

PLANNING SUPPORTING STATEMENT

**OUTLINE APPLICATION INCLUDING ACCESS, WITH ALL OTHER MATTERS RESERVED,
FOR UP TO 75 DWELLINGS (MAXIMUM) RESIDENTIAL DWELLINGS**

LAND EAST OF YAPTON LANE, WALBERTON, ARUN, BN18 0LJ.

GRID REFERENCE: X497796, Y106014

JULY 2021

Planning Supporting Statement

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1.0 Introduction

- 1.1 This Planning Supporting Statement (PSS) has been prepared on behalf of the applicant Land Allocation Ltd, by AAH Planning Consultants in support of this planning application seeking outline planning permission for up to 75 residential dwellings (maximum), with all other matters reserved except for access on Land East of Yapton Lane, Walberton, Arun, BN18 0LJ at Grid Reference: X497796, Y106014. This PSS should be read in conjunction with all of the other submission documents, including the Design and Access Statement.
- 1.2 AAH Planning Consultants are members of the Royal Town Planning Institute (RTPI) and the Institute of Environmental Management and Assessment (IEMA).
- 1.3 This Statement sets out our analysis of the relevant Planning Policies, which need to be considered in the assessment of this application for the development of this site for residential dwellings and associated infrastructure. The planning application is submitted in outline form with all matters reserved for future approval, with the exception of access, for which detailed approval is sought.
- 1.4 An indicative site layout accompanies the application and shows how the site could be developed. As indicated above, approval for layout is not sought at this time and is to be reserved for subsequent approval. However, the indicative layout does demonstrate the ability of the site to accommodate residential development (up to 75 dwellings) and the associated infrastructure necessary.

2.0 Site Description and Context

- 2.1 The proposed housing development would be located on Land to the East of Yapton Lane, Walberton, Arun, BN18 0LJ at Grid Reference: X497796, Y106014. The land edged red is shown on the following figure and provided in Appendix A.

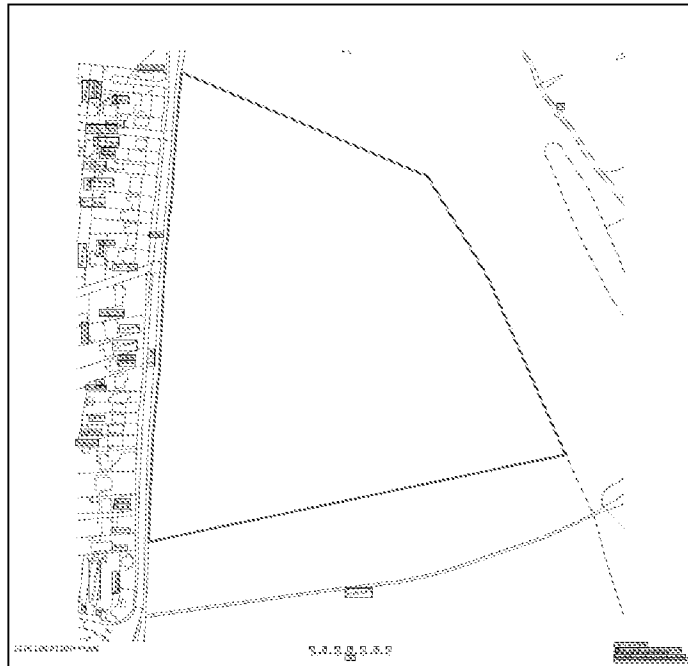


Figure 2.1: Site Location

- 2.2 The application site measures approximately 7.6 hectares and is located adjacent to the eastern edge of the settlement of Walberton. The site is bound by hedgerows and Yapton Lane to the west, with the Avisford Park Golf Club lying to the east and north, separated by hedgerows and vegetation. A small watercourse is located beyond the site's eastern boundary, with the hamlet of Binsted located beyond this. To the south, there is open space with a PRoW and Walberton Farm lying beyond the site boundaries. The site is greenfield and is currently in agricultural use. The border of the South Downs National Park is located c.185m to the north of the site and c.575m to the east.
- 2.3 Walberton forms part of the 'Six Villages', which are considered to lie within Inland Arun and has a Built-Up Area Boundary, as defined by Policy SD SP2 of the Arun Local Plan (2011-2031). Whilst the site lies outside of this boundary, and therefore is located within the open countryside, as per Policy C SP1, the site is located directly adjacent to the eastern boundary

of Walberton, along the western edge of the site. Therefore, the site is well located in regards to the existing settlement of Walberton and accommodates no landscape designations or ecological constraints on the site itself, although does lie within a Minerals Safeguarding Area. The site is also located in Flood Zone 1 and is not located within a Conservation Area; however, the eastern boundary of Walberton Village Conservation Area is located in reasonable proximity to the site's most south-westerly corner. The site also does not contain any listed buildings within its boundaries.

- 2.4 Walberton, along with the other surrounding settlements, offers a wide range of facilities and services, including numerous bus stops, a primary school, church and local shops, public houses along with sports facilities and open space.

3.0 Planning Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority (LPA) to determine planning applications in accordance with the Development Plan unless there are material considerations which 'indicate otherwise'. Section 70(2) of the Town and Country planning Act 1990 provides that in determining applications, the LPA: *"shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations."*

3.2 The Development Plan for Arun District Council consists of:

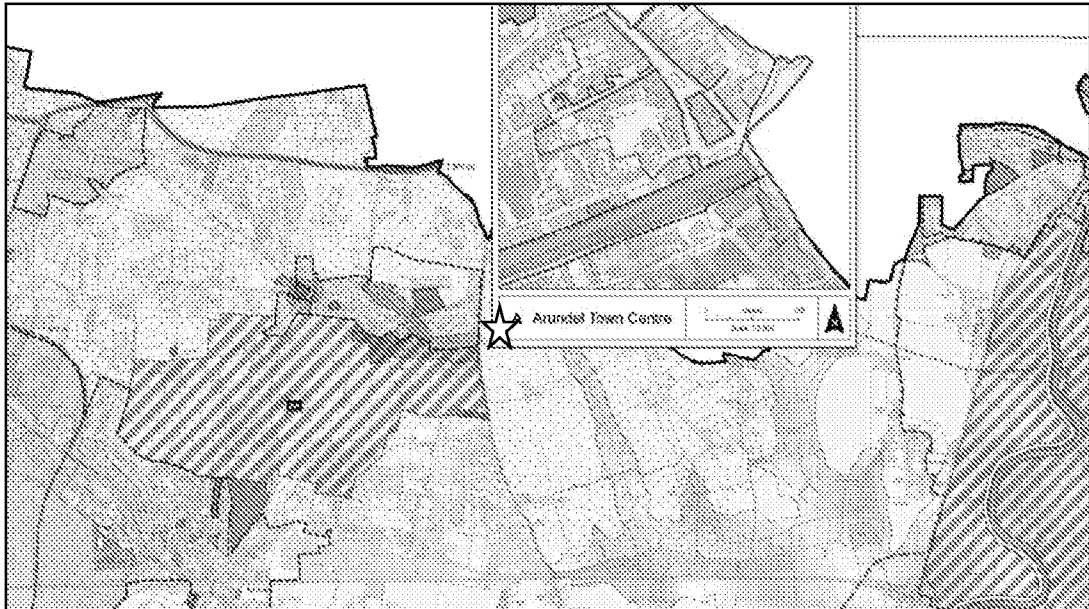
- Arun Local Plan 2011-2031 (adopted July 2018)
- West Sussex Joint Minerals Local Plan (adopted August 2018)
- West Sussex Waste Local Plan (adopted April 2014)
- Any Made Neighbourhood Development Plans

The Arun Local Plan (2011-2031) was adopted on 18th July 2018 and replaced the Local Plan 2003. The Arun Local Plan sets out the approach to managing and planning development in the District up until 2031. The Local Plan sets out what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered. The purpose of the plan is to encourage sustainable development and manage future growth whilst ensuring that change across the District is appropriate to meet local need. The local plan seeks to support the strategic provision of homes, employment and shops and will look to ensure that these are carefully coordinated with the services and facilities that communities rely on and which are essential to wellbeing and quality of life. The Local Plan's strategic vision is underpinned by 'objectives' which set out aspirations for how Arun can change over the plan period. Whilst areas that form part of the South Downs National Park fall within the Arun District Boundary, these areas are subject to a different Development Plan, as the South Downs National Park is now its own local planning authority.

3.3 The National Planning Policy Framework (NPPF), published in July 2021, and replaces the version published in February 2019, sets out the government's planning policies for England and how these are expected to be applied. This guidance is a material consideration in determining applications.

Arun Local Plan (2011-2031)

- 3.4 The following figure is an extract from the adopted Policies Map, which illustrates the location of the application site in relation to the context of any nearby designations.



**Figure 3.1: Arun Local Plan (2011-2031) Policies Map
(Adopted July 2018) (site is indicated by the yellow star)**

- 3.5 Arun District Council’s spatial strategy and strategic objectives are set out at Chapter 4 of the Arun Local Plan ‘Vision & Objectives’, and details that the vision is *“By 2031 Arun will be a safer, more inclusive, vibrant and attractive place to live, work and visit. Arun’s residents will be healthier and better educated, with reduced inequalities between the most and least affluent.”* The strategic objectives of the Arun Local Plan are to be achieved by 2031 and largely seek to strengthen Arun’s economy, including increasing job opportunities and quality of employment and associated infrastructure alongside reducing the need to travel and promoting sustainable forms of transport. In addition, the strategic objectives seek to plan for climate change whilst planning and delivering a range of housing mix and types, including affordable, in sustainable locations to meet the District’s housing requirement whilst supporting the creation of integrated communities and enhancing the overall quality of life for Arun’s residents. Furthermore, the objectives seek to protect and enhance Arun’s diverse landscape, including the historic environment and supporting towns and villages to expand and provide a wide range of uses.

The following policies of the adopted Local Plan are considered to be relevant to this application for proposed residential development:

- Policy SD SP1 – Sustainable Development
- Policy SD SP1A – Strategic Approach
- Policy SD SP2 – Built-up Area Boundary
- Policy C SP1 – Countryside
- Policy LAN DM1 – Protection of landscape character
- Policy RET SP1 – Hierarchy of Town Centres
- Policy H SP1 – The Housing Requirement
- Policy H SP2C – Inland Arun
- Policy H DM1 – Housing Mix
- Policy AH SP2 – Affordable Housing
- Policy H SP3 – Rural housing and exception sites
- Policy D SP1 – Design
- Policy D DM1 – Aspects of form and design quality
- Policy ECC SP1 – Adapting to climate change
- Policy ECC SP2 – Energy and climate change mitigation
- Policy HWB SP1 – Health & Wellbeing
- Policy OSR DM1 – Open Space, Sport and Recreation
- Policy T SP1 – Transport and Development
- Policy T DM1 – Sustainable Travel and Public Rights of Way
- Policy HER SP1 – The Historic Environment
- Policy HER DM1 – Listed Buildings
- Policy HER DM3 – Conservation Areas
- Policy ENV SP1 – Natural Environment
- Policy ENV DM3 – Biodiversity Opportunity Areas
- Policy ENV DM4 – Protection of trees
- Policy ENV DM5 – Development and biodiversity
- Policy W DM2 – Flood Risk
- Policy W DM3 – Sustainable Urban Drainage Systems
- Policy WM DM1 – Waste Management
- Policy QE DM1 – Noise Pollution
- Policy QE DM2 – Light Pollution
- Policy QE DM3 – Air Pollution

- Policy QE DM4 – Contaminated Land
- Policy INF SP1 – Infrastructure provision and implementation

3.6 The West Sussex Joint Minerals Local Plan (MLP) was developed by West Sussex County Council and the South Downs National Park Authority. The plan was adopted in July 2018 and is due for review by 2033. The MLP has been designed to set out West Sussex County Council's vision, objectives, strategy and policies for the supply of minerals. Policy M9, Safeguarding Minerals, is pertinent to this application.

Emerging Local Plan

3.7 Following District Elections in May 2019, the new Council set out its priorities and strategic targets, which included the need to develop a new planning framework to improve the level of sustainability and infrastructure and to revise the existing development management policies. In addition, the Council declared a 'Climate Change Emergency' in November 2019 as a priority which requires the impact and mitigation of climate change to be considered and incorporated into all policies, key decision making and officers' work. Therefore, Full Council on 15th January 2020 approved an update to the Arun Local Plan (2011-2031) will commence, updating the development management policies as a priority, leading to an update of the full plan strategic policies.

3.8 Arun District Council are in the process of undertaking a review of its current Local Plan (2011-2031) following its adoption in July 2018. In order to allow focus on this review, the preparation of a Non-Strategic Sites Allocation DPD, which was intended to support the existing Local Plan, has been halted. The Arun Local Plan (2011-2031) commitment to provide at least 1,250 dwellings for the period to 2031, means that contributions from Neighbourhood Development Plan reviews will be expected to deliver a proportion of the Arun Local Plan (2011-2031) dwelling requirement to 2031. At the time of writing, the latest timetable for the Arun Local Plan Review DPD is provided in the most recent Local Development Scheme (July 2020), which states that a Regulation 18 consultation, which will consult on development management policies, is expected to take place in Autumn 2021, with adoption intended for Winter 2023.

3.9 Paragraph 48 of the NPPF states that decision-makers may give weight to relevant policies in emerging plans according to (a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of

consistency of the relevant policies in the Framework. Given the early stage of the Local Plan review, it is considered that no weight can be afforded to it at this current stage. The applicant does, however, reserve the right to make further comment on this matter if required.

Walberton Neighbourhood Development Plan

- 3.10 The original Walberton Neighbourhood Development Plan 2015-2035 (WNDP 2015) was formally 'made' on 8th March 2017 and covered the villages of Walberton, Binsted and Fontwell. It accorded with the National Planning Policy Framework of the time as well as the Local Planning Authorities Development Plan Documents, principally the NPPF (2012) version, the Arun District Council Local Plan 2003 and the then Draft Arun District Local Plan (2011-2031).
- 3.11 Due to changes in national and local planning policy, the WNDP 2015 has recently been reviewed under the Neighbourhood Plan Review 2019-2031, which proposed to retain all of the saved policies from the WNDP 2015 as well as providing some new and amended policies along with amended NDP maps. However, it was considered that the modifications and the new policies contained within the review were significant and substantial enough to change the nature of the Neighbourhood Development Plan for it to require examination along with a referendum.
- 3.12 The Walberton Neighbourhood Development Plan 2019-2031 (WNDP 2) undertook its Regulation 14 consultation between 3rd July and 14th August 2020 followed by a Regulation 16 consultation between 12th November 2020 and 7th January 2021. Subsequently, the WNDP 2 was submitted for examination on 22nd January 2021, with examination taking place throughout January and February. The examiner's report of March 2021 found that subject to the adoption of various recommended modifications and amendments the Inspector had set out, the WNDP 2 was considered to be compliant and could proceed to referendum.
- 3.13 The WNDP 2 proceeded to referendum on 6th May 2021, where 91% of voters voted for the plan to be made, which was subsequently made on 14th July 2021. The policies of the WNDP 2 which are considered pertinent to this outline application, which have been taken from the Post Modifications Plan, are detailed below:

- Policy VE 3 – Protection of Trees and Hedgerows (SAVED)
- Policy VE 4 – Conservation Areas and Areas of Special Character (SAVED)
- Policy VE 7 – Surface Water Management (SAVED)
- Policy VE 8 – ‘Unlit Village’ Status (SAVED)
- Policy VE 10 2020 – Biodiversity Corridors (NEW)
- Policy VE 11 2020 – Archaeology (NEW)
- Policy VE 13 2020 – Distinctive Views and Vistas (NEW)
- Policy HP 1 2020 – Built-Up Area Boundary (BUAB) (NEW)
- Policy HP 6 2020 - Housing Mix and Construction (NEW)
- Policy HP 11 – Housing Density (SAVED)
- Policy HP 13 – Design Guidance (SAVED)
- Policy GA 2 – Footpath Bridleway and Cycle Path Network (AMENDED)

3.14 The proposed site was submitted as part of the WNDP 2 Call for Sites exercise; however, was not taken forward as part of the Regulation 14 consultation. Nevertheless, the site was not entirely ruled out for some form of development, although constraints were recognised. The below sections of this planning statement demonstrate that there are no constraints upon the site, which demonstrably outweigh the benefits the proposed development will bring.

Supplementary Planning Documents

3.15 Supplementary Planning Documents (SPD)s are used to provide more detail and information about policies and proposals found in Development Plan Documents (DPDs). Although SPDs are not part of the statutory Development Plan, they do, however, form part of the Local Development Framework (LDF) and are therefore a material consideration in determining planning applications. The following SPDs have been referred to and are considered relevant to the application:

- Open Space and Recreation Standards (January 2020, addendum June 2020)
- Parking Standards (January 2020)
- Archaeology (September 2003)
- Arun District Design Guide (January 2021)

3.16 Consideration has also been given to the Interim Housing Statement, published in February 2021. It is understood that this does not introduce new policy, however sets out the national and local policy context for inviting applications to come forward on suitable sites that are ‘Deliverable’ in order to re-establish the authority’s five-year housing land supply. The

Statement provides a tick list and RAG rating of national policy considerations and local policies that should be addressed in order to improve the likelihood of applications coming forward in the right locations and of the appropriate scale, being positively determined and confirms that due to the lack of five-year housing land supply, which has subsequently worsened since the release of this Statement which is detailed below, that the material policies that relate to the supply of housing, are consequently deemed 'out of date.' This statement in support of an outline application demonstrates how both national and local planning policies have been taken into account on a site which is sustainably located, and therefore should be positively determined.

Five Year Housing Land Supply Position

- 3.17 It is well established that Arun District Council cannot demonstrate a deliverable housing land supply. The latest Authority Monitoring Report dated December 2020 considers that the Council can only demonstrate a housing land supply of 3.3 years, inclusive of a 20% buffer.
- 3.18 Recent appeal decisions in the District Council area support this lack of housing land supply. Recent Appeal Decision 3269025 (Provided in full at Appendix C) states at Paragraph 20 that the Council acknowledge that they can only demonstrate a 2.7-year supply in housing. This is in accordance with other recent appeal decisions which consider that Arun Council cannot demonstrate a five-year housing land supply, or even a three-year housing land supply. Therefore, it is clear that Arun District Council have a very significant and acute housing land supply shortfall under the five-year requirement of the NPPF, which in any case is a minimum figure.
- 3.19 It is also important to consider the Housing Delivery Tests results, which are published annually. In the 2018 result, Arun District Council scored 91%, therefore requiring an action plan to be published. In the 2019 result, the Council scored 68%, requiring the implementation of a 20% buffer but also highlighting a downward trend in the delivering of housing against their requirement within the area. This trend continued into the most recent Housing Delivery Test measurement of 2020, published on 19th January 2021, where the Council only scored 61%, demonstrating a significant under-delivery of their housing requirement in the three years prior to March 2020. This was in spite of the Government reducing council's housing requirement figures in the 2020 HDT result due to the disruption caused by the pandemic. A result below 75%, therefore, engages the presumption in favour

of sustainable development in planning decision-making, therefore engaging Paragraph 11 of the NPPF.

- 3.20 A detailed analysis of the Council's current five-year housing land supply position and the evidence of the significant shortfall is detailed in Section 5 of this statement, along with the status of the Walberton Neighbourhood Development Plan in accordance with Paragraph 14 of the NPPF. Given the Council cannot demonstrate a five-year supply of housing land, or even a three-year supply of housing, the titled balance of the NPPF Paragraph 11(d) should be subsequently engaged in the determination of planning applications.

National Planning Policy Framework (NPPF, 2021)

- 3.21 The revised National Planning Policy Framework (NPPF) was revised in July 2021, and replaced the version published in February 2019. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. National Planning Practice Guidance (NPPG) adds further context to the NPPF, and the two documents should be read together. The NPPF and NPPG are both material considerations in determining planning applications.
- 3.22 Paragraph 2 of the NPPF confirms that: *"Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions."* Paragraph 3 clarifies that: *"The Framework should be read as a whole (including its footnotes and annexes)."*
- 3.23 The following sections of the NPPF are considered to be pertinent to establishing the principle of the residential development of the site:
- *Chapter 2: Achieving sustainable development;*
 - *Chapter 5: Delivering a sufficient supply of homes;*
 - *Chapter 8: Promoting healthy and safe communities;*
 - *Chapter 9: Promoting sustainable transport;*
 - *Chapter 11: Making effective use of land;*
 - *Chapter 12: Achieving well-design places;*

- Chapter 14: Meeting the challenge of climate change, flooding and coastal change; and
- Chapter 15: Conserving and enhancing the natural environment.

3.24 The NPPF in paragraph 7 establishes that: *“The purpose of the planning system is to contribute to the achievement of sustainable development.”* The same paragraph defines such objective as *“as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection”* Paragraph 8 clarifies how the planning system can be used to achieve ‘sustainable development’ by referring to *“three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).”*

3.25 Paragraph 12 of the NPPF confirms that: *“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

3.26 However, as established in Paragraph 2, the NPPF is *“is a material consideration in planning decisions.”* This is further explained in clauses c and d of Paragraph 11 of the NPPF:

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date(8), granting permission unless:*

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*(7); or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.”*

- 3.27 Footnote 8 of the revised NPPF is considered to be particularly relevant in establishing the principle of residential development and should be considered in determining whether the development plan policies or the policies which are the most pertinent for determining the application are out-of-date or not. Footnote 8 of NPPF 2021 includes the Housing Delivery Test as a mechanism to measure net additional dwellings provided in a local authority area against the homes required by using the national statistic and Local Authority data. It suggests that: *“for applications involving the provision of housing, situations where the LPA cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous three years,”* the development plan policies relevant to housing provision should be considered out-of-date.
- 3.28 To support the Government’s objective of significantly boosting the supply of homes, Paragraph 60 of the NPPF states that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, and that land with permission is developed without unnecessary delay.
- 3.29 Paragraph 74 explains how *“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.”*
- 3.30 Paragraph 75 of the NPPF provides the necessary explanation in determining whether or not a Local Planning Authority can demonstrate a five-year supply of deliverable housing. It states that: *“A five-year supply of deliverable housing site, with appropriate buffer can be demonstrated where it has been established in a recently adopted plan or in a subsequently annual position statement which:*

- a) *Has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) *Incorporates the recommendation of Secretary of State, where the position on specific sites could not be agreed during the engagement process.”*

3.31 Therefore, for the LPA to demonstrate a five-year housing land supply, they will have to accord with either of the clauses stated above.

3.32 Furthermore, it is important to note that Footnote 40 of the NPPF which explains what can and cannot be considered as a recently adopted development plan: *“for the purposes of paragraphs 73b and 74 a plan adopted between 1st May and 31st October will be considered ‘recently adopted’ until 31st October of the following year; and a plan adopted between 1st November and 30th April will be considered recently adopted until 31st October in the same year.”*

3.33 The NPPF sets out that transport policies have an important role to play in facilitating sustainable development and in contributing to wider sustainability and health objectives and that encouragement should be given to solutions that support reductions in greenhouse gas emissions and reduce congestion.

3.34 Paragraph 111 of the NPPF explains that *‘development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.’*

3.35 Paragraph 126 of the NPPF states that: *‘the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*

3.36 Paragraph 194 of the NPPF states that: *‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the*

potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

3.37 Paragraph 197 of the NPPF states that: *'in determining planning applications, local planning authorities should take account of:*

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality*
- c) The desirability of new development making a positive contribution to local character and distinctiveness'*

3.38 Paragraph 199 of the NPPF states that: *'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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

3.39 Paragraph 200 states that: *'any harm to, or loss of the significance of a heritage asset (from its alteration or destruction of the heritage asset or development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) A grade ii listed building, park or garden should be exceptional.*
- b) Assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade i and ii* listed buildings, grade i and ii* registered parks and gardens, and world heritage sites, should be wholly exceptional.'*

3.40 Paragraph 174 of the NPPF states that: *'planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

3.41 With regard to the weight to be given to emerging policies Paragraph 48 states that LPA's *'may give weight to relevant policies in emerging plans according to:*

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- The degree of consistency of the relevant policies in the emerging plan to the policies in this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).'*

3.42 Paragraph 218 confirms that the policies in this framework are material considerations that should be taken into account from the day of its publication. It also confirms that revisions to existing plans may be necessary to reflect policy changes the NPPF 2021 has made.

3.43 With regard to the weighting of existing policies, Paragraph 219 of the NPPF states that:

'...existing policies should not be considered out of date simply because they were adopted or made prior to the publication of this framework. Due weight should be given to them, according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).'

4.0 Planning History

Relevant Site Planning History

- 4.1 A search of the Councils Public Access System illustrates that there is no relevant planning application history on the site specifically.

