Rebuttal Statement to Horsham District Council's Appeal Statement

Appeal Ref: APP/Z3825/W/25/3365902

Site: Land South of Furze Common, Thakeham, RH20 3EF

Client: Akehurst Homes Ltd

Prepared by: MWB/JK/35432

Date: July 2025

1.1 Scope of Rebuttal

1.1.1 This Rebuttal Statement has been prepared by DHA Planning on behalf of Akehurst Homes Ltd, the Appellant.

1.1.2 The purpose of this Statement is to address certain issues raised by Horsham District Council (HDC) in their capacity as the Local Planning Authority in their Appeal Statement dated July 2025 [**CD8.001**]. This Statement should be read in conjunction with the Appellant's own Statement of Case (SoC) [**CD7.001**].

1.1.3 The content of the Appellant's Statement of Case is not repeated here. HDC set out its case as to why it considers the development proposals subject to this appeal should be refused and this Statement briefly responds to several points that have been made.

1.2 New Matters Not in Dispute

1.2.1 Since the submission of the appeal the Appellant and the LPA have agreed and signed a Statement of Common Ground [**CD9.001**] which confirms that the only area of disagreement relates to the extent of neighbouring amenity harm resulting from the Appeal Scheme and whether this significantly and demonstrably outweighs the benefits.

1.2.2 The Appellant and the LPA are in complete agreement that all other matters in relation to the principle of development; housing land supply and engagement of presumption in favour of sustainable development; affordable housing; housing mix; water neutrality/impact on the Arun Valley SAC, SPA, and Ramsar sites; arboriculture; character, appearance and landscape impacts; transport and highways; ecology and biodiversity; flood risk and drainage; air quality; loss of agricultural land; contamination; heritage; and construction management are acceptable and not relevant to the determination of this appeal.

1.2.3 The Appellant has also finalised and executed a Section 106 agreement [**CD9.002**] following further dialogue with the LPA after the submission of the LPA and has been sent to the Inspector. The S106 secures the necessary planning obligations including 35% affordable housing (seven rented units and three shared ownership units) and an air quality financial contribution to offset additional traffic emissions in the district.

1.3 Analysis of the LPA's Appeal Statement

1.3.1 As outlined in paragraphs 2.6 to 2.8 of the HDC's Appeal Statement, at the application stage, HDC's professional planning officers duly recognised the amenity harm that would arise for Nos. 1 and 2 Champions Cottage, which they set out in the Committee Report. This harm was considered as part of the overall balancing exercise, specifically within the context of the tilted balance, and was weighed against the identified benefits of the Appeal Scheme.

1.3.2 While the officers exercised their professional judgment in carrying out this planning balance and ultimately recommended approval of the application, Members disagreed with this assessment. They resolved to refuse the application alleging that it had not been demonstrated that the proposed access road would avoid causing unacceptable harm to the amenity of neighbouring residents. The refusal cited increased levels of activity, noise, light, and pollution from vehicles and pedestrians using the lane as the primary access to the site. The level of perceived harm was considered by Members to be of such a degree that it would "significantly and demonstrably" outweigh the benefits of delivering up to 28 new dwellings, including 35% affordable housing, in a district with a woeful housing supply and deliver, alongside associated economic and environmental gains.

1.3.3 Section 3 of the LPA's Appeal Statement offers no substantively new evidence or explanation justifying the refusal. The Appellant acknowledges that the Appeal Scheme would result in intensified use of the access track, due to the need to serve up to 28 new dwellings, including access for deliveries, refuse collection, emergency services, and all pedestrian and cycle movements. This increased activity would, inevitably, result in higher levels of environmental noise and lighting affecting the two existing properties, relative to the current baseline.

1.3.4 However, the LPA's Appeal Statement does not provide any technical assessment of the nature, scale, or frequency of these impacts. Nor does it challenge the findings of the Appellant's supporting technical evidence, including the Highways & Transport Statement of Case [**CD7.002**], Noise Impact Assessment [**CD7.003**], Lighting Assessment [**CD7.004**], Air Quality Note [**CD7.005**], or the cumulative impact analysis set out in Section 8.6 of the Appellant's Statement of Case [**CD7.001**]. Taken together, the Appellant concludes that the findings of these robust technical assessments indicate that the amenity impact on Nos. 1 and 2 Champions Cottage would be no greater than *limited to minor* adverse.

1.3.5 The planning balance presented in Section 9 of the Appellant's Statement of Case demonstrates that the harms identified would not "significantly and demonstrably" outweigh the benefits, as required by the presumption in favour of sustainable development. Indeed, it is the Appellant's position that the benefits of the scheme are sufficiently compelling that the development remains acceptable whether assessed through a "tilted" or a "flat" planning balance.

1.4 Relevant Decisions After Appeal Submission

1.4.1 While the Appellant does not wish to introduce any new material, since the appeal was submitted by the Appellant, three new appeal decisions have been issued by PINS that could not have been included in the Statement of Case but are considered relevant and would like to draw the Inspector's attention to these.

Horsham Golf Club – PINS Ref. APP/Z3825/W/24/3355546

1.4.2 An appeal [**Appendix 1**] for outline planning permission was allowed on 11 July 2025 for a large mixed-use development (including up to 800 dwellings) at Horsham Golf Club, located within the Horsham District. The appeal was held as a public inquiry.

1.4.3 The Inspector described HDC's housing land supply, stating at paragraph 62 of the decision that the one-year supply figure (as agreed by both parties) was "lamentable." The Inspector also referenced significant obstacles facing the emerging local plan.

1.4.4 At paragraph 63, the Inspector also gave "substantial weight" to the fact that the proposed development could be delivered as water neutral, a key issue in the region stymying housing delivery. The strategic mitigation scheme set up by HDC and neighbouring authorities, known as the Sussex North Offsetting Water Scheme (SNOWS), was acknowledged by the Council as only enabling approximately 2.5 years' worth of housing land, making self-contained water neutrality solutions increasingly critical to housing delivery.

1.4.5 While the Appellant did not initially rely on water neutral development as a benefit in their Statement of Case, the Inspector nonetheless made clear that **substantial weight** should be given to this feature. The Appeal Scheme proposes its own independent water neutrality solution via on-site borehole abstraction and therefore substantial positive weight should also be given to the Appeal Scheme.

Land at Old Park Lane, Farnham – PINS Ref. APP/R3650/W/24/3353124

1.4.6 An appeal [**Appendix 2**] for outline planning permission was allowed on 11 June 2025, granting approval for 83 dwellings on land at the edge of Farnham within Waverley Borough Council. The appeal was determined following a public inquiry.

1.4.7 A key issue considered during the inquiry was the impact of the proposed access arrangements on the living conditions of existing residents and the character and appearance of the surrounding area.

1.4.8 As set out in paragraphs 26-28 of the appeal decision, the proposed access to the development would be via the Abbey View Estate, located adjacent to the site. This would involve the widening of existing estate roads, specifically Cascade Way and Keepsake Close, leading to an increase in traffic movements through the estate as a result of the new development. Extracts of the proposal are shown overleaf.



Figure 1 & 2: Land at Old Park Lane Proposals

1.4.9 At paragraphs 32-33, the Inspector found that the additional vehicle movements generated by future residents, estimated at 45–50 during peak hours based on TRICS data, would have a noticeable impact on a limited number of existing residents, particularly those living at the end of Keepsake Close, where access to the new dwellings would be concentrated. While the Inspector acknowledged that this would result in a change to the living conditions for some residents, it was concluded that the increase in traffic would not be of a scale that could be considered harmful or unsafe.

1.4.10 At paragraph 35 the Inspector concluded that, subject to the imposition of appropriate conditions, the proposed development would not result in harm to the living conditions of residents of the Abbey View Estate, nor to the character and appearance of the area.

1.4.11 It is significant that the Inspector considered the projected increase of 45–50 peak-hour vehicle movements to be acceptable. By comparison, the Appeal Scheme would result in only 16–17 additional peak-hour movements, a substantially lower figure, along an access road that currently serves two dwellings. This highlights the relatively limited impact of the Appeal Scheme.

<u>Land West of Storrington Road, Thakeham – Ref. APP/Z3825/W/24/3350094</u>

1.4.12 An appeal [**Appendix 3**] for planning permission was dismissed on 13 June 2025 following a public inquiry. The proposal involved demolishing existing buildings and undertaking a phased redevelopment for 247 dwellings and flexible Class E floorspace on the outskirts of Thakeham, within Horsham District and nearby to the Appeal Site. Thakeham Parish Council references this decision in their representations, using it to support the dismissal of the current Appeal Scheme.

1.4.13 Although the Land West of Storrington Road shares some locational similarities with the Appeal Site, there are key differences that make direct comparisons inappropriate. Planning officers did not support the proposed development and the main issues considered in the appeal were substantially different to the Appeal Scheme, focusing on:

- Whether the scale and location aligned with the development plan;
- Whether the proposal was sustainably located in terms of access to facilities and services, particularly regarding reliance on private vehicles; and

- Whether the site was suitable in terms of flood risk.

1.4.14 Regarding scale, the Storrington Road scheme proposed 247 dwellings, described by the Inspector at paragraph 27 as "a very significant increase," particularly given the recent scale of growth in Thakeham. The Inspector concluded at paragraphs 33-34 that the proposal was "grossly out of scale" with the village and found it in "entire conflict" with Policies 2, 3, 4, and 26 of the HDPF and Policy 3 of the TNP. In contrast, the current Appeal Scheme proposes up to 28 dwellings, a significantly smaller and more proportionate scale.

