

## **Town and Country Planning Act 1990**

### **Section 78 Appeal**

Appeal by Taylor Wimpey Southern Counties against the decision by 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 Rd, Lavant, West Sussex

LPA Ref: LV/12/03178/ OUT

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

## **RAGE 2 – Statement of Objections in support of the LPA refusal of outline Planning permission.**

### **The Wrong Scheme in the Wrong Place.**

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## **RAGE 2**

R 2 is a focus group that represents a large section of the local communities affected by this proposed development – 240 of whom made themselves known to Chichester District Council (CDC) and more recently the Planning Inspectorate through their logical, well founded and substantive objections.

These objections were lodged prior to the 18/Dec/12 Planning Committee meeting at which this application was unanimously refused by CDC. To avoid duplication, R2 also echo the views of the Lavant Parish Council, 2 councillors of whom have sat on the R2 committee.

## **CONSULTATION**

### **The Lavant Community**

Many residents have lived in Lavant for a long time and know the area well. This is not a transient community.

The Lavant Parish Council (LPC) is in the process of creating a Neighbourhood Plan which will, in due course, supersede the 2010 Lavant Village Plan supplement. More recently the LPC and residents have commented on the CDC draft Local Plan. The need to retain the integrity of the Strategic Gap between Lavant and Chichester is a golden thread that runs through these various documents and local consultations.

### **The 2011 Localism Act**

We believe that the requirements of the 2011 Localism Act are very clear. Developers have to consult with local communities in respect of their proposals in a meaningful way.

In particular it requires that this consultation takes place at a stage in the process which gives local people a chance to comment when there is still genuine scope to make changes to any outline proposals.

Yet, here we were in 2012 presented by the applicant with plans – not choices, guesses – not data, partial facts -purporting to be truths and statements with scarcely any supporting evidence. The core problem is that the applicant’s proposals are so fundamentally unacceptable to the residents of the 2 communities that abandonment of the project would have been the only sensible option.

The applicant, in his early presentation held in Chichester, when questioned about the design proposals, stated that he was “*contractually bound*” by way of an agreement with the land owner to submit a planning application on this site. At the time of the planning application it related to the large southern sector but, prior to 18/Dec/12 CDC planning committee meeting, the boundary was changed to embrace the whole field. More recently as part of the appeal documentation it appears that this has reverted, at least in the short term, to the large southern sector.

As a dialogue between the developer and the community, the process and the result were simply unsatisfactory. We understand that the pre-app consultations with the LPA were also highly unsatisfactory because the fundamentals of the project could not be resolved.

Yes, the applicant carried out the spirit of their statutory obligation – the box could be ticked. However, in terms of any qualitative or quantitative assessment arising from that consultation ... there was simply no obvious thread of logic to support the proposals that emerged to inform the planning application. The only lynchpin appears to be a generic housing requirement.

It would not be unrealistic to say that the local community was aghast at the predatory nature of this application as an isolated development flying under the banner of a generic housing provision and promoted as a sustainable development. In our view, this is disingenuous.

We had anticipated that the applicant would mount a robust argument in support of the application at the CDC planning committee but that was not to be. Not a single presentation was made in support of the proposal by the applicant- or indeed anyone else. No-one appeared to have the courage of their convictions which was very surprising over such a controversial project.

## **ENVIRONMENTAL IMPACT**

The applicant states that the proposal will “*benefit and enhance the area*”. Indeed the voluminous documents are long on such tantalising phrases but woefully short on any substantive evidence in support as to how this is to be achieved.

### **Purpose and history of the gap**

The principle of a gap policy is well established. For hundreds of years the definable Lavant Gap has safeguarded and separated the identity of Lavant and the north edge of Chichester.

Whilst these 2 communities are located relatively close together, retaining their separate identities has been a long term goal of planning strategy ...whatever the pressures. This approach has been

highly valued by local people. The site is outside the settlement policy boundaries that are considered important to prevent the merging of these 2 settlements.

The Strategic Gap has helped guide where new development should (or should not) be built and ensures the maintenance of open land between the settlements of Chichester and Lavant. It has prevented them merging into one and losing their separate identities. This level of protection continues to be important in decisions on individual planning applications.