Relevant Area Planning History

- 4.2 Whilst there are no applications relevant to the application site, a search of the Councils Public Access System illustrates that there are a number of applications within the vicinity of the site for residential development which may be of relevance. Considering the residential nature of the area, only those which are considered to be pertinent to the proposed development site have been detailed below:

- WA/44/17/OUT – Land East of Tye Lane, Walberton – Outline, with some matters reserved, for up to 175 dwellings, new vehicular access, with associated car parking, landscaping & community facilities to include allotments, play space and community orchard. (Application was considered to be a Departure from the Development Plan and may affect the character and appearance of the Walberton Village Conservation Area) – Approved with conditions and S106 on 23rd February 2018.
- WA/59/20/PL – Land East of Tye Lane, Walberton – Re-plan of part of the approved outline permission and reserved matters approval (WA/44/17/OUT and WA/95/18/RES) and partially implemented development on the site; which currently has approval for 175 dwellings; to develop an additional 30 dwellings including 9 affordable units on part of the site. The proposal includes an increase in the number of dwellings on part of the site from 81 units to 111 units – Refused on 20th May 2021.
- WA/68/20/OUT – Land West of Tye Lane, Walberton – Outline, with all matters reserved except for access, for construction of up to 155 dwellings (30% affordable) & amendment to the boundary of garden land to serve the adjoining property. (Application considered to affect the character and appearance of the Walberton Village Conservation Area, may affect the setting of listed buildings and is a departure from the Development Plan) – Refused on 12th January 2021.

- WA/75/17/PL – Land adjacent to Sunny Corner, Copse Lane, Walberton – 9 dwellings with associated car parking, bin storage and landscaping & creation of new access road from existing access onto West Walberton Lane. (Application considered a Departure from the Development Plan – Refused on 12th July 2018. Allowed at Appeal 3210153 on 6th June 2019.
- WA/76/17/PL – Land south of Wandleys Farm, Wandleys Lane, Walberton – Four affordable, intermediate sale homes and one full market home with associated car parking, garaging, landscaping and bin storage and the creation of 2 new access onto Wandleys Lane (Application considered a departure from the Development Plan) – Refused on 8th June 2018, allowed at Appeal 3209249 on 8th April 2019.

5.0 Principle of Development

- 5.1 In determining a planning application, a Local Planning Authority (LPA) must have regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals can be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that in determining applications, the LPA *“shall have regard to the provisions of the Development Plan, so far as material to the application and to any other materials considerations.”*
- 5.2 Policy SD SP1a, Strategic Approach, of the adopted local plan sets out the settlement strategy for development in Arun. It firstly seeks to promote and enable development that will support the main coastal towns of Bognor Regis and Littlehampton. The policy also seeks to provide for growth of the sustainable villages, whilst maintaining their setting within the open countryside as well as providing development in the countryside area, reflecting its character and various roles. Overall, Policy SD SP1a considers the need to provide 20,000 homes for the housing needs of the community.
- 5.3 Policy SD SP2, Built-up Area Boundary (BUAB), defines settlement limits for the main towns and villages within Arun, including Walberton. Policy SD SP2 seeks to focus development within the Built-Up Area Boundaries, and Policy C SP1 considers that all areas outside of the Built-Up Area Boundaries should be defined as countryside, and will be recognised for its intrinsic character and beauty. In certain circumstances, which are detailed in Policy C SP1, development is permitted within the countryside. This is reflected in Policy HP1 2020 Built Up Area Boundary (BUAB) of the WNDP 2, which considers development outside of the BUAB will be supported where it accords with the countryside policies in the Arun Local Plan.
- 5.4 Walberton forms part of the ‘Six Villages’ along with Aldingbourne, Barnham, Eastergate, Westergate and Yapton, located in the west of the District. It is also considered to lie within Inland Arun. Policy H SP2c of the Arun Local Plan allocates a number of sites within Inland Arun for residential development as whilst development is focused on the two coastal towns, policies do seek to ensure investment takes place in the inland villages, allowing these settlements to evolve to meet their needs.

- 5.5 As shown in Figure 3.1 above, the site is located outside of, however directly adjacent to, the built-up boundary area of Walberton. Therefore, the site is considered to lie within the countryside, in accordance with Policy C SP1 of the Arun Local Plan. Policy C SP1 states:

“Outside the Built-Up Area Boundaries (as identified in the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will be permitted in the countryside where it is:

- a. For the operational needs of agriculture, horticulture, forestry, the extractions of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan; or*
- b. For quiet, informal recreation; or*
- c. For Green Infrastructure; or*
- d. For the diversification of the rural economy; or*
- e. For road and/or cycle schemes; or*
- f. In accordance with other policies in the Plan which refer to a specific use or type of development.*

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

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

- 5.6 Residential development in the countryside is not stated as one of the forms of development that will be permitted under Policy C SP1. Therefore, under normal circumstances, the development would be contrary to Policy C SP1 of the Local Plan. However, in this case it can be demonstrated that the Council cannot demonstrate a deliverable five-year housing land supply. Therefore, as per Paragraph 11(d) of the NPPF, the most important policies for development management purposes are considered to be out of date. This has been demonstrated in a number of recent appeal decisions, including Appeal Decision Ref 3269025, provided in full at Appendix C in which Arun District Council acknowledged they could only demonstrate a 2.7-year supply. Due to the lack of five-year housing land supply,

which has been demonstrated continuously through a number of appeal decisions, Inspectors have considered that the most important policies for determining applications such as the proposed are considered to be out of date. This is demonstrated in Appeal 3236911 (provided in full at Appendix D) at Paragraph 66, where the Inspector considers that *“the most important policies for determining the proposal, that is Policies C SP1, D SP1, D DM1 and HER SP1 of the ALP and Policy BB1 of the YNP, should be considered out-of-date as, in accordance with footnote 7 of the Framework, the Council cannot demonstrate a 5YHLS with the appropriate buffer. The shortfall in the land supply is very significant and is likely to continue for a considerable period. This should be given very significant weight.”* The significant shortfall in the Council’s five-year housing land supply position has not changed since this appeal decision (February 2020), and in fact has potentially worsened, which is discussed in detail below; nor have the revisions to the NPPF (most recently in July 2021) altered this position.

Five-Year Housing Land-Supply

- 5.7 Paragraph 11 of the NPPF states that plans and decision should apply a presumption in favour of sustainable development. In regards to decision-taking, Paragraph 11(d) states that *“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.”

Footnote 8 clarifies the ‘tilted balance’ can be applied in situations where a local authority cannot demonstrate a five-year housing land supply (with the appropriate buffer).

- 5.8 Arun District Council published its latest Authority Monitoring Report (1st April 2019-31st March 2020) in December 2020, and within it, the Council considered that they could not demonstrate a five-year housing land supply. The AMR calculated that the Council could only demonstrate 3.3 years of housing land supply, which included a 20% buffer and is based on a stepped trajectory requirement which was considered necessary due to shortfall in delivery from the beginning of the current Local Plan period

- 5.9 As discussed at Paragraph 3.15 of this statement, recent appeal decisions support the significant shortfall in the five-year housing land supply within the Arun District Council area. The Council acknowledge in Appeal Decision 3269025 (provided in full at Appendix C) at Paragraph 20 that they are only able to demonstrate 2.7 years of housing land supply, significantly under the five-years supply required by national planning policy. It is clear that Arun District Council have a very significant housing land supply shortfall under the five-year requirement of the NPPF, which should in any case be considered as a minimum figure. It is clear therefore, that the policies which are most important for determining the application must be considered out-of-date.
- 5.10 It is also important to take the Government's annual Housing Delivery Test into consideration as Arun Council have historically failed to deliver the required amount of housing. In 2018, Arun District Council scored 91%, therefore requiring an action plan to be published. This figure decreased significantly to 68% in 2019, requiring the implementation of a 20% buffer and a further action plan but also highlighting a downward trend in the delivery of housing against the requirement within the area. This trend continued into the most recent Housing Delivery Test measurement of 2020, published on 19th January 2021, where the Council only scored 61%, demonstrating a significant under-delivery of their housing requirement in the three years prior to March 2020. This was in spite of the Government reducing council's housing requirement figures in the 2020 HDT result due to the disruption caused by the pandemic. A result below 75% engages the presumption in favour of sustainable development in planning decision-making, therefore engaging Paragraph 11 of the NPPF.
- 5.11 The recent coronavirus pandemic also has to be considered in relation to the housing supply and deliverability of sites. It is widely acknowledged that the pandemic is likely to have implications in many sectors of the economy, including within the building industry, as construction sites were either temporarily closed or additional measures put in place. Therefore, it is not unreasonable to consider that a number of dwellings that may have been deliverable and form part of the Council's five-year housing land supply, will not come forward as quickly as originally anticipated. Recent appeal decisions have taken the approach of removing a number of dwellings from the Council's trajectory, such as appeal decision 3238048 with specific reference to Paragraph 109 & 110. (Appeal decision provided in full at Appendix E) Therefore, there is the potential that the Council's housing land supply shortfall could be even more significant.

5.12 It is also important to consider the status of the WNDP 2 in respect to five-year housing land supply and consequentially whether Paragraph 14 of the NPPF is engaged. Paragraph 14 states:

“In situations where the presumption (at paragraph 11d) applies to application involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- A) The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- B) The neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- C) The local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- D) The local planning authority’s housing delivery was at least 45% of that required over the previous three years.*

5.13 The WNDP 2 was formally made on 14th July 2021, therefore forming part of the Development Plan Documents. However, a recent appeal decision for a site located within Walberton (Appeal Ref 3269025, provided in full at Appendix C) states at Paragraph 20 that Arun Council acknowledge that they can only demonstrate a 2.7-year supply of housing, which falls significantly short of the national requirement of a five-year housing land supply, but also has wider implications in regards to the WNDP 2.

5.14 There are three prerequisites in order for Paragraph 14 of the NPPF to apply. These are a) That the presumption of sustainable development applies, b) that there is a clear conflict with the Neighbourhood Plan, and c) that all the criteria (a-d) listed within Paragraph 14 are met.

5.15 This statement at Paragraphs 5.8 and 5.9 has already established that Arun District Council cannot demonstrate a five-year housing land supply position. Furthermore, Paragraph 5.10 has demonstrated that the Council’s 2020 HDT result was significantly below the 75% threshold, engaging the presumption in favour of sustainable development in accordance with Footnote 8 to Paragraph 11(d) of the Framework.

- 5.16 The aforementioned recent appeal decision (Ref: 3269025) stated at Paragraph 20 that Arun Council agreed it could only demonstrate a 2.7-year supply. Not only is this significantly below the five-year requirement of national planning policy, the current housing land supply falls below the three-year threshold required at Paragraph 14c of the NPPF, for it to be engaged. Therefore, whilst the WNDP 2 has been recently 'made', Paragraph 14 is not engaged due to the lack of five-year housing land supply, or even three-year housing land supply and therefore the Development Plan Policies, including those in the WNDP 2, are considered to be out of date. This is reflected in Paragraph 22 of Appeal Decision 3269025 in which the Inspector states:

"For housing development that conflicts with a neighbourhood plan, as here, paragraph 14 of the Framework says that the conflict is likely to significantly and demonstrably outweigh the benefits provided 4 tests are met. In this case, the third test, which requires a local planning authority to have at least a 3 year supply of housing land, is not met and so the provisions of paragraph 14 do not apply."

- 5.17 Furthermore, the same appeal decision at Paragraph 21 considers that *"the policies which are most important for determining the appeal must be considered out-of-date"* and that *"Given the acute shortfall in housing land supply and housing delivery, I give this material consideration significant weight."* This appeal decision has demonstrated the lack of a five-year, and even three-year housing land supply, demonstrating an acute and sustained shortfall of housing land supply within the district for a considerable period of time since other appeal decisions have come to similar conclusions.

- 5.18 In addition, for housing sites to be considered deliverable, they must meet the definition set out within the NPPF Annex 2:

*"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). **Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.**"* (Our emphasis)

- 5.19 The above deliverable definition within Annex 2 of the Framework requires clear evidence to support the deliverability of sites allocated for development within the Development Plan. Having done a high-level assessment of Arun District Councils housing land supply, there are a significant number of allocations that have been included within the five-year housing land supply without any publicised clear evidence demonstrating the deliverability of these allocations. In addition, there are a number of sites that do not have planning permission which meet the definition of deliverable sites and therefore should also not be included within the deliverable supply.
- 5.20 Therefore, the aforementioned appeal decision in which the Council acknowledge only a 2.7-year housing land supply along with inconsistencies in the Council's deliverability supply, it is clear that Arun District Council cannot demonstrate a robust five-year housing land supply in accordance with the requirements of the NPPF 2021 or even a three-year housing land supply. Consequentially, we do not consider that the provisions of Paragraph 14 of the Framework are engaged, despite the WNDP 2 having been recently 'made.' This is due to the demonstrable and deliverable housing land supply position is of such a significant shortfall that a position is not of at least three-years, but under the three-year threshold. This is a highly significant shortfall demonstrating a clear and urgent need for sustainable locations for residential development, such as the proposed.
- 5.21 Therefore, given the established lack of five-year supply, or even a three-year supply and the most important policies, including those related to housing supply, are considered to be out of date, the tilted balance of the NPPF Paragraph 11(d) should be engaged when determining planning applications such as the proposed.

Presumption in Favour of Sustainable Development

- 5.22 Having established the most important Development Plan policies for the determination of the application are out of date, the tilted balance of paragraph 11(d) of the NPPF 2021 is engaged, as long as the application of the policies of the Framework that protect areas or assets of particular importance do not provide a clear reason for outline planning permission to be refused.
- 5.23 Footnote 7 of Paragraph 11 (i) defines those areas as:

'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated

as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 67); and areas at risk of flooding or coastal change.'

- 5.24 The following sections of this statement demonstrates that there are no policies within the NPPF that indicate planning permission should be refused. Therefore, the proposals should be considered in the context of whether any adverse impacts that may arise from the proposal significantly and demonstrably outweigh the benefits of the proposed development. This planning balance has been undertaken in Section 7 of this statement.

Summary

- 5.25 In summary, it has been demonstrated that the council cannot currently demonstrate a deliverable five-year housing land supply, or even a three-year housing land supply, disengaging Paragraph 14 of the NPPF. Therefore, the most important policies in regards to housing development are out-of-date, and the application should be considered in the context of the presumption in favour of sustainable development and the benefits of the scheme, which are detailed in the next section.

6.0 Considerations

6.1 This section of the Planning Statement addresses the key issues which are likely to arise during the course of the application. This section of the Statement, therefore, focuses on the following material considerations:

- Sustainability of the Settlement
- Affordable Housing
- Designing Out Crime
- Residential Amenity
- Landscape Impacts
- Nature Conservation and Protected Species
- Heritage Assets
- Archaeology
- Public Open Space, S106 Contributions and CIL
- Density
- Highway Safety
- Mineral Safeguarding Area
- Footpaths and Public Rights of Way
- Flood Risk and Climate Change

Sustainability of the Settlement

6.2 In terms of the sustainability of the site, Walberton is considered to form part of the ‘Six Villages’ located in the west of the district as well as being located within Inland Arun. Walberton has a BUAB, as defined by Policy SD SP2 of the Arun Local Plan (2011-2031). Policy HP1 2020 Built Up Area Boundary (BUAB) of the WNDP 2 also considers development within and out with the BUAB. Whilst the site lies outside of this boundary, and therefore within the countryside in accordance with Policy C SP1 of the Arun Local Plan (2011-2031), the site is located directly adjacent to the eastern boundary of the existing settlement of Walberton, along the western edge of the site. Policy SD SP1a – Strategic Approach Point F considers that the spatial strategy for Arun District Council is to *“provide for development in the countryside area which reflects its character and role as the coastal plain, with green wedges separating the urban areas, high quality agricultural land and environmental assets.”* There are a number of services on offer within Walberton, such as a medical centre, primary

6.3 With respect to the access to services and public transport connections, the physical nature of the route is an important consideration in that it should not be such as to detract people from walking. Four hundred metres is generally taken to equate to a 5-minute walk time. However, there is no national standard or even universal agreement on what might be acceptable walking distances to services/facilities. The Institute of Highways and Transportation's earlier guidelines for journeys on foot suggest that for commuting, walking to school, and recreational journeys, distances of 2km can be considered but that 500m is desirable. The Manual for Streets 2007 refers to 'walkable neighbourhoods' being typically characterised by 'having a range of facilities within 10 minutes, up to about 800m'. The following figure shows the services and facilities within 400m and 800m of the application site.



AAH Planning Consultants
1 Bar Lane, York

- 6.4 As can be seen, a large range of services/facilities within the village are within walking distance of the application site, with the majority of these within 400-800m of the application site. There is an existing PRow located beyond the southern boundary of the site, and the proposal incorporates the provision of additional footpaths and tactile crossing along Yapton Lane to provide further safe pedestrian access to the surrounding amenities. There are also additional PRow's which link Yapton Lane to the centre of Walberton village and also links into the wider public footpath network. Again, any proposed layout on the site can utilise these existing connections for future occupants of the development site in providing safe and sustainable pedestrian access.
- 6.5 Walberton is well connected by local bus services, with the nearest bus stop located directly adjacent to the site's western boundary, long Yapton Lane. These bus routes are served by services 85 and 85A and provide onwards travel to Barnham, Eastergate and Chichester. Barnham Train Station is located c.1.8 miles to the south of the site, providing onward travel and good links to the rest of the UK, including London. The proposed residential development will provide high-quality homes in an accessible location which has good access to shops, services and facilities.
- 6.6 As such, it is considered residential development at this location could provide opportunities to access services/facilities within the town by means other than that solely relying on the use of a private car.

Affordable Housing

- 6.7 Section 5 of the NPPF addresses delivering a sufficient supply of homes. This includes meeting the housing need of different groups. Paragraph 62 states:
- "Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes"*
- 6.8 Paragraph 63 of the NPPF identifies that where there is a need for affordable housing, 'planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be

robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.'

6.9 Paragraph 65 continues and states that:

"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable homeownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups...."

6.10 The Council's affordable housing policy is set out in Policy AH SP2 of the Arun Local Plan (2011-2031), which requires 30% of all developments of 11 residential units or more to be made available for affordable housing.

6.11 In this case, 30% affordable housing is proposed to be provided on-site. This benefit of the proposal will weigh significantly in favour of the development. Affordable housing would be secured via a S106 Agreement.

Designing out Crime

6.12 Paragraph 92 of the NPPF (clause b) requires that planning decisions should aim to achieve healthy, inclusive and safe places which: *"are safe and accessible, so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion."* This is again reiterated in Chapter 12. 'Achieving well-designed places' Paragraph 130(clause f).

6.13 The proposed residential development is in outline form only; however, the site provides the opportunity for an arrangement that ensures that the principles of designing out crime can be applied. Care shall be taken to ensure that there are good levels of visibility and natural surveillance over public areas. This encourages activity in the public realm providing passive surveillance, which in turn helps to reduce the risk of crime. Furthermore, the design allows for perimeter blocks designing with public fronts that form a strong outward (or public-facing) edge and private backs. Planning Practice Guidance also states: *"In general urban block layouts provide an efficient template with building fronts and entrances to public spaces and their more private backs to private spaces. Such layouts minimise the creation of unsupervised and unsafe public spaces and unsafe access routes. However, building*

frontages do not have to be continuous or flat. Breaks and features particularly where they emphasise entrances can be successfully incorporated” (Paragraph: 024 Reference ID: 26-024-20140306). It is considered that all areas of the site can be designed at reserved matters such that they are visually ‘policed’ in accordance with the advice contained in the policy document “Secured by Design.”

- 6.14 A desirable place to live, work and play, which is safe and secure, is fundamental. This will be achieved by the way the development is laid out and by the street, block and plot design. The DAS, submitted as part of the outline package, confirms that across the whole development, careful attention has been paid to designing out crime throughout the layout and promoting privacy and security.

Residential Amenity

- 6.15 Paragraph 130(f) of the NPPF requires that decisions should ensure that developments: *“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”* The application has been submitted having had regard to the amenity of residential properties.
- 6.16 Impacts upon residential amenity can occur through noise, odour, vibration through construction and overshadowing and overlooking from the dwellings once built. No residential property has the right to a view; however, if the development would result in a significant impact on the outlook from the residential property that would make the property unbearable to live in, this then would be a planning consideration. The nearest neighbours, including the new development located in reasonable proximity to the site, are located to the west of the site, as illustrated on the figure below;

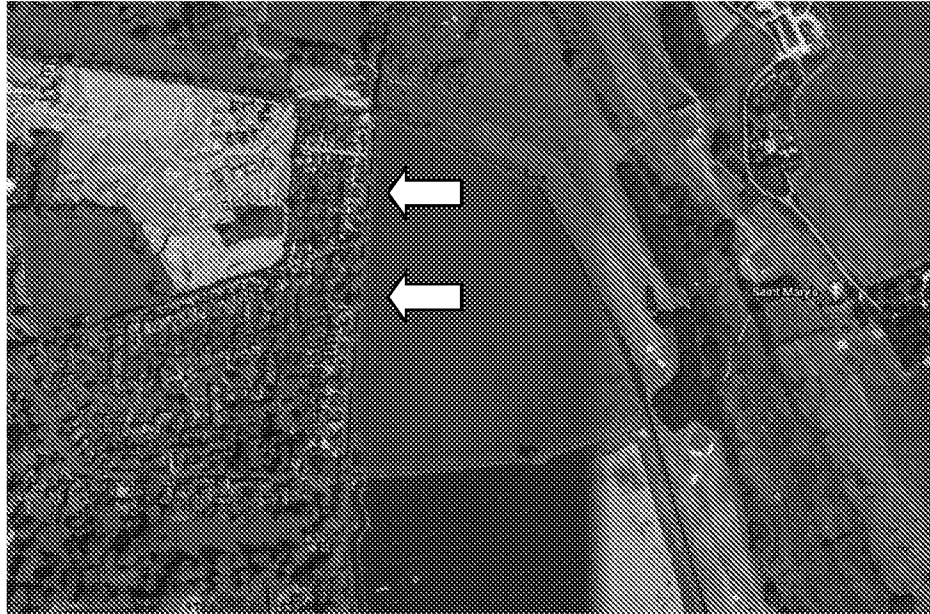


Figure 6.2: Nearest Neighbouring Properties

- 6.17 The master plan has been designed in such a way to ensure a satisfactory standard of residential amenity is achieved for both the surrounding properties and the neighbouring properties. In excess of 21 metres is achieved between all neighbouring properties and the proposed housing, this ensures the existing dwellings would have an adequate standard of residential amenity. No significant overshadowing would ensue as a result of the space provided between the proposed properties and their orientation; in addition, the proposal would not appear to over dominate any neighbouring properties. It is therefore not considered that the proposal would have an adverse impact upon the amenity of neighbouring properties. As such, a suitable layout can be achieved that would protect the amenity of neighbouring properties in accordance with both national and local policy.

Landscape Impacts and Trees

- 6.18 The site itself is not protected at a national level. The Arun Landscape Study (August 2006) characterises the site as having moderate landscape value, whilst the Walberton Neighbourhood Development Plan Review Site Options Assessment, in which the site is known as Site 11, considers the site to have a low sensitivity in terms of landscape.
- 6.19 Walberton is situated in the upper coastal plain at the foot of the South Downs dip slope, with the land rising northwards. The site has also been categorised as being part of the L1a Large-scale enclosed arable farmland Landscape Character Type. The South Downs National

Park lies. c.185m to the north and c.575m to the east of the site. Whilst the proximity of the National Park will be taken into consideration within any development proposals, due to the intervening landform and built environment, it is not thought to preclude development. The officer's report for the application for 175 dwellings to the north of Walberton (WA/44/17/OUT) considered that the site was unlikely to impact on the setting of the South Downs National Park. Considering the site in question is in similar proximity to the national park and was for a much greater number of dwellings, it is not considered that a proposal for residential accommodation will impact the national park setting. Any potential harm is likely to be localised and short term, and can be mitigated accordingly. As identified on the Walberton Parish Council Boundary Green Infrastructure Network Map, the site does not form part of the GI network. It is acknowledged that Policy VE13 2020, Distinctive Views and Vistas of the WNDP 2, identifies views and vistas in close proximity and across the site. Policy VE13 2020 seeks for development proposals to respect and where possible enhance distinctive the views and vistas identified, ensuring that the visual impact on these views is carefully and sympathetically control, which has been taken into account within the indicative design and landscaping.

6.20 In addition, the site falls within National Character Area 126: South Coast Plain. The key characteristics of this area include:

- The plain slopes gently southwards the coast. From the coastal plain edge, there are long views towards the sea and the Isle of Wight beyond.
- The underlying geology of flinty marine and valley gravels extends several miles inland to the dip slope of the South Downs and the South Hampshire Lowlands. This gives rise to deep and well-drained high-quality soils.
- In places, streams and rivers flow south from the higher land of the Downs to the sea.
- Coastal inlets and 'harbours' contain a diverse landscape of narrow tidal creeks, mudflats, shingle beaches, dunes, grazing marshes and paddocks. These include the internationally important Chichester, Langstone, Portsmouth and Pagham harbours, the Hamble Estuary and the recent coastal realignment site at Medmerry between Chichester Harbour and Selsey.
- There are stretches of farmed land between developed areas, often with large arable fields defined by low hedges or ditches.
- There are isolated remnants of coastal heath in the west.