1.4.15 The Inspector also commented on the unsustainable scale of the Storrington Road proposal in paragraphs 49 and 50 of the decision. They noted that the HDPF emphasises matching the scale of new development to available transport infrastructure and modal choice. The Inspector found that 247 dwellings would add a large population with limited access to everyday services and employment without relying on private vehicles.

1.4.16 The current Appeal Scheme, proposing up to 28 dwellings, does not raise similar concerns and aligns with the Development Plan overall.

1.4.17 Moreover, neither the scale nor the sustainability of the development formed reasons for refusal in the subject Appeal case. The Committee Report [**CD3.003**] confirms that "the development of up to 28 dwellings is considered appropriate to Thakeham's status as a smaller village… both individually and in combination with other committed and proposed developments," and that it complies with the 2022 Facilitating Appropriate Development (FAD) document [**CD6.003**].

1.4.18 The agreed Statement of Common Ground [**CD9.001**] between the Appellant and the Council confirms that the site is considered to be in a sustainable location suitable for the proposed level of development.

1.5 Closing

1.5.1 The Appellant has reviewed all third-party comments received in response to the appeal, including those from Thakeham Parish Council. The Appellant does not consider it necessary to respond further, as the issues raised have either already been addressed or are covered within the agreed common ground with HDC.

1.5.2 We trust the Inspector has all the required information to determine this appeal in a timely manner. However, should the Inspector have any queries, please do not hesitate to contact Mark Bewsey of DHA Planning.

Yours sincerely

[redacted]

Mark Bewsey MRTPI
Director – DHA Planning

[redacted]

APPENDIX
1



Planning Inspectorate

Appeal Decision

Inquiry held on 3-6, 10, 12 June 2025

Site visit made on 4 June 2025

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 11th July 2025

Appeal Ref: APP/Z3825/W/24/3355546
Horsham Golf Club, Denne Park, Horsham, RH13 0AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Generator Group against the decision of Horsham District Council.
- The application Ref is DC/23/1178.
- The development proposed is the development of a Sports and Leisure Hub including the provision of communal facilities, nursery, golf college, sports club house (containing health & fitness spa, changing facilities and food & beverage) and an educational facility for Warren Clark Golfing Dreams (Use Classes E, F1 & F2); a local centre containing a convenience store and co-working space (Use Classes E & F2); the provision of supporting landscaping, open space and related infrastructure; outdoor sports and leisure provision comprising driving range, reprovision of golf (including supporting golf facilities) and hockey (including pitches and training area) (Use Class F2) and up to 800 dwellings (Use Class C3) (all matters reserved save for access).

Decision

1. The appeal is allowed and outline planning permission with all matters reserved, save for access, for the development of a Sports and Leisure Hub including the provision of communal facilities, nursery, Golf College, sports club house (containing Health & Fitness spa, changing facilities and food & beverage) and an educational facility for Warren Clark Golfing Dreams (Use Classes E, F1 & F2); a local centre containing a convenience store and co-working space (Use Classes E & F2); the provision of supporting landscaping, open space and related infrastructure; outdoor sports and leisure provision comprising driving range, reprovision of golf (including supporting golf facilities) and hockey (including pitches and training area) (Use Class F2) and up to 800 dwellings (Use Class C3) at Horsham Golf Club, Horsham, RH13 0AX in accordance with the terms of the application, Ref DC/23/1178, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Inquiry sat for 6 days between 3 and 12 March 2025. A pre-Inquiry Case Management Conference was held on 8 April 2025 to discuss the arrangements for the Inquiry and deadlines for the submission of various documents. A summary of the conference was subsequently sent to the main parties[1].

3. I carried out an accompanied site visit on the second day of the Inquiry. I also undertook an unaccompanied site visit to view the wider area including the walking and cycling connections between the site and Southwater and Horsham. The Council requested that I visit the site in the hours of darkness to assess the

[1] CD.Q1

effect of lighting. However, given my observations on the formal site visit I did not consider a further site visit was necessary.

4. Although the application was submitted in outline with only access to be determined at this stage, it was accompanied by a suite of indicative drawings and supporting technical documentation in relation to highways, ecology, noise, air quality and surface water drainage. This material is broadly accepted by technical consultees and demonstrates that a number of matters are capable of being satisfactorily dealt with either by condition or planning obligation.

5. The Council refused the application on 14 May 2024 for nine reasons[2]. Before the start of the inquiry the Council confirmed that Reasons for Refusal (RfR) 2 (water neutrality), 5 (flooding), 6 (noise disturbance), 7 (secondary education), 8 (mineral safeguarding) and 9 (affordable housing) had been withdrawn following the receipt of further information from the Appellant and/or agreement that the matters could be dealt with by condition. That left RfRs 1 (settlement boundary), 3 (landscape impacts) and 4 (active travel) as the only outstanding matters in dispute. It should be noted that the Council also withdrew the first sentence of RfR 3 relating to a lack of information in relation to landscape impacts.

6. The appeal scheme constitutes Environmental Impact Assessment development, and the application was accompanied by an Environmental Statement (ES)[3] prepared pursuant to the Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (as amended). Having undertaken its own review, the Planning Inspectorate considers the ES to be satisfactory in terms of Schedule 4 of the EIA Regulations. I am therefore satisfied that the ES is fit for purpose and identifies the likely environmental effects arising from the appeal scheme.

7. A signed and dated agreement under s106 of the Town and Country Planning Act 1990 was submitted after the close of the Inquiry in accordance with an agreed timetable. A draft version of the document along with a Compliance Statement were discussed at the Inquiry[4]. Among other things, the s106 agreement contains obligations in respect of travel planning, health and monitoring contributions and off-site highway works. All the proposed planning obligations need to be assessed against the statutory Community Infrastructure Levy (CIL) tests, a matter I return to later.

8. The Council is currently progressing a new local plan[5]. However, the appointed Examining Inspector wrote to the Council on 4 April 2025[6] raising concerns in relation to the Plan's housing requirements, spatial strategy and the failure to comply with the duty to co-operate. In these circumstances and although there is ambiguity as to the Council's next steps, it is a matter of common ground that the plan carries only very limited weight in this appeal.

9. In 2022 the Council published Facilitating Appropriate Development (FAD)[7] which seeks to set out the weight that can be given to current and emerging local policy in order to assist the delivery of housing in a sustainable manner. Although

[2] Decision Notice CD.G2
[3] CD.A34-A49
[4] CD.P47
[5] CD.I1
[6] CD. I7
[7] CD.H5

previous Inspectors have attributed weight to this document, it is common ground that it is not adopted policy and carries very limited weight in this appeal.

10. Housing[8] and transport[9] Statements of Common Ground (SoCG) have been submitted, and I have had regard to these in reaching my decision.

Main Issues

11. The main issues are:

a) The degree to which the proposed development would result in landscape and visual harm to the local area;

b) Whether future residents of the development would be able to conveniently access local facilities including education provision through non-car modes of transport;

c) Overall compliance with the Development Plan and whether any harms would significantly and demonstrably outweigh the benefits of the appeal scheme.

Reasons

Character and appearance

12. The appeal site is irregular in shape and comprises an 18-hole golf course, additional short course, golf driving range and associated netting, clubhouse, and gym. It is accessed from Worthing Road and crossed by Public Right of Way (PRoW) 1666 which runs southwest to northwest. Public byway 1668, referred to as Green Lane, bisects the southern part of the site.

13. The application was accompanied by a detailed Landscape and Visual Appraisal[10] (LVIA) which assesses the likely landscape and visual effects of the development. At the inquiry there was a wide difference of opinion between the landscape witnesses as to the visual and landscape impacts of the development and the Council made a number of criticisms of the LVIA. Whilst I have had regard to all the landscape evidence, my assessment is ultimately informed by my own observations on the site visit which had the benefit of being after I had heard the evidence of the landscape witnesses.

14. The parties agree that the appeal site has been subject to significant human intervention and is not a designated or 'valued' landscape in the terms set out in the National Planning Policy Framework (NPPF). On that basis alone, it is difficult to understand how the Council attributes '*very substantial'* weight to the alleged landscape harm.

15. From my observations there is a clear distinction between the central section of the site containing roads, car parks, dwellings, golf & health club and the golf courses. The latter are agreed to be artificially constructed landforms. Nonetheless, they possess significant visual and landscape value as a result of the harmonious interplay between the rolling and undulating topography, manicured greens, tranquil water features and sweeping open fairways framed by an eclectic mix of mature trees. Beyond the visual, the scent of mown grass,

[8] CD.F3
[9] CD.F2
[10] CD.A12

melodious birdsong and the rustle of leaves in the breeze all contribute to an immersive and serene atmosphere. These elements are all experienced by users of the Public Rights of Ways (PRoWs) that criss-cross the appeal site.

16. The construction of 800 houses on the 18-hole golf course, whatever its final form, would inevitably impose a considerable extent of built development on the land which would have a significant visual effect within the site boundaries including from PRoWs 1666 and 1668. However, the visual effect from outside the appeal site would be more muted and, in the Council's own words "*well contained and localised*". As demonstrated by the external viewpoints in the LVIA, this is not a development, despite its size, that would be readily apparent in views outwith the boundaries of the appeal site.

