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By email: planning@arun.gov.uk and michael.eastham@arun.gov.uk

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Dear Mr Eastham

WA/44/17/OUT: Outline application with some matters reserved for up to 175 dwellings, new vehicular access, together with associated car parking, landscaping & community facilities to include allotments, play space & community orchard. This application is a Departure from the Development Plan & may affect the character & appearance of the Walberton Village Conservation Area. Land East of Tye Lane, Walberton

This is the formal response of the Sussex branch of the Campaign to Protect Rural England (CPRE Sussex) to the above application. CPRE Sussex works to promote the beauty, tranquillity and diversity of the Sussex countryside by encouraging the sustainable use of land and other natural resources in town and country. We encourage appropriate and sustainable land use, farming, woodland and biodiversity policies and practice to improve the well-being of rural communities.

In summary, CPRE Sussex **objects** to this application on the grounds of being outside a built-up area boundary, of causing harm to landscape character and visual harm, harm to a heritage asset, inappropriate design, drainage and flooding, traffic generation, light pollution and effect on local green space, with consequent failure to comply with saved Policies GEN 2, GEN 3 and GEN 7 of the adopted Arun District Local Plan, Policies HS 1, VE 1, VE 4 and VE 8 of the made Walberton Neighbourhood Plan, Policies LAN DM 1 and D SP 1, HER DM 3 and possibly QE DM 2 of the emerging Arun Local Plan 2011-31 and paragraphs 7, 17, 56, 58, 78, 126, 132 and 134 of the National Planning Policy Framework (NPPF).

Accordingly, CPRE Sussex considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, and that the proposed development would be contrary to specific policies in the Framework that indicate development should be restricted, in addition to not representing a sustainable form of development. Our objections are set out in full below.

The Development Plan (Principle of Development)

According to Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of this application the development plan comprises;

- The adopted Arun District Local Plan saved policies (2003)
- The Walberton Neighbourhood Development Plan (2017)

Other Material Considerations include;

- The National Planning Policy Framework (NPPF)
- The emerging Arun Local Plan 2011-2031

The application site lies outside the built-up area boundary for Walberton identified on Inset Map G of the 2003 Local Plan. Saved Policy GEN 2 of the Local Plan restricts development outside built-up area boundaries to that consistent with other Local Plan policies. Those “other” policies include Policy GEN 3, which restricts development outside built-up area boundaries to a limited number of specific forms, and a number of policies in Section 3 of the Plan that also permit certain other specific forms of development outside built-up area boundaries. This proposed development of up to 175 dwellings is not one of those specific forms and this planning application therefore in conflict with Policies GEN 2 and GEN 3

Similarly, this application conflicts with Policy HP 1 ‘Spatial Plan of the Parish’ of the Walberton Neighbourhood Development Plan, which states that ‘development proposals for other new dwellings outside the built-up areas will be resisted’.

It is acknowledged that Arun District Council currently cannot demonstrate a 5 year supply of land for housing and does not have an up-to-date local plan as regards housing supply. The applicant claims that the lack of an up-to date Plan triggers paragraph 14 of the NPPF and the presumption in favour of development contained therein. However, this is a misunderstanding of the application of the presumption; paragraph 49 of the NPPF makes it clear that all housing applications should be considered in the context of the presumption and paragraph 14 applies regardless of whether the local plan is up-to-date or not, although paragraph 14 does set out a different approach to decision-taking where the development plan is absent, silent or relevant policies are out of date.

In the context of this application, the “relevant” policy is Policy GEN 5 of the Arun District Local Plan. This made provision for 8,700 new dwellings in the district between 1996 and 2011. We accept that this policy is now out of date and that the approach for out-of-date plans is triggered by the lack of the 5 year housing land supply. However, although not yet forming part of the development plan, the emerging Arun Local Plan 2011-2031 has reached an advanced stage in its preparation.

Proposed Modifications to the Plan were published in April 2017, which include a revised housing strategy to provide a new OAN of 919 dwellings per year and a new policy Housing Allocation (Policy H SP1) which sets out a housing target of 20,000 new homes over the plan period, including 1,250 dwellings to be provided on non-strategic sites through Neighbourhood Plans or a Small Site Allocations DPD, with no specific requirement for individual parishes or town councils.

Policy H SP1, as submitted, required 1,350 dwellings to be delivered through parish and town council housing allocations, including 50 in Walberton. The Walberton Neighbourhood Development Plan, made in March 2017, makes provision for 45 dwellings, a figure based not on the out-of-date housing figure in Policy GEN5 of the Arun District Local Plan but on Policy H SP1 (as submitted) and other policies of the Publication Arun Local Plan, in addition to permission for seven other houses anticipated to be completed in the lifetime of the Plan.

