

Town and Country Planning Act 1990

Section 78 Appeal

Appeal by Taylor Wimpy Southern Counties against the decision of Chichester District Council to refuse outline planning permission for the erection of 92 residential units and associated infrastructure

Site - Land North of Keepers Wood, Lavant Road, Lavant , West Sussex

LPA reference: LV/12/03178/OUT

Planning Inspectorate reference: APP/L3815/A/13/2200123

RAGE 2, convened in accordance with the 2011 Localism Act, is a focus group of local residents in Chichester and Lavant that co-ordinates responses to major planning issues that adversely affect the community

RAGE 2 submit the following objections in support of the Local Planning Authority's (LPA) refusal of outline planning permission

RAGE 2 does not intend straying into the technical areas which the LPA witnesses and other experts will be better able to deal with.

RAGE 2 aim to provide a succinct, and hopefully helpful, summary of

1. The site specific and policy objections lodged to **the planning application** and rose by the large numbers attending public meetings convened by RAGE 2.
2. Issues relating to **the 5 Years Housing Land Supply** and Chichester District Council's emerging Local plan

The Planning Application

The public place great importance on maintaining the strategic gap. The strongly held public perception is that the proposed development would constitute a serious threat to the separate identity of the settlements on either side of the Strategic Gap; be poorly located, out of character with and divorced from the established adjoining residential development; and subject to aircraft noise nuisance.

RAGE 2 considers that the failure of the proposed development to comply with established Development Plan policies and the NPPF, together with deficiencies relating to housing mix, density, highway safety and infrastructure contributions, as covered in the LPA's refusal reasons, provides clear justification for dismissal of the appeal. These deficiencies will be addressed separately in relation to each of the refusal reasons 1 to 6.

Reason 1. (Taken as read)

RAGE 2 considers the **policy context**, within which the appeal proposal falls to be determined, provides a sound basis for its refusal. RAGE 2 recognises that there is a shortage of available housing development land, as defined by the 5 years supply requirement, albeit with supply implications only

arising some 4.25 years ahead. Notwithstanding the housing supply situation, RAGE 2 holds firmly to the view that the statutorily adopted development Plan policies opposing coalescence of the settlements either side of the Strategic Gap provide important justification for refusal of development.

The Chichester District Council (CDC) Local Plan First Review 1999 saved policies:

- RE1- Rural Areas Generally,
- RE6 – Strategic Gaps; and
- BE1 – Settlement Policy Areas,

although formulated and adopted some 14 years ago, are still applicable and integral to the adopted Development Plan.

Chichester DC - Interim Statement on Housing – Facilitating Appropriate Development (JUL 2011, revised JAN 2012; JUL 2012 and OCT 2012)

The Council recognised the need to identify the criteria to be met in relation to development proposals not identified in the 1999 Local Plan. The Interim Statement reads

New housing development may be acceptable outside of existing Settlement Policy Areas providing the following criteria, where relevant to the development, have been satisfactorily addressed:

RAGE 2 will rely on CDC expert witness to explain how the Interim Statement has operated. However, of the 18 criteria, number 7 is seen as of particular relevance to the appeal proposal.

7) The likely impact of the development individually, or cumulatively, around the edges of a settlement does not result in the actual or perceived coalescence of Settlement Policy Areas (as defined by a SPA boundary identified in the Saved Policies of the Local Plan).

It is of note that the Local Plan currently in preparation, some 12 months away from adoption, will have given careful consideration to sites suitable for development. The LPA has confirmed it has not identified a site within the Lavant/Chichester Strategic Gap. The requirement that Green Belts and Strategic Gaps should be reviewed over time has been met recently as part of the Local Plan process and the conclusion reached that the saved policies are still relevant in defining the boundaries of the settlements either side of the gap.

The **National Planning Policy Framework (NPPF)** has at its heart a presumption in favour of **sustainable** development.

At paragraph 7 the environmental dimension to sustainable development is elaborated as –

contributing to protecting and enhancing our natural, built and historic environment

Paragraphs 11, 12 and 14, are concerned with **adherence to the Development Plan** and the circumstances dictating presumption in favour of sustainable development granting planning permission unless -

any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 17 sets down **Core Planning Principles**, one of which is that –

land-use planning principles should underpin both plan-making and decision-taking. One of the 12 principles is that planning should - take account of the different roles and character of different areas , promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it

Under the heading **Protecting Green Belt land**

Paragraphs 79, 80, 83 and 89 provide the fundamental basis for defining and defending Green Belt land. The description ‘Green Belt’ may be considered the generic term for protected open land either separating settlements or limiting sprawl. This section of the NPPF is considered equally applicable to Strategic Gaps.

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*

(Purposes 4 & 5 are not relevant to the current appeal)

83. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.

