

Examination of the Worthing Local Plan 2020 - 2036

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Dear Mr Moody,

Worthing Local Plan – Implications of Chatsmore Farm S78 Appeal Decision

1. Thank you for your letter, dated 11 March 2022, regarding the recent appeal decision¹ on the Chatsmore Farm site (WBC-E-22).
2. As you are aware, my Initial Advice letter (IL07) focussed on matters where I considered the Plan was unsound and that main modifications would be necessary. My only specific comments about the Chatsmore Farm site related to its proposed designation as a Local Green Space (LGS). I concluded that, while the site exhibited characteristics that made it demonstrably special to local communities, it does not meet all of the criteria for being LGS in the National Planning Policy Framework (NPPF). I therefore suggested that the designation should be deleted.
3. However, I made no comment about the identification of the site as a Local Green Gap (LGG), nor did I suggest that the designation should be deleted. Any concerns I had about Policy SS5 were only related to the detailed wording of the policy and not the LGG allocations themselves or the broad degree of protection given to them.
4. The appeal decision grants outline planning permission for housing development on an area that would be designated as LGG. I must therefore consider whether the appeal decision has any implications for the progression of the examination, consultation on Main Modifications (MM) and the adoption of the Plan. In coming to my conclusions, I have been particularly mindful of the stage we are at in the examination process and the timing of the decision. Consultation on MM is due to start shortly and the Council has always been clear about its desire to adopt the Plan as soon as possible. I have endeavoured to ensure this can be achieved.
5. Given the housing supply situation in Worthing, it is particularly important that an up-to-date plan is in place. It will provide the necessary certainty about the scale

¹ Appeal reference: APP/M3835/W/21/3281813

and location of development in the borough and give confidence to developers to progress sites. I am also conscious of the role of the Plan in protecting those areas which the Council considers would be inappropriate for development. This is clearly a significant issue given the disparity between the identified objectively assessed need and the available land supply.

6. The site in question now has outline planning permission. Whether or not it is identified as a LGG will not prejudice this or its implementation. Notwithstanding my colleague's conclusions, I am not bound by the decision. I have been able to come to my own conclusions as to whether identification of the site as a LGG is sound and the implications of this for the housing requirement. Moreover, an appeal decision which concludes development is acceptable on this site does not mean that its identification as a LGG as part of the Plan is not justified, that the process was not robust or that the Plan is not sound.
7. It is also important to note that the Inspector was considering a specific proposal for development in a different policy context. It is clear that the fact the site does not form part of a designated strategic gap in the adopted development plan was a factor in his decision, as well as the current five-year supply situation. However, my role is different insofar as I must consider whether the designation of the site as a strategic green gap would be justified.
8. With all of these factors in mind, I am not currently inclined to delay consultation on MMs to re-open discussions on this matter. To do so at this late stage in the process would lead to unwelcome delays and may not result in any further changes to the Plan. Rather, I suggest that your letter to me, and the appeal decision, are made available for comment during the MM consultation alongside other new or revised evidence documents and notes that have already been discussed. Should I receive comments on this matter which lead me to alter my position, then this can be addressed following the close of the consultation. This may include the need for additional hearing sessions. However, if I am content that no further discussion or modifications are necessary, then there will be no need for this to delay the adoption of the Plan.
9. I have also noted that the Council is considering whether or not to challenge the decision. If you decide to progress on that basis, it would not be sensible to wait for the outcome of that process to proceed. This would leave the Plan in a state of limbo that would not be appropriate. This is another reason why I consider it would be appropriate to move to MM consultation as planned.
10. I have asked the Programme Officer to upload a copy of this letter to the website for those following the examination, but I am not seeking any comments from participants at this stage. However, I would be grateful if the Council could confirm they are content with this advice and the course of action suggested. If you consider an alternative course would be more appropriate, I would be happy to consider it. Should you have any other queries about the content of this letter, or need further clarification, then please contact me through the Programme Officer.

Yours sincerely,

Steven Lee
INSPECTOR