The Walberton Neighbourhood Development Plan therefore makes provision for new dwellings in the parish for the life of the emerging Local Plan (2011-2031) in accordance with the requirement for the parish in the Submitted Local Plan, which itself required a higher housing number to be provided through parish and town council housing allocations than the Plan as modified. The allocations in the Neighbourhood Plan do not include the application site and there is no need for it to meet the parish's contribution to the overall 1,250 total. Indeed – the 1,250 has been queried by the Inspector (ADC Local Plan Examination Library ID21 Inspector's Questions and Comments Relating to Issues of Soundness and Other Matters 25.7.17)

The applicants note that the site has been identified as “deliverable” in the Council's Housing Economic Land Availability Assessment (HELAA). However the HELAA is **not** a policy document so the ‘deliverability’ or otherwise of this site according to the HELAA has very little weight, particularly as the emerging Arun Local Plan 2011-2031 includes only “deliverable” sites within built-up area boundaries as contributing to the housing supply for the Plan period.

The applicants claim that as well as Policy GEN 5, Policies GEN 2 and GEN 3 of the Local Plan are also out of date as being related to the delivery of specific quantum of development in the period to 2011. This is not the case; the recent Supreme Court judgement relating to *Suffolk Coastal DC v Hopkins Homes / Richborough Estates v Cheshire East* took a narrow view of “relevant policies for the supply of housing”; there was no reason “to treat the shortfall in the particular policies as rendering out of date other parts of the plan which serve a different purpose”.

Policies that protect the countryside from inappropriate development, such as Policies GEN2 and GEN3, therefore remain in force and a valid consideration. The Court found that the weight given to policies which restrict the supply of housing where a council is unable to demonstrate a 5 year housing land supply ‘alongside other material considerations, within the balance set by paragraph 14, remains a matter for the decision-maker in accordance with the ordinary principle.’ Therefore they cannot be disregarded and should still be part of the balance of decision making and, as noted above, presume against the proposed development.

Furthermore, the application is contrary to other policies within the development plan which are not considered to be relating to the ‘narrow view’ now held in relation to policies which restrict the supply of housing and therefore still have considerable weight; GEN 7 of the Arun District Local Plan and VE 1 Designation of Local Green Space, VE 4 ‘Conservation Areas and Areas of Special Character’ and VE 8 ‘Unlit village’ status within the Walberton Neighbourhood Development Plan, considered below.

Landscape and Visual Impact

The site largely comprises a single field currently in agricultural use, largely visually and physically separated from Walberton village by mature trees and hedges. It is therefore physically, visually and

perceptually separate from the built-up area. This separation is reinforced by the fact that the development to the immediate south is not a continuous built-up frontage but is fragmented to the west, with Walberton and Binsted C of E Primary School playing fields, Walberton Cricket Club pitch and an area to the north of Walberton Baptist Church Hall all providing significant undeveloped areas.

To the north of the site is Avisford Park Golf Course, which clearly has more in common visually and in character to the open countryside than to the built-up area, whilst to the west of the site is Tye Lane, beyond which is more agricultural land. We therefore do not agree with the applicants' assertion that the site is part of a "settled landscape" – the site is clearly visually and perceptually related more to the open countryside (the Council's 2006 Arun Landscape Study notes *"There is little suburban influence on the rural character of farmland around Walberton"*). As a consequence, the proposed development would not relate well visually or perceptually to the existing village, and would appear as an urban extension into the countryside.

The Council's 2006 Arun Landscape Study identifies Landscape Character Area 25, in which the site is located, as having "substantial" landscape sensitivity" and "low landscape capacity". The Landscape and Visual Impact Assessment submitted with the application recognises that the large-scale agricultural fields, gently sloping landform and the perception of openness would experience a "moderate/major magnitude of change" (4.6) and that there would be a significant effect on the "perception of openness to the north, south and west" (4.7).

The Sustainability Appraisal of the Main Modifications, published in April 2017, noted *"Overall, a significant negative effect could occur on the character and setting of the landscape"* (page 156 of the Appendices) and that *"Potential significant negative effects were recorded in relation to water quality, soil, historic environment and landscape. The site was discounted as there is little scope for accommodating growth without impacting on the landscape quality....."* (page 157).

As regards visual impact, the site is apparent from nearby views, including from the public footpath that runs from the centre of the village along the southern boundary of the eastern part of the site (Public Footpath 333), as clearly demonstrated by the photographs from viewpoints 3A and 3B in the . Landscape and Visual Impact Assessment (LVIA) submitted with the application. The LVIA notes that from (at least) two viewpoints, the proposed development would result in "significant adverse effects" immediately after construction (5.5), which effectively could mean until 8-12 years after construction when the landscaping would reach semi-maturity (5.2).