- Sand dune grasses and intertidal marsh communities are characteristic of the coastline, while small areas of species-rich meadow remain inland.
- The coastline provides feeding grounds for internationally protected populations of overwintering waders and wildfowl and is also extensively used for recreation.
- Along the exposed, open coastal plain and shoreline, tree cover is limited to isolated wind-sculpted woodlands and shelterbelts.
- The area has significant urban development, with settlements along the coastline dominated by the Portsmouth conurbation, suburban villages and seaside towns including Bognor Regis, Littlehampton and Worthing linked by major road and rail systems.
- Historic fortifications along the coast include the Roman fort at Portchester and 19th-century defences and later naval installations built to protect the Portsmouth naval dockyard.

Figure 6.3: Landscape and Ecological Designations

boundaries of the site in order to reduce any visual impact that may result from the proposed residential development and to enhance and supplement it where necessary. Furthermore, the enhancement of the existing strong tree belt to the east of the site could form a strong defensible boundary to the settlement. Any loss of hedgerow or vegetation, which may be required in order to provide safe access to the site, can be mitigated elsewhere. There is a TPO located on the western boundary of the site; however, the indicative layout plans have demonstrated that a suitable layout can be achieved that does not impact upon this TPO.

- 6.22 The proposals provide for a landscape framework to be built upon at the detailed design stage but provides sufficient detail to show that a suitable scheme can be put in place to ensure that an overall benefit is created over and above the existing situation.
- 6.23 The proposals submitted are in outline form only, however as part of the approval of reserved matters application, precise details of the proposed landscaping would be submitted. A Landscape and Visual Impact Assessment accompanies the outline planning application, which concludes that the identified visual effects are local with no more than negligible effects on the wider appreciation of the surrounding countryside's landscape and visual values.

Nature Conservation and Protected Species

- 6.24 The conservation and enhancement of the natural environment is an important consideration of the NPPF (Chapter 15). In particular, Paragraph 174 (criteria a and c) advises that planning decisions should contribute to and enhance the natural and local environment by *"protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and minimising impacts on and providing net gains for biodiversity."* In determining planning applications, permission should be refused if significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated for (Paragraph 180).
- 6.25 The impact on ecological features within the wider area and the actual site will be an important consideration. Figure 6.3 above demonstrates where the nearest nationally protected ecological sites are located.

- 6.26 The closest ecological designation are areas of Ancient Woodland located in proximity to the northern boundary of the site and some of which lie within the South Downs National Park c. 185m to the north and c.575m to the east of the site. Beyond this, Slindon Common Gravel Pit (Site of Nature Conservation Importance) lies c.1km to the north-east and Fairmile Bottom LNR and SSSI lies c.2.7km to the north of the site. In addition, Arundel SSSI lies over 4km to the north-east of the site. There is intervening existing built form, vegetation and landscape between all ecological designations and the proposed site, which mitigates any impact. It is noted that within the WNDP 2, Policy VE 10 2020 delineates biodiversity corridors in the neighbourhood plan area. Biodiversity Corridors 4 (Avisford Park Stream and Ponds) and 7 (Binsted Rife Valley) are in reasonable proximity to the northern and eastern boundaries of the proposed site; however, significant buffers and landscaping have been integrated into the indicative layout in order to minimise any potential impact.
- 6.27 Additional landscaping forms part of the masterplan for the site. The Preliminary Ecology Appraisal demonstrates how ecological interests of the site, including protected species, have been taken into account with the indicative layout reflecting this keeping significant buffers between all hedgerows, bar the three areas on the western boundary which will be disturbed for the proposed access and additional footpaths. The PEA details how a precautionary approach will be taken during any build-out stage, and it has also been demonstrated that the site can produce biodiversity net gains.

Heritage Assets

- 6.28 Where any development may affect designated or undesignated heritage assets, there is a legislative framework to ensure the proposals are developed and considered with due regard for their impact on the historic environment. This extends from primary legislation, which requires decision-makers to have regard to the desirability of preserving the character of listed buildings and their setting. In relation to listed buildings, any proposal will be considered by the local authority in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 66), which requires decision-makers to have regard to the desirability of preserving the setting of listed buildings.
- 6.29 National guidance on Heritage Assets is contained within Chapter 16 of the NPPF. Paragraph 194 of the NPPF states that: *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the*

assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."

6.30 Further to this, Paragraphs 199 and 200 of the NPPF states that:

"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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

6.31 Although there will be no direct work to any heritage asset, Arun District Council will consider any proposed development's likely effect on the setting of the nearest and most prominent heritage assets. In this respect, the following figures illustrate the location of the nearest designated heritage assets within the locale:

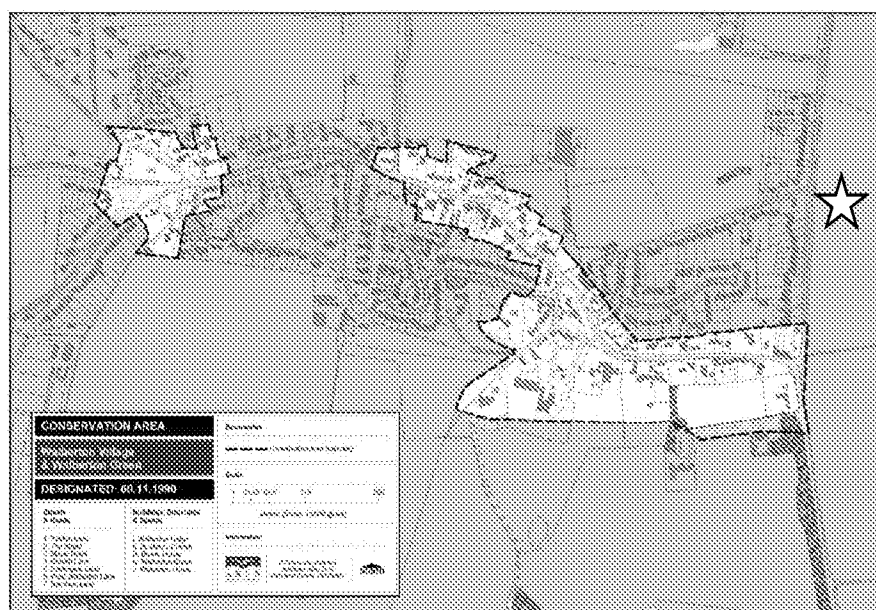


Figure 6.4: Walberton Village and Walberton Green Conservation Area (site indicated by yellow star)

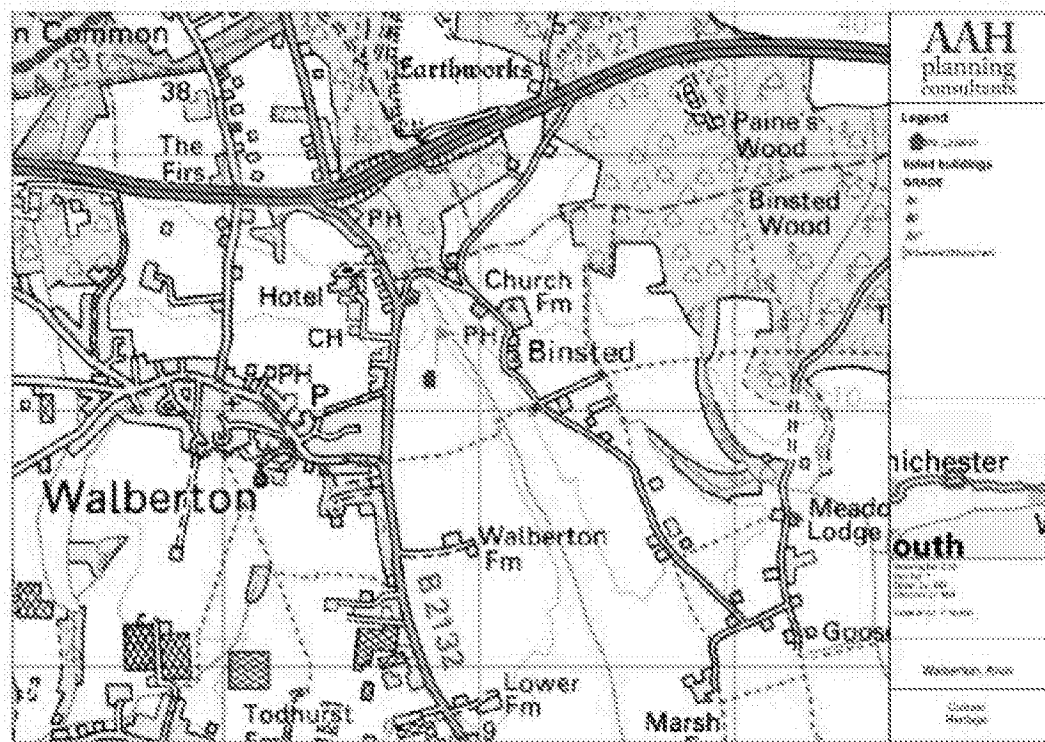


Figure 6.5: Listed Buildings within the locale

6.32 Policy HER SP1 - The Historic Environment seeks to ensure that Heritage assets will be conserved and, where appropriate, enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. Policies HER DM1 - Listed Buildings, HER DM2 – Locally Listed Buildings or Structures of Character, HER DM3 – Conservation Areas and HER DM4 – Areas of Character are a suite of policies that seek to protect the important aspects of the historic environment, whilst also allowing for practical change.

6.33 The key issues in respect of the proposal will be whether there is likely to be any impact on the setting of the nearest and most prominent heritage assets. As seen from Figure 6.4, the site is out with, but along the site's south-western boundary, is located in reasonable proximity to the eastern edge of the Walberton Village Conservation Area boundary. Any development of the application site is not believed to compromise the designated asset, given the intervening landform, existing vegetation and mitigation that can be included as

part of any proposal, as detailed in the conclusions of the accompanying heritage statement, which supports this application.

6.34 Additionally, the below Grade II listed buildings are those found the closest to the site, the majority of which are located within the conservation area:

- Forge Cottages; two former C.18th cottages, now one house
- The Old Malt House; former malthouse, now dwellings, from C.19th or earlier
- Brewery Cottage; C.18th two-storey cottage
- Smugglers Steps; Timber-framed house with C.17th origins
- Swiss Cottage; C.19th building imitation of a timber-framed building
- Beam Ends; C.16th timber-framed building
- Church of St Mary; Norman church restored by Sir Thomas Jackson in 1867

6.35 The accompanying Heritage Statement concludes that the proposed development achieves a balance between delivering strategic housing whilst ensuring heritage assets and the key heritage values that contribute to their significance are retained. Therefore, the proposed development will result in no appreciable harm to the significance of designated heritage assets or the ability to understand and appreciate them. Subsequently, the development is considered to be in accordance with the NPPF and local heritage planning policies.

6.36 Considerations to archaeology have also been given in the proposal of the application site. It is noted that in the forthcoming WNDP 2, the site lies within Archaeological Notification Area – ANA DWS 8478, under Policy VE 11 2020 – Archaeology. The application is supported by an Archaeological Desk Based Assessment and a Geophysical Survey, which has suggested that there is potential for the survival of prehistoric and Roman period remains within the site. In regards to the Roman remains, it is likely these are to be broadly contemporary with the Blacksmith's Corner Roman Villa previously excavated in the field to the south of the site. The features identified within the study site are, however, situated around 90m to the north of the excavated villa, suggesting that these may represent enclosures and ancillary building, perhaps of a barn or a granary, relating to the operation of the villa estate, and there is no evidence to suggest that such remains would be of greater than regional significance.

Planning Obligations and CIL

- 6.37 The Community Infrastructure Levy (CIL) is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area. CIL is a fixed rate payment that Councils can charge on new buildings in their area to offset the impacts of additional homes and businesses on facilities such as roads, schools, open space and health centres (infrastructure), and to enable sustainable growth. Section 106 legal agreements will be used alongside CIL to secure on-site infrastructure and things that are not infrastructure, such as affordable housing.
- 6.38 Policy OSR DM1, 'Open Space, sport & recreation,' not only seeks to protect existing open space and other recreation areas and facilities, but also stipulates that, where viable, housing and commercial development may be required to provide open spaces and other such provisions on-site, depending on the size of the development, or provided off-site or in the form of a contribution such as contributions towards playing pitch provision and indoor sport and leisure facilities. The indicative layout has demonstrated how areas for a LAP, LEAP and an area for Health and Fitness can be assimilated into any proposed layout, taking into account the appropriate buffers as detailed within the supplementary planning documents. It is considered these requirements can be secured via a S106 agreement. Part 3 of Policy OSR DM1 also considers Local Green Space and Neighbourhood Plans. It considers that Local Green Space will be designated in Neighbourhood Plans; the site is not designated as a Local Green Space in the WNDP 2.
- 6.39 Arun District Council approved Arun's Community Infrastructure Levy (CIL) Charging Schedule on 15th January 2020, which subsequently came into effect on 1st April 2020. As defined and demonstrated on the CIL Zone Maps, the site lies within Zone 3, not within the urban boundaries of the North Area (North of the A259). The CIL Charging Schedule considers that residential development of sites of 11 or more, which lie within Zone 3 and 5, are subject to a CIL charge of £100 per m². Considering the WNDP 2 was formally 'made' on 14th July, it is considered that 25% of the CIL Levy will be paid to the parish council. The exact developer contributions such as open space, education, highway works, affordable housing can be agreed as part of the application process and form part of the S106 Agreement. If requested by the Council, a Draft Heads of Terms can be submitted as part of the application to demonstrate the client's intention to meet all of the necessary requirements.

Density

- 6.40 Policy D DM1 of the Arun Local Plan (2011-2031) considers density as part of the aspects of form and design quality. It considers that the *“density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied too guard against uniformity.”* The WNDP 2 also contains a policy on housing density which reflects Policy D DM1.
- 6.41 The application site measures approximately 7.6 hectares, and it is proposed for the site to be developed for up to 75 dwellings. It should be noted that the whole site area is unlikely to be built form, as space has been accommodated for open space, landscaping and drainage. Therefore, the dwellings per hectare is considered to be commensurate with Walberton and the surrounding area, reflecting and retaining the existing character of the settlement whilst also recognising the sites’ location in the open countryside, albeit adjacent to the existing settlement.
- 6.42 As such it is considered that the site can be sensitively developed in accordance with the local plan policies.

Highway Safety

- 6.43 The access for the proposed development is to be considered as part of this application. Paragraph 110 of the NPPF states that applications for development should ensure that: *“safe and suitable access to the site can be achieved for all users.”*
- 6.44 The application is accompanied by a Transport Statement. It is proposed that access to the site will be taken from the western boundary along Yapton Lane, towards the southern half of the site. As illustrated and addressed within the accompanying Transport Statement, the proposed access is able to achieve the required visibility splays for safe access and egress from the site.
- 6.45 The submitted Transport Statement considers the impact of the proposed residential development on the highway network in terms of traffic and road safety. As can be seen in this accompanying report, the proposals are considered to be sustainable and well suited to the surrounding area and existing highway infrastructure.

- 6.46 The Transport Statement has demonstrated that there is sufficient capacity on the local highway network to accommodate the number of vehicular movements estimated to be generated by the proposed development without giving cause to any adverse impacts on capacity or road safety. It concludes that there are no highway safety or transportation reasons why the development could not be approved. Furthermore, on-site car parking would be provided and in accordance with guidance.

Mineral Safeguarding Area

- 6.47 As shown in Figure 3.1 above, the site falls within a Minerals Safeguarding Area with the safeguarded mineral resource being that of sharp sand and gravel. The Arun Local Plan 2011-2031 strategic objective for Natural Resources and Minerals Safeguarding is to: *“Plan for climate change and work in harmony with the environment to conserve natural resources and increase biodiversity.”* Policy M9, Safeguarding Minerals, of the West Sussex Joint Minerals Local Plan (MLP), is also of importance. It states that soft sand (including potential silica sand), sharp sand and gravel, brick making clay, building stone resources and chalk reserves are safeguarded against sterilisation. Proposals for non-mineral development within the Mineral Safeguarding Area will not be permitted unless:

i) Mineral Sterilisation will not occur; or

ii) It is appropriate and practicable to extract the mineral prior to the development taking place, having regard to other policies in this Plan; or

iii) The overriding need for development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

- 6.48 The application is accompanied by a Mineral Resource Assessment, which concludes that borehole logs taken across the site show how that there is no sand or gravel present on the site, but rather brown clay and marl stone, which are not safeguarded mineral resources. There is a thin strip of head deposit, which is a mixture of poorly sorted clay and silt, which is also not safeguarded. Therefore, the proposed development will not cause mineral sterilisation due to the lack of safeguarded minerals on-site, in accordance with local and national policies.

6.49 The following figure demonstrates the location of the nearest footpaths:

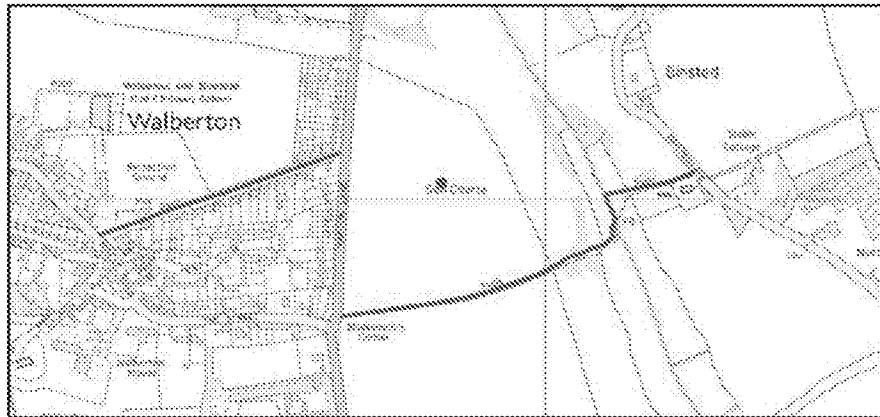


Figure 6.6: PRoWs from West Sussex County Council Definitive Map

6.50 As can be seen, the nearest Public Right of Way is Footpath 350, which runs east-west beyond the southern boundary of the site, and links the settlements of Walberton and Binsted. Footpath 333 is located in close proximity to the western boundary of the site, linking the eastern edge of Walberton to the village centre. There are also a number of other footpaths and bridleways located within the village of Walberton, leading to the open countryside and other settlements. These footpaths are connected to the wider footpaths network found across West Sussex, helping pedestrians to access the proposed site in a safe manner. All paths are pertinent and would need to be taken into consideration in any design. There will be no requirement to use any footpath or PRoW for the delivery or development of the proposals, and therefore, any impact from the footpaths would be restricted to only the visual impact.

6.51 There could be opportunities to provide some improvements to these paths in order to provide a safe and sustainable pedestrian access route from the site into the existing public footpath network. These paths help to connect the site to the wider environment as it links into the existing public footpath network. Any proposed layout on the site can utilise these existing connections for future occupants of the development site in providing safe and sustainable pedestrian access.

Flood Risk and Climate Change

6.52 Paragraph 152 of the NPPF states that: *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change”*. Furthermore, the South Somerset Strategic Flood Risk Assessment underlines these national principles, stipulating both that flood risk be minimised and mitigated, and also that new development does not aggravate flood risk elsewhere. The following figure is taken from the Environment Agencies Flood Risk Map and illustrates the associated flood risk to the site.

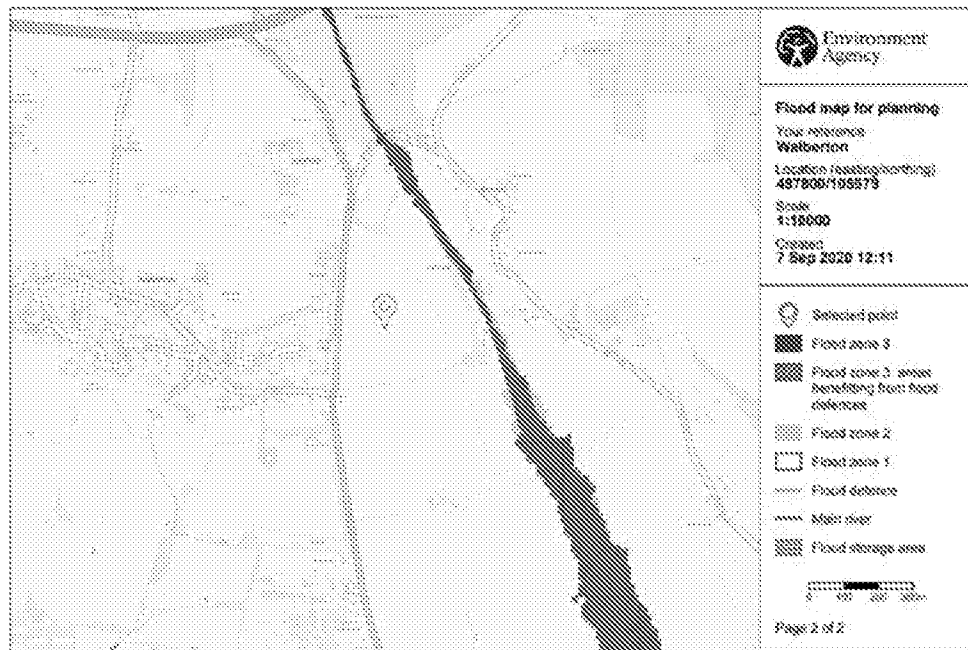


Figure 6.7: Flood Risk

6.53 The above figure illustrates that the site is located within Flood Zone 1. Flood Zone 1 is the area at least risk of flooding, comprising land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). NPPF Paragraph 159 states that: *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).”* Due to the site being located outside of any areas at high risk of flooding, from an operational and planning perspective, this is not considered to be a significant issue.

6.54 Nonetheless, Paragraph 167 of the NPPF requires that: *“Where appropriate, applications should be supported by a site-specific flood-risk assessment.”* Footnote 55 to this Paragraph clarifies the circumstances in which this applies as being: *“A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1,*

an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.”

- 6.55 As the site measures 7.6 ha, this is above the 1 ha threshold as stated within footnote 55. Therefore, a site-specific FRA accompanies this planning application.
- 6.56 The Flood Risk Assessment details that the site is at low risk of flooding and proposes suitable mitigation measures. It is not considered that the proposals would be unacceptable in respect of flooding.
- 6.57 It is therefore considered that appropriate mitigation measures can be incorporated into the development to ensure that the development adequately protects against environmental risks and does not cause risk elsewhere.

7.0 Planning Balance

- 7.1 This part of the statement considers the Planning Balance. It has been established that the Council have a significant shortfall in their housing land supply, being unable to demonstrate a five-year housing land supply and even a three-year housing land supply, as shown through the Council's own most recent AMR and recent appeal decisions, as well as the applicants own high-level consideration of the Council's deliverable supply of housing sites. Therefore, the policies within the development plan can be considered as being out of date due to the fact that the Council cannot demonstrate an adequate supply of housing land.
- 7.2 There are no policies within the Framework that indicated clearly that Outline Planning Permission should be refused. Subsequently, the tilted balance of paragraph 11d of the NPPF 2021 is engaged, and it has been explored in Section 5 of this statement as to why Paragraph 14 of the Framework is not triggered.
- 7.3 It is considered that the engagement of the tilted balance along with the benefits that the proposed development will deliver to the local and wider area, which have been explored above and below, fulfil the exceptional circumstances requirement. However, in addition, since the council's inability to demonstrate a deliverable five-year housing land supply, or even a three-year supply, the most important development plan policies are considered to be 'out of date'. The application should therefore be considered in the context of the presumption in favour of sustainable development, at Paragraph 11 (d) part ii of the NPPF in the context of the 'tilted balance' as to whether *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole."*
- 7.4 As outlined in paragraph 8 of the NPPF (2021) and Policy SD SP1 of the Arun Local Plan (2011-2031), there are three dimensions/objectives to sustainable development: economic, social and environmental. These dimensions/objectives give rise to the need for the planning system to achieve:
- "a) an **economic** objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

- b) *a **social** objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) *an **environmental** objective –to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

7.5 Paragraph 8 of the NPPF explains how: ‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)’ Economic growth can secure higher social and environmental standards, and well-designed, beautiful and safe buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

7.6 Economic benefits will arise from the provision of housing in a borough which currently has a significant housing shortfall. Paragraph 82 clause c specifically recognises how planning policies should seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment. Furthermore, Paragraph 93, clause e of the NPPF, explains how planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

7.7 The Local Authority will benefit from new homes bonus and revenue in light of the council tax requirements of the properties, in addition to the Section 106 benefits, which arise from the site. The scheme will provide housing in close proximity to services, facilities and employment opportunities. As such, additional residents would support the nearby shops and services, which would benefit from a greater catchment population to serve.

