

# Town & Country Planning Act 1990

## Appeal by Persimmon Homes Thames Valley

Outline planning applications (with all matters reserved) for a 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

**Land north-west of Goring Railway Station,  
Goring-by-Sea, Worthing,  
West Sussex**

Application no. AWDM/1264/20

PINS ref: APP/M3835/W/21/3281813

## **PROOF OF EVIDENCE ON PLANNING MATTERS**

Prepared by Martin Carpenter BA (Hons) MRTPI  
on behalf of Worthing Borough Council

January 2024

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## TABLE OF CONTENTS

<b>Qualifications and Experience .....</b>	<b>5</b>
<b>1.0 Introduction &amp; CHRONOLOGY .....</b>	<b>6</b>
Re-consideration of the planning application .....	7
<b>2.0 SCOPE OF EVIDENCE .....</b>	<b>8</b>
<b>3.0 The Appeal SITE AND SURROUNDING AREA.....</b>	<b>9</b>
Planning history .....	10
Previous S78 appeal decision dated 25 <sup>th</sup> February 2022.....	11
<b>4.0 APPEAL PROPOSALS.....</b>	<b>13</b>
<b>5.0 POLICY CONTEXT .....</b>	<b>15</b>
Worthing Local Plan.....	15
Local Plan Inspector’s Report .....	17
National Planning Policy .....	22
Planning Policy Commentary.....	25
<b>6.0 MAIN ISSUES IN THE DETERMINATION OF THE APPEAL .....</b>	<b>26</b>
Whether the proposed development would provide adequate biodiversity net gain. ....	26
The effect of the proposed development on the setting of the SDNP .....	26
The effect of the proposed development on localised views .....	27
The effect of the proposed development on the Local Green Gap (specifically the spatial elements of policy SS5 and the purpose served by that policy).....	27
Whether the proposed development would be in a suitable location having regard to local and national planning policies and the need for housing. ....	30
Housing Land Supply .....	31
Benefits of the appeal proposals .....	32
<b>7.0 CONCLUSIONS AND PLANNING BALANCE .....</b>	<b>33</b>

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## **Appendices**

Appendix 1 – 1963 appeal decision

Appendix 2 – 1974 appeal decision

Appendix 3 – Extract from 2005 Structure Plan

Appendix 4 – Local Plan Inspector's initial advice letter dated 9<sup>th</sup> December 2021

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## QUALIFICATIONS AND EXPERIENCE

- 0.1 I am Martin Carpenter, a Director of Enplan; planning, landscape and environmental consultants which I helped establish in 2000. Prior to this I was Planning Director of DMH Stallard based at their Gatwick office. I am a chartered town planner with over thirty-five years' experience of a wide range of planning projects acting for commercial and local authority clients. I have given evidence at many planning inquiries, hearings and development plan examinations and advise clients on all aspects of the planning process. I have recently appeared at planning appeal inquiries as an expert witness on behalf of the Local Planning Authority in relation to a number of development proposals in Tendring, Medway and Lewes Districts.
- 0.2 My experience includes the promotion of strategic sites for development often as urban extensions, enabling development projects involving heritage assets, co-ordination of Environmental Impact Assessments and preparation of planning applications including advising on master plan proposals. I am also engaged in the preparation of neighbourhood plans acting for various organisations. I have spoken at numerous RTPI seminars.
- 0.3 I am engaged in strategic promotions including a major expansion of Brighton delivering an exemplar mixed use development working closely with the planning authority and stakeholders. I act for care home operators on a range of development sites within urban and countryside locations.
- 0.4 I have experience of renewable energy projects and have been involved in numerous wind farms across the UK and gave evidence at the conjoined inquiry on behalf of Powys County Council to consider five major wind farms and grid connection schemes. I also advised Rossendale Borough Council in respect of the proposed extension to Scout Moor wind farm, one of the largest on shore wind farms in the UK.
- 0.5 I have also represented residents' groups in respect of a proposed new settlement in West Sussex and for a scheme proposing the expansion of Yorkshire cricket and rugby clubs in Leeds that involves major development in the Green Belt.
- 0.6 I was appointed by Worthing Borough Council in December 2023 in respect of these appeals. Prior to accepting the instruction, I reviewed the relevant background papers including the previous Inspector's decision dated February 2022, the Local Plan Inspector's report of October 2022, the original application documents, the outstanding reasons for refusal and the updated appeal Statements of Case. I am familiar with the area and have visited the site and surrounding area on a number of occasions.
- 0.7 The evidence which I have prepared and provide for this appeal reference APP/M3835/W/21/328183 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

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## 1.0 INTRODUCTION & CHRONOLOGY

- 1.1 This is the updated planning Proof of Evidence on behalf of Worthing Borough Council in respect of the planning appeal submitted by Persimmon Homes Thames Valley relating to the site north-west of Goring Railway Station, West Sussex (Appeal Reference APP/M3835/W/21/3281813).
- 1.2 Worthing Borough Council ('the Council') refused outline planning permission on 11 March 2021 (application reference AWDM/1264/20) for the following development: '*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 (Outline with all matters reserved).*' ('the Appeal Proposal').
- 1.3 The application was refused for six reasons. The Appellant appealed the refusal of planning permission under Section 78 of the Town & Country Planning Act 1990.
- 1.4 A Public Inquiry was held in January 2022 and the Inspector's decision allowing the appeal was issued in February 2022. At the time of the Inspector's decision, the Worthing Local Plan was an emerging document subject to examination and had not been adopted. On the basis that the emerging policies were subject to a number of modifications which would have to be subject to further consultation and given that it was unclear what form the final policy would take, the Inspector afforded the emerging plan only limited weight.
- 1.5 The Council challenged the decision in the High Court on a number of grounds. The High Court accepted that the Inspector had erred in law and quashed the Inspector's decision. The Court of Appeal subsequently dismissed the Appellant's appeal against that decision. It found that the Inspector had concluded that the development would harm the landscape and scenic beauty of the South Downs National Park but had failed to attribute great (or indeed any weight) to that harm in his planning balance, in conflict with paragraph 176 of the NPPF (now paragraph 182 of the NPPF published in December 2023) and the statutory duty in 11A of the National Parks and Access to Countryside Act 1949. As a result, the appeal decision has been quashed and the matter has been remitted to the Inspectorate for redetermination. The previous Inspector's decision has been quashed in its entirety and so is of no legal effect. While parts of the appeal decision may still constitute relevant considerations, the current Inspector must reach her own independent judgment on the matters in dispute and is not bound by the findings of the previous Inspector.
- 1.6 Since the Inspector's original decision, a new Local Plan has been adopted, in March 2023. The Worthing Local Plan constitutes the statutory development plan. It supersedes and replaces the Local Plan that was in place at the time of the original appeal decision.