17. There would be some inevitable change in views along Worthing Road. However, this area contains a number of urbanising features such as the Park & Ride facility (P&R), existing accesses to the golf/football club and a petrol filling station. In essence, it does not have a character or appearance that could reasonably be described as rural. Accordingly, any harm to the Worthing Road streetscene would be strictly limited.

18. The vast majority of the houses, even in winter, would be well screened by the landscaping which would be retained and strengthened as part of the development. According to the Appellant's Arboricultural Report[11] none of the 87 groups of trees or 98 individual trees falling within Category A would be removed. I am thus satisfied that the site's sylvan character, one of its defining landscape features, would be retained by the development.

19. I accept the Council's point that there is value in the tranquillity offered by the golf courses. This inevitably reduces as one moves westwards across the site towards the A24 and Worthing Road where the highway network is clearly audible. It is germane that new development is to be focused in these western areas. The short format golf course in the northern part of the site would be retained as well as the area to the east of PRoW 1666. In these parts of the site, the level of tranquillity currently enjoyed by users of the rights of way would remain largely unaffected. There would however be some inevitable loss of tranquillity in the southern quadrant of the site.

20. Policy 27 of the Horsham District Planning Framework[12] (HDPF) states that landscapes will be protected from development which would result in the coalescence of settlements. Development between settlements will be resisted unless it can be demonstrated, inter alia, that there is no significant reduction in the openness and 'break' between settlements. I do not accept the Appellant's argument that requirements 1-4 of Policy 27 are disapplied in scenarios where there is no physical coalescence of settlements.

21. The appeal site clearly forms part of a wider swathe of countryside separating Horsham from Southwater which helps to protect the identity of both settlements. As with any greenfield development on the edge of Horsham, the appeal scheme would undeniably erode elements of the functioning space between Horsham and outlying settlements. However, the appeal site does not itself adjoin either of the two settlements and would not therefore physically unify them. There would be no

[11] CD.C10
[12] CD.H1

viewpoints where Horsham and Southwater would, post-development, be seen as merging. Accordingly, there would be a very limited perception of coalescence.

22. In terms of the first limb, I do not consider there would be a 'significant' reduction in openness given the site's high degree of visual containment. I am also satisfied that there would be no material conflict with the second limb given the urbanised nature of Worthing Road adjacent to the site. While there would be some loss of openness between Horsham and Southwater, the wider area of intervening land between the two settlements would continue to exist and would protect their separate identities such that they would remain clear and distinguishable from one another.

23. Reference was made by the Council to the adverse effects of lighting. However, this is not an area with 'dark sky' status. On my site visit I noted the proximity of extensive lighting around the P&R, petrol filling station and along Worthing Road and the A24. I am not therefore persuaded that the appeal site is located within an area that is sensitive to new lighting.

24. Overall, there would be some moderate visual and landscape harm arising from development on the golf courses. This loss of openness would also result in a reduction in the amount of separation between Horsham and Southwater as well as a loss of tranquillity and outlook for users of the PRoWs. Having regard to the site's level of visual containment and the proposed landscape mitigation, I consider the level of harm would be moderate rather than significant. Nonetheless, the proposal would conflict with HDPF policies 25, 26 and 27 insofar as they seek to prevent coalescence and protect the countryside against inappropriate development.

Sustainable travel

25. The Council's objection is based on a perceived lack of active travel choices (walking and cycling) for future residents. The objection relies to a large extent on the consultation response from Active Travel England who highlight that walking distances in particular to a range of destinations would be far in excess of the recommended 800 metres.

26. At the outset it is important to recognise that 'active travel' is only a subset of what is often referred to as 'sustainable travel' which the Glossary to the NPPF defines as "*Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport*".

27. NPPF paragraphs 110 and 117[13] state that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Moreover, while sustainable transport modes should be prioritised, opportunities will vary between urban and rural areas, and this should be taken into account in decision-making. Section 9 of the NPPF is therefore clear that all sustainable travel modes should be considered rather than just walking and cycling. In that context, it should be noted there was no objection to the proposal from the Local Highway Authority who considered the issue of sustainable transport as a whole.

[13] Identified by Footnote 9 as being of particular importance

28. Against the above policy background and before one even considers the walking and cycling credentials of the appeal scheme, it is difficult to understand how a development located directly opposite a P&R, offering regular and direct services into Horsham, a top-tier settlement, would fail to promote sustainable transport.

29. Horsham has an excellent range of higher order services and facilities. Some trains to London Victoria take 59 minutes which is within London's "golden hour". Trains are also available to Portsmouth, Southampton, Crawley and Gatwick Airport. In the opposite direction, Lintot Square in Southwater is less than a 10-minute bus journey from the P&R. Although the appeal site is large, I consider that the P&R would be within convenient walking distance for all future residents.

30. The s106 agreement would secure a financial contribution of £750,000 which would be spent on improving the frequency of the 98 service that operates between Southwater and Horsham via the P&R, to every 15 minutes. These improvements would benefit existing residents of Horsham, Southwater as well as future residents of the appeal site. In light of the proximity of the P&R site and the service enhancements set out above, I consider that future residents of the development would have excellent access to public transport consistent with NPPF paragraphs 110 and 117.

31. Turning to walking, there can be no dispute that some destinations (see Table 2.2 of the Transport Assessment[14]) would be well over the 800m identified as being the "*most conducive*"[15] for walking. These include Horsham town centre, Catkins Nursery, Castlewood Primary School, Tanbridge House School, Riverside Medical Practice and supermarkets. Although many of these destinations would be within or close to the "*preferred maximum*" of 2km[16], I acknowledge that walking is not going to be a convenient option for most people, in most seasons of the year.

32. A range of destinations would however be conveniently accessible on foot from the appeal site including the proposed local centre which would include amongst other things, a convenience store. Likewise, the sporting and leisure facilities, mini-Waitrose on the opposite side of Worthing Road as well as the Amazon parcel delivery locker facility, would all be conveniently located for walking. A number of pedestrian improvements are proposed along Worthing Road, the Hop Oast roundabout and P&R to facilitate and encourage journeys on foot to these destinations.

33. There was much discussion at the inquiry regarding the quality of the walking route into Horsham. The Appellant is proposing to widen the footway along Worthing Road where possible to 1.5m which the Council accepts is "*as wide as is practicable*"[17]. Nonetheless, the footway would not meet the preferred minimum width of 1.8m and owing to existing constraints it would not be possible to widen a section of approximately 225m between Salisbury Road and Tower Hill beyond 1m. There are also deficiencies in terms of crossing facilities at the Tower Hill junction. Based on the above, there can be little doubt that the route along Worthing Road even with the proposed improvement measures, would be far from ideal. However, I do not consider the level of pedestrian provision along Worthing

[14] CD.A15
[15] See "*Planning for Walking*" Chartered Institution of Highways and Transportation, 2015 CD.E65
[16] "*Providing Journeys on Foot"* CD.E62
[17] This is the test set out in the Department of Transport's "*Inclusive Mobility*" Guide CD.E64

Road, post-improvement, would be so substandard as to discourage normally fit and active people from using it.

34. Worthing Road would not however be the only route for pedestrians wishing to walk into Horsham. I find it more likely that future residents would prefer the traffic free route comprising Lovers Lane and Pedlars Way (PRoWs 1670 & 1672) which runs close to the eastern site boundary. Although more circuitous than Worthing Road, this is currently a promoted cycle route but would be improved to LTN1/20 standard in accordance with the Council's Local Cycling and Walking Infrastructure Plan (2020)[18]. Another alternative to Worthing Road, albeit seasonal in nature, would be via the PRoW network across Denne Park to Horsham Sports Club. Future residents would therefore have a range of options for accessing Horsham on foot. Nonetheless, I find it unlikely that many residents would walk regularly into Horsham simply due to the distances involved. However, to a greater or lesser extent, that is going to be the case for all greenfield sites on the edge of Horsham and is not therefore a matter that weighs significantly against the appeal scheme. In this case, the reality is that most residents wanting to go into Horsham by sustainable travel modes would simply cross the road and catch a bus from the P&R.

35. In terms of school trips, the majority of houses in the southern section of the appeal site would be within the "*preferred maximum*" of 2km from Castlewood Primary School and Southwater Junior Academy. Despite the pedestrian improvements proposed along Southwater Street, I recognise that the walk distance to local schools would be on the very limit of what might be considered convenient. I do not consider the distance to local supermarkets to be particularly excessive, recognising that journeys for this purpose are rarely made on foot given the arduous nature of carrying shopping bags for even the shortest distance.

36. In terms of cycling, the whole of Southwater, Horsham town centre and local schools would be within the recommended 5km and therefore conveniently located for such trips. There were conflicting views about cycling along Worthing Road. While this route would be less than ideal for pedestrians, I am not persuaded that argument necessarily extends to cycling. I accept that there are not dedicated cycle lanes but that does not preclude its use by commuting cyclists. As I saw on my site visit, the road is used by cyclists and the accident data does not support the claim, that it is unsafe for such use. As with walking, the reality is that most cyclists, particularly children, would use the largely traffic free Lovers Lane and Pedlars Way route to access Horsham. With the improvement of that route along with those proposed between the appeal site and Southwater and the cutting back of vegetation along the pinch point north of Kings Lane, I can see no obvious impediment to cycling as a regular mode of transport for future residents including children going to school.