7.8 The development would provide a number of jobs in the construction industry and supply chain in the short term. There would also be ongoing maintenance costs and services required by the occupants, which would supplement the local economy, employment opportunities in construction and in other sectors linked to the construction market. In fact, the House Builders Federation publication ‘The Economic Footprint of House Building in

England and Wales' (July 2018) indicates that for every home built, 3.1 jobs are created. These benefits are consistent with the NPPF and in particular, paragraph 81, which places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. These benefits have been considered further below as part of the planning balance of this proposed development.

- 7.9 The benefits of the scheme, taking each Objective of Sustainable Development in turn, are considered to be:

Economic Objective

- 232 jobs created broken down into 80 direct, 60 indirect and 63 induced jobs.
- Resident Expenditure Benefits generated by the new housing development and the support to existing local services and the local economy with increased spending power to Arun District Council estimated to be £1,975,440.
- On completion, there are Local Authority Revenue Benefits i.e., the benefits that house building development brings in term of local authority financial receipts from New Homes Bonus and Council Tax, estimated £903,075 in tax revenue, including £84,709 in council tax revenue.

Social Objective

- Delivery of houses that contributes towards housing requirement for the village, the housing land supply position now and over the plan period.
- Delivery of up to 23 affordable dwellings promoting sustainable and balanced communities and would assist in the Council Meeting Objectively Assessed Need for affordable housing in District.
- Provision of high-quality homes in an accessible location which has good access to shops, services and facilities.
- Provision of recreational open space for use by the existing and future residents.

Environmental Objective

- The proposal would deliver biodiversity and landscape gains.
- The site is also not situated within an area at risk of flooding, therefore, contributing towards the climate change agenda.

- Due to its proximity to local services and its access to public transport, it would reduce the need to travel by car.
- The construction of the dwellings would contribute towards carbon savings, and the move to a low carbon economy contributing towards the climate change agenda.

7.10 In accordance with Paragraph 8 of the NPPF the sum of the net gains across each of the objectives of sustainable development summarised above amount to significant social, economic and environmental benefits as a direct result of the development have been sought jointly and simultaneously through the planning system. Objectives of sustainable development summarised above amount to significant social, economic and environmental benefits as a direct result of the development have been sought jointly and simultaneously through the planning system.

7.11 Therefore, as detailed above, there are significant social, economic and environmental benefits in regards to the proposed housing development. These should be weighed against any potential harm which could arise from the proposed development. We consider that the significant social, economic and environmental benefits identified above significantly and demonstrably outweigh the limited harms that may arise from the proposed development of the site. It is concluded that the proposed development comprises as a sustainable development in accordance with the NPPF; therefore, the proposed development should be approved without delay.

8.0 Conclusion

- 8.1 This Planning Statement has been prepared by AAH Planning Consultants in relation to an outline application submitted by Land Allocation Limited (the applicant) for the development of 75 residential dwellings at land to the east of Yapton Lane, Walberton.
- 8.2 This statement has demonstrated that the Council cannot demonstrate a deliverable five-year housing land supply, as set out in the above statement, so in accordance with the NPPF, the policies which seek to control the delivery and distribution of new housing are considered to be out-of-date. The application can also be considered in the context of the presumption in favour of sustainable development as set out at Paragraph 11(d) of the NPPF 2021 and the benefits of the scheme. In addition, whilst the WNDP 2 has been recently 'made' and therefore forms part of the Development Plan Documents, the Council have acknowledged that they can only demonstrated a 2.7-year supply of housing, which is under the three-year requirement at Paragraph 14, subsequently not engaging Paragraph 14 of the NPPF.
- 8.3 Further to this, the NPPF is clear in its direction that the overriding planning aim is to support sustainable development. The NPPF provides clear guidance that proposals for housing applications should be considered against the three dimensions of sustainable development and not just as against the tests of the Development Plan. It is clear in advising that the sustainability benefits of a housing development are a material consideration that should be given due regard and weighting by the determining authority.
- 8.4 Whilst the proposed development is considered to be in accordance with the development plan, taking the above into consideration, this statement has also identified that the proposal comprises of sustainable development and that it would not result in any significant adverse impacts that demonstrably outweigh the benefits which arise from the scheme in regards to the 'tilted balance' of the NPPF. The benefits to the scheme are outlined below:
- The proposal would provide much-needed housing in an area with a highly significant and sustained lack of five-year housing land supply and, therefore, will provide dwellings that meet the needs of the present and future generations in a sustainable location.

- The proposed development sits comfortably alongside existing surrounding development and would be commensurate with the surrounding land uses.
- The proposed development will provide 30% affordable housing in an area where there is an identified need, so would contribute to the delivery of objectively assessed affordable housing need within the district and would improve the housing tenure mix in the area.
- The proposal would support social infrastructure and a number of contributions, which can be towards education and the NHS.
- The proposed development will exhibit good design and provide a layout that is considered a logical extension of the existing settlement, which will be a positive contribution. Whilst this is not to be determined during the outline application, the site will also be built to modern building regulations and in turn, help ensure the proposal in contributing towards carbon savings and the move to a low carbon economy.
- As detailed above, the proposed development will generate employment opportunities through the construction of the site and through the ongoing maintenance costs, creating direct and indirect jobs. Furthermore, the additional spending by future residents in the local economy will help support local services.
- The scheme will provide housing in a sustainable location, which is in close proximity to services, facilities and employment opportunities. In addition, occupants are likely to live locally, which would ensure that the local services have a greater catchment population to serve.

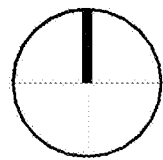
8.5 It is our conclusion, therefore, that the development, as proposed, is sustainable and will help deliver the new homes needed to meet identified local housing need. In applying the framework in paragraph 11d, this statement explains why the development is needed in this location and the significant social, environmental and economic benefits that the proposal will bring to the area. It also confirms, drawing on the supporting technical information, that no significant and demonstrable adverse impacts would arise as a consequence of the development to outweigh these benefits.

Appendix A
Site Location Plan

The scaling of this drawing cannot be assured

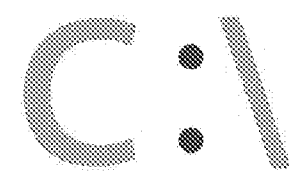
Revision	Date	Dm	Ckd
A Site boundary amended	21.05.2021	AS	-

SITE BOUNDARY
Area = 7.6 Hectares



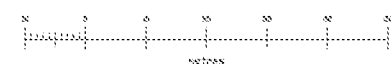
Project
Walberton
Sussex
Drawing Title
Site Location Plan

Date	Scale	Drawn by	Check by
02.10.2020	1:1250@A2	JC	-
Project No	Drawing No	Revision	
CAL020920	MP - 01	A	



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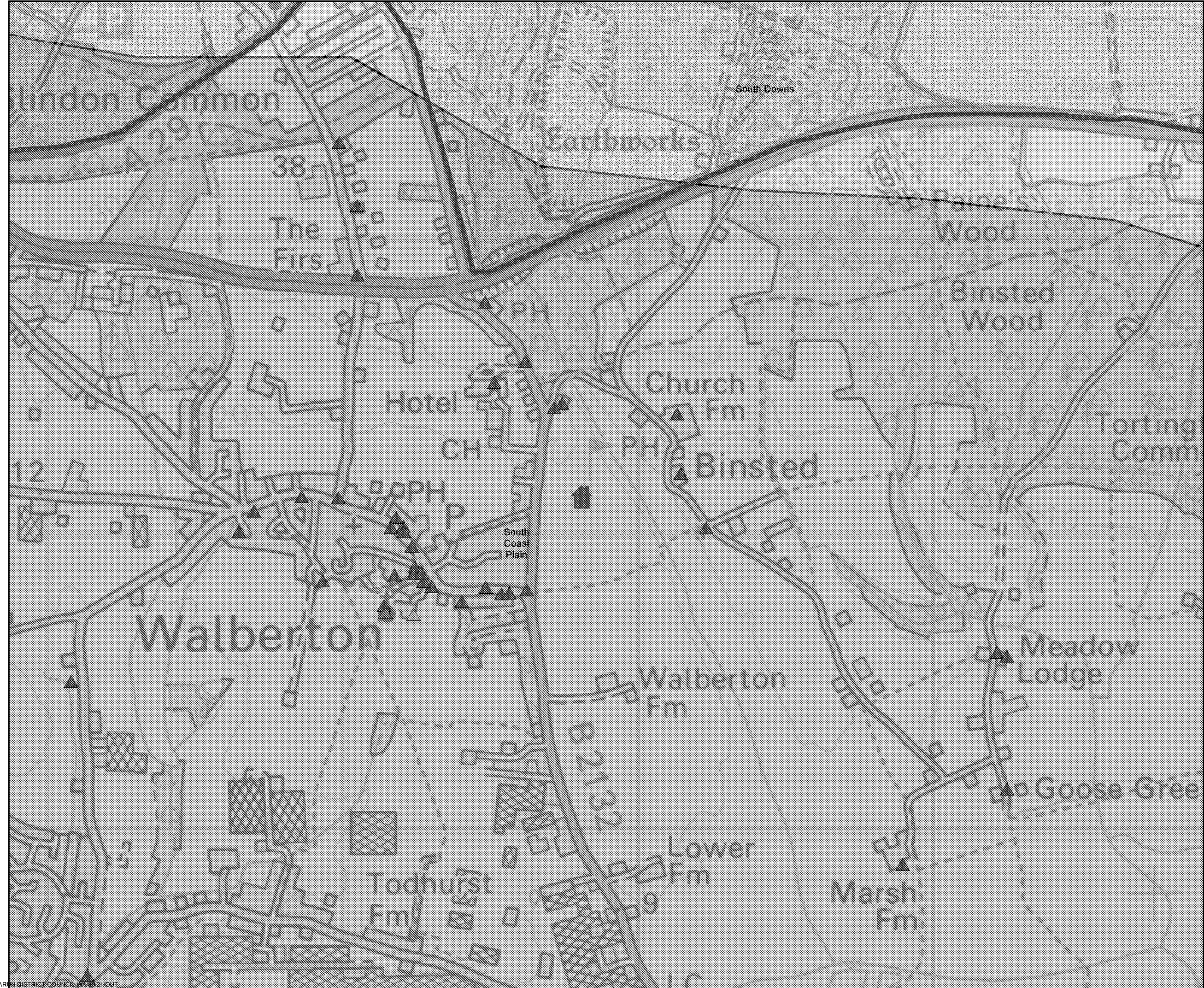
SITE LOCATION PLAN



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Appendix B

Constraints Map



Legend

Site_Location

ESA

Ancient Woodland

listed buildings

GRADE

II

II

II*

Scheduled Monument

National Character Areas

South Coast Plain

South Downs

Winchester

South

Drawing No: CS2
Rev No: 1
Drawn by: HW
Checked by: MM

Scale at A3: 1: 10,000

Walberton, Arun

Constraints Map

Appendix C

Appeal Decision Reference 3269025

Appeal Decision

Site visit made on 13 July 2021

by **Guy Davies BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 August 2021

Appeal Ref: APP/ C3810/ W/ 21/ 3269025

Spindlewood, Yapton Lane, Walberton, Arundel BN18 0AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Davis against the decision of Arun District Council.
 - The application WA/79/20/PL, dated 26 October 2020, was refused by notice dated 14 January 2021.
 - The development proposed is demolition of existing dwelling and erection of 8 new dwellinghouses with associated landscaping and parking.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and erection of 8 new dwellinghouses with associated landscaping and parking at Spindlewood, Yapton Lane, Walberton, Arundel BN18 0AS in accordance with the application WA/79/20/PL, dated 26 October 2020, and the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Andrew Davis against Arun District Council. This application is the subject of a separate decision.

Preliminary Matters

3. During the course of the appeal, the National Planning Policy Framework (the 'Framework') was revised. Both main parties were given the opportunity to comment. I have taken the revised Framework into account in my decision.
4. The Walberton Neighbourhood Development Plan 2019-2031 was made on the 14 July 2021. It supersedes an earlier version of the Neighbourhood Plan and now forms part of the development plan for the area. I therefore give it full weight.

Main Issues

5. The main issues are:
 - whether the proposal accords with the local spatial strategy for the location of development;
 - the effect of the development on the character and appearance of the area; and

- whether the site is accessible by means of transport other than the motor car.
6. As the Council acknowledges a lack of housing land supply, it is also necessary to consider what impact this has on the outcome of the appeal.

Reasons

Location of development

7. The spatial strategy of the Council as set out in the Arun Local Plan is to focus development within the built up area boundaries or within areas designated for new development. The site lies outside any built up area boundary as defined on the Arun Local Plan Policies Maps or the recently made Walberton Neighbourhood Development Plan, and is not designated for development. Policy C SP1 of the Arun Local Plan defines such land as countryside and recognises it for its intrinsic character and beauty. The policy allows limited development within the countryside within specified categories. The proposed residential development does not fall within any of these categories.
8. I therefore conclude that the development would fail to accord with the local spatial strategy for the location of development in the area, and as a result would conflict with Policy C SP1 of the Arun Local Plan.

Character and appearance

9. The appeal site forms part of a scatter of loose knit development along the western side of Yapton Lane, with open farmland to the east. The scatter of development along the lane frontage is generally made up of detached, well-spaced buildings set in generous grounds with trees and hedging predominating.
10. There is one recent development that contrasts with this general character a short distance south of the appeal site at Progress Close. This development of 6 houses (with another house retained on the site) is of a much higher density, with housing backing onto the lane and their rear gardens enclosed by brick walls with timber infill panels. While Progress Close was built on the site of a former garage, and was designated for development in the former Neighbourhood Development Plan, it has nevertheless changed the character and appearance of this part of Yapton Lane to a degree by introducing a denser and more urban form of development, with a harder boundary to the lane.
11. The proposed development would follow a similar layout to that of Progress Close, with the frontage buildings turning their backs to Yapton Lane, but would retain a mature lime tree and hedging along the lane frontage. Although the hedging would be backed by timber fencing, it would present a softer appearance to Yapton Lane than the development at Progress Close and would therefore be more sympathetic to its countryside setting.
12. Even accepting the similarities with Progress Close, the proposed development would contrast adversely with the generally looser knit, landscape dominated buildings fronting the remainder of Yapton Lane, and would therefore harm the overall character and appearance of the area, contrary to Policies D DM1, D SP1 and QE SP1 of the Arun Local Plan, which seek high standards of design in new development. For the same reason it would also conflict with Policies HP11 and HP13 of the Walberton Neighbourhood Development Plan, which relate to

density and design, and have been carried forward into the revised version of the Neighbourhood Plan. However, the harm to the character and appearance of the area would be limited given the example set by Progress Close.

Accessibility

13. The site lies between the villages of Walberton and Burndell, both of which have local facilities including shops, primary schools, and social and recreational facilities. According to the Council, the nearest shop is approximately 850m away and the nearest school 1400m away, which are within a reasonable walking distance. However, Yapton Lane is unlit and has no separate footways, which is likely to deter prospective occupants from walking or cycling to either nearby village in preference to using a motor car. There is a public footpath that connects the site with Walberton which would allow walkers to avoid the road, but would not be ideal for routine use, particularly after inclement weather or if carrying shopping.
14. The appellant has pointed out that the nearby site at Progress Close was designated in the previous iteration of the Neighbourhood Plan and granted planning permission for residential development by the Council, and consequently it was accepted at both a local and district level that accessibility was either acceptable or not so deficient as to justify opposing development on the ground of accessibility alone.
15. Taking all these arguments into account, I conclude that, notwithstanding the range of local services available within walking and cycling distance, the lack of safe access for pedestrians along Yapton Lane is likely to result in the majority of journeys to and from the site being undertaken by car. I accept that in a rural location, even occupants within a defined village are likely to use their cars more than those living in a town but car usage would still be likely to be higher for occupants on the appeal site than it would for those within a village. For that reason, the development would conflict with Policy T SP1 of the Arun Local Plan in that it would not reduce the need to travel or promote sustainable forms of transport. However, that conflict would be limited given that some opportunity exists to access local facilities, and I place some weight on the argument advanced by the appellant as regards the previous decision which has resulted in Progress Close.

Planning Balance

16. I have concluded that residential development of the site would run counter to the spatial strategy of the Local Plan for the location of new development. It would also cause harm to the character and appearance of the area, and accessibility to the site by sustainable forms of transport is restricted. However, both these latter issues would only cause limited harm because there is some opportunity to access the site other than by car, and because of the precedent set in terms of density and layout by the recent development at Progress Close.
17. In favour of the scheme is the benefit of adding a net additional 7 dwellings to the local housing stock. This is of particular value in an area with high housing demand. There would also be a temporary economic benefit during the construction period.

18. The development would result in future income to the Council by way of the new homes bonus and council tax receipts, but as these would support the public services necessary to serve the increase in population, I give them neutral weight.
19. Considering the main issues together, I conclude that the development would conflict with the development plan when taken as a whole, albeit that the harm caused is limited for the reasons set out above, and that there are benefits to increasing the housing stock in the area.
20. An important material consideration is the policy set out in paragraph 11 of the revised Framework. In relation to footnote 8 of the revised Framework, the Council acknowledges that it is only able to demonstrate 2.7 years of housing land supply, which is significantly short of the 5 years' supply expected by national planning policy. Furthermore, the 2020 housing delivery test shows only a 61% delivery rate, which is substantially below the housing requirement for the previous 3 years.
21. On either metric, the policies which are most important for determining the appeal must be considered out-of-date. In such circumstances the Framework says that permission should be granted unless policies within the Framework that protect areas of particular importance provide a clear reason for refusal, which they do not, or 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. Given the acute shortfalls in housing land supply and housing delivery I give this material consideration significant weight.
22. For housing development that conflicts with a neighbourhood plan, as here, paragraph 14 of the Framework says that the conflict is likely to significantly and demonstrably outweigh the benefits provided 4 tests are met. In this case the third test, which requires a local planning authority to have at least a 3 year supply of housing land, is not met and so the provisions of paragraph 14 do not apply.
23. Balancing these matters against one another, I conclude that the limited harm identified, including the conflict with the development plan when taken as a whole, would not significantly and demonstrably outweigh the benefits having regard to the acute lack of housing supply. It follows that the weight in favour of the development is greater than the weight against it. Consequently, I consider that the appeal should be allowed and planning permission granted in this instance.

Conditions

24. I have considered the conditions suggested by the Council against the tests set out in paragraph 55 of the Framework. I have imposed the conditions which I consider meet those tests, subject to rewording where necessary in the interests of simplicity, consistency and precision. Pre-commencement conditions have been avoided. The conditions imposed have been reordered in accordance with the advice in the Planning Practice Guidance.
25. In addition to the standard time limit condition, a condition listing the approved plans is necessary in the interests of certainty. A condition requiring tree protection to be installed before any other works are carried out on site is necessary to protect retained trees during the construction period. This is a

variation on the condition suggested by the Council as it is unnecessary to make it a pre-commencement condition. It remains open to the Council's tree officer to liaise with the developer to ensure that the protective works are properly installed.

26. A condition requiring the access to be installed before construction of the dwellings is necessary in the interests of highway safety. Conditions requiring approval, installation and maintenance of a surface water scheme are necessary in the interests of the long term drainage of the site. A condition requiring installation of a fire hydrant or equivalent is necessary for the safety of future occupants in the event of a fire. Approval and installation of electric vehicle charging points and cycle storage is necessary in the interests of encouraging sustainable forms of transport. A condition limiting the hours of construction activity is necessary in the interests of neighbouring occupants' living conditions.
27. As the site is relatively well contained, I consider a condition requiring a construction management plan to be unnecessary in this instance, particularly given other conditions relating to the formation of the new access and limits on hours of operation. The Highway Authority has separate powers to control disruption to the public highway were that to occur. A condition requiring investigation and remediation is unnecessary as there is no evidence that the site is contaminated.

Conclusion

28. I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DPA01 Rev A, DPA02, DPA06 Rev A, DPA07 Rev A, DPA08 Rev A, DPA09 Rev A, DPA10, DPA11, DPA12, TPP-KC/SPINDELWOOD/001.
- 3) Prior to the commencement of development, measures for the protection of all trees shown to be retained on the site shall be implemented in accordance with the details shown on tree protection plan TPP-KC/SPINDELWOOD/001. All works on site shall be carried out in strict accordance with the approved tree protection details and the protective measures shall only be removed on completion of the development.
- 4) No work to construct the dwellings hereby permitted shall commence until the vehicular access serving the development has been formed sufficient for use by construction vehicles.

- 5) No work above slab level of the dwellings hereby permitted shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The water drainage scheme, once approved, shall be implemented prior to the occupation of any of the dwellings hereby permitted.
- 6) No dwelling hereby permitted shall be occupied until details for the maintenance and management of the surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved maintenance and management arrangements shall be implemented prior to the occupation of any of the dwellings hereby permitted.
- 7) No dwelling hereby permitted shall be occupied until details of a fire hydrant or stored water supply have been submitted to and approved in writing by the Local Planning Authority. The approved fire hydrant or stored water supply shall be installed and thereafter retained prior to occupation of any the dwellings hereby permitted.
- 8) No dwelling hereby permitted shall be occupied until details of electric vehicle charging points and secure cycle storage have been submitted to and approved in writing by the Local Planning Authority. The charging points and secure cycle storage, once approved, shall be installed before occupation of any of the dwellings hereby permitted.
- 9) No demolition or construction activities shall take place other than between 0800 – 1800 Mondays to Fridays and between 0800 – 1300 Saturdays with no working on Sundays or public holidays.

*** * * End of Conditions * * ***

Costs Decision

Site visit made on 13 July 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2021

Costs application in relation to Appeal Ref: APP/ C3810/ W/ 21/ 3269025 Spindlewood, Yapton Lane, Walberton, Arundel BN18 0AS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Davis for a full award of costs against Arun District Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and erection of 8 new dwellinghouses with associated landscaping and parking.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance advises that parties in planning appeals normally meet their own expenses. Costs may only be awarded against a party who has behaved unreasonably, and where that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. In this case, the development was not in accordance with the development plan, and it was only because material considerations relating to the lack of housing supply in the area outweighed that conflict that the appeal was allowed. This is a matter of judgement, and while I found in favour of the appellant in relation to the appeal, it was not unreasonable for the Council to have reached a different judgement based upon the weight it placed on the matters relevant to the case.
4. This included an assessment of the site's accessibility by means of transport other than the motor car. The relevant factors were set out in the officer's report including consultation responses, distances to local facilities, the relative safety and ease with which those could be accessed, and a judgement was reached having regard to those matters. I consider that judgement was based on the available evidence and was substantiated in the report. I see nothing vague or inaccurate in that approach.
5. It is also alleged that the Council was inconsistent in its decision making when compared to the recent development at Progress Close. I recognise the similarities between the two schemes. However, it is also the case that Progress Close was designated for residential development in the former Neighbourhood Development Plan, which the appeal site is not, and was occupied by a commercial garage, which the appeal site is not. There are therefore significant differences between the two schemes which distinguish

them in planning terms. I do not therefore consider that the Council has been inconsistent in its decision making.

Conclusion

6. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Guy Davies

INSPECTOR

Appendix D
Appeal Decision Reference 3236911

Appeal Decision

Hearing Held on 15 January 2020

Site visit made on 15 January 2020

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/ C3810/ W/ 19/ 3236911

Land adjacent to Bonhams and Flints, Hoe Lane, Flansham PO22 8NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Edward Van der Wee, Pallant Homes Ltd against the decision of Arun District Council.
 - The application Ref Y/20/18/OUT, dated 16 March 2018, was refused by notice dated 11 March 2019.
 - The development proposed is development of the site by the erection of 10 dwellings with access from Hoe Lane, Flansham.
-

Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Edward Van der Wee, Pallant Homes Ltd against Arun District Council. This application is the subject of a separate Decision.

Procedural matters

3. The appeal application was made in outline with all matters reserved except for access. As well as a location plan and an access arrangement drawing forming part of the application the application was also accompanied by an illustrative layout and vehicle 'tracking' drawings. I have considered the appeal and these illustrative drawings on a similar basis.
4. Before determining the application, a Planning Obligation by Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) was completed on 28 February 2019. This provides for contributions to education and the provision and maintenance of on-site public open space including a Local Area of Play. I will discuss these matters below.

Main Issues

5. The main issues are:
 - the effect on the character and appearance of the area;
 - the effect on non-designated heritage assets; and

- whether there are any other material considerations, including the housing land supply position and the benefits of the proposal, which would mean that the proposal should be determined otherwise than in accordance with the development plan.