Gaps have not only been defined for the sole purpose of protecting the countryside or landscape but also as a planning tool designed to shape the patterns of towns and villages. A clear break between communities helps to maintain a sense of place and provide a clear structure of settlements.

It is recognised that the merging of villages comes about through a gradual process so whilst one development of a particular site may not in itself result in a physical merger it will lead to perceived coalescence. Gaps have always been seen as having a long term importance and their continuing value as open and undeveloped countryside depends on retaining them. The case for them remains valid.

The NPPF refers extensively to the importance of protecting 'Green Belt'. Strategic gaps may fulfil the same purposes as green belts, but perhaps on a smaller scale. Both define the boundaries between urban areas and the countryside and preclude coalescence between built up towns and villages. The NPPF recognises that planning should take account of the different roles and character of different areas.

### **When is a Gap not a Gap??**

The applicant states that the scheme is designed to safeguard the integrity of the Strategic Gap, that it will not cause or threaten coalescence and that a sensitive landscape strategy will ensure that development reads as part of the Chichester built up area.

*There are other claims.....Development could be accommodated without impacting on the objectives of the Strategic Gap; the development will not be especially discordant....*

The reality is that development cannot be accommodated without impacting the objectives of the Strategic Gap and the development will be especially discordant. The documents are silent on such fundamental issues in respect of encroachment. The whole topic appears to have been consigned to the 'too-difficult-to-provide-supporting-evidence' basket as there is scant contextual or objective evidence.

Most people will agree that the space between buildings is as important as the buildings themselves – it provides their setting.

Likewise with settlements (and particularly historic settlements) it is their setting that matters and the core function of the Lavant Strategic Gap is to distinguish between the Lavant Settlement Policy Area and the northern residential boundary of Chichester.

Avoiding their coalescence and retaining their separateness has always been at the forefront of planning considerations and there is an overwhelming wish for the village of Lavant not to creep south to Chichester, or the corollary - for Chichester to creep north. The proposal thus creates an

isolated community on the border with Chichester, within the parish of Lavant but not part of the Settlement Policy Area and with no connections.

The Taylor-Wimpey Landscape and Visual Assessment runs to 40 pages and could have provided some justification -some evidence - some qualification - some visual assessment as to why the applicant considers an erosion of 40% of the green space is acceptable – but it does not and fails to recognise the intrinsic value of this gap.

The Design and Access Statements show various illustrations of the development and refer to the need to address the Strategic Gap with a landscaped buffer zone....but what does that mean?.....it is tantamount to acknowledging the importance of the Strategic Gap whilst still eroding it.

### Size

Whilst each case has to be considered on its merits, a review of Strategic Gaps commissioned by Hampshire County Council 2 yrs ago concluded that 600m was an absolute minimum if the perception of merging of settlements was to be avoided.

Currently the green space between Raughmere Drive (to the north) and the copse (to the south) on the east side of the A286 is approx. 600m.

In relation to views from the A286, the applicant is proposing that the distance between Raughmere Drive and the north boundary of the TW proposed housing should be reduced to approx. 435m....or 30% reduction from that which exists. However as the total length of the field to its southern boundary is 700m the reduction of the total length of green space is 40%.

At 30mph (TW assumed design speed for access on to the A286) it would take 33 seconds to pass the reduced gap ...at 40mph some 25 seconds.....barely time to register an area of unbuilt land as a gap.

### Views

The reduction in openess and the visual impact resulting from this urban encroachment into a rural landscape cannot be under estimated...but are core issues. There are no 3D representations which show the context of the proposal set into the landscape to illustrate the impact.

When viewed from the north, from the SDNP, the background view of this site is overwhelmingly of woodland into which the existing houses merge and are barely visible. The fact that they are set at a lower ground level than the field makes them less prominent than the 92 houses would be if built.

If this development is built, during the day it will be highly visible from both nearby and from afar set against the backdrop of mature trees that form the northern edge of the city and the southern edge of Lavant.

At night the street and building lighting and vehicle movements will be even more evident and in stark contrast set against this dark backdrop. There is no doubt that this will be a clear signal that urban Chichester with its light pollution has moved north into rural Lavant.