37. There was no dispute from the Council's witness that the development would promote 'ultra-low and zero emission vehicles, through the provision of EV chargers for each dwelling. Car sharing could be promoted through the Travel Plan which would be secured through the s106 agreement.

[18] CD.E70

38. To sum up, I consider that future residents of the appeal site would have **excellent** access to public transport, **good** opportunities for cycling, car sharing and the use of ultra-low or zero omission vehicles. As with most greenfield sites on the edge of a settlement, not every destination would be within an 800m walking distance. From some parts of the site, local schools and Horsham town centre would be over 2km which is likely to preclude walking as a convenient mode of transport all year round. That has to be balanced against those destinations which would be within a convenient walking distance notably the P&R and local centre. Taking all these considerations in the round, including the comprehensive package of pedestrian improvements to the north, south and west of the site, I consider the appeal scheme would afford future residents with **moderate** opportunities for walking.

39. When sustainable travel is properly considered in the round, I conclude that future residents of the development would be able to conveniently access local facilities through non-car modes of transport particularly cycling and public transport. This is not therefore a location where future residents would be overly reliant on car journeys. Accordingly, I conclude there would be no conflict with NPPF paragraphs 108, 109, 114, 115 and 119 and HDPF Policy 40.

40. In coming to that view, I consider the Council has placed far too much emphasis on the 800m walk distance recommended in Manual for Streets and other related guidance. As the Appellant argued, such distances should not be construed as hard and fast rules and should be applied with a degree of flexibility which recognises that the opportunities to promote sustainable transport rather than just active travel modes will be determined by the type of development and its location. In that vein, outside of central London and other major cities, there will be very few residential sites that are able to meet the 800m recommended walk distance in all cases.

41. Those principles apply with equal or greater force here because greenfield sites on the edge of Horsham and other top tier settlements will need to come forward if housing needs are going to be met. By virtue of their peripheral location, very few, if any, of these sites will score highly across all aspects of sustainable travel. Some, may be better located for walking and others, as is the case here, for public transport and cycling. If one were to take the Council's approach in this case, which was to rigidly apply 'recommended' walk distances to some destinations and failing to balance that against the availability of other sustainable travel modes, there is very little prospect of the country meeting its ambitious housing targets.

Other Matters

42. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) as competent authority I am required to undertake an Appropriate Assessment of the development on the basis of its Likely Significant Effects on the Arun Valley Special Areas of Conservation, Special Protection Areas and Ramsar sites. Subject to the development demonstrating it would be 'water neutral' there is no objection from Natural England or the Council. Following consideration of the Appellant's private water neutrality solution which would be secured by planning condition [33], I conclude that there would not be any adverse effect on the integrity of these European Sites, either for the proposed development alone, or in combination with other plans and projects.

Conditions

43. The parties have suggested a number of planning conditions which were discussed at a round-table session following which further amendments were made with a final list being submitted after the close of the Inquiry[19]. I have considered the conditions against the advice in the Planning Practice Guidance (PPG). In some instances, I have amended or amalgamated the conditions in the interests of brevity, to avoid repetition or to ensure compliance with the PPG

44. To provide certainty, I have imposed standard conditions for outline permissions covering time limits, the reserved matters and the approved plans and documents [Conditions 1-5]. A phasing plan is necessary to ensure that the development comes forward in a planned and coherent manner [6]. A design strategy is necessary to ensure the satisfactory appearance of the development [7]. A Construction Management Plan (CMP), including details of the construction hours, is necessary to ensure all aspects of the construction adhere to best practice and do not adversely affect the amenity of local residents [8].

45. An archaeology condition is necessary to protect any archaeological assets that may be present [9]. A Construction Environmental Management Plan to include details of protection measures for trees, is necessary to protect habitats during the construction phase [10]. Land contamination conditions are necessary to ensure the land is suitable for a residential use [11-12]. Drainage conditions are necessary to ensure satisfactory drainage and future maintenance of the site in the interests of flood prevention [13-19].

46. A noise mitigation scheme is necessary to ensure future residents are not subject to unacceptable levels of noise [20]. Ecology conditions including a Landscape and Ecological Management Plan (LEMP) are necessary to ensure the development delivers a net-gain for biodiversity [21-22]. A lighting condition is necessary to ensure the effects of lighting on bats is minimised [23]. Conditions relating to the site access and off-site pedestrian/cycle improvements are necessary in the interests of highway safety and the promotion of sustainable modes of travel [24-28]. A major events plan is necessary to ensure sporting events do not create highway safety and amenity issues on the local highway network. However, I consider a threshold of 500 attendees is more proportionate than 100. I have amended the condition accordingly [29]. Conditions covering high-speed broadband and sustainable construction are necessary to ensure compliance with the Council's sustainability objectives in these areas [30-31].

47. A requirement for all 800 dwellings to achieve M4(2) 'Accessible and Adaptable Dwellings' is patently excessive and as explained by the Appellant is likely to limit the number of dwellings that could be delivered. It is an important principle that conditions which change the nature of the development applied for, should not be imposed. While I acknowledge the request for 100% comes from Policy 9 of the Southwater Neighbourhood Plan (SNP), the supporting text explains that the figure was identified in the AECOM report Housing Needs Assessment. That document identifies that the proportion of residents in Southwater who are 75+ is projected to increase from 5.02% to 15.47% between 2011 and 2031 and goes on to recommend at paragraph 218 that 170 dwellings falling into use class C3 should conform to Lifetime Homes Principles. 170 homes represents

[19] CD.P45

approximately 21% of the proposed 800 dwellings. In light of the above and considering that other sites are likely to come forward in the plan period, I have amended the suggested condition so that 15% (120 dwellings) are built to achieve M4(2) of the optional requirements in Building Regulations [32]. I have imposed a condition [33] to ensure details of the water supply for each phase of the development are submitted and agreed in writing. This is necessary to ensure water neutrality to avoid significant likely effects on the Arun Valley sites. An Air Quality Mitigation Measures Report is necessary to ensure compliance with HDPF Policy 26 [34].

48. Conditions 6, 8, 9, 10, 11, 14, 15 and 16 are 'pre-commencement' form conditions and require certain actions before the commencement of development. In all cases the conditions were agreed between the main parties and address matters that are of an importance or effect that need to be resolved before construction begins.

49. The appeal site is located within a Mineral Safeguarding Area for building stone. Policy M9 of the West Sussex Joint Minerals Local Plan states that residential development in these areas will not be permitted unless, inter alia, "*the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible*". While the Appellant does not object to the condition, I am duty bound to consider whether the relevant tests are met. The first point is that the presence of Horsham Sandstone has not been demonstrated by the Council. The Council's own figures show that there are 2.55 million tonnes of permitted reserves of building stone. According to the Appellant's Mineral Resource Assessment[20], these reserves mean it is unlikely that there will be a commercial demand for Horsham Sandstone even if it were present under the appeal site. Putting that to one side, I have found there is an overriding and urgent need for housing in the district. Accordingly, and having regard to all material considerations, I consider the requirements of limb b) iii) of Policy M9 are met and that it would not be practicable to extract any building stone even if it were found to be present. I have omitted the suggested conditions accordingly.

50. Great Crested Newts (GCNs) were found to be present is six ponds on the appeal site. Although these are to be retained and enhanced as part of the development, the ES concludes that there would be a major adverse effect due to a decrease in the number of ponds across the site and from disturbance during the construction phase. To address this, GCNs would be translocated away from affected ponds during construction under licence from Natural England. The licencing requirements are subject to a separate regime under the Conservation of Habitats and Species Regulations 2017 operated by Natural England. Accordingly, I do not consider it necessary to impose the suggested GCN condition.

51. I am not persuaded that the condition requiring details of underground services, including locations, dimensions and depths of all service facilities, is reasonable, necessary or proportionate at outline stage. These matters would be addressed as part of the reserved matters. As mechanical ventilation is covered under the Building Regs I have omitted these requirements from suggested condition 15.

[20] CD.A30

52. Private water supplies in the UK are governed by the Private Water Supplies (England) Regulations 2016. The regulations require local authorities to carry out a risk assessment of private water supplies at least once every five years. The assessment helps determine the necessary monitoring and testing regime to ensure the water is safe. The responsibility under the regulations is on the relevant local authority and there appears to be no provision for this to be transferred to another body. Local authorities can make reasonable charges to cover the costs of carrying out their duties under the regulations. Suggested conditions 20, 24 and 25 are concerned with the Appellant's private water supply and among other things seek details of the water treatment plant, testing of tap water and a risk assessment. However, all these matters are covered under the regulations. Accordingly, and given the clear instruction in NPPF paragraph 201, I am not persuaded these conditions meet the test of necessity. They are in effect matters covered by other regulatory processes.

53. Details of how the woodland areas would be managed can be secured via the LEMP. Details relating to the location of fire hydrants would be provided either at the reserved matters stage or more likely through the S38 road adoption process. I have omitted the suggested conditions accordingly.

Obligations

54. The NPPF sets out policy tests for planning obligations which must be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. The CIL Compliance Statement[21] summarises the obligations which are agreed between the parties. Nonetheless, the agreement provides that if my decision letter concludes that any provision in the agreement is incompatible with any one of the tests then the relevant obligation shall cease to have effect.