## Re-consideration of the planning application

- 1.7 Following the Court of Appeal's decision, the application was re-considered by the Council's Planning Committee in August 2023. The Committee resolved to continue to contest the appeal with the following updated refusal reasons.
- 1. The proposed development is outside of the built-up area as defined by the Worthing Local Plan (2023) and does not comprise development essential to the countryside nor does it comprise development of entry level exception sites. The proposed development also would have an adverse impact on the setting of the adjacent South Downs National Park and therefore is contrary to paragraph 176 of the National Planning Policy Framework and policies SS1 and SS4 of the Worthing Local Plan.*
  - 2. The proposed development comprises development in a designated Local Green Gap which would undermine the physical and visual separation of Goring and Ferring therefore compromising the integrity of the gap. Further, the proposed development by virtue of its scale would fail to conserve and enhance the benefits and services derived from the area's Natural Capital nor maintain the site as part of a cohesive green infrastructure network. The proposal therefore fails to comply with policies SS1 and SS5 of the Worthing Local Plan (2023).*
  - 3. It has not been demonstrated to the satisfaction of the Local Planning Authority that the scheme can deliver the biodiversity net gain required by policy DM18 of the Worthing Local Plan (2023).*
- 1.8 It is anticipated that reason for refusal no. 3 can be overcome by the submission of an appropriate Section 106 planning obligation. Accordingly, the Council has not engaged an additional expert witness to deal with ecology specifically but has addressed this reason for refusal within this planning proof of evidence.

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## 2.0 SCOPE OF EVIDENCE

- 2.1 This proof of evidence is made on behalf of the Council in connection with an appeal made by Persimmon Homes Thames Valley ('the Appellant') pursuant to section 78 of the Town and Country Planning Act 1990, against the decision of the Council on 11<sup>th</sup> March 2021 to refuse planning permission for the appeal proposal.
- 2.2 The Inspector's Summary Note of the Case Management Conference held on 13<sup>th</sup> December 2023 identified the main issues in relation to this appeal as follows:
- a) The effect of the proposed development on landscape including the setting of the South Downs National Park;
  - b) The effect of the proposed development on the Local Green Gap;
  - c) Whether the proposed development would be in a suitable location having regard to local and national planning policies and the need for housing; and
  - d) Whether the proposed development would provide adequate biodiversity net gain.
- 2.3 My evidence focuses on items (b), (c) and (d) above as follows:
- b) The effect of the proposed development on the Local Green Gap (specifically the spatial elements of policy SS5 of the Worthing Local Plan and the purpose served by that policy);
  - a) Whether the proposed development would be in a suitable location having regard to local and national planning policies and the need for housing;
  - b) Whether the proposed development would provide adequate biodiversity net gain.
- 2.4 In respect of the landscape and visual impacts of the appeal scheme, including impacts upon the SDNP, I rely on the evidence of Christine Marsh, Director of Hankinson Duckett Associates.
- 2.5 In respect of housing land supply matters, I rely on the evidence of James Appleton, Head of Planning, Worthing Borough Council.
- 2.6 My evidence also considers the overall planning balance and sets out my conclusions. In carrying out the planning balance in Section 7 of my proof, I rely on and refer to the evidence provided by the above mentioned witnesses on behalf of the Council.



## 3.0 THE APPEAL SITE AND SURROUNDING AREA

- 3.1 The appeal site is unchanged in physical terms since the consideration of the appeal at the previous Inquiry at the beginning of 2022.
- 3.2 The appeal site forms part of Chatsmore Farm and extends to some 20 ha. It is rectangular in shape and comprises a green field site in active agricultural use. The stream, Ferring Rife, forms the northern boundary of the site. To the east is Goring Street and the south the site is bordered by the railway line with Goring railway station located to the south-west of the site boundary. To the south of the railway line there is some residential development (Bluebell Way), a school (St Oscar Romero Secondary School) including its playing fields/sports pitches and an elderly persons' development (fronting Goring Street) and which is under construction.
- 3.3 Immediately north of Ferring Rife, and up to the A259, is an agricultural field in the ownership of the appellant. Part of the western boundary of the appeal site adjoins a further agricultural field also in the ownership of the appellant. Residential development adjoins the northern part of the site western boundary. The administrative boundary between Arun District and Worthing Borough runs along the western boundary of the appeal site and an adjacent agricultural field within Arun is designated under SP3 of the 2018 Arun Local Plan as a 'Gap Between Settlements' as the Worthing and Ferring gap which I refer to later in my proof.



Photograph 1 - the extent of the appeal site is shown outlined in red

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- 3.4 The appeal site is generally flat and there are no buildings or structures within the site apart from 5 no. overhead power lines which are proposed to be placed underground as part of the development proposals.
- 3.5 The boundary of the South Downs National Park (SDNP) follows the north side of the A259 and is located some 90m from the appeal site. It is noted that the SDNP boundary extends to the A259 along a relatively narrow length of the road. To the north-east and north-west of the appeal site the SDNP boundary is set further back.
- 3.6 At present, the appeal site is accessed from the A259 (Goring Street) at its north-eastern corner. There are two public footpaths on the site: one abuts the southern half of the site's western boundary (Footpath 2121-1) and the second runs along the length of the southern boundary adjacent to the railway line (Footpath 2121). There are also informal footpaths on the north and south sides of the Ferring Rife which are used by local residents and which enable circular walks to be undertaken.
- 3.7 In addition, there is a footpath (Footpath 2139) and bridleway on the north side of the A259 which leads up to Highdown Hill.

## Planning history

- 3.8 Although there is no recent planning history other than the now-quashed appeal decision referred to above, there have been historic applications for planning permission for development on the appeal site. A public inquiry was held in 1962 regarding an application for the development of land including the appeal site for residential purposes. The appeal was dismissed in 1963 (**Appendix 1**). In the decision letter, the Inspector concluded that *“there was continuous development along so much of this South Coast that in order to relieve the monotony of this development, if for nothing else, it was most desirable to preserve the breaks there were in it, such as this one. Because there was so much pressure to live in this coastal strip, this should not, in his view, be an excuse for destroying these gaps or be a reason for finding room in this coastal area for all who sought it.”* The Inspector considered that all of this particular gap should continue to be kept open and in agricultural use.
- 3.9 Subsequent applications for planning permission for residential development were refused in 1969 and 1972 with an appeal against the latter being dismissed in 1974 (**Appendix 2**). The Inspector found that the grant of planning permission in the 1950s for development south of the railway line (i.e. south of the appeal site) made the remaining open land, including the appeal site, even more valuable as an extension of the wider landscape into the urban area. He recognised that among the people of Ferring, the maintenance of the gap fostered a lively sense of being part of a separate community, rather than an anonymous part of the larger Goring/Worthing amalgam.
- 3.10 The appeal site was one of the strategic gaps identified in the previous West Sussex Structure Plans and which comprised a key part of the spatial planning strategy of the

county. I attach at **Appendix 3** an extract from the 2005 Structure Plan which covered the period 2001-2016. Policy CH2 dealt with 'Settlement pattern and strategic gaps'. 'Ferring and Worthing' was one of the strategic gaps (no. 10) and the policy stated that *'In order to ensure that West Sussex continues to be a county with a network of small to medium-sized towns and villages, the separate identity and character of all settlements will be maintained and, where possible, enhanced....Development which would undermine this objective or lead to actual or perceived coalescence of settlements should not be permitted'*. This previous designation of land at Chatsmore Farm was recognised by the Local Plan Inspector in his examination of the Worthing Local Plan (see para 57)

