

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

SUMMARY PROOF OF EVIDENCE ON PLANNING MATTERS

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on behalf of Worthing Borough Council

January 2024

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- 1.1 This is a summary of 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 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.
 - 1.3 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 including in respect of the impact of the proposals on the South Downs National Park. The Court of Appeal subsequently dismissed the Appellant's appeal against that decision.
 - 1.4 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.
 - 1.5 The appeal proposals seek outline planning permission with all matters reserved for a mixed-use development comprising up to 475 dwellings (including 40% affordable) 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.
 - 1.6 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).
 - 1.7 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.
 - 1.8 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.
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- 1.9 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.
- 1.10 The Worthing Local Plan (2023) 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.
- 1.11 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.
- 1.12 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 Plan has been formally adopted.
- 1.13 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.
- 1.14 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'*.
- 1.15 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.
- 1.16 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.

- 1.17 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.
- 1.18 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.
- 1.19 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.
- 1.20 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.
- 1.21 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.

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- 1.22 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.
- 1.23 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.
- 1.24 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.
- 1.25 Consequently, I respectfully request that the appeal be dismissed.

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