55. Part 2 of the s106 agreement contains obligations to ensure 35% of the total number of dwellings are affordable (70% affordable rented and 30% shared ownership. Part 3 of the agreement contains obligations which would secure 5% self-build and custom build dwellings. Part 4 of the agreement would secure a financial contribution of £750,000 towards an enhanced bus service and safeguard land around the A24 Hop Oast roundabout. Part 5 includes obligations which would secure a contribution of £198,960 for improvements to Lovers Lane and Pedlars Way and a £1,213,445 health care contribution. The latter is supported by a consultation response from the Horsham and Mid Sussex Clinical Commissioning Group[22] which identifies that the future residents are likely to register at the Southwater and town centre practices which are already at capacity. Part 6 contains obligations relating to the sport facilities and a new headquarters for the charity Warren Clarke Golfing Dreams. Part 7 contains obligations relating to the delivery of the local centre and community facilities. Part 8 concerns the provision of open space, play areas and allotments on the site. The agreement also secures a Travel Plan monitoring fee of £3,950 to West Sussex County Council (WSCC) as well as fees of £8,400 and £4,050 for the Council and WSCC respectively to monitor their own obligations.

56. The above obligations are not in dispute and the information before me sets out the detailed background and justification for each of the obligations. I am satisfied

[21] CD.P46
[22] CD.B29

from the evidence before me that the obligations are necessary, directly related to the proposal and fair and reasonable in scale and kind to the appeal scheme. As a result, I have taken the obligations into account in forming the recommendation set out below.

57. I have noted concerns from the Appellant regarding the extent of the Council's fees for preparing the s106 agreement which is said to be in the order of £47,750 which equates to over 5 weeks work. For a relatively straight-forward agreement lacking novel or unusual provisions, the amount sought, on the face of it, appears excessive. However, without further information from the Council, this is not a matter I intend to stray into, and it is not material to my decision.

Planning Balance and Development Plan Compliance

58. I am required to determine this proposal in accordance with the Development Plan, unless material considerations indicate otherwise. The starting point is therefore the Development Plan. I have found conflict with HDPF Policies 25, 26 and 27 insofar as they seek to prevent coalescence and protect the countryside against inappropriate development. For the same reasons, the appeal scheme would conflict with SNP Policy 1. There would also be conflict with the provisions of the FAD. However, the weight which can be attributed to these conflicts is significantly reduced in this case for the following reasons:

1) First, the Council is unable to demonstrate a 5-year supply of housing or anything close to it. A viable replacement plan is arguably further away now than at any point since the adoption of the last plan and therefore there is no realistic or imminent prospect that the current shortfall will be remedied through the development plan process. This means the relevant policies, particularly current settlement boundaries, are to be considered out-of-date and the tilted balance in HDPF Policy 1 and NPPF paragraph 11d) is engaged. Having concluded that the settlement boundaries in the HDPF are out of date, it follows that the same boundaries within the Southwater Neighbourhood Plan must also be out-of-date.

2) Second, in seeking to protect the countryside for its own sake and restricting development outside settlement boundaries, Policy 26 and SNP1 are inconsistent with the balanced, cost/benefit approach set out in the NPPF. The balancing of harm against benefit is a defining characteristic of the NPPF's overall approach embodied in the presumption in favour of sustainable development. Because of this, where Policy 26 is used to restrict housing outside settlement boundaries, it cannot be seen to be consistent with the language of the NPPF.

3) Third, and as the Council fairly accepted, greenfield sites outside settlement boundaries (and therefore in the countryside) will need to come forward in Horsham district if housing needs are to be met. Consequently, a degree of landscape harm, coalescence and conflict with Policies 25, 26 and 27 will have to be tolerated. In this regard the Council were not able to point to any sequentially preferable sites in landscape (nor sustainable transport) terms in or close to Horsham.

4) Fourth, the degree of harm to a non-designated landscape in this case would be moderate rather than significant.

59. For all the above reasons, I give only **very limited weight** to the identified policy conflicts. In coming to that view, I have carefully considered the implications of the conflict with SNP Policy 1. Given the age of this plan, it is afforded protection from NPPF paragraph 14 which states that conflicts with a neighbourhood plan is likely (my emphasis) to significantly and demonstrably outweigh the benefits, provided it is less than 5 years old and contains policies and allocations to meet its identified housing requirement. As the Council accepted, the inclusion of the word 'likely', means that there will be scenarios where development will be acceptable even if there is conflict with a neighbourhood plan.

60. While there is no dispute regarding the age of the SNP, there was much discussion at the inquiry regarding the recommendations in the AECOM Southwater Housing Needs Assessment[23] and whether this amounted to a housing requirement under NPPF paragraphs 69-70. During that discussion it became clear that there are a number of significant flaws in the way the figure in the report was identified by effectively excluding all the need-based figures. I do not consider this can reasonably be claimed to represent a housing requirement in the terms set out in NPPF paragraphs 69-70.

61. Putting that matter to one side, the requirement of 420-450 dwellings identified in the SNP, must now be considered out-of-date on its own terms[24]. Even in the alternative, compliance with the second limb of paragraph 14 is not determinative. As set out below, the planning balance is so heavily skewed in favour of the development that any conflict with NPPF paragraph 14 and the SNP would be outweighed by 'other considerations' in the case of a s38 balance or the 'benefits' of the scheme in the tilted balance under NPPF paragraph 11d) and HDPF Policy 1.

62. The benefits of the scheme and my weighting are set out below:

- The delivery of up to 800 new homes including a policy compliant level of 280 affordable and custom build homes, in an authority which has a lamentable housing land supply record[25] and an emerging plan that has been identified as facing a number of significant obstacles – **very substantial weight**

- The ability of the appeal scheme to deliver a water neutral development in an area where this issue has stymied new development in recent years and where there no other large-scale housing developments that are able to proceed independently of the Council's anticipated SNOWS scheme[26] – **substantial weight**

- The provision of much needed and improved sports facilities, including a new home for Horsham Hockey Club and the Golf College (an educational facility for 50 sixth-form students) – **significant weight**

- The provision of a new home for Warren Clark Golfing Dreams, a charity focused on using golf to encourage disabled and disadvantaged groups to become more involved in sport – **significant weight**

[23] CD.E61
[24] If the AECOM methodology were used to calculate a housing need figure today, it would be nearly three times the 420-450 figure identified in the SNP.
[25] It is agreed that the Council can only demonstrate a 1-year HLS with a Housing Delivery Test score of 62%.
[26] As agreed by the Council's witness, SNOWS would only deliver approximately 2.5 years of housing and so it appears inevitable that schemes with their own independent water neutrality solution will have to be approved if housing needs are to be met.

- A comprehensive programme of walking and cycling improvements providing material betterment to local residents – **significant weight**
- A financial contribution to increase the frequency of local bus services to the betterment of existing residents of the district - **significant weight**
- The delivery of commercial floorspace and employment within a new local centre – **moderate weight**
- 18.52 hectares of publicly assessable open space including natural and semi natural greenspace, allotments and eleven play areas – **moderate weight**
- Highway capacity improvements to the Hop Oast roundabout – **moderate weight**
- Biodiversity net-gain of over 10% - **limited weight**

63. Collectively the benefits or 'other considerations' listed above are of such magnitude that they clearly outweigh the identified landscape harm and associated policy conflicts even on the 'flat balance' under section 38(6) of the Planning and Compulsory Purchase Act 2004.

Conclusion

64. For the reasons given above the appeal should be allowed.

D M Young

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Charlie Banner KC, he called:

David Churchill BA, PG Dip, MRTPI	Planning witness
Richard Fox BA(Hons), PG Dip LA, CMLI	Landscape witness
Clive Burbridge BSC (Hons) MSc MRTPI, FCIHT, FIHE CMILT	Transport witness

FOR THE LOCAL PLANNING AUTHORITY:

Craig Howell Williams KC, he called:

James Hutchison BA MA MRTPI	Planning witness
Robyn Butcher BA(Hons) Grad Dip FLI	Landscape witness
Mark Knighting BSc MSc MRTPI	Active Travel England

INTERESTED PARTIES:

Tim Gardner	Keep Denne Hill Green
Derek Moore	Southwater Parish Council
Nigel Langridge	Denne Park Residents Association
Dawn Osborne	Warren Clarke Golfing Dreams
Paul Lyons	Golf College

Stephanie White — Horsham Hockey Club

James Barkley — Horsham Health & Fitness

SCHEDULE OF CONDITIONS

1) Details of the layout of the development, the scale of each building, the appearance of each building, access within the site and the landscaping of the development, ("the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

2) Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Sustainable Travel Opportunities 05, Swept Path Analysis 22-TT044_06.1, Swept Path Analysis 22-T044_06.3, Proposed Signal Junction13C, Topographical Survey, Swept Path Analysis 22-T044_06.2, Floodlighting Scheme 01, Landscape Designations 5005, Location Plan 01 and Supplementary Drainage Strategy and Flood Risk Assessment Rev C.

5) The detailed design of the development proposed through Reserved Matters applications pursuant to this outline planning permission shall have regard to, and broadly accord with, the principles set out on the following parameter plans: Land Use 009-01 G, Density, 009-02 F, Building Heights, 009-03 F, Access & Movement 009-04 G and Green Infrastructure 009-05 G.

6) No development shall commence, including any demolition works, until a Phasing Plan (including phases and any sub-phases) for the development, including a description of the quantum and type of development anticipated to be delivered in each phase has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved Phasing Plan.