### **Previous S78 appeal decision dated 25<sup>th</sup> February 2022**

- 3.11 The previous Inquiry was held in January 2022 and the development plan at the time of the determination of the appeal was the 2011 Worthing Core Strategy. The first main issue considered by the Inspector was *'whether the appeal site offers an acceptable location for development having regard to local and national policy, the need for housing, the Council's emerging local plan and the effect of the proposed development on local green space'*.
- 3.12 At the time of the inquiry, the examination hearings into the emerging Worthing Local Plan had been held in November 2021 and the Inspector's initial advice letter had been issued on 9<sup>th</sup> December 2021 (**Appendix 4**). The letter flagged a number of matters, including that the proposed designation of the Chatsmore Farm site as a local green space (under Policy SS6) should be removed as it did not meet policy criteria of the NPPF or the PPG (refer paras 9-12 of the letter). The Inspector also asked the Council to review the relationship between Policies SS4 (Countryside and Undeveloped Coast), SS5 (Local Green Gaps) and SS6 (Local Green Space) and advised that Main Modifications (MMs) would be required to provide a clear and internally consistent approach to these designations. Such MMs were subsequently set out in the Local Plan Inspector's Report which was issued on October 2022 (some 8 months after the previous appeal decision was issued) and which I comment on later in my proof.
- 3.13 The requirement to make some MMs to several relevant policies, together with the need for further consultation, was reflected in the S78 appeal decision. With regard to Policy SS6, and the conflict with the local green space, the Inspector gave no weight to draft policy SS6 (see para 26 of appeal decision) and in respect of Policy SS5, the Inspector stated that *'it is, at present, unclear what form the final policy will take...This in my judgement, considerably limits the weight which it should be given'* (see para 27).
- 3.14 In terms of conflict with policy, the Inspector concluded that there was conflict with Policy 13 of the Worthing Core Strategy which protected the countryside outside of the built-up area of Worthing. Although this conflict was given full weight, it was in the context of an out-of-date plan, which had been adopted in 2011 in the context of the previous South East Plan. The Core Strategy predated the publication of the NPPF and its housing

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requirement figures had not been informed by an assessment of need in accordance with the standard method. It was in these circumstances, and having regard to the absence of a 5-year supply of housing land and the engagement of the presumption provided under para 11 (d) of the NPPF (the tilted balance), that the previous Inspector allowed the appeal.

- 3.15 With regard to the landscape effects, the previous Inspector's findings in relation to the impacts on the setting of the SDNP were challenged successfully in the High Court and therefore need to be assessed again. I comment on these impacts and the impacts from more localised views later in my proof, with reference to the evidence of Christine Marsh. It is important to note, however, that the previous Inspector's landscape assessment of the impact of some 475 dwellings and other built form on the appeal site was part of the overall consideration of the issues which included his findings on the above-mentioned policies in the emerging local plan. All of this is reflected in the previous Inspector's overall planning balance (see paras 82-92).
- 3.16 It is the Council's case at this inquiry that the tilted balance is disengaged by virtue of footnote 7 of the NPPF in view of the harmful impacts on the landscape and scenic beauty of the SDNP of the development within its setting, which constitutes a clear reason for refusal.

## 4.0 APPEAL PROPOSALS

- 4.1 The appeal proposals seek outline planning permission with all matters reserved for a mixed-use development comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre commercial and community uses with associated car parking, car parking for the Goring railway station, undergrounding of overhead HV cables and other supporting infrastructure and utilities.
- 4.2 Whilst layout is a reserved matter, illustrative information was submitted with the application including the following:
- Concept Masterplan (drawing no. CMP-02 Rev P5);
  - Development Framework Plan (drawing no. CSA/2304/110);
  - Landscape Strategy Plan (drawing no. CSA/2304/118 Rev C).
- 4.3 The Concept Masterplan provides an indicative layout of the development showing locations of the proposed housing, local centre, areas of open space and the vehicular access arrangements onto the A259.
- 4.4 The residential development is shown as being set back to the south of Ferring Rife with an area of open space between the housing and the stream including new footways, new planting and play areas. The proposed local centre would be located at the south-eastern corner of the site, closest to the railway station along with a new car park to serve the railway station and address the existing parking problems in the area.
- 4.5 With regard to density, the submitted information indicates that the residential development would be approximately 46 dwellings per hectare (dph).
- 4.6 In respect of housing mix, it was stated that the precise housing mix will be agreed at a later stage if planning permission is granted. It was anticipated that the proposals would include a range of house types, including detached, semi-detached, and terraced houses as well as apartments. House sizes were likely to range from 1 to 4 bed units. The appellant had also stated that the proposals would make provision for a '*range of tenures*' and would include 30% of affordable housing in accordance with Policy 10 of the Core Strategy. Since the adoption of the Worthing Local Plan, the relevant threshold is the provision of 40% affordable housing on greenfield sites as set down by policy DM3.
- 4.7 It is noted that the Appellant now states in the Statement of Common Ground that the proposals will provide for 40% affordable housing and that this will be included in the Section 106 Agreement.
- 4.8 With regard to building heights, whilst this is also a reserved matter, the submitted Design & Access Statement provides a Building Height plan (see page 27) which shows that heights would be predominantly 2 and 2½ storeys with 3 and 4 storeys indicated

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within the centre of the proposed development, along the eastern boundary and parts of the southern boundary.

- 4.9 In respect of access, the development would be served by a new 3-arm roundabout junction off the A259 Goring Street at the eastern boundary. There would also be provision for a secondary access and a dedicated access into the local centre/extended railway parking area to the south-east corner of the site.
- 4.10 The local centre and new parking for the railway station are shown on the illustrative material in the south-east corner of the appeal site.
- 4.11 Areas of sustainable drainage (SuDS) are shown in a number of locations on the site.
- 4.12 The agricultural field to the north of the Ferring Rife is shown as being retained farmland.

## 5.0 POLICY CONTEXT

5.1 In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, an application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for the determination of this appeal is therefore the adopted development plan.

5.2 The planning policy position has materially changed since the previous Inquiry. Worthing Borough Council formally adopted the Worthing Local Plan 2020- 2036 on 28th March 2023.

### Worthing Local Plan

5.3 The Worthing Local Plan (2023) now forms the statutory development plan, which sets the strategic development and land-use priorities for Worthing (outside the South Downs National Park) up to 2032 and contains the policies against which planning applications must be assessed. The Local Plan supersedes the Worthing Core Strategy (2011) and the saved policies from the Worthing Local Plan (2003), both of which formed the development plan at the previous Inquiry.

5.4 The Council considers the most important policies for the purposes of this appeal to comprise SS1 (Spatial Strategy), SS4 (Countryside and Undeveloped Coast), and SS5 (Local Green Gaps). The Council are hopeful that non-compliance with policies DM3 (affordable housing) and DM18 (biodiversity) will be resolved through the submission of an updated s.106 obligation.

5.5 As stated in its supporting text at para 3.10, Policy SS1 of the Local Plan, the ‘Spatial Strategy’ seeks to achieve the right balance between planning positively to meet the town’s development needs with the continuing need to protect and enhance the borough’s high quality environments and open spaces within and around the town. The overarching objective is therefore to maximise appropriate development on brownfield land and add sustainable urban extensions adjacent to the existing urban area. The policy therefore directs new development to the right locations whilst at the same time helping to protect those areas of greatest environmental value and sensitivity.

5.6 Policy SS1 sets the spatial strategy for Worthing. Part (d) provides that development will be permitted within the built-up-area boundary, as defined on the policies map, and on edge of town sites that have been allocated for development. Open spaces, the countryside and designated gaps will be protected.