The removal of the hedgerows on the west boundary of the Strategic Gap will be necessary to provide visibility splays at the bell mouth junction to the site. Currently this is designed for 30mph speeds. However this is a somewhat faster road and therefore these visibility splays will have to be extended leading to almost total removal of the existing hedgerows. To the south the edge of the copse will be taken out to provide an extension to the footpath. The combined effect will be to transform the appearance of this northern gateway to the city.

When travelling north from Chichester the exceptional NE view towards the Downs that inspired the words for William Blakes' Jerusalem will thus be lost forever. "England's Green and Pleasant Land" will not have the same resonance when the foreground is of a sub-urban development. That is not a price worth paying to land-bank yet another development site.

## **CONCLUSION**

The proposed scheme is an isolated satellite community dropped onto a greenfield site with no connections with either Lavant or Chichester. It is the worst possible planning solution. The impact will disfigure this area forever and is clearly not, as claimed by the applicant, a sustainable development option. This is post-rationalisation at its best.

It is not surprising that volume house builders want to build on flat greenfield sites to crank up housing at all costs in lieu of the many brownfield opportunities that exist (the CPRE have said that there are 400,000 plots with planning permission in this country where builders have yet to lay a brick).

However, the commercial gain that will accrue to the applicant if this appeal is granted will be at the expense of the landscape buffer, the historic environment, local residents and the many visitors to the area who travel this route to Chichester and Goodwood.

This landscape should not be destroyed. You can never un-build a planning approval. There is nothing within the documentation that suggests what is proposed is anything other than a pattern-book development of "Anywhere" housing on an isolated site.

We believe that the erosion of the Strategic Gap, as the result of extending the urban residential area of Chichester into the rural agricultural land of Lavant, will forever damage the setting of these communities and that this fundamental issue has been totally ignored by the applicant.

Our vision for housing in Lavant is of projects that enhance, sustain and meet the needs of the local population (+ a reasonable proportion of new residents) that is environmentally friendly, carefully considers its context and that adds value to the community. The proposed development deals with none of these issues.

This opportunistic application endeavours to justify adding to the land-bank of one of the UK's larger housebuilders at the expense of the environment.

It is simply not acceptable to ride roughshod over this green space ignoring established communities. This is not just about housing but about landscape, context, culture and community – the key ingredients of place-making.

Whilst the applicant states that there is a presumption in favour of sustainable development there is scant evidence to demonstrate that the proposal complies with tests in respect of an environmental role, an economic role and arguably a cultural role. Unless it can be shown that there is compliance with all these tests together with a social role then it is not appropriate to claim that the development is genuinely sustainable.

The scheme will impair the historic settlement pattern and the perception of it. It is an incongruous proposal that reflects very little of the character and pattern of development and there is nothing that is sufficiently compelling for this scheme to contravene sound planning policies. It will forever damage this environment through the irreplaceable loss of landscape quality and the coalescence of the 2 settlements.

This is the wrong scheme in the wrong place at the wrong time. It is an isolated community that is not part of Lavant built on the edge of the Parish Boundary – the worst of unimaginative housing in a ribbon development nibbling away at the green spaces.

We believe that there are compelling grounds for refusing this appeal that include:

- The concept and context is so fundamentally wrong that it cannot be remedied at a detail stage.
- The emerging Local Plan and the Lavant Neighbourhood Plan will make adequate provision for future housing needs and neither of these requires this site for housing development.
- The rural landscape character that defines the 2 settlements will be lost forever and the small gap that is left will result in a perceived coalescence.
- The 92 houses are disconnected from both Lavant and Chichester communities and will be seen as sub-urban sprawl into the rural landscape and not a genuinely sustainable development.
- The views from both north and south will be severely affected by the proposed development.
- The scheme fails to recognise the need for a positive contribution towards protecting, conserving and enhancing the landscape and amenity of the gap.

There is a gulf between rhetoric and reality in this application. It is fundamentally flawed and we urge the inspectorate, when balancing the various issues, to support the CDC's refusal and to dismiss this appeal.

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