Attention is drawn to the Secretary of State’s decision 26th June 2013 in respect of

**APPEAL BY FOX LAND AND PROPERTY LTD
AT LAND OFF GLEBELANDS, THUNDERSLEY, ESSEX, SS7 5TN
APPLICATION REF CPT/7/12/OUT**

Contrary to the appointed inspector’s recommendation to approve, the Secretary of State (S of S) dismissed the appeal for development in the green belt. Particular attention is drawn to his ‘Overall Conclusions’ (paragraphs 30 & 31)

(Link to electronic copy of S of S decision letter of 26th June 2013)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209299/Recovered_appeal_-_Land_off_Glebelands__Thundersley__Essex__ref_2177157__26_June_2013_.pdf

RAGE 2 considers there are important parallels between the development proposed by Taylor Wimpey in the Lavant Strategic Gap and the Glebelands development referred to above, rejected by the S of S as recently as 4 months ago.

RAGE 2 believes that the fundamental determining considerations in the current Taylor Wimpey appeal will be

- i) Coalescence actual and perceived.
- ii) Urban Sprawl /Urban Form of Chichester

It is the strongly held view that the proposed development, by bringing the built up edges of Chichester and Lavant closer, would seriously erode the clarity of separation between the settlements and result in actual and widely perceived coalescence. Judgement in the matter will depend on the evaluation of a wide range of impacts.

In relation to: **Coalescence actual and perceived -**

RAGE 2 assesses the **positive characteristics of the Strategic Gap** as follows:

- Defined green boundaries to N and S.
- Established mature trees framing large lengths of the gap's boundaries.
- Views over open farmland and beyond to the wider countryside and the South Downs.
- Actively farmed land announcing the countryside.
- Field boundary hedges and green verges adjoining the road.
- Woodland copses to either side of the road.
- Transition from urban speed limits to unrestricted, marks change of character.
- Absence of street lighting, marks transition urban to countryside.
- Travel time between built up areas sufficient to reinforce their separation.

RAGE 2 assesses the **negative impacts of the proposed development** as follows:

- Adverse impact on viability of farmland due to reduction in area.
- Introduction of highway junction engineering works, road widening.
- Loss of established boundary planting.
- Street lighting, pavements, bus stops, A 286 character altered.
- Hard kerbs, crossing points, footpaths, cycle lanes.
- Gap reduced from 800m to 450m
- Shorter travel time between built up areas, reduced perception of separation.

In relation to: **Urban Sprawl/Urban Form of Chichester -**

RAGE 2 points to the following criticisms of the proposed development

- Sprawling northward development of Chichester.
- Ribbon development on E side of the A286 road.
- Inappropriate character of development in peripheral location.
- Visible and physical separation from the adjoining development to S.
- Isolated community without connection to Chichester or Lavant.

To summarise,

The City of Chichester, together with York, Chester and Bath was one of the four historic cities identified in 1968 for special study to ensure their protection and sensitive treatment.

The City extends further to the north than in any other direction creating a 'pear-drop' shape. From the Cross at the centre of the city, the developed area extends 1,600m to the E; 1,400m to the W; 1,600m to the S; and 2,800m to the N. Development of the land N of Keepers Wood would extend the city some 350m further to the N emphasising its peculiar urban form. The development, which would adjoin, without connection to, the city's peripheral housing, would be tacked onto the A286 road N to Lavant and Midhurst. In its form and location it would constitute urban sprawl and be precisely the kind of soulless, detached development for which planning is frequently severely criticised.

Travelling N from Chichester, the Strategic Gap starts with Keepers Wood and continues N to the heavily treed southern edge of Lavant. The proposed development would be clearly visible from the junction of its access road with the A286 just beyond the most northerly point of Keepers Wood. The junction and associated engineering works would introduce an urban element effectively destroying the rural appearance that underpins the sense of separation between settlements the gap presently provides. Travelling N along the A286 views of the adjoining development will be available for 300m, up to the point where the road gently bends to the right. From shortly after the bend the S boundary of Lavant is gradually revealed. Leaving the proposed development behind and approaching the southern edge of Lavant, the reduced stretch of open countryside will be less likely to be seen as part of the wider open countryside and increasingly perceived as a short break in the built up northward extension of Chichester .

Travelling S, on leaving Lavant, views of the new development would be immediately apparent. The sense of arrival in Chichester would coincide with the gentle bend in the road which marks the N limit of the proposed development. The visual experience of those travelling S on the A286 that will inform the perception of the gap, will be much the same as for those travelling N. The remaining open land will be perceived as a short break in the built up northward extension of Chichester.

RAGE 2 believes that the proposed development would have the negative effects described above.

A study of Strategic gaps in Havant Borough, the LPA adjoining Chichester to the West, carried out by Kirkham Landscape Planning Ltd in 2008, looked at the size of gap necessary to prevent coalescence and maintain separate identity of the settlements within the Borough. Whilst each Strategic Gap or Green Belt will be unique it is nevertheless of note that the study suggests a minimum gap would be 600m -*"because in an open landscape any less gives the perception of merging, and in a well wooded or tree covered landscape, these landscape features will tend to register as incidents in an urban landscape rather than as a gap."*

The Lavant /Chichester gap remaining, should the Taylor Wimpy development proceed, would be in the order of 450m.