5.7 Policy SS4 (Countryside and Undeveloped Coast) provides in parts (a) and (b) that:

*‘Outside of the built-up area boundary land (excluding sites designated as Local Green Space under SS6) will be defined as ‘countryside and undeveloped coast’...*

*Development in the countryside will be permitted, where a countryside location is*

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*essential to the proposed use. Applications for the development of entry-level exception sites, suitable for first time buyers or those looking to rent their first home will be supported where these:*

- Comprise of entry-level homes that offer one or more types of affordable housing;*
- Are adjacent to existing settlements, and proportionate in size to them; and*
- Comply with any local design policies and standards.'*

5.8 The explanatory text to policy SS4 explains at paragraph 3.45 that *'Outside the National Park, there are small pockets of countryside that represent a very small and finite resource that is valued for its open space, respite from intense urban activity, and intrinsic character'*.

5.9 Policy SS5 identifies four areas in the Borough of Worthing to be protected under this policy in order to retain the separate identities and character of the settlements, the second of which is Chatsmore Farm of which the appeal site forms part. The introductory text to the Local Plan explains, at paragraph 1.29 that *"As illustrated on the Context Map, Worthing occupies an area of 3,369 hectares of the coastal plain, with the only breaks in an almost continuous band of urban development along the coast being at the far eastern and western ends of the borough"*. It is those breaks at the eastern and western ends of the borough that are designated as Local Green Gaps: the Goring-Ferring Gap (which lies south of the appeal site) and the Chatsmore Farm Gap (of which the appeal site forms part) to the west and the Brooklands Recreation Area and land east of Upper Brighton Road to the east (as shown in the image on page 59 of the Local Plan).

5.10 The explanatory text to policy SS5 explains at paragraph 3.50 that *"The designation and protection of 'Local Green Gaps' helps to avoid coalescence and preserve the separate characters and identities of different settlements by providing physical and visual breaks. This is particularly important given the compact nature of Worthing and how few and fragile the breaks in development are on the coastal strip between Brighton and Chichester"*. Paragraph 3.52 goes on to explain that *"These areas are open and either undeveloped or a managed landscape for recreational use. They create a sense of travelling between urban areas and form a critically important component of Worthing's landscape setting. The designation of these areas as 'gaps' has been informed by the Council's evidence base (particularly the Landscape & Ecology Study) and supported by a high proportion of respondents at each consultation stage"*. Neighbouring authorities in Arun and Adur have also sought to protect these gaps, as explained at paragraph 3.53 of the explanatory text. The western gaps are contiguous with gaps in Arun district which are protected through policy SP3 of the Arun Local Plan. As such, Worthing's approach to protecting the gaps is part of a strategic approach shared with adjoining authorities that are concerned to address the same issues of preventing settlement coalescence and protecting settlement identity.



- 5.11 Policy SS5 goes onto say that: all applications for development (including entry level exception sites) within Local Green Gaps must demonstrate that individually or cumulatively:
- it would not undermine the physical and/or visual separation of settlements;
  - it would not compromise the integrity of the gap;
  - it conserves and enhances the benefits and services derived from the area's Natural Capital; and
  - it conserves and enhances the area as part of a cohesive green infrastructure network.
- 5.12 The Local Plan contains a specific policy, DM18, relating to Biodiversity. Part (h) of the policy requires all new developments to provide a minimum of 10% net gain for biodiversity. It is understood that the Appellant believes this matter can be dealt with through the Statement of Common Ground and Section 106 obligations. The Council awaits the draft s.106 obligation and is hopeful that this matter can be resolved prior to the Inquiry.
- 5.13 The Local Plan also contains a specific policy in respect of Affordable Housing, DM3, which requires for all development on greenfield sites there would be a requirement for 40% affordable housing to be provided on site. It is also understood that the appellant anticipates that this matter will be addressed through an updated Section 106 obligation.

### **Local Plan Inspector's Report**

- 5.14 The Local Plan was submitted for Examination in June 2021 and the examination hearing sessions were held in November 2021. It is noted that the appellant made extensive representations and objections to the Regulation 19 version of the plan covering, inter alia, the following matters:
- The spatial strategy was flawed in so far as it did not meet the housing needs of the community;
  - Criticised the site selection process for the allocation of housing sites;
  - Considered that the appeal site should be excluded from land designated as a Local Green Gap at Chatsmore Farm and that the site should be allocated for residential development.
  - Objected to the policy to protect the countryside and undeveloped coast as it placed a constraint on the Council's ability to meet housing needs;
  - Objected to land at Chatsmore Farm being designated as a Local Green Space as it did not meet the policy criteria.

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- 5.15 These matters were fully examined by the Inspector who issued his report on the Worthing Local Plan on 14<sup>th</sup> October 2022. In summary, the Inspector did not agree with the appellant's representations apart from in respect of the proposed designation of land at Chatsmore Farm as Local Green Space under policy SS6. The Inspector agreed that the site did not meet the criteria set out in the NPPF for Local Green Space and therefore recommended that this designation be removed for Chatsmore Farm which the Council agreed to in its subsequent Main Modifications to the plan. The Local Plan Inspector's conclusions on the designation of Chatsmore Farm as Local Green Space are at paragraphs 280 – 283 of his report. He was satisfied that Chatsmore Farm met some of the NPPF criteria for designation in that it was in close proximity to the area it intended to serve; exhibited characteristics that made it demonstrably special to the local community and had particular local significance. He found that the local community benefitted from the access Chatsmore Farm provided to the open countryside and the value it provided to the character of the area by providing welcome physical relief from a fairly densely built-up area. It allowed the countryside to penetrate south of the A259, which creates a clear physical and psychological barrier to the SDNP to the north. However, he considered that Chatsmore Farm constituted an 'extensive tract of land' and, given that it was also subject to designation as a Local Green Gap, it should not be designated as a Local Green Space.
- 5.16 With regard to the overall spatial strategy and distribution of growth of the plan (Policy SS1) the Inspector considered this under Issue 1 of the report. The Inspector noted that the spatial strategy set out where future growth is to be directed and which included the allocation of a number of urban extensions. The strategy also protected remaining areas of open countryside and identified four Local Green Gaps (para 46 of IR). These areas were identified by the Council as being strategically important for maintaining the separation of settlements and retaining the identity of Worthing.
- 5.17 The Inspector supported this approach and considered that a spatial strategy focussing on existing previously developed land with some urban extensions was consistent with the trust of the NPPF with reference to paras 119 and 120 stating that the guidance *'encourages the use of brownfield land while also recognising the benefits of rural land for both development and other functions, such as wildlife, recreation and food production'*. The Inspector went on to say that *'Areas outside the built-up area are relatively scarce and many are subject to other constraints which make them valuable resources for a variety of reasons. On this basis, the plan sets out a high level of protection for the remaining areas of countryside. This is appropriate in Worthing's context'*. (para 47 of IR).
- 5.18 The Plan proposed 14 housing allocations including 5 urban extensions. It is noted that one of the proposed extensions at Titnore Lane (allocated for 60 dwellings) was deleted by the Inspector due the impacts of development on the site's character and appearance. This demonstrates the rigour that the Inspector applied in supporting the Council's spatial strategy which balanced future growth of Worthing with appropriate protection of the

remaining land. At paragraph 48, the Inspector acknowledged that there would always be disagreement about the sites that had or had not been allocated for development and the level of protection afforded to certain locations. He was satisfied that all reasonable alternatives and options for growth had been considered and that the overall spatial strategy was sound.

