and rural nature of the gap between Bognor to the east and Chichester, identified by the spire visible across the flat landscape, could hardly be more apparent. I agree that the existing and potentially reinforced Pagham Road and Selter Road hedges (as well as the proposed new structural planting) mean that the site's contribution may be less clearly marked in the perception of those travelling through the gap towards Bognor. In view of the relatively large extent of the Chichester-Bognor gap loss of this particular site would not, in itself, have any major effect in terms of scale or character. However, this does not invalidate the appeal site's potential role in helping to retain the superior identity and amenity of settlements or the validity of applying the compelling circumstances test pending resolution of the final boundary through the local plan process.

The issue of prematurity

[117] The SRADLP makes further provision of housing land but, because of its general reliance on past building rates, it still does not cater for the full requirement of the WSSP93. In 5-year land supply terms, the plan would increase provision to between 3.54 years and 3.26 years, or 3.97 years and 3.39 years if the two recent appeal sites are included [116]. Overall in 2006 the SRADLP meets only about 64% of the requirements of the WSSP93 and it remains to be seen whether or not a certificate of conformity is issued [21]. Furthermore, the practicability of even the proposed level of provision remains to be tested against a number of possible constraints to the realisation of the major proposed site at North Binstead [22].

[118] A large number of objections to the pre-deposit draft of the SRADLP concerned sites that were not allocated for housing development [63] and there are many sites in Arun which are currently the subject of applications and appeals for housing development [63]. It therefore seems certain that the future inquiry into objections to the SRADLP will be greatly concerned with the issues of (a) how much housing land should be allocated to satisfy the requirements of the WSSP93, including the 'residual' versus 'past building rates' debate, and (b) where the required provision should best and most practicably be made. Clearly these are complex matters requiring to be addressed in the context of a comprehensive comparative evaluation of all the available options of the kind envisaged in the sequential approach to the release of housing land outlined in draft PP93. In view of the level of potential controversy I believe that the appellants may well be correct in suggesting that the Council's draft timetable for adoption of the plan by April 2002 is optimistic [23].

[119] In the meantime the question arises whether the relative merits of this particular candidate site can be adequately assessed in isolation and whether its release would be premature in relation to the SRADLP.

[120] Summarising the merits of the appeal site in relation to sustainability, I have concluded above that this is high quality actively farmed land with continuing potential for agricultural use, the loss of which would be contrary to WSSP93 policy. While the scheme would be an urban extension the site is not well related to town centres or major sources of employment. Although non-statutory guidance criteria for access to bus routes would be met it seems unlikely that the scheme would realistically contribute to national aims of reducing travel by car. Also, a period of difficulties would be likely to be encountered in absorbing the new population into local educational and health facilities.

[121] As to the strategic gap, pending definition of the boundary through the SRADLP, Hook Lane provides a very clear break between town and country. In my view the appeal site has a

among potential role in helping to retain the separate identity and amenity of settlements, especially when viewed from the south-east.

122 The above factors together represent significant material planning constraints or objections to the development of this site which have to set against the weight to be attached to the substantial shortfall in housing land, calculated on the residual method, and the likelihood of a continuing period of uncertainty before that matter is resolved by adoption of the SRALP.

123 The number of dwellings proposed in this case (175) does not make this site individually 'large' in relation to the present shortfall, however that is calculated. Nonetheless, a residential development of 6.55ha (net) is hardly insignificant. Furthermore, as indicated in para 47 of PPG1, 'cumulative' effects also have to be taken into account. It is evident that geographical circumstances in Arun, and Bognor in particular, produce a highly-constrained situation so that many other potential urban extensions have planning objections which (though possibly clearly distinguishable in detail) are similar in general terms to those applying to the appeal site, eg high grade agricultural land and a contribution to strategic gaps. The 'blue land' associated with the appeal site and the recent application site north of Sefton Road are two examples near the appeal site. In my view the relative merits of all the possible candidate sites can only be effectively examined within the context of the local plan, even though this may be a difficult and extended process. Progressive reduction of the shortfall on a piecemeal basis by selection of sites through S78 appeals must inevitably be a far less satisfactory and appropriate method, leading to a growth and highly undesirable element of 'first come, best chance of being chosen'. This route could also reduce the opportunity for other, perhaps bolder, solutions to emerge through a plan-led approach.

Overall conclusion on the above issues

124 It has to be recognised both that the shortfall is substantial and that the local plan review process in Arun may be further delayed by the complexity of (and likely scale of dispute over) issues concerning housing land availability. Nevertheless, despite these factors, I consider that there are significant planning objections to the development of this site. In my view these objections outweigh the contribution that the site would make to relieving the immediate shortfall and make it premature to decide in favour of development of the appeal site at this stage.

Other matters

125 From my inspection I can understand local residents' concerns about conditions at the AM peak hour along the rural roads into Chichester and their junctions with the A27. However, I see no reason to disagree with the findings of the Transportation Impact Assessment that the development would not, in itself, materially worsen these conditions [45].

126 In view of the low-lying nature of the coastal plain I can also understand why residents should be concerned to ensure that the development did not add to any flood risks in the area. Nonetheless, the relevant authority (the Environment Agency) has not objected to the principle of the scheme [46].

127 As for matters of ecology and wildlife conservation, the ecological survey [47] indicates that the Sefton Road/Pagham Road hedgerows are the principal items of interest on the site. The scheme would retain and reinforce these features.

CONDITIONS

128 The first two pages of Doc 19 set out 10 conditions suggested by the Council, if permission were to be granted. Although I believe these all cover matters requiring the imposition of conditions I have some comments on the details, as set out below.

129 In respect of conditions 3 and 4 (relating to archaeology) I agree with the appellants that in view of (a) the desk-top evaluation that has been carried out (Doc 4/27) and (b) the absence of any comment by the County Archaeologist, work on site could go hand in hand with development. Consequently the two conditions applied in the Fortwell case (see page 3 of Doc 19) would provide a suitable substitute for conditions 3 and 4 suggested by the Council.

130 In respect of conditions 5-7 (concerning surface water and foul drainage) the subject matter of these conditions could be combined into one, requiring details of surface water and foul drainage disposal system, to be submitted to and approved by the local planning authority before the commencement of development and completed before the occupation of any houses.

131 I consider it appropriate to include specific conditions covering landscaping, especially the proposed structural landscape planting on the western edge of the site, which would be intended to incorporate a footpath and cycleway (see page 5 of Doc 19). In my view the model landscaping conditions from the former Circular 1/85 could be adapted to cover approval of details and timed implementation of this feature, together with all other proposed landscaping.

132 As for the appropriateness of a condition guaranteeing no development of the 'blue land' before 2006 (see page 4 of Doc 19), the appellants have shown preparedness to cover this matter by the unilateral undertaking but would prefer it to be entered for by condition if it is actually required at all. In my view such a restriction is necessary because it is too early to say whether this particular land will be required and its development at present would only exacerbate infrastructure issues.

133 It is a matter of law whether a condition or undertaking is the more appropriate but in my view it is not desirable to attempt to control by condition the timing of a development which is not the subject of a planning application for development, still less a permission.

134 Finally, I consider that it would be appropriate to limit the number of dwellings to a maximum of 175, the number sought by the appellants.

RECOMMENDATION

135 I recommend that the appeal be dismissed and that outline planning permission be refused.

APPLICATIONS FOR COSTS

136 I am submitting a separate report and recommendations on the applications for costs that were made at the inquiry.

I have the honour to be
Sir
Your obedient Servant



R. S. FOSTER