In short, the proposal would undermine the contribution the site makes to the character and appearance of the area and cause considerable harm. It would therefore be contrary to Policy LAN DM1 of the emerging Arun Local Plan 2011-2031 which requires development throughout the plan area to *"respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas"* . The NPPF explains that pursuing sustainable development involves seeking *"positive improvements in the quality of the built, natural and historic environment"* and *"recognising the intrinsic beauty and character of the countryside"* is a core planning principle.

The impact on the Walberton Conservation Area

The application site is located to the north of the Walberton Village Conservation Area, and abuts it at one point. The openness of the land to the north provides a rural setting for the Conservation Area, that contributes to its special interest and rural character.

Policy VE 4 of the Walberton Neighbourhood Development Plan requires new development to protect the open/rural character of the Conservation Area's setting and sustain or enhance the visual connections between the village's core and its rural hinterland, including longer views to the South Downs, which contribute to the character of the Conservation Area. Policy HER DM 3 of the emerging Arun Local Plan 2011-2031 requires development within or affecting the setting of a Conservation Area to, inter alia, retain important open spaces.

The proposed development would destroy this open setting. The Sustainability Appraisal of the Main Modifications, published in April 2017, noted *"The site is adjacent to the Walberton Village Conservation Area which contains several Listed Buildings and buildings of historic character. Therefore development of this site is expected to have a significant negative impact on the significance of heritage assets and the wider historic environment"* (page 156 of the Appendices) and that *"Potential significant negative effects were recorded in relation to water quality, soil, historic environment and landscape. The site was discounted as there is little scope for accommodating growth without impacting on the landscape quality and sensitivity of the Walberton Village Conservation Area"* (page 157).

It would therefore be contrary to Policy VE 4 and Policy HER DM 3. In addition, paragraph 126 of the NPPF requires local planning authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 132 states *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation..... Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification"*.

Given the situation with the Arun Local Plan 2011-2031 (that it is an very advanced stage and makes adequate provision for housing during the plan period without the development of this site), CPRE Sussex does not consider that this "clear and convincing" justification exists. In addition, paragraph 7 explains that the planning system should contribute to protecting and enhancing the historic environment, and one of the core planning principles set out in paragraph 17 is that planning should *"conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations"*.

Paragraphs 133 and 134 of the NPPF requires the public benefits of a development to be weighed against the harm to the significance of a designated heritage asset. CPRE Sussex believes that the harm to the Conservation Area from the proposed development is not outweighed by the public benefits in terms of increasing housing, particularly given the situation with the Arun Local Plan 2011-2031 as set out above.

Accordingly, in the view of CPRE Sussex, permitting this proposed development would be contrary to these paragraphs of the NPPF. This point is significant as paragraph 14 of the Framework explains that

where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole or specific policies (such as those protecting heritage assets) indicate that development should be restricted. CPRE Sussex believes that when assessed against the policies within the NPPF as a whole and specifically as set out in paragraphs 7, 17, 126, 132 and 134 this application should be refused.

Furthermore, paragraph 6 of the NPPF explains that *“the purpose of the planning system is to contribute to the achievement of sustainable development”*, paragraph 8 states that *“the planning system should play an active role in guiding development to sustainable solutions”* and .. paragraph 9 states that *“Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment”*.

In a recent appeal (ref APP/U1430/W/16/3150796, Pashley Road Ticehurst) the Inspector recognised that *‘although the housing land supply shortfall is substantial and as such likely to take some time to bridge, it is also likely to be only a temporary situation, whereas the harm to the significance of the heritage assets would be more permanent.’*

Design

The application is outline only, with design one of the matters reserved for future approval. Nevertheless, there is sufficient detail with the application to give rise to concerns as regards design. Policy GEN 7 The Form of New Development of the Arun District Local Plan states *“Development will be permitted provided it.....(ii) demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness”*.

Policy D SP1 of the emerging Arun Local Plan 2011-2031 states *“All development proposals must consider reflect the efficient use of land, layout, landscape and its setting, density, mix, scale, massing, character materials, finish, architectural details and nearby habitats of the site and local area”*.

The NPPF emphasises the importance of good design; paragraph 56 states *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. Paragraph 58 states *“Planning decision should respond to local character and history, and reflect the identity of local surroundings and materials”*,

This application, even at outline stage, proposes an inappropriate addition to a village with distinct local character. The roads, layout and 3 storey houses proposed would be at odds with the existing settlement. If permission is granted, CPRE Sussex would like to be consulted on the reserved matters – we would expect the detailed design to reflect the characteristic features of Walberton.