Concluding comment

The LPA's saved Local Plan policies, together with the Council's Interim Statement on Housing – Facilitating Appropriate Development, provide sufficient justification for refusing the proposed development. The NPPF acknowledges the primacy of the Development Plan unless material considerations suggest a departure is justified. The NPPF provides definitive policy in relation to Green Belts (Paragraphs 79, 80, 83 and 89 see above).

RAGE 2 Supports the LPA's refusal reason 1 and believes it to be sufficient justification for the appeal to be dismissed.

Reasons 2 and 3 (Taken as read)

The refusal reasons are supported. RAGE 2 does not consider the need to comment further.

Reason 4. (Taken as read)

The refusal reason is supported.

The number and nature of aircraft presently using Goodwood Aerodrome cause a significant loss of amenity to residents of nearby housing. There is every indication that the nuisance is increasing year on year. Whilst aircraft numbers is not a matter that can be controlled under planning powers there are environmental health considerations. However, the LPA has a legitimate concern as the proposed housing would be beneath one of the regulated flight paths for take-off which, for reasons of safety and noise, are routed over open land. The noise nuisance would be contrary to residential amenity, which is a material planning consideration.

Reason 5. (Taken as read)

RAGE 2 will not comment on the safety of the junction design as proposed in the appealed development. This will be a matter for the Highway Authority experts.

RAGE 2 is, however, concerned that any redesign to overcome the technical deficiencies would lead to greater destruction of the well established soft landscape adjoining the A286 resulting in increased urban impact.

Reason 6. (Taken as read)

The refusal reason is supported.

Too often in the past development has failed to recognise the impact new residents will have on local services. RAGE 2 consider it essential that new development should make appropriate contribution towards the cost of services and infrastructure upon which new residents depend.

The 5 Years Housing Land Supply (5 YHLS)

Boyer Planning, on behalf of Taylor Wimpey, refer to an urgent need for housing.

The urgent need for housing nationally is acknowledged. However, the need arising in any particular area has to be assessed locally. RAGE 2 holds to the view that the available housing land in Chichester District has over time consistently met the assessed annual need as reflected in the projected 5 YHLS and can continue to do so.

The latest CDC figures for housing completions and land remaining available for housing development identify a further 3.7 years worth housing land supply. This figure allows for the additional 20% buffer to take account of persistent under delivery (NPPF paragraph 47).

CDC's Interim Statement on Housing – Facilitating Appropriate Development, reflects a proactive approach to releasing small to medium size development sites in advance of the larger releases to be identified in the Local plan. RAGE 2 consider CDC cannot fairly be regarded as persistently under delivering.

The current Development Plan has provided for development and to date avoided an actual shortage of housing land available for development in Chichester. In recent years, against the backdrop of a poor housing market, the house building industry has been slow to take up development opportunities. Locally to the appeal site, major sites at Graylingwell and the Roussillon Barracks have been brought forward for development.

If, as RAGE 2 would claim in CDC's case, application of the 20% buffer should be recognised as unreasonable, then, whilst adopting the NPPF required 5% surplus on top of the 5 YHLS, the requirement 2014 -2019 reduces to 3,257 (651/year). The assessed Total Projected Housing Supply, 2,766 results in a 5 YHLS shortfall of 491 i.e. 9 months supply. There is effectively 4.25 years supply remaining.

RAGE 2 considers 9 months Housing Land Supply shortfall, arising 4.25 years away, cannot fairly be described as requiring urgent attention! Given the facts the public would surely regard any such claim as a misleading portrayal of housing need.

Approval of the Local Plan within 12 months, in line with CDC's timetable, would identify the longer term plans for development, including the required 5 years housing supply, some 3+ years before the currently available annual housing land supply would be exhausted.

RAGE 2 notes that in October this year CDC approved publication of the draft Local Plan for the period 2014-2029. The plan reflects previously identified sites and is at its final stage of public participation.

4 strategic housing development sites provide for 3,550 homes. The sites include:

- Whitehouse Farm, adjoining the city to the west – 1,000 homes; and
- Westhampnett, adjoining the city to the east – 500 homes.

Both sites comprise open land assumed to be free of complicated ownership patterns. The land at Whitehouse farm is understood to be subject to options held by developers.

The limited foul drainage capacity of sewage works expected to receive the flows from Whitehouse Farm should not defer commencement of development until beyond the 5 YHLS period. A

comprehensive, phased master plan could be approved soon after adoption of the Local Plan. A first phase of the development could proceed if designed for Grey Water separation from Foul Sewage, the latter relying temporarily on foul storage tanks intercepting the flow and tanker transport to sewage works with sufficient capacity. These arrangements may not be favoured by the prospective developers due to the cost involved and possible advance option commitments as to purchase prices. The cost would however be infinitesimal relative to the huge, possibly hundredfold plus, increase in land values from farmland to housing. A reluctance to adopt temporary solutions to drainage problems serving properly planned development in favoured locations should not be regarded as sufficient reason to permanently permit development of unplanned unsatisfactory development on the appeal site.

For all the above reasons RAGE 2 submits that the development proposed on Land North of Keepers Wood and the subject of the current appeal should be dismissed.