

UPDATED SUMMARY

PLANNING PROOF OF EVIDENCE

Prepared by: David Hutchison

SECTION 78 APPEAL BY PERSIMMON HOMES THAMES VALLEY

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

Date 16th January 2024 | Pegasus Ref: P.1173

PINS Ref. APP/M3835/W/21/3281813

PROPOSAL:

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





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1. PERSONAL BACKGROUND

- 1.1. My name is David Hutchison.
- 1.2. My personal background and qualifications are set out in my Proof of Evidence

2. SUMMARY AND CONCLUSIONS

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

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

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

2.3. My evidence concentrates on the following issues:-

- | | |
|----------------|---|
| Issue 1 | Whether the proposed development would be in a suitable location having regard to local and national planning policies |
| Issue 2 | The effect of the proposed development on the setting of the South Downs National Park; |
| Issue 3 | The effect of the proposed development on the Local Green Gap |
| Issue 4 | Other matters raised in third party objections |

2.4. My main findings can be summarised as follows:-

Issue 1 Whether the proposed development would be in a suitable location having regard to local and national planning policies

1. This is the right development in the right location, at the right time.
2. Local Plan Policy SS2 establishes a minimum housing requirement for only 3,672 homes over the plan period 2020-36. However, it does not seek to meet the identified need in full. Instead, it meets only 26% of the need, leaving a shortfall of 10,488 homes. There is still no strategy in place to ensure that the unmet housing need is met.
3. The site is not located within the built-up area, and it is not allocated for housing (or any other kind of development). Instead, the site comprises land which is defined as countryside in planning policy terms. The proposals do not therefore gain positive support from Policies SS1 and SS4.

4. However, the housing land supply and HDT positions mean that Policies SS1 and SS4 and the other most important policies are out of date. The policies will need to flex to allow housing beyond the built-up area to enable the LPA to improve the supply of housing.
5. There is no other plan led mechanism that can address the acute housing problems. National policy does not protect countryside for its own sake and development beyond the built-up area will be necessary to help address the local housing crisis. The Green Gap policy is also no a bar to development as explained later.
6. The adoption of the new Local Plan is not a game changer because Inspector Cridland afforded full weight to an out-of-date policy of absolute restriction and yet still considered the exceptional need for housing to be overriding.
7. Inspector Cridland did not consider that the proposals would fundamentally undermine the then emerging spatial strategy. Similarly, Inspector Lee did not alter the course of the Local Plan examination when the appeal was allowed.
8. There is no reason to reach a different conclusion now when the appeal site represents a greenfield site on the edge of the built-up area in an accessible location similar to the other five sites that were allocated on the edge of the built up area.
9. I accept that the site was not allocated through the Local Plan, but the Local Plan Inspector did not consider omissions sites, did not consider the appeal site and did not consider the appeal proposal. It was a materially different assessment.
10. In any event, after what will be two public inquiries and five weeks of evidence that has been tested through cross examination I consider that the s.78 inquiry process is better placed to conclude on the suitability of this site, particularly when evidence that led to the larger Chatsmore Farm being rejected has been found to be unreliable or no longer applicable.
11. The merits of the appeal site are self-evident. It is well related to the built-up area and in that regard, it would be consistent with the general thrust of the spatial strategy which seeks to reduce the need to travel by locating homes in the most accessible places.
12. The proposals represent a logical addition to this part of the built-up area. They would not represent a new outward incursion into the open countryside and would not encroach closer on the National Park than the existing pattern of development in the area. It would in fact be set back behind a significant area of undeveloped land and the Ferring Rife.

Issue 2 The effect of the proposed development on the setting of the South Downs National Park;

13. National policy on National Parks has not changed since the previous inquiry or since the previous appeal decision was issued.
14. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, and development within their setting should be sensitively



located and designed to avoid or minimise adverse impacts on the designated areas [NPPF §182].

15. Inspector Cridland did not conclude that the appeal proposals would fail the test of avoiding or minimising adverse impacts on the National Park.
16. The NPPF does not preclude development in such locations and indeed it does not even preclude development that might cause harm to the setting of the National Park. Instead, it requires adverse effects to be avoided or minimised.
17. The mere finding of harm to the setting of the National Park is not of itself, sufficient to cause conflict with NPPF §182. Instead, that harm that needs to be weighed against all the benefits of the proposal before one can determine whether the policy test is met.
18. At the previous inquiry it was common ground that this appeal should be determined in accordance with the tilted balance as set out in NPPF paragraph 11d (ii) and that there are no NPPF footnote 7 policies that provide a clear reason for refusal in this case such that the tilted balance is dis-applied.
19. The LPA has resiled from that position without any good reason. It is the same development, in the same location, judged against the same policy. There is nothing in the legal judgements relating to this appeal that change the approach to be taken when applying national policy. The LPA has simply evolved its case.
20. There is no assessment of harm against benefits in the LPA SoC or Officer Report that allows me to understand what has changed so significantly such that this now represent a clear reason for refusal when previously it was not.
21. The requirement to “great weight” to conserving and enhancing landscape and scenic beauty does not mean that all harms should be afforded the same uniform weight. Weight remains a matter of judgement for the decision maker albeit paragraph 182 will increase the weight to be afforded to any harm.
22. I am satisfied that my approach to this matter at the previous inquiry was correct and I take the same approach for the purposes of the remitted appeal. My overall conclusion is that the benefits clearly outweigh any harm to the National Park arising from development within its setting.