7) Prior to or as part of the submission of the first application for approval of Reserved Matters, a site wide Design Strategy shall be submitted to and approved, in writing, by the Local Planning Authority. The Design Strategy shall include the following:

    i. Details of the design principles of all buildings;

    ii. Details of all design principle of all landscaped, community uses and open space areas;

    iii. Indicative layouts,

    iv. Details of external facing materials, boundary treatments and street furniture;

v. Approach to development near to the gas pipeline.

vi. Details of self/custom build units.

8) No development, including any preparation works prior to building operations, within any phase shall take place until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include, but not be limited to the following:

i. A site plan identifying location of site entrance and exit; areas on site for parking and turning for site personnel; areas on site for parking loading and unloading of plant and materials, and provision of on-site for turning for delivery and construction vehicles;

ii. Details of areas for the storage of plant and materials, including stock piles;

iii. Details of the form and location of any proposed temporary works compounds/welfare facilities;

iv. A programme of works (including details of the timing of deliveries, measures for traffic management/signage);

v. Details of any temporary fencing/hoardings to be provided;

vi. Details of the routing of construction and delivery vehicles to / from site;

vii. Details of hours of construction;

viii. Details of particle monitoring including site level actions;

ix. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination, and

x. Locations and details for the provision of wheel washing facilities and dust suppression facilities

The approved Construction and Transport Management Plan shall be adhered to throughout the duration of the construction period.

9) (a) No development or preliminary groundworks within any phase or sub-phase shall commence (other than demolition works) until a programme of archaeological trial trenching for that phase or sub-phase has been secured and undertaken in accordance with a written scheme of investigation, which has been submitted by the applicant, prior to or in conjunction with the first reserved matters application and approved by the Local Planning Authority.

(b) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Local Planning Authority following the completion of this work.

(c) In the event that the part of the site to which that phase or sub-phase relates is determined to be of archaeological significance, no development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the Local Planning Authority through its historic environment advisors.

(d) The applicant shall submit to the Local Planning Authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

10) No development within any phase or sub-phase shall commence including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of “biodiversity protection zones”.

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works or similarly competent person.

h) An Arboricultural Impact Assessment & Method Statement

i) The use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

11) No development within any phase or sub-phase shall commence, other than demolition works, until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site within any phase or sub-phase be submitted to and approved, in writing, by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- all previous uses

- potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors

- Potentially unacceptable risks arising from contamination at the site.

b) An intrusive site investigation scheme, based on (b) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

c) Full details of the remediation measures required and how they are to be undertaken (including details on phasing) based on the results of the intrusive site investigation (c) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the Local Planning Authority.

12) The relevant phase or sub-phase of the development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority a verification report that demonstrates the completion of the remediation scheme that is required pursuant to condition 11(c). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 11(c), unless otherwise agreed in writing by the Local Planning Authority.

13) Prior to the first occupation of the development, a detailed maintenance and management plan for all watercourses on site shall be submitted to and approved in writing by the Local Planning Authority and adhered to for the lifetime of the development. Where it is proposed to alter a watercourse, the details submitted must demonstrate there is adequate space for the watercourse to be naturalised and enhanced, that flood risk is suitably managed for all storms up to and include the 1 in 100 (1%) Annual Exceedance Probability plus climate change, that exceedance events of the channels do not impact the proposed development and that the watercourse and its exceedance routes are easily maintainable and accessible. The development shall be constructed in accordance with the approved details.

14) No development within any phase or sub-phase shall commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement unless alternative measures have been subsequently approved by the Local Planning Authority.

15) No development within any phase or sub-phase shall commence until a detailed construction phase surface water management plan for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details for the construction of each SuDS component as well as how they are to be protected from silt and debris during construction. The scheme shall subsequently be carried out in accordance with the approved details.

16) No phase or sub-phase shall be first occupied or occupied until details of the maintenance and management of the sustainable drainage scheme for that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development within that phase or sub-phase and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

    i. a timetable for its implementation.

    ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

    iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation, management and maintenance of the sustainable drainage scheme, including any proposed funding arrangements for its management and maintenance throughout its lifetime. This will include the name and contact details of any appointed management company.

17) All development shall be constructed in accordance with the submitted and approved Supplementary Flood Risk Assessment and Drainage Strategy dated May 2025, this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any design flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

18) Prior to, or concurrently with the submission of each re-served matters application for any phase or sub-phase, a detailed surface water drainage scheme relating to that submission shall be submitted to and approved in writing by the Local Planning Authority, which shall include:

    i. Detailed drawings and hydraulic calculations demonstrating the incorporation of above ground source control features that meet the four pillars of SuDS;

    ii. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features and any interaction with the surface water flow route; and

    iii. The calculations shall demonstrate that critical storm duration will be limited to the runoff rate for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence as set out in supplementary Drainage Strategy and Flood Risk Assessment undertaken by Woods Hardwick Limited dated May 2025

    iv. Ensuring no above ground flooding occurs up to and including the 1 in 100 (1%) plus climate change critical storm event.

v. Ensuring that all buildings have been provided with safe access and egress up to the 1 in 100 (1%) plus 45 % climate change surface water flood event.

The detailed design shall include:

vi. construction drawings of the surface water drainage network;

vii. associated sustainable drainage components; and

viii. flow control mechanisms;

The scheme shall then be constructed in accordance with the approved drawings, method statement and hydraulic modelling calculations prior to the first occupation of the relevant phase or sub-phase of the development hereby approved. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

19) Upon completion of the relevant phase or sub-phase of the surface water drainage system, including any SuDS features, and prior to the first use of that phase or sub-phase of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition [2]. Where necessary, details of corrective work to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

20) No dwelling shall be occupied until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the internal noise levels recommended in BS 8233:2014/WHO will be met. The dwellings shall be constructed in accordance with the approved details.

21) Prior to first occupation or first use of the development, a Biodiversity Compensation and Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed compensation and enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed compensation and enhancement measures by appropriate maps and plans;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- persons responsible for implementing the compensation and enhancement measures;
- details of initial aftercare and long-term maintenance (where relevant).

The works shall thereafter be implemented in accordance with the approved details and shall be retained in that manner thereafter.

22) Prior to first occupation within any phase or sub-phase or first use of the development within any phase or sub-phase, a Landscape and Ecological Management Plan (LEMP) for that phase or sub-phase shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.

b) Ecological trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

23) Prior to first occupation within any phase or sub-phase or first use of the development within any phase or sub-phase a lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and how the lighting scheme will minimise disturbance. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

24) No part of the development shall be first occupied or use commenced until the site access junction and associated works onto B2337 Worthing Road as shown on drawing titled ‘Proposed Signal Junction Arrangement’, drawing number 13 revision C as included within the Transport Technical Note dated February 2024 have been fully constructed.

25) No part of the development shall be first occupied or use commenced until a scheme of walking and cycling improvements have been constructed in accordance with the indicative details shown on drawings 08.2, 08.3, and 08.4 as included within the Transport Addendum dated November 2023, and plans and details submitted to and approved in writing by the Local Planning Authority. The scheme of walking and cycling improvements shall be retained and maintained as such thereafter.

26) No part of the development shall be first occupied or use commenced until a scheme of walking and cycling improvements for public footpath 16681666, Coltstaple Lane, and Southwater Street as shown indicatively on drawing 08.1 within the Transport Addendum dated November 2023, along with a timetable for their construction have been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall thereafter be constructed in accordance with the approved details and timetable and be retained and maintained thereafter.

27) No part of the development shall be first occupied or use commenced until a 1.5 metre footway, unless otherwise agreed has been provided on Coltstaple Lane between public right of way 1668 and 1670, in accordance with plans and details and a timetable for its construction have been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall thereafter be constructed in accordance with the approved details and timetable and be retained and maintained thereafter.

28) No part of the development shall be first occupied until a safe and suitable walking and cycling improvements across the site to connect to Footpath 1666 have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided, the walking and cycling route shall be retained or, if temporary routes have been agreed during construction, an alternate suitable route is provided and retained in accordance with the agreed plans and details.

29) No part of the sports pitches shall be first used until a major events plan has been submitted to and approved in writing by the Local Planning Authority. The major events plan shall provide details of how any high attendance events (defined as events that are expected to attract more than 500 attendees) will be managed to limit the impact upon the local highway network. All major events shall thereafter be carried out in full accordance with the approved plan.

30) All non-domestic buildings shall meet the target of ‘Very Good’ of the Building Research Establishment Environmental Assessment Method.

31) Prior to the first occupation of any building within a phase or sub-phase, the necessary in-building physical infrastructure and external site infrastructure to enable superfast broadband speeds of a minimum 30 megabytes per second through full fibre broadband connection shall be provided to the relevant buildings within that phase or sub-phase.

32) All relevant Reserved Matters applications shall set out how at least 15% of all new dwellings will achieve M4(2) of the optional requirements in Building Regulations and the ‘Technical housing standards – nationally described space standard’ (March 2015, as amended in May 2016), or any subsequent updated standard set by Central Government.

33) Prior to first occupation of any dwelling within a phase or sub-phase, details of water supply to the dwellings and any non-residential buildings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation that all the relevant requirements of Private Water Supply (England) Regulations 2016 have been complied with. The approved details shall thereafter be retained and maintained.