- 5.19 The Inspector considered the Plan's approach to development in the countryside from paragraph 50 of his report. He explained that outside the SDNP, there were only pockets of countryside within the Borough which were generally valued and had value as areas of open land which provide relief from the dense urban form. He accepted the protection of those areas was consistent with the NPPF which recognised the importance of the countryside, both in terms of landscape and local character and also from a functional perspective.
- 5.20 The Inspector considered Local Green Gaps at paras 55-73 of his report. He stated that the aim of LGGs reflected a number of different national policies relating to making efficient use of land, which includes recognising the benefits of undeveloped land for wildlife, recreation, food production or improving public access to the countryside. The Inspector also stated that LGGs support national policy objectives relating to the protection of open land of public value, creating high quality, beautiful and sustainable places and those which seek to protect and enhance the natural and local environment. (para 56 of IR).
- 5.21 The Inspector noted that the adopted local plans of the neighbouring local authorities of Adur and Arun both have equivalent policy designations. Both the Goring-Ferring and Chatsmore Farm LGGs (located on the west side of Worthing) are contiguous with those in Arun under the gap policy (SP3) of the Arun Local Plan (para 58 of IR).
- 5.22 The Inspector considered that the arguments in favour of maintaining the policy strategy of identifying LGGs, which provided some consistency with neighbouring local plans, was "*compelling*". The Inspector went on to state "*even with the extensive development pressures in Worthing, maintaining a sense of place and identity remains a justifiable strategic objective. I saw for myself that there are a few breaks in the built form along the coast and those which exist are not all significant in size. I am therefore content that the definition of LGGs is sound.*" (para 59 of IR).
- 5.23 The Inspector considered the Chatsmore Farm LGG at paras 60-64. As referred to earlier, the appellant's representations to the local plan included submissions that the majority of the site should be allocated for residential purposes and that the proposed LGG be removed or its boundaries amended to exclude the appeal site. The Inspector's assessment of the Chatsmore Farm LGG included impacts from views from the SDNP and Highdown Hill. The Inspector noted the existing block of development which joins Goring and Ferring south of the appeal site but considered that this was "*not the dominant feature in these views... the predominant sense when viewing the [western] gaps is one of relief from the continuous built form running east to west.*" The Inspector

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also noted the importance of the Chatsmore Farm gap when travelling along the A259 along its northern boundary and stated that *“it provides a very obvious break to the settlement pattern and allows for a sense of arrival or departure from Worthing. It also allows the countryside to penetrate into Worthing from the SDNP from the north.”* The Inspector went on to say that *“this helps to soften the hard edge of the road that currently exists and makes a positive contribution to the setting of the SDNP”* (para 62 of IR).

- 5.24 The Inspector concluded at para 63 *“based on the evidence before me, my own observations of the area and the overall strategy being proposed, I am satisfied that this land is justified as a LGG.”*
- 5.25 With regard to the housing site selection process, the Inspector confirmed that he was satisfied that the Council considered all reasonable options as part of the plan making process and the identification of appropriate new housing sites. The Inspector recognised at para 81 that *“In identifying sites, the Council must also provide a balance between delivering housing, delivering new employment opportunities, protecting or enhancing the quality of the environment and ensuring its residents have access to all services and facilities they need.”* The Inspector noted that the plan area is constrained by a number of factors including the presence of the SDNP and the coast, issues relating to traffic (particularly the A27) and flood risk - (para 81 of IR).
- 5.26 The Inspector concluded that the allocations were selected on the basis of a *“proportionate, consistent and robust assessment of all potential sites...I am also content that the Council properly considered the potential effects of the development on viability, flooding and drainage, transport, biodiversity, pollution and the local character and consistency with the spatial strategy.”* The Inspector concluded at para 83 that the site selection process was sound. (para 83 of IR).
- 5.27 The Inspector considered the capacity to accommodate objectively assessed housing needs and the housing requirement at paras 84-97. Policy SS2 set out a housing requirement of 3,672 dwellings or 230 per annum. The Inspector referred to para 11b of the NPPF that policies should, as a minimum, provide for objectively assessed needs for housing unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area, or any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The Inspector referred to footnote 7 of the NPPF which sets out the areas or assets of particular importance which provide a strong reason for restricting scale of development. These include national parks, areas of flood risk and coastal change. Based on an assessment of the existing constraints and opportunities the Council considered there was insufficient capacity to meet all of the OAHN which under the standard method the OAHN for Worthing is 14,160 dwellings over the planned period (885 dpa).

- 5.28 In reaching his conclusion in respect of the level of housing requirement set out in the plan, the Inspector stated at para 90 that *“There is no evidence to suggest that the Council has failed to understand the importance of housing delivery or the need to maximise capacity and delivery. A local plan must find a balance between providing land for housing and other uses. A local plan must also strive to meet the NPPF’s objectives in relation to the quality of the built environment, the recognition of the intrinsic beauty of the countryside, protection of the natural environment and ensuring the residents of the Borough live in well-designed, beautiful and safe places with accessible services and open spaces. Housing delivery is important, but it is not the be-all and end-all of a Plan’s role.”*
- 5.29 In reaching his findings on the plan’s housing requirement the Inspector stated that *‘I have already concluded that the Council has done everything it could realistically do to identify potential sites. Very few alternatives were identified and those were all considered thoroughly by the Council’.*
- 5.30 With regard to concerns raised about the Council deferring housing needs (with reference to para 35(c) of the NPPF) the Inspector was satisfied that the duty to cooperate had been complied with (para 86 of IR). At paragraph 87, he said *“A phrase used often in the examination hearings was whether ‘every stone had been left unturned’ in allocating sites. I have already concluded that the Council has done everything it could realistically do to identify potential sites...Planning judgments were made about the suitability of the ‘omission’ sites for development and the harm that would result, either to the Council’s underlying strategy or to other planning matters of considerable importance, including the landscape character and function of the Borough. There will always be disagreement about such judgments. Nevertheless, when the evidence base is considered as a whole, there can be little doubt as to why the Council considered the sites not worthy of allocation.”*
- 5.31 As I referred to earlier, not all of the Council’s proposed housing allocations were supported by the Inspector. Land at Titnore Lane (site A13 which was allocated for 60 dwellings) was removed which is an indication of the robust approach taken in relation to the sites notwithstanding the shortfall in respect of the provision of the full OAHN. I note at para 161 of the IR the Inspector stated that *“Given Worthing’s housing supply situation, I do not take the deletion of a housing site lightly. However, whilst housing delivery is of substantial importance, it does not trump all other matters.”*
- 5.32 The Inspector stated at para 96 that *“I am therefore satisfied that the housing requirement represents a reasonable and realistic assessment of the limited capacity that exists in the Borough. To that end, the housing requirement set out in policy SS2 is positively prepared and justified.”* His overall conclusion in relation to Issue 2 was that *“I am satisfied that, subject to the main modifications set out above, the Plan has been informed by a robust and objective assessment of housing need, the process for*

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*selecting allocations was robust and the housing requirement is justified and positively prepared.” (para 97 of IR).*

- 5.33 Issue 4 of the Inspector’s report considered the reasonable prospect of there being a 5-year supply of deliverable housing sites on adoption of the Plan, and whether the policies and allocations in the Plan will be effective in ensuring the housing requirement will be met, accounting for the use of a 20% buffer due to the under delivery of housing in the previous 3 years.
- 5.34 Based on the basic overall requirement of 3,672 dwellings (or 230 dpa), and a 5-year requirement of 1,528 dwellings, the Inspector concluded that *“I am satisfied that there is a reasonable prospect of a 5-year supply of deliverable housing sites on adoption and the policies and allocations of the Plan will be effective in ensuring the housing requirement will be met.”*
- 5.35 The Inspector’s overall conclusions were that subject to a number of main modifications to the plan (MMs), including the deletion of the designation of the Chatsmore Farm site as a Local Green Space, the plan had been positively prepared, justified, effective, and was consistent with national planning policy and that it was sound (para 301 of IR).