Reasons

Character and appearance

6. The appeal site represents an area of open land immediately to the north of part of the A259 Bognor Regis Relief Road (the BRRR). It lies to the south and west of Hoe Lane, which is a cul-de-sac off a roundabout on the BRRR that provides access to the hamlet of Flansham. To the south of the BRRR is recent and extensive residential development at Felpham.
7. Flansham consists of 55 dwellings including what were two farms. Some of the farm buildings have been converted to dwellings and commercial units. A third farm, Rookery Farm, lies a short distance to the east of the main area. From the evidence and oral discussions at the Hearing it is clear that the hamlet of Flansham grew up around the two historic farmsteads with linear development along Hoe Lane in more recent times including in the twentieth century. Properties have been and continue to be extended.
8. There is currently an access to the appeal site off Hoe Lane a short distance from the BRRR roundabout. As well as providing access to the appeal site it also provides access to two dwellings, Bonhams and Flints. The access diverges a short distance into the site to Bonhams, but that to Flints crosses the northern part of the appeal site to that property which is located outside and to the northwest of the appeal site.
9. To the west of the appeal site is a public footpath. From Hoe Lane this passes between Bonhams and Flints and Jem House further to the west in its own corridor. Beyond this the footpath crosses a field before joining a tarmacked way with a crossing of the BRRR.
10. To the south of the appeal site and to the north of the BRRR is a strip of land. From the BRRR moving north there is a linear earthen mound or 'bund' which has a fence on top and has been planted across its whole extent. Beyond this are two consecutive linear ditches. To the southwest of the appeal site there is a short section of tarmac which I was advised allows for maintenance access to the ditches. There is no barrier at the western end and it is clear that informal access has been made between the ditches and the bund, although there is no egress at the eastern end. However, there is a barred gate at that eastern end which can be climbed. There is a similar bund on the southern side of the BRRR.
11. My overall impression, as the appellant accepted, is that the bunds provide a visual screen and barrier between the hamlet of Flansham and the main settlement of Felpham. However, there is a visual connection from outside the appeal site on Hoe Lane towards the built development at Felpham as the recent development there could be seen across the roundabout, and it was also possible to see roofs of properties to the south of the BRRR from this point. As the vegetation on the bunds matures the roofs of properties to the south of the BRRR will become less prominent.

12. The appeal site lies outside any built up area as shown on the policies map of the Arun Local Plan 2011 – 2031 (the ALP) which was adopted in July 2018. Policy C SP1 of the ALP indicates that outside Built-up Area Boundaries (BUABs) land will be defined as countryside and will be recognised for its intrinsic character and beauty. This policy also sets out the categories of development which will be permitted in the countryside but this does not include residential development of the type here proposed.
13. The appeal site lies in the parish of Yapton and is subject to the Yapton Neighbourhood Plan (the YNP) which was made in November 2014. Policy BB1 of the YNP states that development outside of the BUAB will not be permitted unless it is in accordance with one of four criteria. The third of these is where the development relates to additional allocations for housing land in accordance with Policy H1 of that plan. Policy H1 provides for allocations under Policies SA1 and SA2 of the YNP and for infill development within the built up area. The proposal does not comply with these categories. Policy H1 also permits additional allocations if the (then) emerging ALP requires such action or the identified sites do not proceed.
14. For reasons set out below, it is necessary to examine the degree of harm to the character and appearance of the area. It is therefore appropriate to consider the illustrative layout. All parties agree and accept that this is illustrative and the appellant indicated that alternative layouts based on a farmstead layout and typology may be used. However, whatever layout and design were to be proposed, the buildings, along with the associated private gardens and circulation space, would cover a considerable portion of the site.
15. The Council was concerned that this would be out of keeping with the character of Flansham, made up of farmstead developments and linear development along Hoe Lane. Because the developed area of the site would be in depth it would not follow the linear pattern of development along Hoe Lane. If designed as a farmstead this would better reflect the more in-depth development of the two farmsteads, but I am not satisfied that the number and extensive nature of the proposed ten dwellings would necessarily be able to be delivered in a farmstead typology characteristic and forming part of Flansham; as the application form makes it clear that the proposal is for two 3-bedroom and eight 4-bedroom or more dwellings. Rather, I consider it would be viewed as a separate enclave of development made up of the proposal and Flints.
16. Local residents were also concerned that the proposal would have the effect of linking Flansham and Felpham. Currently travelling along this section of the BRRR there is a difference between the developed urban Felpham to the south and the distinctly more rural Flansham to the north. The BRRR and bunds on either side clearly mark in linear terms this change in character. Apart from along the section of Hoe Lane closest to the roundabout there is little visual linkage between the two settlements at present.
17. However, if the appeal site were to be developed it would be inevitable that there would be visual linkages across the BRRR as there was no suggestion that the site would be only developed in single storey form. While the vegetation on the bunds would help screen the development on the appeal site to some extent the development of the site would significantly and demonstrably harmfully change the difference in characters between the two settlements. There would be the linking of the two settlements significantly and

demonstrably harmful to the character of Flansham as a separate hamlet. Restricting the development to single storey form would be out of character with the nature of development in Flansham which consists principally of houses and converted farm buildings.

18. As noted above, there is a footpath to the west of the appeal site. From the section running through the field, currently the appeal site is partially screened by what appeared to be brambles and some other intermittent vegetation, including some trees protected by a Tree Preservation Order. Whatever the layout on the appeal site the proposal would be seen from this section of footpath and it would remove the sense of leaving Flansham in walking south out of the corridor, past Flints, through the countryside in the field and arriving at the BRRR and the development at Felpham, and vice versa in walking north.
19. The appellant made the point that the site has been identified as “deliverable” in the Council’s Housing and Economic Land Availability Assessment (the HELAA). This noted that the site was considered suitable in principle for future housing potential because of accessibility to facilities, job opportunities and public transport and because there are no insurmountable constraints. This showed a total yield of 39 dwellings, which would result in a more intensive form of development than the appeal proposal.
20. However, as the national Planning Practice Guidance (the PPG) makes clear¹ “the assessment does not in itself determine whether a site should be allocated for development. It is the role of the assessment to provide information on the range of sites which are available to meet the local authority’s ... requirements, but it is for the development plan itself to determine which of those sites are the most suitable to meet those requirements”. It is therefore clear that the HELAA relates predominantly to the plan making process rather than decision making and I therefore give the HELAA assessment little weight in the determination of this appeal.
21. The Council has referred to a number of other development plan policies where it considers there would be conflict. Policy D DM1 of the ALP deals with aspects of form and design quality which predominantly would be material at any reserved matters stage. However, it does indicate that regard should be had to character by making the best possible use of the available land by reflecting or improving the character of the site and the surrounding area. Insofar as it is material at this outline stage the proposal would be contrary to this policy for the reasons explored above.
22. Policy D SP1 of the ALP relates to design and again would be mostly material to any application for approval of reserved matters. However, the policy also requires that development should reflect the characteristics of the site and local layout in relation to various characteristics. In similar way the proposal would be contrary to this policy.
23. Policy QE DM2 deals with light pollution to ensure that development results in no adverse impact on the wider landscape. Given that the BRRR is lit in this vicinity I am satisfied that a condition could be imposed to ensure that any lighting scheme did not result in any such adverse impact. Consequently, there would be compliance with this policy and compliance with paragraph 170 of the National Planning Policy Framework (the Framework) relating to light pollution.

¹ Reference ID: 3-001-20190722

24. By providing for residential development the proposals would be contrary to the terms of Policies C SP1, D SP1 and D DM1 of the ALP and Policy BB1 of the YNP. It would significantly and demonstrably harmfully change the existing character of the appeal site turning it into an urban area, linking Felpham and Flansham and would not satisfactorily recognise and respond to the intrinsic character of the countryside. It would therefore be contrary to paragraph 170 of the Framework which indicates that planning decisions should recognise the intrinsic character and beauty of the countryside.

Historic environment

25. The Council considered that the appeal proposal would harmfully affect two non-designated heritage assets, Bonhams and the hamlet of Flansham itself. Neither of these are identified in any document as being such an asset, and there was a dispute over whether they should be considered as non-designated heritage assets.
26. The PPG indicates² that it is important that all non-designated heritage assets are clearly identified as such. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets. The PPG continues that local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations.
27. Bonhams was previously a listed building but was delisted in 2013 as it had been remodelled and much altered so that its architectural interest had been eroded. It must be remembered that the delisting relates to its national architectural and historic interest rather than any local interest. At the hearing the Council explained that while it did have a local list this has not been updated since 2005. The significance of Bonhams derives from its original date (seventeenth and eighteenth centuries, although remodelled in the 1930s and presumably after the building was originally listed) and the origins of the building in relation to the hamlet of Flansham. As the delisting of Bonhams post-dates the adoption of the local list it seems to me to be reasonable to consider Bonhams as a non-designated heritage asset as the reasons for its delisting do not detract from its local significance.
28. A representative of the Flansham Residents Association explained that it had been in contact with the Council to seek to have the hamlet designated as a Conservation Area and that discussions were positive. However, no decisions had been made as to whether it would meet the criteria for such an area set out in section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), or the extent of such an area. It was not clear as to whether any Conservation Area would include the appeal site or, if not, what proximity it might have to the appeal site so a judgement could be formed as to whether development of the appeal site may affect the setting of any Conservation Area and, if so, to what extent.
29. The appellant referred to Policy HER DM4 of the ALP which deals with Areas of Character on the basis that these could be considered to be as some sort of precursor to Conservation Areas. Flansham is not an Area of Character as identified on the policies map. It seems to me that the criteria for identification

² Reference ID: 18a-040-20190723

of an Area of Character are somewhat different to those for designation as a Conservation Area. Consequently, I do not find this material.

30. As the PPG states³ plan-making bodies should make clear and provide up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. In this regard I was not directed to any information in the public domain that Flansham is being considered as a Conservation Area. Consequently, particularly as the extent of any area which may be of special architectural or historic interest has not been made clear by the Council or local residents and the early stage in the process towards possible designation, I do not consider that it is appropriate to consider the hamlet of Flansham as a non-designated heritage asset at this time.
31. Turning next to the effect of the proposal on Bonhams as a non-designated heritage asset, the parties agreed that any effects would only be on its setting. Bonhams is set in the northern part of its site with extensive grounds to the east and south. The appellant sought to show that the grounds around Bonhams had expanded over the years, but it seems to me that the current formal area surrounded by the tree belt and fencing forms its curtilage and the setting would be outside this area and thus would include the appeal site.
32. The setting of a heritage asset is the area in which it is experienced. As the PPG indicates⁴ the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. It continues "although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places".
33. In this case, depending on the precise disposition of any buildings, upper storeys and roofs of the proposed development would be able to be seen over the boundary fence and through the canopies of the trees. This would be greater in winter when the leaves have fallen. No historic relationship between the appeal site and Bonhams has been demonstrated, and normal residential use of the appeal site would have negligible effect in terms of other environmental factors. While there would be some harm to the setting of Bonhams and thus its significance as a non-designated heritage asset from the visual effect of the proposal and other environmental factors this would be very limited and at the lower end of less than substantial harm.
34. As paragraph 193 of the Framework makes clear, great weight should be given to the heritage asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 197 goes on to indicate that the effect of an application on a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of the any harm or loss and the significance of the asset. I will consider this further in the planning balance below.

³ Reference ID: 18a-040-20190723

⁴ Reference ID: 18a-013-20190723

35. Policy HER DM2 of the ALP deals with locally listed buildings or structures of character. While this sets out criteria for determining whether a building should be considered locally listed it is for the Council to determine whether a building or structure should fall on that local list. Unless and until it does through a formal decision it cannot be considered to be on that local list. Consequently, the remainder of the policy which deals with the assessment of applications which relate to Locally Listed Buildings or Structures of Character cannot be applicable.
36. However, Policy HER SP1 of the ALP does state that non-designated heritage assets and their settings will need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment and that development likely to prejudice this, including settings, will be refused. In this regard the proposal would be contrary to this policy.

Housing Land Supply

37. The Council has confirmed that it cannot demonstrate a five year supply of land for housing (5YHLS). However, there is a dispute between the main parties as to the extent of that shortfall with the Council believing it can demonstrate 3.7 years supply but the appellant only 2.8 years supply. As the difference between these two figures would be material in assessing the final planning balance it is necessary to explore this further.
38. The Council published its latest Annual Monitoring Report in December 2019 and it was agreed that the base date for the consideration should be 1 April 2019. There was also agreement as to the number of dwellings that had been completed since the base date of 1 April 2011, and that the buffer to be utilised in accordance with paragraph 73 of the Framework should be 20%. There was agreement as to certain elements of the supply side of the equation relating to commitments on small sites, windfalls, Neighbourhood Plan allocations and deliverable HELAA sites within Built-up Area boundaries. I have no reason to dispute these agreements.
39. The differences between the parties related to the quantum of housing to be delivered in the period 2016/17 to 2020/21 and the extent to which some commitments on large sites and strategic site allocations can be considered to be deliverable utilising the definition in the Glossary to the Framework.
40. Policy H SP1 of the ALP sets out the housing requirement for the plan period of 2011 to 2031. As the ALP was recently adopted there is no need to go outside the plan for the housing requirement figure. This indicates that during this period at least 20,000 new homes will be delivered. However, this is phased over four periods, 2011/12 to 2015/16, 2016/17 to 2020/21, 2021/22 to 2025/26, and 2026/27 to 2030/31, with each period having a different requirement per annum for that period.
41. As originally adopted by the Council in July 2018 the Local Plan indicated that 930 dwellings per annum (dpa) were required for the period 2016/17 to 2020/21⁵. However, as noted on the Council's website "Since the Local Plan Adoption date, a minor error was identified in Policy H SP1 'The Housing Requirement' for the Dwellings per annum for the 5 year period 2016/17-2020/21. This states 930 but should be 1,120. This amendment has been made

⁵ There was also a typographic error in that the last year of the period was given as "2021/2021".

as a factual change which does not materially affect the policies in accordance with section 23 (2) (b) of the Planning and Compulsory Purchase Act 2004 and under delegated authority in accordance with the Council's resolution in adopting the plan".

42. The latest published version of the ALP provided to me at the Hearing shows that for the period 2016/17-2020/21 1,120 dpa are required. Notwithstanding this, the Council noted that the graph showing "Net Actual Completions and projected completions" and the "Annualised Requirement" at Picture 12.1 of the ALP shows for the period 2016/17-2020/21 an annualised requirement of 930 dwellings.
43. The Council sought to maintain that the 930 dpa was, in fact, correct. It sought to justify this by referring to documentation provided to the Local Plan Examination in the 'Housing Implementation Strategy (March 2017)' and 'Update to Publication Plan and Housing Implementation Strategy – Housing Land Supply tables and charts updated with 2017 data (September 2017)'. It also noted a difference between the whole plan target, 20,000 dwellings, and the individual delivery figures and that if all the net actual and projected completions shown in Picture 12.1 are added together then this would total 20,768 dwellings.
44. It seems to me that once adopted a Local Plan should be capable of being read without reference to extrinsic material, but if there is an ambiguity then it may be possible, if necessary, to look at external evidence to resolve that ambiguity. I do accept that there is an ambiguity between the annualised requirements for the period 2016/17 and 2020/21 set out in Policy H SP1 and that shown in Picture 12.1, but I am of the view that the correct figure should be 1,120 dpa.
45. I have come to this conclusion for the following reasons. Firstly, if there is an ambiguity between the text of an adopted policy and its explanatory text then it should be resolved in favour of the adopted policy as the supporting text cannot add to policy. Secondly, if each of the totals for the four periods are added together, which includes the five years 2016/17 to 2020/21 at 1,120 dpa, then they total 20,000; if these five years were at 930 dpa this would only total 19,050. Thirdly, it is clear that the overall housing requirement is "at least 20,000 new homes". This is reinforced by the 20,768 dwellings total of completions in Picture 12.1 showing, as the Council phrased it, "wriggle room". I therefore conclude that there is no need to refer to external evidence to resolve the ambiguity within the plan itself.
46. The next dispute relates to the commitments figure for larger sites. The difference between the parties, of 92 dwellings⁶, relating to those sites where planning permission has been granted since 1 April 2019; the appellant taking the view that permissions granted after that date should not be included. It seems to me that a base date for the calculation should be just that and planning permissions granted after that date should not be included for the purposes of the calculation. However, that being the case, those sites should be considered as part of the steps that the Council is taking to reduce the deficit and included in the final conclusion.

⁶ A total of 102 dwellings have been granted planning permission, but this has been discounted by 10% for a 'lapse' rate. This was agreed by both main parties.

47. Finally, there is a dispute as to whether dwellings from four Strategic Allocation sites should be considered to be deliverable. It was agreed that to be shown to be deliverable they needed to fall within sub-paragraph b) of the definition of "deliverable" in the Glossary in the Framework. This states: "where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years".
48. In all cases the Council were of the view that, following discussions with the relevant developers, landowners and site promoters, there is a reasonable prospect that the sites will be available and could viably be developed at the point envisaged. However, this view was not supported by any evidence, for example agreed notes of meetings, exchanges of emails, or the like. Consequently, in my view, there was nothing in front of the Hearing to represent evidence that housing completions will begin within five years on the sites in question. I therefore conclude on the evidence in front of me that none of these sites can be considered to be deliverable.
49. That being the case I conclude in the main that the appellant's estimate of the extent of the 5YHLS that could be demonstrated was broadly correct, although this should be tempered by including consideration of the 92 dwellings that have subsequently been granted planning permission. This would have the effect of adding approximately 0.1 years supply. This would mean that the Council was able to demonstrate a supply of approximately 2.9 years.
50. Having identified the extent of the shortfall in land supply, it is next necessary to look at any other considerations which will affect the weight to be given to that shortfall. The first matter to be considered is how long the deficit is likely to persist. Even if the shortfall had been only to the extent postulated by the Council, the Council was unable to give a date by when it believed that the shortfall would be resolved. As I have concluded that the position is in fact less good than that, I therefore can only conclude that the shortfall is likely to continue for a considerable period.
51. The December 2019 Annual Monitoring Report was not the first time that the Council considered it could not deliver a 5YHLS having previously identified a deficiency in the 2018 Annual Monitoring Report which was published in June 2019. It has therefore published an Action Plan in line with paragraph 75 of the Framework. This has identified a number of actions to try to boost housing delivery. As this has only been in place for a short period of time it is not yet possible to know how effective this will be.
52. Finally, it must be acknowledged that this proposal would only bring forward 10 new dwellings which is only a small percentage of the shortfall. This is not to decry this contribution, since as paragraph 68 of the Framework states, small and medium size sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

Benefits

53. The appellant identified various benefits of the development under the headings of economic, social and environmental in line with the three objectives set out in paragraph 8 of the Framework. At the Hearing there was

discussions about the weight should be given to the respective components, although, clearly, they are mutually supportive.

54. The appellant, as a medium sized builder, emphasised the economic benefits of the construction period including allowing for a linear build programme for the company. I do take this into account, but as the effects of this development would only be temporary while construction is taking place, I give them moderate weight. I do, however, give significant weight to the local expenditure which would flow from the long-term occupation of the dwellings.
55. The appellant also emphasised the benefits of the New Homes Bonus and Council Tax, with the view that the latter would more than provide for the local government services associated from the occupation due to their size and thus Council Tax Band. The PPG makes it clear⁷ that whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. The PPG also makes clear it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.
56. As there was no evidence in front of me in which the scheme would be made to be more acceptable by the New Homes Bonus, I give this contribution only limited additional beneficial weight as it would be a general benefit rather than relating to the specific proposal. Any revenue received above the costs associated with Council Tax taken in the round would be minimal and for the reasons given above I give this no additional weight.
57. The Council sought to show that there would be adverse economic effects associated with the development, particularly the loss of Grade 1 agricultural land, the effect on childminders walking children along Hoe Lane, on the Flansham Business Centre and to farm traffic from additional traffic on Hoe Lane. I will discuss the highway implications below but I consider that due to the numbers of proposed dwellings and the proximity to the roundabout that the detrimental economic effects of additional traffic would be very limited. It has not been demonstrated that the loss of this quantum of the best and most versatile agricultural land would have a significant effect on local farming enterprises and consequently I give this very limited weight.
58. From a social perspective, the addition of ten dwellings should be given significant weight. However, I give the provision of the additional public open space and Local Area of Play only very limited weight due to its small size, that it would be principally used by those living on the site, and it has not been demonstrated that this would be provided to resolve any existing shortfall of provision in the area.
59. It has been demonstrated that the site is well located in relation to various facilities which means that the site would be accessible and could be accessed by a range of transport modes. I give this benefit moderate weight. I give the environmental enhancements from additional landscaping very limited weight as these relate predominantly to private gardens and cannot reasonably be secured for the long term.

⁷ Reference ID: 21b-011-20140612

Other matters

60. As noted above a Planning Obligation has been completed that would make contributions towards education, primary, secondary and sixth form, and the provision and maintenance of public open space and a Local Area of Play. In each case I am satisfied that the Obligation meets the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and complies with the tests set out in paragraph 56 of the Framework. Because they are to ensure that effects of the development are mitigated I consider them to be neutral in the final balance.
61. Local residents were concerned about the effect of the development on highway safety, noting that Hoe Lane is of limited width particularly close to the roundabout and does not have any footways along the majority of its length. I note that the Highway Authority has no objection to the proposal subject to conditions. I am satisfied that the proposal would provide for safe and secure access to the site for all users. While the proposal would result in an increase in the number of dwellings in Flansham by approximately 20%, in numerical terms the increase in traffic would not be great or result in severe residual cumulative impacts; this is the test set out in paragraph 109 of the Framework if development is to be prevented. The vast majority of traffic would exit to the BRRR and therefore would have very little effect on those using Hoe Lane further to the northwest.
62. Concerns were also expressed about drainage in the local area and the effects of development on the local surface water drainage network known as Rifes. The Local Lead Flood Authority confirms that the area is at high risk from groundwater flooding. However, that Authority confirms that, subject to conditions, it has no objections to the proposal. Similarly, the Council's Drainage Engineer has also no objections subject to conditions. While not in any way downplaying the concerns of the local residents, I am satisfied that subject to appropriate conditions, including to ensure that surface water drainage discharge was at no greater than greenfield run-off rates, that satisfactory arrangements could be put in place to ensure that there was no increased risk of flooding either on or off site.
63. These arrangements would also ensure that there was no increase in discharge of surface water to the foul sewers to ensure that existing issues were not made worse. Other foul drainage concerns can be resolved by other legislation.

Planning Balance

64. The appeal proposal is contrary to the terms of the development plan taken as a whole in that it would represent additional residential development in a countryside area. The determination should be in accordance with the plan unless other material considerations indicate otherwise.
65. Paragraph 11 of the Framework indicates that decisions should apply a presumption in favour of sustainable development. For decision making, paragraph 11 d) states that when the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in the Framework relating to various areas or assets set out in footnote 6 applies, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed

against the policies in the Framework as a whole. None of the areas or assets set out in footnote 6 would be affected by the proposal.

66. In this case the most important policies for determining the proposal, that is Policies C SP1, D SP1, D DM1 and HER SP1 of the ALP and Policy BB 1 of the YNP, should be considered out-of-date as, in accordance with footnote 7 of the Framework, the Council cannot demonstrate a 5YHLS with the appropriate buffer. The shortfall in the land supply is very significant and is likely to continue for a considerable period. This should be given very significant weight.
67. The proposal would result in less than substantial harm to a non-designated heritage asset. However, even giving great weight to the conservation of this asset in line with paragraph 193 of the Framework, the benefits of the proposal more than outweigh this harm given the scale of the harm and the importance of the asset.
68. I have taken into account the benefits of the development as discussed above, and the Government's objective of significantly boosting the supply of homes, but have concluded that the significant and demonstrable harm to the character of Flansham by the change of the existing rural character of the appeal site to an urban area linking Felpham and Flansham is such that the proposal would not represent sustainable development and the appeal should be dismissed.

Conclusion

69. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gareth Giles	Whaleback Ltd
Richard Dollamore	Whaleback Ltd
Edward Van der Wee	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Simon Davis	Arun District Council
Martin White	Arun District Council
Kevin Owen	Arun District Council

INTERESTED PERSONS:

Andrew Burns	Chairman, Flansham Residents Association
Stewart Wright	Local Resident and member, Flansham Residents Association
Olivia Wright	Local Resident
Rupert Longmead	Local Resident
Hugh Coster	Councillor, Arun District Council

HEARING DOCUMENTS

HD1	Report and drawings into recent application at Fieldings, Hoe Lane
HD2	List of recent decisions at Flansham
HD3	Extract from Arun District Council website relating to housing numbers
HD4	Arun Local Plan – Housing Implementation Strategy (March 2017)
HD5	Arun Local Plan – Update to Publication Plan and Housing Implementation Strategy – Housing Land Supply tables and charts updated with 2017 data (September 2017)

Costs Decision

Hearing Held on 15 January 2020

Site visit made on 15 January 2020

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 February 2020

Costs application in relation to Appeal Ref: APP/ C3810/ W/ 19/ 3236911 Land adjacent to Bonhams and Flints, Hoe Lane, Flansham PO22 8NP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Edward Van der Wee, Pallant Homes Ltd for a full award of costs against Arun District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for development of the site by the erection of 10 dwellings with access from Hoe Lane, Flansham.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Procedural matters

2. The applicant made their application orally at the Hearing, principally by reading out a pre-prepared statement, although making a few changes in light of the discussions and actions at the Hearing. While it had been intimated to the Council that an application was to be made, the applicant did not provide the Council with his reasoning prior to the event.
3. The Council felt that it could not, fairly, respond to the application at the Hearing. I therefore agreed that it could submit a written response after the Hearing closed with the applicant having the opportunity to provide final written comments thereafter.
4. As all the parties are aware of the cases being made it is not necessary for me to set them out in this decision.

