

PLANNING PROOF OF EVIDENCE

SUMMARY

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SECTION 78 APPEAL BY PERSIMMON HOMES THAMES VALLEY

LAND NORTH WEST OF GORING STATION, GORING BY SEA, NR WORTHING

PROPOSAL:

MIXED USE DEVELOPMENT COMPRISING UP TO 475 DWELLINGS ALONG WITH ASSOCIATED ACCESS, INTERNAL ROADS AND FOOTPATHS, CAR PARKING, PUBLIC OPEN SPACE, LANDSCAPING, LOCAL CENTRE (USES INCLUDING A1, A2, A3, A4, A5, D1, D2, AS PROPOSED TO BE AMENDED TO USE CLASSES E, F AND SUI GENERIS) WITH ASSOCIATED CAR PARKING, CAR PARKING FOR THE ADJACENT RAILWAY STATION, UNDERGROUNDING OF OVERHEAD HV CABLES AND OTHER SUPPORTING INFRASTRUCTURE AND UTILITIES.

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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1. SUMMARY AND CONCLUSIONS

1.1 My Proof of Evidence has been prepared on behalf of Persimmon Homes Thames Valley (the Appellant). It relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of land north west of Goring Station, Goring-by-Sea, near Worthing (the Appeal Site).

1.2 The appeal was lodged following the decision of Worthing Borough Council to refuse a planning application which sought outline planning permission for a proposed development comprising:-

“Mixed use development comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre (uses including A1, A2, A3, A4, A5, D1, D2, as proposed to be amended to use classes E, F and Sui Generis) with associated car parking, car parking for the adjacent railway station, undergrounding of overhead HV cables and other supporting infrastructure and utilities.”

1.3 My evidence concentrates on the following issues:-

Issue 1 Whether the appeal site offers an appropriate location for development having regard to local and national planning policy [RfR 1 and Inspector Issue i]

Issue 2 Whether the appeal site offers an appropriate location for development having regard to the emerging Local Plan [RfR 1 and Inspector Issues i and ii]

Issue 3 Prematurity [RfR 2 and Inspector Issue i]

Issue 4 Other matters raised by third parties

The Overall Planning Balance

1.4 My main findings can be summarised as follows:-

Issue 1 Whether the appeal site offers an appropriate location for development having regard to local and national planning policy [RfR 1 and Inspector Issue i]

1. This is the right development in the right location, at the right time.

2. I accept that the proposals do not accord with Policy 13 which seeks to restrict new housing to PDL sites within the built-up area or land at West Durrington.

However, Policy 13 is out of date by virtue of the 5YRHLS position and it is also inconsistent with the NPPF. I attach only limited weight to this policy conflict.

3. The housing requirement of the WCS is also out of date because it is based on the revoked South East Plan. It pre-dates the NPPF and does not (and could not) reflect more recent changes in national policy.
4. The WCS housing requirement has been overtaken by the standard method because the WCS is now more than 5 years old. The WCS only required 200dpa whereas the Standard Method now requires a very significant increase of 885 dpa.
5. Any policy which seeks to constrain housing development to PDL within a defined built-up area, which is predicated upon revoked policy and guidance and an out of date housing requirement is the antithesis of the NPPF policy imperative to boost significantly the supply of housing.
6. The LPA has been inconsistent in its application of Policy 13 as illustrated by the fact that it was not a barrier to the grant of planning permission for 240 dwellings on unallocated greenfield land at West Durrington [CD.J.49].
7. The merits of the appeal site are self-evident. It is well related to the built-up area and in that regard, it would be consistent with the general thrust of the spatial strategy which seeks to reduce the need to travel by locating homes in the most accessible places.
8. There are excellent opportunities to walk, cycle and use public transport. The site even lies immediately adjacent to a mainline railway station.
9. The proposals represent a logical rounding off for this part of the settlement. They would not represent a new outward incursion into the open countryside and would not encroach closer on the National Park than the existing pattern of development in the area. It would in fact be set back behind the Ferring Rife.
10. The site itself is not subject to any designations and is relatively unconstrained in planning policy terms. It is not identified (and protected) as a strategic/local gap, or Local Green Space in the adopted Development Plan.

Issue 2 Whether the appeal site offers an appropriate location for development having regard to the emerging Local Plan [RfR 1 and Inspector Issues i and ii]

11. The eLP can be afforded no more than limited weight at this time, having regard to NPPF paragraph 48.
12. The emerging Local Plan is not at an advanced stage, it is subject to unresolved objections and it is not consistent with the NPPF.
13. The Inspector's Initial Advice letter has not concluded that the plan is sound or that it meets the tests for legal compliance. The letter is also silent on some fundamental matters. Further work is required and the plan will no doubt be subject to further change and consultation.