## **National Planning Policy**

- 5.36 National planning policy is contained within the National Planning Policy Framework 2023 (NPPF) and Planning Practice Guidance (PPG).
- 5.37 Paragraph 12 explains that the NPPF’s presumption in favour of sustainable development does not change the statutory status of the development plan. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 5.38 Paras 7 and 8 state that there are three objectives to sustainable development – economic, social and environmental.
- 5.39 Para 11 (d) of the NPPF states:
- ‘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 this Framework taken as a whole’.*
- 5.40 Footnote 7 of the NPPF states: *“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 182) 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 29 habitats; designated heritage assets (any other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.”*

- 5.41 Section 5 of the NPPF provides guidance on the supply of new homes. Para 60 states that *‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed...’*.
- 5.42 Para 60 goes to say that *‘The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.’* Para 61 states that the standard method is an advisory starting-point for establishing a housing requirement for the area. The guidance confirms that there can be exceptional circumstances which justify an alternative approach to addressing housing need. Paragraph 77 explains that local planning authorities should identify and update annually a supply of deliverable sites sufficient to provide a minimum of five years’ worth of housing against the housing requirement set out in adopted strategic policies, or against the local housing need where strategic policies are more than five years old. Here, the Local Plan is less than five years old so the housing land supply should be assessed against the housing requirement in the Local Plan.
- 5.43 Section 15 of the NPPF deals with conserving and enhancing the natural environment. Para 180 sets out that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia:
- ‘(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;’*
- 5.44 Para 182 of the NPPF states that:
- ‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues [...] The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas’*
- 5.45 The Planning Practice Guidance provides as follows:

**What are the statutory duties of local planning authorities in relation to National Parks, the Broads and Areas of Outstanding Natural Beauty?**

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Section 11A(2) of the National Parks and Access to the Countryside Act 1949, section 17A of the Norfolk and Suffolk Broads Act 1988 and section 85 of the Countryside and Rights of Way Act 2000 require that ‘in exercising or performing any functions in relation to, or so as to affect, land’ in National Parks and Areas of Outstanding Natural Beauty, relevant authorities ‘shall have regard’ to their purposes for which these areas are designated. A list of the public bodies and persons covered under ‘relevant authorities’ is found in Defra guidance on this duty (PDF, 95KB), and Natural England has published good practice guidance.

*This duty is particularly important to the delivery of the statutory purposes of protected areas. It applies to all local planning authorities, not just National Park authorities, and is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on their setting or protection.*’ (my emphasis) [Paragraph: 039 Reference ID: 8-039-20190721].

5.46 The Planning Practice Guidance goes on to note:

**How should development within National Parks, the Broads and Areas of Outstanding Natural Beauty be approached?**

*The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated.*

*All development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality. Where applications for major development come forward, paragraph 172 of the Framework sets out a number of particular considerations that should apply when deciding whether permission should be granted.’* [Para: 041 Reference ID: 8-041-20190721].

5.47 The Planning Practice Guidance also states:

**How should development within the setting of National Parks, the Broads and Areas of Outstanding Natural Beauty be dealt with?**

*Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will*



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*therefore need sensitive handling that takes these potential impacts into account.* [Para: 042 Reference ID: 8-042-20190721].

## **Planning Policy Commentary**

- 5.48 The planning policy position is quite different in the re-determination of this appeal as compared to when the appeal was initially considered in January 2022. The Worthing Local Plan Inspector's report has been published, the Council has made a number of main modifications (MMs) to the plan (as recommended by the Inspector), public consultation has been held in respect of the MMs and the Council has formally adopted the plan in March 2023.
- 5.49 The previous Inspector flagged a number of uncertainties to some of the key policies and, as a result, significantly reduced the weight he gave to the policies which is clearly reflected in the Inspector's overall planning balance and the consideration of the proposed development. There is no such uncertainty now.
- 5.50 The primacy of the development plan is confirmed at para 12 of the NPPF. It is the starting point for decision-making and where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Para 12 goes on that *'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'*.
- 5.51 The Local Plan's spatial strategy clearly sets out the Council's overall approach to maximising development within the existing built environment, allocating a number of urban extensions (including green field sites) and protecting the few remaining areas of open land and space. Four of these areas are designated as local green gaps (under policy SS5) whose function is to avoid coalescence and preserve the separate characters and identities of different settlement by providing physical and visual breaks. It is a well recognised approach to spatial planning and one that the Local Plan Inspector fully endorsed in his assessment of the plan.

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## 6.0 MAIN ISSUES IN THE DETERMINATION OF THE APPEAL

### **Whether the proposed development would provide adequate biodiversity net gain.**

- 6.1 Policy DM18 of the Local Plan requires new development to provide at least 10% biodiversity net gain, where possible this should be on site. Following further submissions by the appellant, it is confirmed that 10% BNG is capable of being provided on site. Subject to this being secured by the final Section 106 Agreement, the Council is satisfied that this reason for refusal has been addressed by the appellant.

### **The effect of the proposed development on the setting of the SDNP**

- 6.2 The development proposals lie within the setting of the SDNP which is located immediately to the north of the A259. The appeal site together with land to the north of Ferring Rife exhibits some similar characteristics to land north of the A259 within the SDNP. Certainly, visually this is the case and I would refer to viewpoints 20 and 21 of the submitted LVIA which shows that the landscape characteristics of this part of the SDNP flow into the appeal site.
- 6.3 Section 7 of Christine Marsh's Proof of Evidence sets out the visual effects of the development proposals and with regard to public viewpoints within the SDNP I would also refer to viewpoints 20 and 21. Ms Marsh assesses the visual effects of the proposals from Highdown Hill (viewpoint 21) and Highdown Rise (viewpoint 20) as substantial adverse at year 1 and, for Highdown Hill, substantial adverse at year 15. For Highdown Rise the visual effects at year 15 would be slightly reduced to substantial/moderate adverse. Reference is made to the photomontages which have been prepared from both of these viewpoints and which clearly demonstrate the scale and impact of the proposals from these important public vantage points.
- 6.4 It is noted that this part of the SDNP is highly accessible due to the presence of a public car park at the top of Highdown Rise from which the National Trust property of Highdown Hill can be accessed by foot. Other visitor attractions are also located at the top of Highdown Rise including Highdown Gardens and Highdown House with its tearoom, hotel and restaurant/bar. In addition there is a network of circular footpaths to and from the car park from which the appeal site is readily visible.
- 6.5 As Ms Marsh sets out in her Proof, the existing vegetation to the west of Highdown Rise has a screening effect on the land to the north of Ferring Rife which puts into greater focus, from viewpoints within the SDNP, the open tract of land to the south of the watercourse which comprises the area of the proposed development.