Reasons

5. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
6. The applicant set out five main grounds and some other points where it considered that the Council had acted unreasonably on substantive matters and one additional ground on a procedural matter. I will go through each in turn. I will then assess whether those areas where I find unreasonable behaviour led to unnecessary or wasted expense.

7. The first ground relates to the situation when the Council determined the application in March 2019 on the basis that, in the applicant's view, had the Council considered the matter correctly, it would have been unable to demonstrate a five year supply of land for housing (5YHLS). This would have led to it utilising the so-called 'tilted balance' which can be found in paragraph 11 d) of the National Planning Policy Framework (the Framework), rather than the 'conventional balance', and in light of this would have approved the application therefore making the appeal unnecessary.
8. The Arun Local Plan 2011 – 2031 (the ALP) was adopted in July 2018. Therefore, in line with footnote 38 of the Framework, this plan should be considered 'recently adopted' until 31 October 2019 and it can reasonably be assumed that at adoption the Council was able to demonstrate a 5YHLS. This would be maintained until 31 October 2019. Consequently, at the date of its decision the Council could reasonably conclude that it had a 5YHLS.
9. In any event it seems to me that even if the Council had concluded that it was unable to demonstrate a 5YHLS at the point of making its determination, it is not inevitable that it would have granted planning permission, especially where the Council considered that the proposal had a number of other harmful effects. Where a proposal is contrary to the overall development plan, as here, it cannot be concluded that planning permission should inevitably have been granted as the weight to be given to the plan and other material considerations is a matter of planning judgement. This ground therefore does not succeed.
10. The second ground relates to the use of the 930 figure for the annual housing requirement for the period 2016/17 to 2020/21 when the Council had accepted that this represented a "minor error" and should have 1,120 dwellings per annum. The applicant also sought to show that the lack of evidence presented to the hearing as to the deliverability of four Strategic Allocation sites was unreasonable.
11. Although the Council accepted that it had realised that the 930 figure in the originally adopted plan in July 2018 was in error and had changed the text in Policy H SP1 of the ALP my impression was that it forgot that it also needed to amend the annual requirement indicator line in Picture 12.1. This led to the inconsistency which the Council then sought to justify by reference to extrinsic material. For reasons I explain in my decision this was not necessary or appropriate. This behaviour was unreasonable.
12. The definition of deliverability in the Glossary to the Framework and footnote 6 of that document put a presumption on the Council to demonstrate that sites meet that definition. Not to provide any evidence beyond verbally reporting conversations with developers, landowners and site promoters, is not meeting that presumption. For the four sites in question the Council failed to demonstrate that they were deliverable and to provide no evidence in support of its assertions was unreasonable.
13. The third ground was the applicant maintained that the Council had acted unreasonably when it maintained that whether the 5YHLS figure was 3.7 years or 2.9 years it would have put forward the same arguments. The Council responded by indicating that as the starting point of the determination is the development plan that this was not unreasonable.

14. Clearly, the extent of any shortfall is a material consideration to be taken into account which will affect the weight given to that shortfall as an other material consideration and the Council did not demur from this. Rather as with ground one, the weight to be given to those factors is a matter for the decision maker and here the Council justified its position. I therefore consider that the Council did not act unreasonably in this ground.
15. The fourth ground that the Council relied on an incorrect assessment of paragraph 12 of the Framework when the plan should have been considered out-of-date. For the reasons set out in relation to ground one at the date of the determination of the application by the Council this was not incorrect; it was only thereafter did matters change.
16. The final ground was that it was only in its Statement of Case did the Council raise that it considered Flansham to be a non-designated heritage asset, effectively adding a new element to one of the reasons for refusal.
17. The relevant reason for refusal did refer to "assets" in the plural. However, the Officer report stated "there are likely to be further buildings which could be considered non-designated heritage assets (such as Bonhams itself)" which indicates that such assets would be buildings rather than a place. The report then did go on to note that Flansham had a historic character and the reason for refusal indicated there was a "historical character" to Hoe Lane, Flansham. However, these references are some distance from indicating that Flansham or Hoe Lane should be considered a non-designated heritage asset, or making clear what the extent of that asset should be, so that an assessment of the effect on its significance could be made.
18. The Council referred to the PPG¹ where it states "local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations". While archaeological investigations is an example, the PPG does give an indication that the decision to identify a non-designated heritage asset as part of the determination process can follow the discovery of additional or new information and no new or additional information was here identified. Even then, it is not clear what, if any, action has been taken by the Council towards considering whether Flansham should be considered as a candidate for designation as a Conservation Area.
19. To state in its Statement of Case that Flansham should be considered to be a non-designated heritage asset without there being a material change of circumstance in the meantime was therefore unreasonable.
20. Additionally, the applicant did make some further grounds about the case and whether the Council was reasonable in relying upon various factors. In all cases I am of the view that these matters are material considerations and the Council substantiated their use. While I disagree as to the weight that I give to some of the considerations, it was not unreasonable to rely upon them. This therefore does not represent unreasonable behaviour.
21. In addition to the above substantive matters, the applicant made an application on procedural grounds on the basis the Appeal Questionnaire submitted to the Planning Inspectorate by the Council when the appeal was lodged had been

¹ Reference ID: 18a-040-20190723

accompanied by the previous, incorrect, version of Policy H SP1 of ALP and this was not corrected until the Hearing itself. While the extract from the Council's website provided to me at the Hearing does not set out the date when the "minor error" was corrected, it was clear that this was before the Questionnaire was submitted in October 2019. To provide the out-of-date version was unreasonable.

22. Therefore, I conclude that the application is made out on two of its grounds amounting to three different elements; relating to the appropriate figure against which to judge land supply, the failure to supply evidence in relation to the deliverability of four Strategic Allocation sites, and whether Flansham should be considered a non-designated heritage asset. In relation to all of these matters the appellant was required to expend costs to provide evidence to counter the propositions put forward by the Council and time was spent at the Hearing discussing these matters. This was unnecessary.
23. However, the amount of time spent dealing with the error in the version of the ALP submitted with the Questionnaire at the Hearing was minimal and effectively formed part of the discussions about the correct housing figure. I therefore consider that there was no additional wasted expense occasioned by this unreasonable behaviour.

Conclusion

24. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a partial award of costs is justified.

Costs Order

25. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Arun District Council shall pay to Mr Edward Van der Wee, Pallant Homes Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to:

- the appropriate figure against which to judge housing land supply;
- whether the four Strategic Allocation sites should be considered deliverable; and
- whether Flansham should be considered as a non-designated heritage asset;

such costs to be assessed in the Senior Courts Costs Office if not agreed.

26. The applicant is now invited to submit to Arun District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

RJ Jackson

INSPECTOR

Appendix E
Appeal Decision Reference 3238048

Appeal Decision

Inquiry held on 4-7 and 11-14 February 2020

Accompanied site visits made on 4, 13 February 2020

Unaccompanied site visit made on 14 February 2020

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 April 2020

Appeal Ref: APP/X0360/W/19/3238048

Land north of Nine Mile Ride, Finchampstead, Berkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Welbeck Strategic Land II LLP against the decision of Wokingham Borough Council.
 - The application Ref 181685, dated 11 June 2019, was refused by notice dated 29 March 2019.
 - The development proposed is the erection of up to 118 dwellings and associated parking landscaping and open space (outline) and change of use of part of the land to form a suitable alternative natural greenspace (SANG), incorporating an outdoor education area (full)
-

DECISION

1. For the reasons given below, the appeal is dismissed.

PROCEDURAL MATTERS

2. The appeal concerns a hybrid application. The residential development relates to the southern part of the site and was made in outline form with access to be considered at this stage. A further plan was submitted with the appeal to show the internal road layout in accordance with the provisions of the *Town and Country Planning (Development Management Procedure) (England) Order 2015*. The SANG relates to the northern section of the site and this part of the application was made in full.
3. At appeal stage the Appellant requested that the red line boundary be changed to omit the gypsy site on the southern part of the site and also a small area of land adjacent to the southern boundary. Minor revisions were also requested to the northern boundary of the SANG. As a consequence, the maximum number of dwellings would be 117. In addition, an uplift of affordable housing from 40% to 50% was proposed, along with the incorporation of 5% Self-Build and Custom-Build serviced plots into the scheme. The Council had no objections to these changes, and I am satisfied that they would not be prejudicial to any third-party interests. I have therefore determined the appeal on this basis.
4. During the inquiry the Appellant submitted a "proving layout". This sought to introduce a layout that provided a better relationship of houses to protected trees, especially on the south-western part of the site. The layout of houses

on this drawing is illustrative of how the site could be developed. Amended SANG Landscape Proposals and Indicative Masterplan drawings have been submitted that include the proving layout and the various boundary changes referred to in the preceding paragraph. For the avoidance of doubt, they are drawing numbers P16-1187_20 Rev F and P16-1187_01 Rev N respectively and I shall take them into account.

5. The proposal is supported by a Planning Obligation by Agreement (S106 Agreement) and a Planning Obligation by Unilateral Undertaking (UU). Due to the large number of signatories it was not possible to complete the Deeds before the close of the inquiry. I therefore allowed a short amount of extra time accordingly. However, due to the illness of one of the freehold owners, 3 of the land parcels could not be included. Both Deeds therefore include a covenant that development will not be commenced until a Confirmatory Deed with these owners has been entered into. I understand that the Council has no objection to this arrangement, and I am satisfied that it would ensure that the covenants would be enforceable.
6. During the inquiry the Appellant also put forward various measures to improve accessibility. These included the widening of the footway between the California Crossroads and Park Lane; the provision of shelters at the two nearest bus stops; and a new pedestrian crossing to Nine Mile Ride. The provisions are included in the UU and were discussed at the inquiry. The Council objected to them and the Appellant did not consider them necessary to make the scheme acceptable. The provisions are considered further below.
7. The application was refused for 10 reasons. 5 of these were not pursued by the Council at the inquiry. These concerned ecology and biodiversity; the Thames Basin Heaths Special Protection Area; archaeology; and the absence of a legal agreement relating to local employment skills and affordable housing.
8. Following the close of the inquiry I asked the main parties whether they wished to comment on any implications that the Coronavirus (Covid-19) pandemic may have in terms of their evidence on housing delivery. I have taken the responses into account accordingly. The Appellant also submitted a further recent appeal decision by the Secretary of State, which was also copied to the Council, relating to residential development at Long Melford Suffolk. I have had regard to its contents, but I am satisfied that it does not necessitate further comment by either party.

REASONS

Planning policy context

9. The development plan includes the *Wokingham Borough Core Strategy Development Plan Document* (the CS), adopted in 2010 and the *Managing Development Delivery Local Plan* (the MDD LP) adopted in 2014. Whilst the 2009 South East Plan has been revoked, policy NMR6 relating to the Thames Basin Heaths Special Protection Area was saved and is also relevant to this proposal. The Council is in the process of preparing a new Local Plan, but this is at a very early stage and has not yet been submitted for examination. It therefore has little weight at the present time.

10. There is no dispute that the appeal site is not within or adjacent to any designated settlement, including Finchampstead North. For policy purposes it is within the countryside.
11. At the inquiry there was a great deal of debate as to whether the most important policies for determining the application are out-of-date. Paragraph 11d) of the *National Planning Policy Framework* (the Framework) is precise in its language. Its reference to "application" rather than "appeal" means that it is those policies relating to the consideration of the whole scheme rather than those matters in dispute at the appeal that should be included. However, "most important" policies do not mean "all relevant" policies and it is a matter of judgement for the decision-maker to decide what these may be. Case law has determined that it is the basket of most important policies as a whole that is the relevant consideration.

The most important policies

12. There was no agreement between the main parties as to what constituted the most important policies in this case. Most of the policies in the reasons for refusal fall within this category although I consider that policy CP4 in the CS relating to infrastructure requirements and policy TB25 in the MDD LP relating to archaeology are relevant but not most important.
13. There is no dispute that the following policies should be considered most important:
 - CS: policies CP1, CP3, CP6, CP9, CP11
 - MDD LP: policies CC01, CC03, TB21, TB 23
 - South-East Plan: policy NRM6
14. There is dispute about the following policies:
 - CS: policies CP2, CP4, CP5, CP7, CP8, CP17, CP18
 - MDD LP: policies CC02, CC10, TB05, TB08, TB12, TB25
15. Although the following policies are relevant, I do not consider that they fall within the category of most important for the following reasons:
 - Policy CP2 has a number of social objectives that would be applicable to the development. However, the gypsy site is now outwith the application boundary.
 - Policy CP4 relates to infrastructure requirements, which would be addressed through the legal Deeds.
 - Policy CP18 is specific to the Arborfield Garrison Strategic Development Location (SDL), albeit that its future development would impact on the proposal particularly in respect of accessibility.
 - Policy CC10 relates to sustainable drainage, which could be addressed through a planning condition.
 - Policy TB12 requires an employment and skills plan. Although it was a reason for refusal it would be addressed through the S106 Agreement.

- Policy TB25 relates to archaeology but the appeal site is not in an area shown to be of high potential and the reason for refusal could be addressed through a planning condition.
16. Policy CP17 relates to housing delivery and sets out the CS housing requirement and how it will be addressed through the supply of sites from various sources. This is clearly relevant to a consideration of any housing proposal. However, I agree with the Inspector in a recent appeal decision relating to a residential scheme in Hurst¹ that it is not a development management policy that plays a significant role in determining planning applications. It is therefore not a most important policy in this case.
17. The most important policies to this application proposal are thus as follows:
- CS: policies CP1, CP3, CP5, CP6, CP7, CP8, CP9 and CP11
 - MDD LP: policies CC01, CC02, CC03, TB05, TB08, TB21, TB23
 - South East Plan: policy NRM6

Whether the most important policies are out-of-date

18. Whether development plan policies are considered out-of-date in terms of paragraph 11d) of the Framework will depend on their degree of consistency with its policies. There is no dispute that policies CP1, CP8, CC03, TB21, TB23, and NRM6 do not fall within this category. Policy TB08 is questioned by the Appellant but I am not satisfied that there is evidence that the open space standards on which it is based are other than relevant.
19. In the CS, policy CP3 has 10 general development control criteria against which proposals should be assessed. The provision setting out open space requirements is not based on a current assessment in accordance with paragraph 96 of the Framework. On the other hand, this is rectified by the more recent MDD LP policy TB08. The provision requiring no detrimental impact on important ecological and heritage features does not follow the wording or approach in paragraphs 175 and 194 of the Framework. However, this is a general policy and all but 2 provisions are agreed to be consistent with the Framework. I consider that it is important to take a sensible and proportionate approach and I conclude that policy CP3 is not out-of-date.
20. Policy CP5 includes a provision that residential proposals of at least 5 dwellings will provide 50% affordable housing where viable. Whilst this part of the policy does not apply to the appeal proposal due its size, it is not in accordance with paragraph 63 of the Framework and therefore is out-of-date.
21. Policy CP6 is a permissive criteria-based policy. It indicates that permission will be granted if road safety is enhanced, adverse effects on the network are mitigated and highway problems are not caused. It does not say that permission will necessarily be refused if these provisions are not met. I appreciate that the wording is different from paragraph 109 of the Framework but the way that it is worded does not make it inconsistent.
22. Policy CP7 relates to biodiversity and seems to me to generally follow the

¹ Appeal decision relating to the erection of 5 dwellings at Lodge Road, Hurst, dated 31 January 2020 (APP/X0360/W/18/3194044).

principles in paragraph 175 of the Framework relating to development management. Reference is also made to enhancement, but this is dealt with in accordance with paragraph 174 by policy TB23, which is also agreed by the main parties to be a most important policy and not out-of-date.

23. In the MDD LP, policy CC01 sets out the presumption in favour of sustainable development. Unsurprisingly it does not set out the wording changes introduced in the 2019 version of the Framework, perhaps most importantly referring to the consideration of relevant rather than most important policies. It is not therefore consistent with paragraph 11 of the Framework.
24. Policy TB05 relates to housing mix. It refers to the *Affordable Housing Supplementary Planning Document* within this context and not in relation to the trigger for affordable housing provision, which is dealt with in CS policy CP5 and referred to above. Policy TB05 is therefore not out-of-date.
25. For the reasons given above I do not consider that policy CP17 in the CS is a most important policy, but I do consider it to have relevance to the consideration of whether policies CP9 and CP11 in the CS and policy CC02 in the MDD LP are out-of-date. The housing requirement in policy CP17 was based on the now revoked South-East Plan and is clearly no longer fit for purpose. In any event, the Framework makes clear that as the strategic policies in the CS were adopted more than 5 years ago and have not been updated, local housing need should be calculated using the standard method set out in national planning guidance. There is no dispute that when applying the relevant 5% buffer the requirement is 844.4 dwellings per annum (dpa). This is significantly more than the 723 dpa in policy CP17.
26. The scale and location of housing and the associated development limits were established to accommodate this lower housing requirement. However, as the Hurst Inspector observed, policy CP17 does not cap housing numbers and includes flexibility to bring land forward in identifying future land supply. Housing land supply is considered later in the decision, but the evidence is clear that this depends on some sites that are outside the development limits. The delivery of a sufficient supply of homes is a fundamental objective of the Framework but cannot be achieved through adherence to policies CP9, CP11 and CC02, which are all dependent on the development limits. These policies are therefore out-of-date. In this respect I disagree with the Hurst Inspector, but I note that there was no dispute about housing land supply in that case and therefore the evidence on which his conclusions were based was materially different.

Conclusions

27. From the above, I have found that 5 of the 16 most important policies are out of date. However, a consideration of whether the basket itself is out-of-date and therefore whether the appeal scheme complies with the development plan as a whole is a matter to which I will return in my final conclusions.

The effect of the proposed development on the character and appearance the area, the landscape and trees

28. The appeal site comprises 17.6 hectares (ha) of land on the northern side of Nine Mile Ride, close to its junction with Park Lane. The residential element of

the proposal would occupy the southern part of the site, immediately adjacent to the existing built-up area. At this point there are detached residential properties along the main road frontage but also driveways leading to individual dwellings to the rear and more substantial private accesses serving small residential clusters at depth.

29. Policy CP11 in the CS seeks to restrict proposals outside development limits other than in limited circumstances. The nearest settlement to the appeal site is Finchampstead North and the appeal scheme does not fall within one of those provisions where development would be permitted under the terms of the policy. The policy purpose is to maintain the quality of the environment and protect the separate identity of settlements.

Separation of settlements

30. The appeal site is within the area between Finchampstead North and the Arborfield Garrison Strategic Development Location (SDL). On the Key Diagram to the CS there is a zigzag line and the key makes reference to policy CP19, which relates specifically to this SDL. It requires, amongst other things, measures to maintain separation from Finchampstead North. The wording clearly indicates that it is the development proposals for the SDL that must provide the appropriate measures. The map of development limits in the MDD shows the two developed areas but does not include any specific gap notation in between. Indeed, the Examining Inspector specifically addressed this matter and considered that additional policy protection over and above that in policy CP11 would be unsound.
31. Gaps are a spatial tool to prevent coalescence between built-up areas and have little to do with landscape character. None of the criteria in policy CP11 are specifically directed towards ensuring that the 2 settlements do not get closer together. To my mind it is a policy that is aimed towards countryside protection and, as the supporting text makes clear, seeks to protect the character and setting of settlements and direct development to them for reasons of accessibility. I do not therefore agree that any development within the space between the Arborfield Garrison SDL and Finchampstead North would be harmful to spatial separation as a matter of policy.
32. In any event, in this case the new houses would not extend further westwards than the Robinson Crusoe park homes or further north than existing development served by the western access. In such circumstances the appeal scheme would not have any adverse effect on the separate identity of the settlements.

Effect on the landscape and trees

33. The proposed housing area mainly comprises grassland and trees. It would be divided into two main sections that would be linked by a pathway for pedestrians and cyclists. The western part is about 1.5 ha in extent and the eastern part is about 3.7 ha. To the north of the latter is a large swathe of woodland with grassland on its eastern side and western edges, which is proposed to form the SANG. The north-eastern portion of this land comprises part of the Longmoor Bog Site of Special Scientific Interest (SSSI) and this adjoins a similarly designated area in the southern part of California Country Park.

34. The *Wokingham District Landscape Character Assessment* (2004) (WDLCA) places the appeal site within the Forested and Settled Sands landscape type, which covers the south-eastern corner of the Borough. In particular it is part of the Finchampstead Forested and Settled Sands landscape character area (LCA). This was originally part of the Royal Forest and its long straight roads follow the line of the historic rides that provided access to the royal hunting grounds. There is a strong linear pattern of mainly post-war detached housing within a woodland setting along with more recent estate infill.
35. The appeal site is representative of many of the key characteristics of the LCA. In particular, the influence of the adjacent built-up area is evident especially in the southern section of the site. The proposed access points link into the long, straight green corridor of Nine Mile Ride and woodland covers large parts of the site itself. The enclosure provided by the dense stands of trees creates a sense of remoteness and isolation. The SSSI is former heathland although it has been invaded with undergrowth and bracken.
36. The WDLCA records that this landscape is of high quality and generally good condition. The overall strategy is to conserve and actively manage the woodland, important wildlife habitats and recreational use. The LCA is considered to have moderate sensitivity to change overall. However, there are some aspects of higher sensitivity, including the influence of the long, straight historic rides, the forest, the ecological habitats and the perceptual qualities.
37. The proposed development would result in a substantial loss of trees. In total more than 1,000 protected trees would be removed. This would amount to about 8% of the total tree cover if the Appellant's assessment is correct². On the face of it this would seem to be a significant loss of one of the key characteristic features of this LCA. However, a numerical assessment is insufficient in itself for several reasons.
38. I observed at my site visits that the quality of some parts of the woodland on the northern part of the site was in poor condition. Some areas were overcrowded with young saplings competing for space. There were also many fallen, windblown or damaged trees. I noted a sense of neglect and this has arisen from a lack of proper management. This is private woodland and there is no reason why judicious stewardship should not take place independently of the development proposals. However, there is no evidence that such an eventuality is likely to happen. In the circumstances, the removal of trees in the interests improving the structure, condition and resilience of the woodland would have qualitative benefits to the LCA. I consider that the tree loss that is proposed for management purposes should not be seen to impact negatively in landscape terms.
39. The proposal would also include restoration of the SSSI, which it currently in unfavourable condition. The heathland habitat has been seriously diminished by the encroachment of undergrowth, in particular bracken, following a wildfire in 2011. The proposal is to clear the area of the invasive species in order for heather and other heathland habitats to re-establish. It emerged

² The Appellant's assessment was that the site contains about 12,000 trees. This did not include the stand of pine trees within the SSSI. It was agreed that the ecological evidence indicated these would be removed. However, the assessment that they amount to 350 trees was not agreed by the Appellant.

during the inquiry that a relatively dense stand of pine trees on the northern part of the SSSI would be felled in order to undertake this work. In terms of the landscape effects, the harm resulting from the removal of the trees has to be balanced against the ecological benefits to the SSSI. Heathland is a characteristic of the LCA along with the rich wildlife habitats, lakes and bogs. Restoration of these areas is part of the overall strategy in the WDLCA. For this reason, I do not consider that the loss of the pine trees would result in overall landscape harm.