Traffic Generation

Access to the proposed development is proposed to be from Yapton Lane, in the north-eastern corner of the site. Avisford Park Road also exits into Yapton Lane, by the south-eastern corner of the site. At certain times of the day vehicles existing Avisford Park Road have a long wait whilst traffic released from Yapton level-crossing snakes its way up to the A27. This effect is many times worse during rush-hour and it is not unusual to have a long wait to get into Yapton Lane whilst cars start backing up in Avisford Park Road. There are just nineteen houses along this road, so 175 dwellings must surely give rise to the

potential for serious congestion in Yapton Lane as the level crossing traffic is constantly slowed by the backed-up traffic joining from the site.

The single entrance to the estate would be exactly next to the entrance to the golf club, creating potential confusion over priorities for traffic joining Yapton Lane, further slowing the flow of traffic. Drivers may opt to head south and then through Walberton, which is already hazardous in places, narrowing to a single lane with passing places throughout much of the village at all times. At school drop-off and collection times the traffic is routinely backed up right through the village all the way to Maple Parade. The burden of additional traffic from the new development will exacerbate the congestion and increase the risk of injury for pedestrians, who have to cross the road to get to the school.

CPRE Sussex notes that the representation of Walberton Parish Council on this application explains the traffic issues within the village in detail. We also note that Highways England does not support approval of this site until they have agreed a position with the applicant in respect of the impact of the scheme on the A27.

Light Pollution

The proposed development includes lighting along the main spine road, thus extending the lit area of the village northwards and introducing lighting into a currently unlit area. Policy VE 8 of the Walberton Neighbourhood Plan states *“Development proposals which detract from the unlit environments of the Parish will not be supported”*. The proposed development is therefore contrary to Policy VE 8.

The South Downs National Park lies 150m to the north of the application site. The Park became an International Dark Sky Reserve in May 2016. CPRE Sussex is concerned that the proposed lighting on the site, notwithstanding the assurances of the applicants, could detract from the Park’s dark night skies. If it did, the proposed development would be contrary to Policy QE DM 2 of the emerging Arun Local Plan 2011-2031.

Local Green Space

CPRE Sussex notes that the Submission Walberton Neighbourhood Plan identified the application site as one of ten Local Green Spaces to be designated under Policy VE 1 Designation of Local Green Space in accordance with paragraph 76 of the NPPF. This designation was supported by the Examiner that conducted the Examination of the Neighbourhood Plan who did not agree with the objection to the designation from the District Council, commenting *“It is valued by the community and lies close to the heart of the village, and is to be considered to be a buffer between the residential areas and the golf course. I do not consider in the context that it is an extensive tract of land”*. Accordingly, he recommended it for designation as a Local Green Space.

Although omitted from the made Plan because of the Council’s initial rejection of the Examiner’s recommendation we understand that the full Council upheld the recommendation and that therefore the process of designating the application site as a Local Green Space is underway. Policy VE 1 states that *“Proposals for development of these areas will not be permitted, except for specific necessary infrastructure where there is no reasonable alternative site available and where the benefits of*

development can be shown to outweigh any harm and impact is minimised". The proposed development is not for "specific necessary infrastructure", and therefore the proposed development is contrary to Policy VE 1.

In addition, paragraph 78 of the NPPF states that "*Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts*" i.e. development should only be allowed if there are very special circumstances. CPRE Sussex does not believe that those circumstances exist in this case, and that the proposed development is therefore contrary to paragraph 78 of the Framework.

Conclusion

CPRE Sussex accepts that Arun District Council cannot currently demonstrate a 5 year supply of housing land and that, accordingly, the approach set out in paragraph 14 of the National Planning Policy Framework where relevant policies of the development plan are out-of-date should be adopted in determining this application. Recent case law has established that a narrow view should be taken of which policies are relevant – i.e. only those directly relating to the delivery of housing.

This approach is that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

CPRE Sussex believes that when assessed against the policies within the NPPF as a whole and specifically as set out in paragraphs 7, 17, 126, 132 and 134 this application should be refused. Furthermore, CPRE Sussex considers that the proposed development would not represent "sustainable development" as being contrary to saved Policies GEN 2, GEN 3 and GEN 7 of the Arun District Local Plan; Policies HP 1, VE 1 and VE 4 of the recently-made Walberton Neighbourhood Plan; Policies LAN DM1, D SP1, HER DM 3 and possibly QE DM 2 of the emerging Arun Local Plan 2011-2031; and paragraphs 56, 58 and 78 of the National Planning Policy Framework.

In determining a recent appeal (ref APP/D3830/W/16/3165199, Turners Hill, Mid Sussex District Council) the Inspector found that "*the need for housing, even when it is as pressing as it is in Mid Sussex, cannot be a justification for building new homes in the wrong place.*" CPRE Sussex believes that these homes would be in 'the wrong place' as being outside the built-up area boundary and within the setting of the conservation area.

We trust these points will be taken into account in determining this application.

Yours sincerely,



Kia Trainor, Director, CPRE Sussex

CPRE Sussex Countryside Trust (continued)