- 6.6 The national advice in relation to development within the setting of a National Park is that development should be sensitively located and designed to avoid or minimise adverse impacts on the designated area. In my view this is a case where neither the location nor the scale of development has minimised the adverse impacts on the SDNP. Some 475 houses with other built form and associated infrastructure is major development which will have significant adverse impact on the designated national asset through harm to its setting. It is agreed between the parties that the appeal scheme would harm the landscape and scenic beauty of the SDNP (albeit they disagree on the extent of the harm). I consider that great weight should be afforded to that harm in accordance with paragraph 182 of the NPPF. In my view this would provide a clear reason for refusal of the scheme.

### **The effect of the proposed development on localised views**

- 6.7 The development proposals would have a significant impact on a number of local views as confirmed in the assessment by Ms Marsh in her Proof of Evidence.
- 6.8 Users of the public footpaths on the appeal site boundaries, including the informal routes on either side of the Ferring Rife, would experience substantial adverse effects for years 1 and 15. In addition, views from Goring Street to the east of the appeal site and where the existing vegetation is to be removed to accommodate the new access arrangements would experience substantial adverse effects at year 1 reducing to moderate adverse effects at year 15.
- 6.9 Users of the Goring railway station footbridge which crosses the railway would also experience substantial adverse effects from this view.
- 6.10 Pedestrian and cyclist users of the A259 Littlehampton Road would experience substantial adverse effects in year 1 reducing to moderate adverse effects by year 15.
- 6.11 It is clear there would be significant harmful impacts in all public views at year 1 and from many views the level of harm would not be reduced by year 15. In the cases where harm does reduce by year 15, it would only be to moderate adverse effects at best.

### **The effect of the proposed development on the Local Green Gap (specifically the spatial elements of policy SS5 and the purpose served by that policy).**

- 6.12 The longstanding strategic importance of the appeal site as undeveloped greenfield land is now reflected in the Local Plan. Not only is the appeal site outside the built-up area of the adopted Local Plan and so subject to the protection in Policies SS1 and SS4, it is provided a significant level of protection by virtue of its designation, under Policy SS5, as a Local Green Gap.

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- 6.13 As referred to earlier, Policy SS5 designates four areas in Worthing as Local Green Gaps: two to the east and two to the west of Worthing. The appeal site forms part of the Chatsmore Farm gap. The purpose of the designation, as expressed in policy SS5 is “to retain the separate identities and character of those settlements”. The policy provides that “all applications for development (including entry level exception sites) within Local Green Gaps must demonstrate that individually or cumulatively:
- i) it would not undermine the physical and/or visual separation of settlements;
  - ii) it would not compromise the integrity of the gap;
  - iii) it conserves and enhances the benefits and services derived from the area’s Natural Capital; and
  - iv) it conserves and enhances the area as part of a cohesive green infrastructure network.’
- 6.14 At para 55 of the Local Plan Inspector’s Report he concluded that “The LGGs are therefore a fundamental part of the Plan’s spatial strategy.” The Inspector went on to note (at paras 57 to 59) that the principle of a gap policy was well established with reference to earlier strategic gaps designated in earlier structure plans. The Inspector also considered there were no changes in national policy “which suggests these gaps would no longer be considered acceptable in principle”. He therefore concluded that “The arguments in favour of maintaining this long-established policy approach...is compelling”.
- 6.15 I recognise that the appeal proposals do not occupy all of the LGG identified at Chatsmore Farm which extends to approximately 30 hectares - 750m wide and 450m in depth. I also appreciate that the Illustrative Masterplan shows the land north of Ferring Rife as being undeveloped and two linear areas of open space as part of the layout. However, a development of the scale proposed - some 475 new dwellings with other built form and associated infrastructure – represents a major development and one which occupies a significant part of the LGG in this part of the Borough. In my view, the proposals would fundamentally alter the LGG to significantly reduce its function to provide a clear sense of separation between settlements and secure their individual identify. In reaching this view I recognise that the Chatsmore Farm LGG is contiguous with a similar designation in the adjacent Arun District.
- 6.16 I also recognise that there is no embargo on all development on land outside the built-up area boundary. Policy SS4 (Countryside and Undeveloped Coast) allows for some types of development. The policy states that applications for the development of entry-level exception sites, suitable for first time buyers or those looking to rent their first home, will be supported, subject to a number of criteria including that the site is adjacent to existing settlements and proportionate in size to them. Policy SS4 also supports recreation users on the coast subject to the built facilities being located within the adjacent built-up area boundary.

- 6.17 As the appeal proposals do not fall within these developments and are of a far greater scale than schemes of the nature identified, there is a clear breach of Policy SS4.
- 6.18 Policy SS5 (Local Green Gaps) also allows for some forms of development. The policy refers to entry level exception sites and states that development must demonstrate that individually or cumulatively: (i) it would not undermine the physical and/or visual separation of settlements; (ii) it would not compromise the integrity of the gap; (iii) it conserves and enhances the benefits and services derived from the area's Natural Capital and (iv) it conserves and enhances the area as part of a cohesive green infrastructure network.
- 6.19 Dealing with each of the criteria in Policy SS5 in turn, I would make the following comments:
- i) The proposed development occupies a significant part of the Chatsmore Farm Local Green Gap which would undermine both the physical and visual separation of the settlements of Goring and Ferring.
  - ii) The proposal would leave only the northern part of the gap undeveloped. In views from the SDNP this would be largely screened by existing vegetation within the SDNP resulting in there being no (or limited) visible gap between the SDNP and the development thereby entirely compromising the integrity of the gap. Furthermore, the gap is perceived by users of the extensive local footpath network and by passing motorists and the extent of the development would diminish the clear perception of a large open field which provides openness and separation between Goring and Ferring. In my view the development would significantly compromise the integrity of the gap.
  - iii) The benefits and services of the gap derived from the area's Natural Capital were identified by the Local Plan Inspector as follows "*the local community benefits from the access it provides to the open countryside, the value to the character of the area by providing welcome physical relief from a fairly dense built-up area. It also allows the countryside to penetrate south of the A259*". As referred to earlier, the public footpaths including the informal routes comprise a valuable recreational resource with extensive views including towards the SDNP. In addition, the appeal site comprises Best and Most Versatile Land being Grade 1 and/or Grade 2 agricultural land. These benefits would be significantly reduced as a result of the proposal.
  - iv) The appeal site together with the land to the north of Ferring Rife and the Goring-Ferring Gap to the south of the railway line comprise a significant area of open countryside which visually links from the existing tight knit urban area to the SDNP. The proposed development would clearly fail to conserve or enhance the area as part of a cohesive green infrastructure network.

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6.20 It is clear from the level of local representations that the Chatsmore Farm site is regarded as important to the local community in so far as they help avoid coalescence and preserve the separate characters and identities of different settlements by providing physical and visual breaks. As para 3.50 of the Local Plan states *'This is particularly important given the compact nature of Worthing and how few few and fragile the breaks in development are on the coastal strip between Brighton and Chichester'*. This was understood by the Local Plan Inspector in supporting LGG policy and it being a key part of the Council's spatial strategy.

**Whether the proposed development would be in a suitable location having regard to local and national planning policies and the need for housing.**

6.21 The appeal site lies outside of the built-up area as defined by the adopted Local Plan. Policies SS1 and SS4 of the Local Plan are clear - Policy SS1 states that valued open space and landscapes outside of the built-up area boundary are to be protected. This includes important gaps between settlements, which includes the appeal site. Policy SS4 states that development in the countryside will be permitted, where a countryside location is essential to the proposed use. The only exceptions to this are applications for the development of entry-level exception sites which comprise of entry-level homes that offer one or more types of affordable housing; are adjacent to existing settlements and proportionate in size to them; and comply with any local design policies and standards. It is a matter of fact that the appeal proposal conflicts with policies SS1 and SS4.