40. However, a significant amount of tree loss would be necessary to enable the housebuilding and also to create the eastern access. The proving layout shows how 117 dwellings could be accommodated on the site. Whilst this is illustrative, it indicates that wherever possible housing would occupy the open grassland areas that immediately adjoin the existing built-up area. However, the Appellant's Tree Survey indicates that there would be significant tree clearance. Although there could be tweaks here and there, it is very clear that the residential development could not be accommodated unless a large number of trees were felled. Whilst it is appreciated that the 117 dwellings is expressed in the application as a maximum, there is no evidential basis for assuming a lower number would be built if planning permission were granted.
41. It is appreciated that the Appellant's objective has been to focus on removing the lower quality trees. However, it is relevant that they are all protected by a Tree Preservation Order and there is no evidence that the areas in question would need to be cleared for purposes of woodland management. Indeed, I saw no such indication at my site visit. Some of the trees are assessed in the Tree Survey to be of relatively low value. Nevertheless, they form part of the woodland edge that make an important contribution within the landscape between existing housing and the wider countryside.
42. Furthermore, a significant number of individual trees and tree groups within the area to be cleared are shown in the Tree Survey to be category B2, which BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations* (BS 5837) indicates have moderate quality with a remaining life expectancy of at least 20 years and collective landscape value. Furthermore, there are also some individual trees classified as category A2, which BS 5837 indicates have higher quality with a life expectancy of over 40 years and landscape importance even though this may be as part of a group.
43. Whilst post-war development and modern estate housing is a characteristic element within the LCA this is typically of a linear nature along the rides. Modern infill between the rides is prevalent in Finchampstead North. However, in the vicinity of the appeal site development has been of an ad hoc nature with low density housing extending behind the frontage housing in an irregular and unplanned way. It seems to me that this creeping urbanisation is one of the key issues that the WDLCA is seeking to rectify.
44. I appreciate that the Appellant considers that this would be a unique development with pockets of housing within a treed setting. Whilst I do not doubt that it would be a high-quality scheme, in my opinion it would essentially be a suburban estate of considerably higher density than its surroundings. New tree planting is proposed along the streets, in amenity spaces and in gardens, but the size and species would be likely to be dictated

by their residential context and the limited availability of space. The built development would not, in my opinion, be reflective of the LCA of which it would form a part and the significant net loss of trees to accommodate it would lead to unacceptable landscape harm.

45. A sense of remoteness and solitude is evident, especially in the woodland on the northern parts of the site. Whilst this cannot be publicly experienced due to the private ownership of the land it nevertheless is reflective of one of the key characteristics of the LCA. Whilst this is said to be a landscape of good public accessibility its very provision through the proposed woodland walks and the like, would undoubtedly diminish the qualities of isolation that are attributable to this particular landscape.
46. BS 5837 indicates that care should be taken to avoid misplaced tree retention or attempts to retain too many or unsuitable trees. None of the protected trees would be in private garden areas and the proposed layout demonstrates that it should be possible to avoid undue pressure from future occupiers to seek permission to fell or severely prune remaining trees. There would be some overhang of tree canopies on the parking bays shown on the southern side of the access road on the western section of the site. However, methods could be employed to avoid significant root disturbance. Some gardens would be overhung with tree canopies, but I am satisfied that there would be no excessive overshadowing. The Council highlighted instances where development in close proximity to protected trees had made requests to fell unavoidable. In this case I consider that the scale of tree removal would avoid a situation that could not be reasonably controlled.

Effect on the Green Route

47. Nine Mile Ride follows the route of one of the historic linear rides through the Royal Forest. This section has a typically green character being lined with trees and understorey planting, garden boundary hedges and soft verges. Frontage housing, which at this point is mainly on the northern side of the road, is set back behind generous sized front gardens. The frontage is punctuated by private driveways or narrow roads that serve the houses to the rear. Nine Mile Ride is shown as a Green Route in the MDD LP. This is defined as a road lined with trees and vegetation that makes a significant contribution to the character and environment of an area. Amongst other things, policy CC03 in the MDD LP requires proposals affecting such routes to protect and retain existing trees, hedges and landscape features.
48. The eastern access would be a 6 metre (m) wide roadway with a 2 m footway on the eastern side, a bell mouth and grass verges. The existing unmade driveway would therefore be replaced by a substantial engineered feature, which would lead into the site through a straight corridor some 12 m wide. A significant number of individual trees would be lost, including an English Oak and a Beech close to the road frontage. These are category B2 in the Tree Survey and of good quality with landscape value. The other trees to be felled along the new line of the road include English Oak, Sweet Chestnut and Silver Birch. Although these are category C and less visible, they do make a contribution to the green infrastructure that characterises the Green Route. It is appreciated that there would be a group of Scots Pine, Rhododendron and English Oak behind the felled trees. However, these would be in the garden of

the adjoining property and would not compensate for the significant loss of greenery described above.

49. Even though the new roadway would be flanked by new grass verges, I consider that it would be an incongruous urban element that would be very different in character to most other modest private roads and driveways. Whilst the corridor is not devoid of engineered features, including the existing hard surfaced frontage to Oak Tree Nursery, these are not typical of this stretch of Nine Mile Ride. Reference was made to the larger entrances to California Country Park and Nine Mile Ride Industry. However, these are a long established recreational and commercial facility respectively and neither is within the linear residential frontage.
50. At the inquiry proposals were put forward to enhance accessibility and they are discussed in the following section. However, of particular relevance to the Green Route is the potential widening of the footway to 2 m along the 2 kilometre stretch on the northern side of Nine Mile Ride between California Crossroads and Park Lane. There are mature trees close to the back edge of the footway and it is clear that the proposal would retain a narrower width in places so as to protect tree roots. Nevertheless, the work would remove the soft verges that currently exist between the edge of the footway and individual property boundaries in many places. Whilst these vary in quality, they do provide a soft and in places green edge to the footway. The footway widening would therefore be harmful to the character of the Green Route.

Visual effects

51. Public views into the site are relatively limited due to its location to the rear of established development and the intervening tree cover. It is doubtful whether pedestrians or drivers would see the new houses from viewpoints along Nine Mile Ride. The exception would be along the eastern access where I consider it likely that those walking along the footway would be aware of the houses at the southern end of the site. However, such a view would be at a distance and localised and the adverse effect would be of minor significance.
52. The trees would be retained along the side boundary of the western section of the site. When in leaf they are likely to provide an effective screen from viewpoints in Park Lane. In the winter months there would be greater visibility and the upper parts and roofs of the new houses would be seen. However, this would be at a distance and within the context of the Robinson Crusoe park homes and the lake in the foreground. Pedestrians using the footway, including those walking to Bohunt School or the new District Centre would be sensitive to the changes but overall, I consider the adverse impact would be of minor significance.
53. There is a pedestrian walkway within the southern part of California Country Park from where there are views into the site. At present these are restricted by the dense stand of pine trees at the northern end of the SSSI but as referred to above these are proposed to be removed as part of the ecological restoration work. Viewers within this area would be highly sensitive to change and would be able to see the northern edges of the development parcel on the eastern side of the site. Whilst there would be some remaining intervening trees and the view would be at a distance of some 300 m, it was agreed that the adverse impact would be of moderate-major significance. The landscape

proposals would include new tree planting within the open area of the SANG to the north of the houses. After 15 years when this becomes established the adverse impact would be likely to reduce to moderate.

Overall conclusion

54. Drawing together the above points, the proposed housing development would not adversely affect the separation of Arborfield Garrison SDL and Finchampstead North. Whilst the visual impact would be limited, the views of new housing development from California Country Park would result in an unwelcome intrusion to those enjoying that recreational facility. Just because something would not be widely seen does not necessarily mean that it would be acceptable. For the reasons given above, there would be an adverse effect on the character of the area, the Green Route and the landscape.
55. A large amount of woodland on the overall site would remain and in terms of the LCA as a whole the loss of trees to accommodate the housing would be relatively small. However, the trees in question are protected and have value as part of the woodland edge and also individually and in groups. Whilst housing is a key characteristic of the LCA, outside of Finchampstead North that is particularly attributable to the linear development along Nine Mile Ride. The housing to the rear is ad hoc in nature and relatively low in density. The appeal scheme would further push development northwards into the countryside and would introduce an estate of houses that would fail to integrate successfully with its surroundings. Indeed, such creeping urbanisation is a key issue that is referred to in the WDLCA.
56. There would be benefits, including woodland management, restoration of the SSSI to favourable status and public recreational access to the SANG. These matters will be further considered in the planning balance below. However, for the reasons I have given, I conclude that the proposed development would cause very substantial harm and would conflict with policies CP3, CP11 in the CS, policies CC02, CC03 and TB21 in the MDD LP and the Framework, in particular paragraph 170b.

Whether the site is within an accessible location, which would allow new occupiers a real choice about how they travel

57. The CS indicates that the Borough has one of the highest rates of car ownership in the country. The 2011 Census shows that only about 5% of households in the two wards local to the appeal site do not have access to a car. Policy CP1 in the CS includes a provision that development should demonstrate how it would reduce the need to travel, particularly by car. Policy CP3 includes general principles including that proposals should be accessible, safe, secure and adaptable. Policy CP6 requires development to be located where there are, or will be, available modal choices to minimise the distance people need to travel.
58. Section 9 of the Framework promotes sustainable transport and opportunities to promote walking, cycling and public transport. It also points out that sustainable travel solutions will vary between urban and rural areas, which should be taken into account. In this case the appeal site is within the countryside for planning policy purposes. However, it is not within an isolated

rural area and it is reasonable to bear this in mind when considering what opportunities are available to maximise sustainable travel solutions.

Walking

59. There was much debate at the inquiry about how a reasonable walking distance could be determined. *Manual for Streets* indicates that walking offers the greatest potential to replace short car journeys, particularly those under 2 kilometres (km). Whilst not an upper limit, it indicates that walkable neighbourhoods are typically those where there are a range of facilities within a 10 minute (800 m) walk from home. Similar guidance is provided in the *Borough Design Guide* and *National Design Guide*. *The Institute of Highways & Transportation Guidelines for Providing Journeys on Foot* (the IHTC guidelines) suggest that an acceptable walking distance is 800 m with a preferred maximum of 1.2 km.
60. It should of course be borne in mind that these distances are advisory and there are many examples of housing developments that are further away from local facilities than 800 m. Furthermore, the IHTC guidelines make clear that what is acceptable will depend on a number of factors, including the mobility and fitness of the individual, the purpose of the journey and the convenience of alternative options. The nature, attractiveness and safety of the route are also relevant matters to be taken into account.
61. The Appellant's evidence indicated that apart from the bus stops, Oak Tree Nursery and the Nine Mile Ride Industry, all existing facilities would be between about 1.2-2.2 km from the centre of each section of the site. The nearest existing local shops and facilities are at California Crossroads, which is about 2 km away. The pedestrian journey would be along the north side of Nine Mile Ride where the footway varies between about 1.2-2 m in width. The section between the western access and California Country Park has relatively poor surveillance due to the set-back of the houses and sporadic street lighting. *Manual for Streets* indicates that for lightly used residential streets the footway should have a minimum unobstructed width of 2 m.
62. Nine Mile Ride is not lightly trafficked and the footway between the site and California Crossroads is not ideal for comfortable pedestrian movement. This would not be a walk that I would judge to be pleasurable to undertake, particularly at peak periods when the road is busy, during inclement weather or in the dark. Whilst some would travel on foot, I suspect that most people who have the choice would use the convenience of their car, especially as there is available parking outside the shops.
63. The evidence suggests that existing students do walk in a westerly direction along Nine Mile Ride to Bohunt School. This is on the Arborfield Garrison SDL and a crossing has been provided over Park Lane to make this a safer journey. There is no reason to suppose that children from the new development would also not walk the 1.5 km distance to the secondary school, notwithstanding the limitations of the footway along the Nine Mile Ride section. There are primary schools at Gorse Ride and Avery Corner, which are 1.9-2.1 km away respectively. Both involve walking eastwards and children would therefore encounter the same issues as people walking to the shops. I appreciate that the CS indicates that primary school children should have access to a school within safe walking or cycling distance of 3-4km of their

home. However, in my experience this is a challenging distance to expect young children to walk and, in any event, this takes no account of the shortcomings of the walking route described above.

64. The Appellant is willing to widen the footway between California Crossroads and Park Lane to 2km where possible. This would be implemented by a financial contribution in the UU, which has been costed accordingly. However, it is recognised that it would not be possible to achieve the desirable width along the whole route without an unacceptable loss of trees. It would therefore be necessary to maintain existing narrower sections in places where trees are close to the footway edge. Whilst no detailed survey has been undertaken the Appellant considered that this would affect about 160 m of the 2 km route. This improvement would be the best that could be done but for the reasons given above, it would result in harmful environmental effects to the Green Route. In any event, apart from school journeys to Bohunt School, I am not convinced that the walking environment would be sufficiently improved to encourage a significant increase in walking trips especially in the direction of California Crossroads. Other issues including the length of the journey, poor street lighting and absence of surveillance would still act as a deterrent.
65. New facilities are planned at Arborfield Garrison SDL. This includes a new District Centre, and the approved Development Brief indicates that this will contain an anchor foodstore as well as other shops, facilities and services. The walking route once within the site is presently unclear but it seems likely that the District Centre would be about 1.5 km from the site. The legal agreement attached to the outline planning permission for the northern section of the SDL requires that reserved matters for the District Centre should be approved and 25% of it completed by the occupation of 1,000 dwellings. To date some 287 dwellings have been delivered. For the reasons given below, I consider it unlikely that the trigger point will be met in the next 5 years. However, even if it is, that would only require part of the District Centre to be built. It is thus unclear when the shops and facilities would become available. In any event it seems to me that many would not choose to walk from the site, especially if it entailed carrying heavy shopping.
66. Other proposed facilities at the Arborfield Garrison SDL include an extension to the Hogwood Lane employment area, a new primary school and a Local Centre. Reserved matters approval has been given for the Local Centre, which would be about 1.3 km away from the site. The information suggests that it would include two small shops but there is no clarity as to when these facilities would be provided.

Cycling

67. There are many facilities within a 5 km cycle distance of the appeal site. These include employment opportunities, schools, leisure facilities and shops. Crowthorne Station would also be accessible by cycle and it offers secure cycle parking facilities. However, the Council's Cycling Map indicates that the routes in question contain no dedicated cycling infrastructure, although parts of some journeys could be undertaken on what are termed "quiet routes". There is also a recently introduced route for cyclists between Finchampstead and Arborfield Garrison. Nevertheless, Nine Mile Ride and indeed much of the

local road network carries significant amounts of traffic. I observed on my journeys to and from the inquiry that at peak periods there is considerable congestion, especially along the roads that lead in and out of Wokingham. In the circumstances I consider that cycling would not be for the faint hearted, especially during peak periods.

Bus

68. The site benefits from bus stops close to the western access. The Chartered Institute of Highways and Transportation document *Buses in Urban Developments* provides relatively recent guidance that 300 m is now normally considered to be an acceptable walking distance to bus stops. However, it advises that this will depend on the characteristics of the route, the fitness and mobility of the traveller and the purpose of the trip. In this case the bus stop would be less than 300 m for those living on the western section of the site and 400 m or more for those living on the eastern section. Although the walk would be relatively level and quiet, the distance from the larger eastern residential area is likely to deter some from walking to the bus stops.
69. The CS refers to a "good" public transport service as one at 30 minute intervals during peak times, hourly intervals during off-peak hours and a service on Sundays. The site would be served by Route 3, which runs between Wokingham and Reading and currently provides an hourly service but no buses on Sundays. There are also buses between Shinfield and The Forest School and Bohunt School to convey pupils on Mondays to Fridays during term times. As things stand this is not a "good" level of service that would encourage many people to use it in preference to the convenience of the private car.
70. Improvements to bus services are planned through the *Arborfield SDL Public Transport Strategy*. This will provide an enhanced 30 minute service between Reading and Wokingham and a new hourly service between Reading and Bracknell. The evidence suggests that the improved services will be phased and dependant on the accumulation of sufficient financial contributions as development proceeds. However, the Council emphasised many times during the inquiry that good infrastructure provision was the main strength of focusing development at the strategic locations. In such circumstances it is reasonable to suppose that public transport delivery will be expedient.
71. The appeal proposal includes a financial contribution towards bus improvements, which I was told would be sufficient to fund 5 return journeys between Reading and Wokingham on Sundays for about a year. In such circumstances the future improvements to bus travel is a matter to be taken into account when considering the matter of accessibility.
72. At the present time the nearest bus stops are denoted by pole signs close to the western access to the appeal site. On the south side there is no footway and the bus stop is on the grass verge. The appeal scheme proposes to install a hard-surfaced area leading up to the south side bus stop and bus shelters on both sides. The north side stop would be relocated nearer to the western access to take account of the alterations to the entrance to Oak Tree Nursery. It seems to me that the bus shelters would help encourage new residents to use the enhanced bus service by making their waiting time more comfortable, especially in inclement weather. A similar style of shelter is provided outside

California Country Park. This seems to me to blend satisfactorily into the green environment along Nine Mile Ride. Whilst the Council has raised a number of concerns including the impact on tree roots, available width of verge and interference with sight lines, I am satisfied that a scheme could be designed to adequately address these matters.

73. The Appellant has also proposed a new crossing to allow pedestrians to safely access the southern bus stop. At present there are no other facilities that would require people to cross Nine Mile Ride at this point, not least because there is no footway along this side of the road. Although the plan appended to the UU shows a signal-controlled crossing, this is indicative and the Appellant made clear that a zebra crossing, for example, would be a possible alternative. The implications for interrupting traffic flow have not been assessed and no formal consultation has been undertaken. However, the evidence indicates that a formal crossing would be unlikely to be justified. Even if the modal shifts anticipated in the Framework Travel Plan were to be achieved, the Appellant estimated that only about 6 new residents would use the crossing to reach the southern bus stop in the morning peak and 4 in the afternoon peak. The bus stops outside the entrance to California Country Park provide a dropped kerb and tactile paving rather than a formal crossing and to my mind this would be sufficient in this case.

Train

74. There are direct rail services to Reading and London, Waterloo from Wokingham railway station, which is about 6 km from the appeal site. Crowthorne Station is about 4.5 km away and there is also a service to Reading where trains also run to London, Waterloo. Whilst there are secure cycle parking facilities at both stations, for the reasons given above, the routes are not particularly attractive, especially during peak periods. The bus stops at Wokingham station but although it is a relatively short trip the route is congested at peak times. Car travel would suffer from the same issue but would be more flexible in terms of times of travel and connections and could take advantage of the parking facilities at the station.

Travel Plan

75. The appeal proposal includes a Framework Travel Plan and a planning condition could be imposed to require a full Travel Plan to be agreed prior to first occupation of the development. The anticipated modal share targets would be challenging with a drop of 14% in car travel relying on a significant rise in pedestrian, cycle and bus travel. For the reasons given I do not anticipate that walking or cycling would be particularly popular and therefore such optimism seems unrealistic. However, I appreciate that final targets would be determined when the site became operational and that measures to encourage occupiers to use sustainable modes could include travel packs and free bus passes, for example.
76. The Council operate a Borough-wide travel plan initiative called MyJourney. This aims for a more co-ordinated approach through a dedicated team of officers and provides an alternative to travel plans by individual developers. It has the advantage of being able to apply economies of scale in terms of monitoring, promotions and marketing for each individual site. A cost of £450 per dwelling is charged and this was originally calculated for the SDLs where

the scheme originated. MyJourney is optional and the Appellant is content to provide the requisite contribution as well as fund a Travel Plan. However, there would be considerable overlap between the 2 approaches and requiring both would not pass the test of necessity.

Conclusions

77. The enhanced bus service that will be provided by the Arborfield Garrison SDL, the bus contribution from the appeal scheme, the proposed new bus shelters and the Travel Plan or MyJourney contribution would provide some opportunities for modal shift. However, for the reasons given I consider that this is a site where modal choice is and will remain relatively compromised. Those living on the development would therefore remain largely dependent on the convenience, flexibility and security of the private car for most of their journeys. The appeal scheme would thus conflict with policies CP1, CP3 and CP6 in the CS and with section 9 of the Framework.
78. A great deal of the Appellant's evidence was directed towards comparing the appeal site with others in terms of proximity to services and facilities. However, such an exercise needs to be treated with caution. Most of the sites referred to in the evidence are shown to be close to some facilities than the appeal site and further away from others. In most of the locations chosen it is to be expected that people will meet at least some of their needs through the use of a car. The important point is whether alternative choices are available for as many local journeys as possible.
79. In looking at different sites it is also important to compare like with like. Context is very important and in the grant of planning permission there are likely to be a number of considerations to balance. Also, accessibility is a relative term and depends on context rather than distance alone. For example, the quality of the walk, cycle route or bus journey will be an important factor and its convenience when compared with other modal alternatives. This means that in many cases the judgement will be site-specific. I have considered all of the examples that the Appellant has given but the comparison undertaken does not lead me to alter my conclusions on this issue.

Five-year housing land supply

80. The housing requirement in policy C17 of the CS was based on the now revoked *South East Plan* and is clearly no longer fit for purpose. In any event, the Framework makes clear that as the strategic policies in the CS were adopted more than 5 years ago and have not been updated, local housing need should be calculated using the standard method set out in national planning guidance.
81. There is no dispute that the relevant 5-year period is 1 April 2019 to 31 March 2024. The local housing need based on the standard methodology is 4,022 dwellings. Over the previous 3 years the 2019 Housing Delivery Test shows 175% completions against requirement meaning that the test is passed and that a 5% buffer is applied. This gives an overall figure of 4,223 dwellings. In its latest *Five-Year Housing Land Statement* (July 2019) (HLSS) the Council indicates that its deliverable supply is 5,398 dwellings and that it can demonstrate a 6.39-year supply. The Appellant disputes this and believes that

it is only 4.75 years. This is generally on the basis that delivery rates are overly optimistic, although in some cases the deliverability of the site is questioned.

82. The 2019 Framework includes a much more rigorous approach to the issue of deliverability. It makes clear that the site must be available and in a suitable location for development to take place now and that there should be a realistic prospect that housing will come forward on the site within 5 years. There are 2 closed categories, but the main dispute in this case relates to the second one. These are mainly the large strategic sites with outline planning permission, and it is the Appellant's case that the Council is overly optimistic as to the quantum of housing that will be delivered over the 5 year period.
83. The evidence clearly indicates that historically the Council's record of delivery has not been very good. In the 13 years between 2006/7 and 2018/19 the CS requirement has only been met in 4 years. However, it is relevant that this has improved recently and in the last 3 years the requirement has been exceeded by a significant amount³. This supports the Council's point that a large amount of the supply relies on the SDLs. Housebuilding here has often depended on the early delivery of significant infrastructure and this has meant that it was slower to come forward in the early years. The Council contends that developers are now keen to build at pace and it was pointed out that there are some 2,000 homes currently under construction in the Borough.
84. Nonetheless, the evidence suggests that the Council has often been overly optimistic with its forecasting and that performance has consistently lagged behind prediction. Even in the latest HLSS it is shown that only 35% of the predicted number of residential units were actually built. It is not unreasonable to surmise that in order to successfully function in a very competitive industry housebuilders may be tempted to talk-up delivery. In addition, it is understandable that they would wish to present a favourable picture to investors, shareholders and indeed the Council. However, the market can only absorb a certain amount of new housing and developers are unlikely to build houses if they think they will be standing empty for a long period of time. This is clearly an issue that is very dependent on the buoyancy of the local housing market but also the number of outlets competing for the same slice of the market. Those developers who offer a range of housing products or focus on a particular niche are likely to be able to sustain a higher output.
85. On the other hand, the Council has recently been putting more rigorous processes in place to ensure improved accuracy with assessing future delivery rates on individual sites. There is a specialist team of officers that now deals with SDL delivery with a dedicated officer for each one. Regular contact is maintained between the relevant developers and landowners and the information received is carefully scrutinised using empirical evidence, knowledge of the developer and specific site information. I was also told that the Council is adopting a more cautious approach to build-out rates, including moving sites further on in the trajectory or else removing some altogether if delivery seems to be in doubt.

³ 2016/17, 2017/18 and 2018/19.

86. The onus is on the Council to justify its forecast delivery for sites with outline planning permission. I acknowledge that in a number of recent appeals the housing land supply was not challenged. However, this may have been for a variety of reasons and not just because the appellants accepted that the supply was robust. Whatever the reason, the Appellant has challenged the supply in this case with detailed evidence. Whilst reference has been made to appeal decisions where housing supply was examined, any assessment will be a snapshot in time and depend on the evidence that has been presented. In the circumstances, I have reached my own conclusions on the evidence that I have been given.
87. Since the inquiry the world has been afflicted with the Coronavirus pandemic and this is likely to result in economic repercussions at least in the short term. Bearing all of this in mind I now turn to the disputed sites and my conclusions regarding their delivery.