Issue 3 The effect of the proposed development on the Local Green Gap

23. The Appeal proposals would not have an unacceptable impact on the Local Green Gap and there would be no conflict with Policy SS5.
24. Policy SS5 does not preclude development within the gap. It is the effect of the proposed development on the gap that is important.
25. 87% of the undeveloped gap between Goring and Ferring would remain if the appeal is allowed.

26. Whilst the extent of the gap will reduce, it would not be to the extent that it would undermine the physical and/or visual separation of settlements and therefore it would not compromise the integrity of the gap.
27. Inspector Cridland agreed with the appellant and concluded that he did not consider that the physical or visual separation of the settlements would be undermined. I consider that significant weight should be attached to those findings.
28. The LPA sought to challenge the approach and conclusions of Inspector Cridland in the High Court, but that ground of challenge was rejected.
29. Mr Self deals with criterion (iii) Natural Capital; and Criterion (iv) green infrastructure networks. He also considers the separate identities and character of the settlements concerned and finds no conflict with Policy SS5 overall.

Issue 4 Other matters raised in third party objections

30. The planning application provided the necessary information to confirm that there is no evidential basis for objection on any of these grounds.
31. There are no outstanding objections from statutory consultees relating to these matters.
32. Inspector Cridland was satisfied on these matters.
33. The LPA does not object on these grounds.
34. In view of the above and in the absence of any robust technical evidence to the contrary, there is no reason why planning permission should be withheld on these grounds.

The Overall Planning Balance

35. The appeal proposals are in general accordance with the Development Plan when read as a whole by virtue of the tilted balance and the application of Policy SP1.
36. The tilted balance is not disapplied for reasons relating to heritage or the setting of the National Park, as was agreed in the original SoCG.
37. The proposals would deliver a range of social, economic and environmental benefits which can be afforded varying levels of weight as identified below:-
 - a. Provision of Open Market Housing – Very Substantial
 - b. Provision of Affordable Housing – Very Substantial
 - c. Enhanced accessibility standards – Moderate
 - d. Cascade to give priority to housing for local people – Significant
 - e. Expenditure on construction/investment – Significant

- f. Creation of construction jobs – Moderate
 - g. Providing homes for economically active people – Moderate
 - h. Provision of a new Local Centre (incl. jobs) – Limited/Moderate
 - i. Provision of car parking for the railway station – Moderate
 - j. Undergrounding of HV cables – Limited/Moderate
 - k. Public open space, Planting and Biodiversity enhancements – Moderate
 - l. Carbon zero homes – Moderate
 - m. Highway improvements – Moderate
 - n. Transfer of Manor Farm (for BNG, recreation, unlocking housing sites and purposes) – Significant
38. The potential residual adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:
- o. Non compliance with out of date Local Plan policies SS1 and SS4 arising from development beyond the defined built up area – Limited
 - p. Landscape and visual impact on the character and appearance of the area comprising:-
 - i. Loss of countryside and localised impact on the site – Limited
 - ii. Wider landscape and visual impact incl. any harm to the setting of the National Park – Moderate
 - q. Partial loss of BMV agricultural land – Limited
 - r. Negligible, less than substantial harm (at the lowermost end of the spectrum) to designated heritage assets – Moderate
 - s. A marginal increase in traffic on the existing road network – Limited
39. All other identified impacts can be mitigated through Planning conditions, obligations or through reserved matter applications.
40. Overall, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits in accordance with Local Plan Policy SP1 and NPPF paragraph 11d.
41. I would go as far as to say that the benefits outweigh any conflict with the Development Plan even in the flat unweighted balance.
42. As such the proposals represent sustainable development and the appeal should be allowed.



Concluding Comments

- 2.5. Having undertaken a planning balance in the way that I have outlined, I reach the conclusion that the proposals represent a suitable and sustainable form of development in this location and that there are compelling reasons that justify the grant of planning permission.
- 2.6. In view of the foregoing, the Inspector is respectfully requested to uphold this appeal and to grant outline planning permission, subject to any necessary conditions and planning obligations.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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