6.22 As I set out earlier, the appellant played a very active role in the Local Plan examination. The arguments put forward by the appellant in seeking to support this appeal are the same as those rehearsed extensively at the Local Plan Examination. The findings of the Local Plan Inspector are highly pertinent to the issues in dispute in this appeal.

6.23 The Local Plan Inspector was considering the whole of the Council's plan for the period to 2036, including a spatial strategy that was not able to provide for the Borough's objectively assessed housing need and sought to provide a balance that allocated as much housing as it felt was possible whilst securing areas of open land to provide some openness so as to avoid complete coalescence of the Borough. The Inspector understood the significant pressures on land and yet notwithstanding that pressure, he considered it appropriate to remove one of the proposed greenfield housing allocations due to the harmful impact that he considered it would have on the landscape character of the area and to designate the appeal site as part of a LGG.

6.24 I would refer again to para 90 of the Local Plan Inspector's report when he stated that: *'housing delivery is important, but it is not the be-all and end-all of a Plan's role'*. The appellant promoted the appeal site as a housing allocation and sought the removal of the LGG designation for Chatsmore Farm. The Inspector did not accept the appellant's submissions on these matters and firmly, in my view, supported the Council's strategy in

respect of LGGs and the proposed housing requirement. The Appellant has suggested that the LP Inspector did not grapple with the issue of whether 'omission' sites such as the appeal site should be allocated, however, at paragraph 87 of his report, the LP Inspector found that "*when the evidence base is considered as a whole, there can be little doubt as to why the Council considered the sites not worthy of allocation*".

## **Housing Land Supply**

- 6.25 The Spatial Strategy is set out in Section 3 of the Local Plan which includes the housing requirement for the plan period (ie 2020-2036) of an average minimum target of 230 dwellings per annum (see table at para 3.21 of the Local Plan).
- 6.26 The Council will shortly publish an Annual Monitoring Report for the period 2022/23 which will include an updated Housing Land Supply statement, setting out a land supply of some 7 years.
- 6.27 The evidence of James Appleton sets out further detail on the housing land supply calculations but it is the Council's position that there is at least a 5 year housing land supply. It should be noted that, regardless of the level of housing land supply, it is my view that the tilted balance is disengaged as a result of the harm caused to the SDNP. In any event, I consider that the adverse effects of the development proposals significantly and demonstrably outweigh the benefits.
- 6.28 It is noted that the Council previously failed the most recently published Housing Delivery Test. However, the housing requirement assessed in the HDT was calculated using the Standard Method and this identified a figure of some 885 dwellings per annum. This target would never have been part of an adopted development plan and indeed, the Local Plan Inspector recognised that the Worthing Local Plan would never be able to achieve this level of housing development whilst maintaining appropriate areas of open space as part of an overall spatial strategy. The failure of the HDT over three years has the effect of engaging the "tilted balance" under para 11(d) of the NPPF, despite the fact that the target was unachievable. However, as set out above, my view is that the tilted balance is disengaged as a result of the harm caused by the appeal scheme to the landscape and scenic beauty of the SDNP.

## Benefits of the appeal proposals

6.29 The benefits of the appeal proposals and the weight to be attributed to each are set out in the table below (the scale of weight is: substantial, significant, moderate, limited, none).

<b>Benefit</b>	<b>Weight</b>
Delivery of open market housing	Substantial
Delivery of a policy compliant level (40%) of affordable housing	Substantial
Creation of jobs during the construction phase and increased spend in the local community	Moderate
Biodiversity net gain	Limited (10% is minimum)
Provision of public open space including children's play facilities	Limited
Provision of car parking for the station	Moderate/Limited
Promotion of sustainable modes of transport and local highway improvements	Limited (required by the development)
Provision of local centre	Limited
Enhanced accessibility and sustainability standards	Moderate



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## 7.0 CONCLUSIONS AND PLANNING BALANCE

- 7.1 The most important policies in the determination of this appeal are Worthing Local Plan policies SS1 (Spatial strategy), SS4 (Countryside and undeveloped coast), SS5 (Local Green Gaps) and DM18 (Biodiversity). The Worthing Local Plan was adopted by the Council in March 2023 following a full examination by an independent Inspector. It comprises a recently adopted Development Plan in which the policies are to be afforded full weight. In addition, national policy in relation to National Parks, as detailed at paragraph 182 of the NPPF (which was updated in December 2023), is also an important policy consideration to which I also give full weight.
- 7.2 In my view the proposed development represents a clear breach of the Development Plan's spatial strategy and conflicts with policies SS1, SS4 and SS5, by virtue of the substantial harms identified to the open countryside and to the Chatsmore Farm designated Local Green Gap. I give full weight to the conflicts with these policies in view of the fact that the Local Plan has been recently adopted, is consistent with the NPPF and the policies serve an important planning function. In addition, the Council is able to demonstrate a 5 year housing land supply against the requirements of the Development Plan (ie 230 dwellings per annum). It is my view that allowing the appeal would undermine public confidence in the Plan-led system. Multiple parties (including the appellant) have taken part in an exhaustive Local Plan process which has resulted in the designation of the site as a Local Green Gap. The Plan was adopted less than a year ago and if the appeal scheme were to be allowed, the public will legitimately question the purpose of the Local Plan process.
- 7.3 The scale and location of the development is in conflict with paragraph 182 of the NPPF which requires that development within the setting of a National Park should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. For the reasons I have outlined earlier and in reliance on the evidence of Christine Marsh, I consider the level of harm to be substantial in terms of a number of important viewpoints from the SDNP in an area that is very well used by and highly accessible to the public.
- 7.4 With regard to Biodiversity Net Gain, the appellant is able to provide 10% BNG on the appeal site in accordance with the minimum requirements of policy DM18 of the Local Plan. This will be secured within the terms of the Section 106 Agreement.
- 7.5 It is recognised that the proposed development would bring forward a number of benefits. In particular, the provision of much needed housing and affordable housing at a policy compliant level of 40% are important benefits to which I afford substantial weight, namely at the upper end of the scale set out in the section above. The proposals would give rise to economic benefits in the form of construction jobs and a contribution to the local economy through Council tax receipts and local spending. I give these benefits moderate weight.

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- 7.6 The development proposals include the provision of open space, children’s play areas, local centre and the promotion of sustainable modes of transport. These elements of the scheme are required to support the development and therefore I give them only limited weight as benefits.
- 7.7 The scheme also includes a car park for Goring railway station. This is an additional benefit to which I afford moderate/limited weight in view of the current very modest level of parking at the station.
- 7.8 As I have outlined above, the Council’s case is that the “tilted balance” is disengaged in this appeal due to the level of harm to the SDNP and its setting that would result from the development proposals. In my view this would constitute a clear reason for refusal of the appeal as per the guidance in footnote 7 of the NPPF.
- 7.9 However, should the appeal Inspector take the view that the tilted balance is engaged, it is my view that the adverse impacts of the development (as set out in section 6 above) together with the conflicts with policies within a recently adopted Development Plan would significantly and demonstrably outweigh the benefits of the proposals when assessed against the policies in the NPPF taken as a whole.
- 7.10 Consequently, I respectfully request that the appeal be dismissed.

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