The Strategic Development Locations

Arborfield Garrison SDL

88. In this SDL the delivery of homes has undoubtedly been much slower to get off the ground than anticipated. However, the development relies on the early provision of infrastructure and this is now well underway with the Nine Mile Ride Extension (north) completed and opened in 2017. Outline planning permission has been granted for 3,500 dwellings and the District Centre. A number of developers are involved, and reserved matters approval has been given on some of the parcels.
89. On the Hogwood Farm part of the SDL, the trajectory indicates that 240 dwellings will be delivered. There is reserved matters approval for 178 and the dispute is with the remaining 62 dwellings. The developer, Legal and General, has just obtained reserved matters approval for the southern extension to Nine Mile Ride and it is understandable that it is keen to deliver the rest of the houses. The Council's information is that a reserved matters application will be made in 2020 and I was told that this developer uses a modular system of housebuilding, which should allow faster delivery. The range of different housing products being proposed would also support the build out rates anticipated. Delivery would not be until the end of the 5-year period (2023/24) and from the evidence I am satisfied that the trajectory is robust.
90. On the northern part of the SDL there is reserved matters approval for all but 652 dwellings and of these 308 are included in the 5-year supply. There is a recent full planning permission for 70 dwellings leaving a disputed 238 dwellings. There are several developers operating on this site and the Council indicated that it has reduced their anticipated supply and so the 308 dwellings in the trajectory was cautious. However, there are no reserved matters applications and the evidence from Savills the marketing agent shows no developer interest in 14 of the 15 parcels. The one where there is a developer involved indicates that 44 dwellings are anticipated. However, Savills cautioned the forecasting as being subject to market conditions and not definite or fixed. There is insufficient evidence to be confident that any of these units will be delivered and the trajectory should be reduced by 238 dwellings.

91. The Appellant considers that the anticipated rate of delivery from Crest Regeneration, who are building out several parcels, is too high. Overall the trajectory shows 357 dwellings over the 5 year period, which averages at 71 dwellings per annum (dpa). This is considerably higher than the 50 dpa that the Council has adopted in its assumptions for larger sites with 2 or more developers. The Appellant considers that 107 of the dwellings should therefore be removed from the supply. However, the 50 dpa is an average rate across the Borough and I note that in 2018/19 Crest Nicholson delivered 63 dwellings from one parcel. Having considered all of the evidence, including the better communication initiated with individual developers and the different products on offer, I do not consider that the rate of delivery here is necessarily unrealistic.
92. The Appellant is also critical of the delivery rate from those parcels with reserved matters approval. This involves 1,059 dwellings and would result in an average delivery of 212 dpa. Whilst this is much faster than has happened in the past, housebuilding only commenced in 2016 and the expectation is that it will ramp up as a result of the completion of infrastructure. There are a number of different developers offering a range of housing products, including affordable housing and private rented accommodation. In the circumstances, there is insufficient evidence to justify the reduction in build-out rates suggested by the Appellant.
93. A condition on the outline planning permission for the northern part of the SDL only permits 1,000 dwellings to be delivered until 25% of the commercial floorspace in the District Centre has been completed. Progress is being made but there is no reserved matters application and the Development Brief does not give specific timescales. It is very difficult to be confident about when the District Centre will go ahead, especially with the present fluctuating retail market. The Council indicates that it could vary the condition. However, on the assumption that it was considered necessary when imposed it is far from certain that such steps would be acceptable. At present the northern part of the site is anticipated to deliver 1,119 dwellings in the 5 year period and only 713 remain to be built before the condition would be breached. Taking account of my conclusions in paragraph 90 above, this would leave 406 dwellings where delivery in the 5 year period is subject to doubt.
94. Drawing together all of the above points, 406 dwellings should be removed from the trajectory.

South of the M4 Motorway SDL

95. This SDL is one of the longer established strategic sites where delivery started in 2012/13. However, it was not until 2017/18 that it reached (and exceeded) the 250 dpa anticipated. This continued the following year and a total of 1,280 homes is forecast over the 5 year period. The Council's own evidence of delivery on 2 parcels⁴, where there were 5 housebuilders involved, was about 39 dpa. The number of active parcels is set to decrease from 10 to 4 by 2021/2022.
96. The land west of Shinfield is being delivered by 3 developers. Linden Homes

⁴ Land south of Croft Road (completed in 2018/19) and Land West of Shinfield (Phase 1) (275 of the 517 completed 2018/19).

have specifically indicated that it will be slowing delivery rates. Each parcel is indicated to deliver 75 dpa in the first 3 years of the trajectory but to significantly increase delivery on phase 2 in the last 2 years once phase 1 is completed. Although both sites are adjacent, the assumption that construction teams will be moved across to ramp up delivery on the phase 2 site does not seem to be based on evidence. In such circumstances I consider that the rates should remain consistent and that 73 dwellings should be removed from the trajectory.

97. Taylor Wimpey are active on 3 parcels and the trajectory shows a total of 346 dwellings being delivered over the 5 years. This indicates a rate of just short of 70 dwellings a year. The evidence on past rates for this developer on the south of Croft Road parcel show a delivery rate nearer the 50 dpa referred to in the HLSS. Overall, I consider that this is more realistic and that 96 dwellings should be removed from the trajectory.
98. I note that the Appellant considers that overall past delivery rates should be applied to this SDL going forward. Whilst as noted above Linden Homes have indicated a slowdown that does not necessarily apply to other housebuilders. It is not considered robust to adopt this approach, particularly when the evidence indicates that delivery has significantly improved since 2017/18.
99. Drawing together all of the above points, 169 dwellings should be removed from the trajectory.

North Wokingham SDL

100. This SDL has made slow progress and consistently failed to deliver in accordance with the trajectory until 2018/19. However, the evidence shows that matters are improving and that in 2019, 438 of the 827 dwellings anticipated over the 5 year period were under construction. The Council indicates that there is a likelihood that the 252 dwellings shown in the trajectory for 2019/20 will be delivered. There is evidence that delivery on the SDL is improving and that the increase shown in 2018/19 is likely not to have been due to a "spike" caused by pent up demand.
101. The trajectory shows that the number of outlets will decrease, but 3 developers remain active over the whole 5 year period. The Appellant's contention that a generic build-out rate of 100 dpa should be applied is based on historic rates and the evidence seems to me to be demonstrating that this SDL is now delivering, albeit after a slow start. In the circumstances I consider that no changes should be made to the trajectory.

Other sites

102. At Auto Trader House, Danehill it is understood that there was prior approval for 26 flats in March 2019 and this can be taken into account as part of the forward supply. On the other hand, there is no evidence that a development of 76 dwellings was being contemplated and indeed the Council refused permission for the scheme. Although this larger development was granted permission on appeal in June 2019 this was well after the base date of 31 March. In the circumstances the trajectory should be reduced by 50 dwellings.
103. At Stanbury House, Spencers Wood outline planning permission for 57 dwellings was granted on appeal in September 2018. It is appreciated that

part of the developer's case was that the site would assist the 5 year supply. However, from the evidence there has been no reserved matters application. The Council indicated it had sought an update from the developer but had received no response. Indeed, an application has now been submitted for 120 units on a larger site. The developer's intentions are thus far from clear. Even though delivery is shown to be in the last 2 years of the trajectory, the evidence does not show that housing completions will begin within the 5 year period. In the circumstances the trajectory should be reduced by 57 dwellings.

104. At Sonning Golf Club an outline planning permission was granted for 13 dwellings in July 2018. Apart from a reserved matters application relating solely to the access, no further approvals have been granted. Whilst this is a greenfield site, there are a number of pre-commencement conditions relating to such matters as contamination and archaeology that have not been discharged. It is understood that a pre-application meeting has been held with the housebuilder, Alfred Homes, but there is insufficient evidence that delivery will take place in the 5 year period. In the circumstances the trajectory should be reduced by 13 dwellings.
105. Outline planning permission was granted for 20 dwellings at Trowes Lane, Wokingham in February 2018. It is understood that a conditions application was approved in August 2018 but since then no further progress has been made. Cove Construction Ltd is the developer and the Council has indicated that the site is flagged on its website as "coming soon". However, the developer has not responded to the Council's enquiries and no reserved matters application has been forthcoming. Although this is a small site and has been placed in the final year of the trajectory, there is insufficient evidence that delivery will take place in the 5 year period. In the circumstances the trajectory should be reduced by 20 dwellings.

Windfalls

106. The small sites windfall allowance is not disputed. However, the Appellant contended that a large sites windfall allowance of 32 dpa from year 3 is not justified. The evidence of windfalls of 10 or more completions on previously developed land between 1999 and 2019 indicates an average of 44 dpa although there is considerable annual variation. The Council therefore consider that its rate is very conservative.
107. However, prior approvals would fall into the category of windfalls but there is no evidence that those identified specifically would all deliver in years 1 and 2. Similarly, there is no evidence that windfall sites with planning permission at the base date would deliver as quickly as the Council contends. In such circumstances I consider it likely that there is the potential for significant double counting. In the absence of any better evidence, the 96 dwellings comprising the large windfall allowance should be removed from the trajectory.

Conclusions

108. Drawing the above points together, I conclude that in my estimation 811 dwellings should be removed from the trajectory. This means that the Council can demonstrate a 5.43 year supply of deliverable sites.

109. The Covid-19 pandemic is likely to have implications for the housebuilding industry as with other sectors of the economy. The evidence indicates that a number of developers are temporarily closing their construction sites to protect employee and customer welfare. For those remaining open, the lock-down will impact on the availability of support services. Customer confidence is also likely to be reduced with a consequent effect on the buying and selling of property.
110. The Appellant has concluded that the effects would be felt for a 3 to 6 month period, which does not seem unreasonable. On that basis the conclusion is that a further 168 dwellings should be removed from the trajectory to take these factors into account. Whilst it is contended that this is an optimistic assessment, it is equally possible that a bounce back will occur once the crisis ends. Indeed, it is reasonable to surmise that housebuilders and their suppliers will be keen to rectify losses if it is possible to do so.
111. At this stage the economic effects of Covid-19 cannot be known. However, even if all of the impacts suggested by the Appellant are accepted, the Council would still be able to demonstrate about 5.2 years supply of deliverable sites.

Other matters

Affordable housing

112. Policy CP5 in the CS establishes a minimum requirement for 40% affordable housing on sites such as this, subject to viability. The *Berkshire Strategic Housing Market Assessment 2013-2036* (2016) identifies a need for 441 dpa. In the 6 years since 2013, 1,317 affordable dwellings have been delivered or an average of 220 per annum. This means that a backlog will accumulate year on year. If this were to be addressed over the next 5 years, delivery would have to amount to over 700 affordable dpa. This is not far off the total annual housing requirement, which demonstrates the scale of the issue and that the need is acute.
113. Wokingham is an expensive area in which to live and incomes are not keeping pace with price rises. The average house price to average income ratio now stands at 12:1. The evidence shows that there were 1,860 households on the Council's Housing Register on 1 April 2019 and that this had risen by 247 from the preceding year. In December 2019, 1,502 households were on the Help to Buy South Register, with 40 specifying a preference for a shared ownership dwelling in Finchampstead.
114. The proposed development would provide 50% affordable housing, which would amount to 59 units and be above that required by policy CP5 in the CS. The S106 Agreement indicates that the mix would be 66% social rented units and 34% shared ownership units with a mix of flats, bungalows and houses. Taking account of all of the above factors the affordable housing provision would clearly be an important benefit.

Self-build and Custom-build housing

115. Under the *Self Build and Custom Housebuilding Act* (2015) local authorities have a legal duty to keep a Register of those who wish to acquire serviced plots. The *Housing and Planning Act* (2016) requires local authorities to grant sufficient permissions to meet the demand on their Register on a rolling

programme of 3 years by the end of each base period. Paragraph 61 of the Framework indicates that the housing needs of different groups in the community should be assessed and reflected in planning policies. This includes people who wish to commission or build their own homes. As this is a relatively new provision, neither the CS nor the MDD LP include policies that relate to this issue. However, the emerging Local Plan does address this type of home provision and will be considered in due course by an Examining Inspector.

116. The evidence shows that in the first Base Period ending on 30 October 2019 there was an overprovision of permissions relative to demand. For Base Period 2 ending on 30 October 2020 the Appellant and Council disagree about the residual requirement is 83 or 62 dwellings. The Council referred to a community-led project of 21 dwellings on its own land, although no planning permissions appear to have been granted to date. The Appellant contends that the Council will fail to comply with its statutory duty within the current base period, on the basis of past provision rates and lack of available sites. That remains to be seen.
117. There is clearly a substantial demand for this type of development. The Council's own Register shows that about 35% of those in Base Periods 1 and 2 had a preference for a serviced plot in Finchampstead. The appeal proposal would help meet this demand through the 6 serviced plots that it proposes to include.

The SANG

118. The SANG is intended to provide mitigation against likely significant adverse effects on the Thames Basin Heaths Special Protection Area. Such impacts would include recreational pressure from the new population and the harm that would arise to the integrity of the interest features of this protected site.
119. It is clear that the size and quality of the SANG would exceed the above requirements. I have already referred to the management of the woodland and this would be secured through a Management Plan in the S106 Agreement. Within this area there would be woodland walks for the public to enjoy. Overall, the SANG would provide a significant recreational resource, not only for the occupiers of the new development but also for existing residents. Even though no parking area would be provided many would be able to walk or cycle from the surrounding area. There would be grassland areas with water features and areas that could be used for informal exercise. The S106 Agreement includes provisions for the future management of the SANG, including funding.

Highway safety and congestion

120. There is no dispute that the local road network, including Nine Mile Ride, is busy especially during peak periods. The indications are that this will get worse once the Arborfield Garrison SDL is built out. Local residents were particularly concerned about traffic impacts and pedestrian safety.
121. At present Nine Mile Ride is operating below a theoretical capacity of about 1,500 vehicles. However, once the Arborfield Garrison SDL comes on-stream it is anticipated that this will change, and that capacity will be exceeded in

peak periods depending on daily variations. This will also impact on California Crossroads where congestion occurs at busy periods around the 2 mini-roundabouts. The Appellant's Transport Assessment includes agreed trip rates and trip assignments. This shows 67 trips generated in the morning peak and 65 trips in the afternoon peak, which would be spread between the 2 access points. The evidence shows that the additional traffic that would be added from the appeal scheme would amount to less than one vehicle a minute and be insignificant when daily variations are taken into account.

122. I note the concern about the safety of the eastern access, which would be opposite a residential entrance on the south side of Nine Mile Ride. However, a Stage 1 Road Safety Audit has been undertaken at this access point and no safety issues were identified. Such arrangements are not uncommon and there is no evidence that this stretch of road is particularly dangerous or has a high accident rate.
123. Paragraph 109 of the Framework indicates that development should only be prevented or delayed if there would be an unacceptable impact on highway grounds or the residual cumulative impacts on the road network would be severe. The Council as Highway Authority has raised no objection to the appeal scheme on this basis. This is a matter of importance because it is the statutory authority responsible for highway safety on the local road network. Bearing all of these points in mind, I am satisfied that there would not be an unacceptable highway impact or that the cumulative effects would be severe.

Planning balance and overall conclusions

124. The appeal site is within a countryside location and outside the development limits for Finchampstead North and the Arborfield Garrison SDL. There would be harm to the character of the area, the Green Route and the landscape. In addition, notwithstanding improvements to the bus service, the opportunities for modal choice would remain limited and it is likely that most journeys would be undertaken by car. These harmful impacts are matters of very substantial weight and importance in the planning balance.
125. I have identified the most important policies for determining this application. Of these the proposed development would conflict with policies CP1, CP3, CP6, CP9 and CP11 in the CS and policies CC02, CC03 and TB21 in the MDD LP. Inevitably there are some with which the proposal would comply, policies CP5 in the CS and TB05 in the MDD LP relating to affordable housing and housing mix being obvious examples. Nevertheless, in my judgement the appeal scheme would conflict with the development plan when taken as a whole.
126. Paragraph 11 of the Framework establishes the presumption in favour of sustainable development. The "tilted balance" may be engaged in 2 circumstances. In relation to housing provision, I have concluded that the Council can demonstrate a 5 year supply of deliverable housing sites to meet its local housing need. In relation to the most important policies I have found that a few are out of date but not the majority. Overall, I consider that the basket of most important policies is not out-of-date in this case. For these reasons the "tilted balance" would not be engaged. Taking account also of my conclusion in paragraph 125 above, the presumption in favour of sustainable

development would not apply. I can also conclude that the proposal would conflict with policy CC01 in the MDD LP.

127. I have concluded that a few of the most important policies are not consistent with the Framework and therefore it is necessary to consider the weight to be attributed to the conflict. As the presumption in favour of sustainable development in policy CC01 is worded significantly differently to the Framework I consider that the conflict with it should be attributed limited weight. Policies CP9 and CP11 in the CS and policy CC02 in the MDD LP rely on the development limits that have been breached in several of the component parts of the 5 year housing land supply. On the other hand, the Council has been able to demonstrate sufficient deliverable sites without the need to include the Appellant's land. In such circumstances I attribute significant weight to the conflict with these policies.
128. The appeal proposal would include a number of social, environmental and economic benefits. Policy CP17 does not cap housing provision but the Council is providing sufficient deliverable sites to meet its local housing need plus a buffer designed to provide choice and competition in the market. Whilst it is not delivering housing wholly in a plan-led way, the appeal site would not be a plan-led proposal either. In the circumstances I give limited weight to the provision of market housing as a benefit in this case.
129. There is an acute need for affordable housing and this would be provided above the level required under policy CP5. The inclusion of 6 Self-Build and Custom-Build serviced plots would be a benefit that would clearly meet a local demand. In the circumstances I give substantial weight to these benefits.
130. The SANG would be a recreational resource for those living on the development and also residents within the local area. The SSSI would be restored to favourable condition and its biodiversity would be enhanced. I give significant weight to these benefits. An open area is proposed as an education area for Oak Tree Nursery. Whilst I have no doubt that this would enhance the facilities of the nursery, I am not convinced that the condition to secure it would be necessary in order for the appeal development to go ahead. In the circumstances I give this very limited weight as a benefit of the proposal.
131. The proposal would have a range of economic benefits. It would, for example, provide new jobs during the construction period and thereafter. There would be a contribution to economic growth and the generation of household expenditure would help support the local economy and provide local jobs. I attribute limited weight to these benefits.
132. Overall, I consider that the package of benefits should be given substantial weight in the planning balance. However, as I have identified above, there would also be very substantial harm. In my overall judgement the positive factors are insufficient to outweigh the negative ones, and do not indicate that the decision should be made otherwise than in accordance with the development plan.
133. In this case it is unnecessary for me to undertake an Appropriate Assessment as I am dismissing the appeal. However, if I had done so and a positive outcome had ensued it would not have affected the planning balance or my overall conclusions. I have considered all other matters raised but have found

nothing to change my conclusion that this would not be a sustainable form of development and that the appeal should not succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Sasha White	Of Queen's Counsel
Ms Anjoli Foster	Of Counsel, both instructed by Ms E-J Brewerton, Solicitor to the Council
<i>They called:</i>	
Mr M Croucher BA(Hons) MSc	Principal Planning Officer at Wokingham Borough Council
Mr G Adam BA DipEcon MA FCIHT MILT	Principal Development Control Engineer at Wokingham Borough Council
Mr I Church BA(Hons) MA MRTPI	Team Leader at Wokingham Borough Council
Mr W Gardner BSc(Hons) MSc(Merit) CMLI	Landscape Architect at EDP
*Ms E-J Brewerton	Solicitor to the Council

FOR THE APPELLANT:

Mr Christopher Young	Of Queen's Counsel
Mr Oliver Lawrence	Of Counsel, both instructed by Mr A Meader, the Pegasus Group
<i>They called:</i>	
Mr D Ford MSc	Associate Director of Transport Planning Associates
Ms A Tamblyn MA(Oxon) MSc CEnv MCIEEM FRGS	Managing Director of The Ecology Partnership
Mr A Meader BSc(Hons) DipTP MRTPI	Senior Director (Planning) of the Pegasus Group
Mr J Atkin BSc(Hons) DipLM CMLI	Director (Landscape) of the Pegasus Group
Dr R Curtis BSc(Hons) PgDip PhD MArborA	Associate Director of Aspect Arboriculture Limited
Mr J Stacey BA(Hons) DipTP MRTPI	Director of Tetlow King Planning
Mr A Moger BA(Hons) MA MRTPI	Associate Director of Tetlow King Planning
Mr M Good BSc(Hons) MA MSc MRTPI	Director (Planning) of the Pegasus Group
*Mr B Naish	Solicitor with Osborne Clarke LLP
<i>*Took part in the Planning Obligations and/or the planning conditions sessions only</i>	

INTERESTED PERSONS:

Mr G Veich	Parish Councillor of Finchampstead Parish Council
Mr M Sheehan BEng MSc DIC	Local resident
Mr R Lewis	Local resident
Mr G Anderson	Local resident
Mrs J Joyce	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Appeal decision: *Land at Lodge Road, Hurst* (APP/X0360/W/3194044), submitted by Mr White
- 2 Oral statement delivered to the inquiry by Mr Sheehan and appended extract from TA 79/99
- 3 Clarification on the Council's position on benefits, submitted by Mr White
- 4 Extract from Assessment of Walked Routes to School, submitted by Mr Young
- 5 Summary of S106 planning obligations, submitted by Mr Young
- 6 Appeal decisions: *Land east and west of Parsonage Road, Takeley* (APP/C1570/W/19/3234530 and APP/C1570/W/19/3234532, submitted by Mr Young
- 7 Appeal decision: *Land off Meadow Lane/ Chessington Crescent, Trentham, Stoke-on-Trent* (APP/M3455/W/18/3204828), submitted by Mr Young
- 8 Plan showing application site, land at Wheatsheaf Close, Sindlesham, submitted by Mr Young
- 9 Statement of Common Ground on sustainability of location matters
- 10 Note on the *My Journey* initiative, submitted by Mr White
- 11 Consultation response from Thames Water on sewage disposal
- 12 Mr Gardner's position statement on landscape and trees, submitted by Mr White
- 13 Note on foul and surface water drainage strategies, submitted by Mr Young
- 14 *Suffolk Coastal District Council v Hopkins Homes Ltd and Another; Richborough Estates Partnership LLP and Another v Cheshire East Borough Council* [2017] UKSC 37, submitted by Mr Young
- 15 Note on the likely use of the proposed pedestrian crossing and its possible impact on traffic flow, submitted by Mr Young
- 16 Note concerning the Education Space S106 planning obligations, submitted by Mr Young
- 17 Confirmation of instruction date of Mr Moger, submitted by Mr Young
- 18 Woodland Management Plan, submitted by Mr Young
- 19 Refusal notice of the appeal application, submitted by Mr Young
- 20 Landscape and visual addendum by Mr Atkin, submitted by Mr Young
- 21 Note by Mr Adam on the proposed bus and pavement improvements, submitted by Mr White
- 22 Extract from the Panel Report into the RSS for South-East England, submitted by Mr Young
- 23 Arborfield Green District Centre development brief, submitted by Mr Young
- 24 Response to Mr Adam's note at Document 21, submitted by Mr Young
- 25 Draft list of conditions and Council's suggested wording for the construction method statement condition, submitted by Mr White
- 26 Progress on the Arborfield Green District and Local Centres, submitted by Mr White

- 27 Appellant's note regarding the delivery of Arborfield Garrison, submitted by Mr Young
- 28 Explanation of the SANG contingency sum and SAMM tariff guidance, submitted by Mr White
- 29 Arboricultural note relating to the proposed footway widening along Nine Mile Ride, submitted by Mr Young
- 30 Consents for work to protected trees at Barkham and Wokingham, submitted by Mr White

DOCUMENTS RECEIVED FOLLOWING THE CLOSE OF THE INQUIRY

- 31 *Written representation from Ms J Joyce (14/2/20)
- 32 *Written representation from Ms C Broad (14/2/20)
- 33 **Decision Notice, Minute (point 83) and Committee Report relating to the Nine Mile Ride extension, submitted by the Appellant.
- 34 ***Note and appeal decision: *Land to the south of Cutbush Lane, Shinfield* dated 10/3/20 (APP/X0360/W/19/3238203), submitted by the Appellant
- 35 Response of the Council to Document 34
- 36 Executed Planning Obligation by Unilateral Undertaking (dated 11 March 2020)
- 37 Executed Planning Obligation by Agreement (dated 12 March 2020)
- 38 Appellant's response to Inspector's question about the impact of COVID-19 on housebuilding
- 39 Council's response to Inspector's question about the impact of COVID-19 on housebuilding
- 40 Secretary of State appeal decision dated 1 April 2020: *Land off Station Road, Long Melford, Suffolk* (APP/D3505/W/18/3214377), submitted by the Appellant

*I agreed to receive representations from these 2 local residents during the inquiry and they were circulated to the main parties subsequently.

**I agreed to accept these documents after the close of the inquiry as they are factual matters, which the Appellant considered material. The Council confirmed it had no objection.

***I agreed to accept this decision after the close of the inquiry on the grounds that it is a relevant material consideration. The Council was given the opportunity to respond.

PLANS

- A/1-A/9 Application plans on which the Council made its decision (A/1-A/9)
- B Internal roads plan
- C Revised indicative masterplan (P16-1187_01 Rev:N)
- D Revised landscape proposals plan (P16-1187_20 Rev:F)
- E Facilities plan
- F Plan showing the built-up area in the vicinity of the appeal site
- G/1-G/6 Plan showing potential footway widening along Nine Mile Ride
- H Plan of potential bus stop improvements on Nine Mile Ride
- I Proving layout (illustrative)