34) No dwelling shall be occupied until an Air Quality Mitigation Measures Report for that phase or sub-phase has been submitted and approved by the Local Planning Authority. The report shall outline all measures for the site wide proposal and state how the measures will be delivered within each phase of the development. The measures shall be implemented in accordance with the approved details and be retained as such thereafter.

APPENDIX
2



The Planning Inspectorate

Appeal Decision

Inquiry Held on 11, 12, 13, 18 February,
Site visit made on 13 February 2025

by J Ayres, Solicitor

an Inspector appointed by the Secretary of State

Decision date:11th June 2025

Appeal Ref: APP/R3650/W/24/3353124
Land at Old Park Lane, Farnham, centred coordinates (x)483317 (y)147157

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Gleeson Land Limited against the decision of Waverley Borough Council.
- The application Ref WA/2023/01467, dated 9 June 2023, was refused by notice dated 23 August 2024.
- The development proposed is an outline application with all matters reserved except access for up to 83 dwellings (including 24 affordable) and public open space/country park including related play space, community orchard, wildlife pond, internal access roads, footways/footpaths and drainage basins/corridor.

Decision

1. The appeal is allowed, and planning permission is granted for an outline application with all matters reserved except access for up to 83 dwellings (including 24 affordable) and public open space/country park including related play space, community orchard, wildlife pond, internal access roads, footways/footpaths and drainage basins/corridor at Land at Old Park Lane, Farnham, centred co-ordinates 483317 147157 in accordance with the terms of the application, Ref WA/2023/01467, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with all matters reserved for future consideration except for access. I have proceeded to determine the appeal on this basis. The drawings which accompanied the appeal are for illustrative purposes only, other than insofar as they relate to access, and have been treated as such.

3. I was provided with a draft planning obligation prior to the inquiry opening. I allowed some time following the close of the inquiry for the document to be finalised. A signed copy of the document was received on the 26 February 2025. I return to this matter below.

4. The development plan includes the Local Plan Part 1 (the LPP1) adopted in February 2018, the Local Plan Part 2 (the LPP2) adopted in March 2023, and the Farnham Neighbourhood Plan (the FNP) made in April 2020.

Main Issues

5. The main issues are;

- Whether the appeal site is suitable for the proposed development, having regard to policies which direct the provision of housing;
- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposed access on the living conditions of residents and character and appearance of the area; and
- Whether the proposal would provide necessary infrastructure.

Reasons

Whether the appeal site is suitable for the proposed development, having regard to policies which direct the provision of housing

6. Policy ALH1 of LPP1 aims to deliver at least 11,210 homes over the plan period and it is anticipated that 2,780 of those would be delivered within Farnham. LPP1 encourages development within settlement boundaries, however policy SP2 of LPP1 identifies in the explanatory text that the Council's strategy for housing delivery includes making selected releases of greenfield land around settlements.

7. Farnham is the largest settlement in the Borough, it offers an extensive range of services and facilities, and is classified as one of the settlements in the borough which is the first focus for new housing and other development.

8. The appeal site falls outside, but is adjacent to, the northern edge of the Farnham settlement boundary as defined in the LPP1 and is therefore within the countryside for the purposes of the Local Plan. The acceptability of development beyond the built-up area depends on the nature of the scheme and its compliance with policies within the FNP. The proposal does not come within any of the categories of development permitted outside the built-up area boundary and would not comply with Policy FNP10.

9. Accordingly, when considered expressly against the policies that direct the provision of housing, I find that there would be an in principle harm owing to the conflict with Policy FNP10.

10. In respect of reference to policies RE1 and RE3 of LPP1, and the Farnham Design Statement, these are relevant to the second main issue as they address landscape character.

The effect of the proposed development on the character and appearance of the area

11. The appeal site forms part of a rolling landscape, with the land gradually sloping down towards the town of Farnham, with an Area of Great Landscape Value (AGLV) at its northern boundary. The appeal site itself is located within an Area of Strategic Visual Importance (ASVI), which is a designation of local importance relating to the role the landscape plays.

12. The Surrey Landscape Character Assessment (2015) identifies that the appeal site is located within Landscape Type LF6: Rolling Clay Farmland. LF6

incorporates a group of relatively small character areas, with boundaries based on the transition from clay to chalk. Key characteristics include gentle rolling topography with light settlement. LF6 identities that the character areas within this type are surrounded by built-up areas which enclose areas of landscape and results in urban influence limiting the sense of tranquillity and remoteness.

13. The appeal site is located within Local Landscape Character Area LCA04: Castle Paddocks, as set out in the Farnham Landscape Character Assessment (CD6.2). LCA04 contains characteristics including small, rectilinear, fields in pasture located on undulating landform. Farnham is located to the south of the Character Area, with a soft edge to the settlement, providing a transition between the settlement and the more rural landscape.

14. The appeal site is immediately adjacent to residential development within the Built up Area Boundary of Farnham (BUAB), it rises in places towards Old Park Lane and Farnham Castle. The landscape within which the appeal site sits is not devoid of development, indeed it is set within a range of existing built form. This includes university buildings to the south, and residential development within Abbey View and along Three Stiles Road. Large, detached dwellings are also visible on Old Park Lane. When walking around the site and the public footpaths, the appeal site is experienced within the context of the town. In contrast, I observed at my site visit that the woodland to the north of the site depicts a visual and sensual block between the town and a far more tranquil, rural environment, consistent with the character of the Old Park.

15. Throughout the borough there are significant levels of high-quality landscapes, and these are covered by national designations. In addition to some 77% of land within the Borough forming part of a national landscape (previously AONB), approximately 61% of land within the borough is in the Metropolitan Green Belt. In places these designations overlap. The appeal site does not fall within the Green Belt, a National Landscape or its setting, National Park, Area of Great Landscape Value, Area of High Landscape Value and Sensitivity, Conservation Area, Strategic Gap, or Area of Strategic Visual Importance. Whilst the appeal site contributes locally to the character of the area, and has some pleasant attributes, I consider on the basis of the evidence submitted to the Inquiry and my site visit observations, that its contribution to the character of the landscape, both intimately and on a wider scale, to be modest. I find the appeal site as having Medium Susceptibility, and as being of Medium Sensitivity.

16. Evidence was provided of the landscape led approach to the development to mitigate potential landscape and visual effects. Development would be concentrated on lower lying ground to reduce the need for extensive earthworks, an additional footpath would be provided to create permeability and improved access for pedestrians, building heights would be constrained to maintain public views to the tower of St Andrews Church. In respect of soft landscaping, new planting could be incorporated to restore historic field patterns. In addition to preserving and reinforcing existing hedgerows, a new hedgerow would be provided along the northern boundary with planting along the western boundary. This would reinforce and safeguard the characteristics of the landscape character.

17. The site is visually well contained due to the existing development along some of the boundaries, and the topography of the site and surrounding area. Accordingly, if the development were laid out as suggested in the illustrative plans, it would be contained from view from the key approaches into the town. Whilst the appeal site is clearly visible from the public footpaths, with long ranging views from the north of the site towards the settlement, the views are largely of open land and the soft settlement edge leading to the BUAB. Views towards the tower of St Andrews Church are intermittent however St Swithun's Way allows views of St Andrews Church tower. Views along this corridor would remain free of built form, and I return to these views later in my decision. The wider views across the site would continue to incorporate a level of openness, landscaping and built form, similar to the existing situation.

18. The illustrative plans show that the residential development would be located within the basin of the site to the southwest, where the development would be adjacent to, and visually would appear to be incorporated into, the existing development at Abbey View. This would allow the development to be experienced as part of the soft edge of Farnham, where residential development transitions into the softer rolling landscape, thereby respecting that character. Large areas of the site would then be retained and enhanced to create open spaces, which would reinforce the transition away from residential development and respect the characteristics of LCA04. I consider that the character of the site and its relationship with the surrounding area would be capable of accommodating residential development in a cohesive and respectful way.

19. The views of those residents on the Abbey View development living immediately adjacent to the site would change to include built form. However, longer views across towards the north would be possible, again maintaining that sense of transition. Furthermore, the nature of the area includes existing built form, the area is not rural or entirely absent of development, and therefore the overall transitional character would be retained.

20. The development would alter the experience of those using the public footpaths to a limited extent. The location and gradient of the development would ensure that, over time, the development would be seen and experienced as part of Abbey View. Abbey View itself sits comfortably with the streetscape and layout creating the transition to the town. It was agreed at the Inquiry[1] that landscape effects at year 1 would be moderate adverse, and at year 15 moderate-minor adverse for LCA04 and for LF6 landscape effects would be moderate adverse at year 1, and minor adverse by year 15. I am content that the proposal would create a similar, functionally and visually, positive development to that existing at Abbey View, and agree with the landscape effects set out above.

21. The parties agreed in the Statement of Common Ground that the proposal would result in some localised harm to landscape character due to the development off a currently undeveloped site[2]. On the basis that the appeal site is currently undeveloped, I find that the erection of development within a currently open site would inevitably result in some harm to the character

[1] Evidence in Chief of the Council's witness
[2] Landscape Statement of Common Ground

of the site. However, for the reasons set out above, I consider that the level of harm would be very limited both in scale and longevity, arising simply from the change in the nature of the landscape in the short term.

22. I consider that there is sufficient space within the development parameters to create an appropriate layout and mixture of development, with tree lined streets and open spaces which would respect the character of the area and reinforce those characteristics of the area that transition from the town into the countryside. In this regard I find that the proposal would comply with Policy TD1 of LLP1 which requires development to be of high-quality design and to be well related in size, scale and character to its surroundings.