14. It would be inappropriate to resist the appeal proposals on the basis of any perceived conflict with the emerging Local Plan for both procedural and evidential reasons.
15. The LPA's RfR 1 relies upon eLP policies SS4, SS5 and SS6 which are all likely to change even according to the LPA.
16. In particular, the Inspector suggests that the Chatsmore Farm LGS designation does not meet the tests in the NPPF. The evidence of Mr Self reaches a similar conclusion.
17. I expect the exceptional circumstances test to be deleted from the draft Local Green Gap Policy SS5 as suggested by the EIP Inspector but I am no doubt that there are exceptional circumstances that justify the appeal proposals in any event.
18. The fact that the site is not allocated and does not accord with the eLP policies as currently drafted means very little when viewed through these optics.
19. Even if the Local Green Gap policy was to survive in some form (and we don't know whether it will), the evidence demonstrates that the appeal proposals would maintain the integrity of what the LPA refers to as the Goring Gap.
20. 87% of the undeveloped gap would remain. There would be functional separation in physical and visual terms. The proposals would therefore accord with the objective of the policy in any event.
21. There has been material changes in circumstances which distinguish this appeal from the 1974 appeal decision which dealt with matters of separation. It should be afforded very limited weight in the determination of the current appeal.

Issue 3 Prematurity [RfR 2 and Inspector Issue i]

22. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances [NPPF para 49].
23. Both of the tests in NPPF paragraph 49 for when prematurity might justify refusal are simply not met in this case.
24. The appeal proposals involve amount to 475 dwellings. That is only 3% of the minimum number of homes that the LPA should be providing for anyway.
25. 475 homes is still only a 13% increase on top of the 3,672 dwellings the LPA is planning for. This is not "so substantial" and in any event there are major questions about how the LPA arrived at its constrained housing figure.
26. The location of the site is consistent with the urban focus strategy of the eLP and puts development in an accessible location which reduces the need to travel. The proposals do not give rise to a material and harmful distortion of the spatial strategy in locational terms.
27. There is no suggestion that allowing this appeal will cause the LPA to abandon the eLP or for there to be a fundamental rethinking of the plan.

28. The Local Green Gap and Local Green Space policies are of local significance rather than something which is central to the strategy of the eLP
29. The LGS at Chatsmore Farm looks likely to fail regardless of this appeal. The LPA has not suggested that it will cause them to tear up the plan.
30. I have already demonstrated that the appeal scheme could accord with the LPA's latest thinking on the Local Green Gap policy in any event.
31. The NPPF does not define what is meant by "at an advanced stage." It is a matter of judgement and this plan still has many hurdles to overcome before it can be found sound and legally compliant.
32. I do not believe that the eLP is at a sufficiently advanced stage to warrant refusal on ground of prematurity.
33. The eLP is planning to fail. If an Appellant is able to demonstrate that the LPA has underestimated the capacity for sustainable development at a time when the needs of circa 10,500 households are going to go unmet, then that is a positive outcome for the planning system. It is clearly in the public interest rather than something that should be criticised as undermining the plan led process.

Issue 4 Other matters raised in third party objections

34. The planning application provided the necessary information to confirm that there is no evidential basis for objection on any of these grounds.
35. There are no outstanding objections from statutory consultees relating to these matters.
36. In view of the above and in the absence of any robust technical evidence to the contrary, there is no reason why planning permission should be withheld on these grounds.

The Overall Planning Balance

37. Although there would be a partial conflict with the Development Plan the most important policies are out of date and the proposals would still be in in general accordance with the spatial strategy of the WCS.
38. The Public Benefits would outweigh the less than substantial harm to heritage assets in the context of NPPF paragraph 202 and the very limited impact on the National Park would not justify the refusal of planning permission in the context of NPPF paragraph 176.
39. It follows that the tilted balance is not dis-applied in this case.
40. The proposals would deliver a range of social, economic and environmental **benefits** which can be afforded varying levels of weight as identified below:-
 - a. Provision of Open Market Housing – Very Substantial
 - b. Provision of Affordable Housing – Very Substantial

- c. Expenditure on construction/investment – Significant
 - d. Creation of construction jobs - Moderate
 - e. Providing homes for economically active people – Moderate
 - f. Provision of a new Local Centre (incl. jobs) – Limited/Moderate
 - g. Provision of car parking for the railway station - Moderate
 - h. Financial contributions towards off site infrastructure – Limited/Moderate
 - i. Undergrounding of HV cables – Limited/Moderate
 - j. Public open space, Planting and Biodiversity enhancements – Moderate
41. The potential residual **adverse impacts** have been identified and these should also be afforded varying degrees of weight as follows:
- a. Conflict with the Development Plan [WCS Policy 13] – Limited
 - b. Conflict with the emerging Local Plan – Limited
 - c. Landscape and visual impact on the character and appearance of the area comprising:-
 - i. Loss of countryside and localised impact on the site – Limited
 - ii. Wider landscape and visual impact incl. very limited harm to the setting of the National Park – Moderate
 - k. Partial loss of BMV agricultural land - Limited
 - d. Less than substantial harm (at the lowermost end of the spectrum) to the significance of designated heritage assets – Moderate
 - e. A marginal increase in traffic on the existing road network – Limited
42. All other identified impacts can be mitigated through Planning conditions, obligations or through reserved matter applications.
43. Overall, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and this is a material consideration that outweighs the conflict with the Development Plan.
44. As such the proposals represent sustainable development in the context of NPPF paragraph 11d and the appeal should be allowed.

Concluding Comments

- 1.5 Having undertaken a planning balance in the way that I have outlined, I reach the conclusion that the proposals represent a suitable and sustainable form of

development in this location and that there are compelling reasons that justify the grant of planning permission.

- 1.6 In view of the foregoing, the Inspector is respectfully requested to uphold this appeal and to grant outline planning permission, subject to any necessary conditions and planning obligations.