23. I find that in time the proposal would sit comfortably within the landscape and as part of the fringe of the settlement. Having regard to my findings and the evidence, and mindful of the additional landscaping initiatives, it would comply with Policy RE1 of the LPP1 which states that the intrinsic character and beauty of the countryside will be recognised and safeguarded.

24. Policy FNP10 Policy seeks to protect the countryside from inappropriate development and identifies a number of categories that would be permitted for development outside of the built-up area boundary. The proposal would not comply with FNP10(a) which requires compliance with FNP16, FNP17 and FNP20, none of which apply for this proposal. Nor would it comply with FNP10(e) which only permits development where it would enhance the landscape value of the countryside. I have found that any harm to the character and appearance of the area would be very localised, and that in time the proposal would sit comfortably within the landscape and as part of the fringe of the settlement. However, the proposal would not enhance the landscape value, and therefore the proposal would conflict with Policy FNP10. It would also conflict with the Farnham Design Statement in respect of ensuring that the rural nature of the Old Park should be preserved.

25. Accordingly, I conclude on the second main issue that the proposal would conflict with the development plan when taken as a whole.

The effect of the proposed access on the living conditions of residents and the character and appearance of the area

26. This issue does not repeat the first main issue in respect of character and appearance, it is focused on the Abbey View development, immediately adjacent to the appeal site. As part of the proposal, access to the development would be through the Abbey View development. This has been agreed with the Highway Authority as the only possible access. Therefore, it is necessary to consider the effect of the proposal, and the use of the access, on the character and appearance of the area in respect of the Abbey View development, and on the living conditions of those residents already living on the Abbey View Estate.

27. In order to accommodate access to the appeal site it would be necessary to alter the existing access through Abbey View. Increases in the width of Cascade Way and Keepsake Close would be required. This would remove a limited amount of the grass verges that run through these two streets, as identified and agreed within the Planning Statement of Common Ground.

28. At present, Abbey View appears as a carefully designed, pedestrian focused and comfortably spaced estate, and the grass verges and placement of trees contribute to this. The level of verge to be removed would not be significant in respect of the overall level of green space and openness of the estate. As part of the proposal a Tree Replacement Strategy would be implemented, which provides details of the location, size and species of replacement trees. Whilst I appreciate that replacement trees will, themselves, take a period of time to establish, there is nothing in the evidence that suggests that this will not be possible. Accordingly, whilst the street scene would change slightly due to the increase in width of sections of Cascade Way and Keepsake Close, the overall soft and welcoming character of the area would not be harmed by the proposal, with particular regard to the effect of the accessway.

29. The proposal would result in an increase in traffic movements through the Abbey View Estate due to the additional residential development, and the single accessway along Cascade Way and Keepsake Close. The effect of this on existing residents is two-fold, residents are concerned in respect of the effect of construction traffic, and subsequent effect of additional traffic movements of future residents of the proposal.

30. In respect of construction traffic, residents raised a number of concerns including health and safety issues, as well as noise, and air pollution. The process of construction undoubtedly creates a period of change, which can have an effect on living conditions of existing residents, albeit these are temporary in nature. Having regard to the representations from the statutory consultee, and the evidence given by the Appellant[3], I am satisfied that the construction movements could be suitably controlled by a carefully agreed construction management plan. I am mindful of the nature of the Abbey View Estate with a significant level of pedestrian and bicycle movements, which were apparent on both of my site visits (I carried out an unaccompanied visit prior to the Inquiry in addition to my accompanied visit). It would be necessary to agree a controlled and specific management plan to ensure health and safety matters were addressed. In respect of air quality, I note the representations of the Council's environmental officer and am satisfied that these matters could be addressed within a management plan.

31. Once completed the development would result in additional traffic movements through the estate. Quantum Acoustics prepared a Noise Impact Assessment which identified the potential change in noise levels as a result of changes traffic volumes. It is likely that the proposal would have an impact on a small number of residents, particularly those at the end of Keepsake Close, where the proposed dwellings would be accessed, and at this point there would be a noticeable change in traffic levels.

32. Based on the TRICS data there would be an additional 45-50 vehicle movements during peak hours. This evidence is supported by the Travel Plan, and a financial contribution towards either the Farnham LCWIP scheme or the Farnham Town Centre improvement scheme. It is expected that the additional contributions, along with the location of the site near to the town centre, with functional and safe access routes for pedestrians and cyclists, would allow for a very real alternative to use of the private vehicle.

[3] Phillip Bell - transport

33. In respect of vehicle movements, it would be possible to ensure that the internal estate roads on the appeal site mimic those of the Abbey View Estate, which encourage the slow movement of vehicles and create a pedestrian focused experience. The Abbey View development is a residential area and already has a number of movements. Even those residing at the end of Keepsake Close are subject to existing vehicle movements entering, turning, and leaving the area. I acknowledge that there would be a change in the living conditions for residents due to an increase in vehicular movements. However, I consider that these would not be of a volume such to be harmful, or to create an environment that would no longer be safe.

34. Concerns have been raised regarding the effect of car lights on the residents of number 18 keepsake close. At this stage, whilst the location of the access is being considered, further design elements are reserved. Details on specific accessway, topography, and line of travel etc would be explored at a detailed stage. The outlook and environment would change for residents of Keepsake Close and the Abbey View estate. However, residents already live on a populated housing development, with cars, cyclists, dog walkers, runners etc travelling through it. I do not consider that additional residents would create such a monumental change that it would result in harm.

35. I find that, subject to appropriate conditions, the proposal would not be harmful to the living conditions of residents of the Abbey View Estate, or to the character and appearance of the area. It would comply with Policy TD1 of the LPP1 which seeks to secure development of a high quality and inclusive design. It would comply with Policies DM4 and DM5 of the LPP2. Collectively these policies seek to secure ensure that development avoids harm to the amenity of future occupants and existing occupants and responds to the local context. It would comply with Policy FNP1 of the Farnham Neighbourhood Plan which requires development to be of a high quality which responds to the distinctive character of the individual area of Farnham in which it is located.

Necessary Infrastructure

36. The submitted S106 Planning Obligation would secure 24 affordable homes, on the basis of a total of 83 dwellings on the site, and if necessary a top-up financial contribution, which would equate to the 30% required by Policy AHN1 of LLP1, and Waverley's Affordable Housing Supplementary Planning Document Update, March 2023. These are set out at Schedule 1, Part 1 and 2 of the S106 Planning Obligation. I consider that the affordable housing is necessary to make the development acceptable and, in its entirety is fairly and proportionately related to the proposed development.

37. The S106 Planning Obligation at Schedule 1 Part 3 sets out the obligation to provide and maintain the publicly accessible parts of the development. This would include the play areas, open space and non-adopted SUDS, estate roads and communal/visitor car parking areas.

38. Schedule 1 Part 4 secures an obligation to provide a number of self-build/custom build plots, and to make those available for an agreed period is secured.

39. Obligations to secure the relevant mitigation in respect of the Thames Basin Heath Special Protection Area is set out in Schedule 1 Part of the S06 Planning Obligation. I address this specific matter later in my reasoning.

40. Schedule 2 of the Planning Obligation contains the obligations and covenants in respect of transport and highways matters. These include a financial contribution of £162,860 to be used towards sustainable transport improvements in Farnham Town Centre, the implementation of an electric bike scheme for occupants of the development, and a financial contribution towards travel plan monitoring. I consider these measures to be necessary to promote and encourage sustainable travel with a view to achieving a modal shift, and that they are reasonable and fairly related in scale to the development.

41. I am satisfied that all of the above obligations are necessary, directly related to the development and reasonable. They comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the NPPF.

Other Matters

Historic Environment

42. There are a number of heritage assets located within the vicinity of the appeal site which have the potential to be affected by the proposal. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be had to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance must be given to any harm caused to designated assets in the planning balance. This includes any harm to the setting of a listed building. Similarly, section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of any buildings or other land in a conservation area.

43. The NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

44. The Farnham Castle Group of Assets can be divided into two subgroups; Farnham Castle and the Grange. The Farnham Castle subgroup includes Farnham Castle (Scheduled Monument), Buildings to the south of Farnham Castle (Grade 1 Listed Building), Outer Curtain Wall and Gatehouse at Farnham Castle (Grade I Listed Building), Stable Block at Farnham Castle (Grade II Listed Building). The Grange subgroup includes The Grange (Grade I Listed Building), Garden Walls to Gardens East and North of The Grange (Grade II* Listed Building), Barn to the North West of the Grange (Grade II Listed Building), Boundary Walls to the Kitchen Garden, and Garden to the east and north east of The Grange and wall to the south east of Grange Corner (Grade II Listed Building). Farnham Park is a Grade II Registered Park and Garden. In addition, assets are identified as the Farnham Conservation Area and St Andrews Church (Grade I Listed Building). Old

Park is not designated as a heritage asset, however due to its historical role as the original Deer Park for the castle it has been included[4].

45. There is substantial overlap between the heritage significance of the collective assets of Farnham Castle, The Grange and Farnham Park and the Farnham Conservation Area. The list entry from Farnham Castle (Grade I Listed Buildings) identifies that the Castle subgroup, together with the whole of the Park, The Grange subgroup and the Conservation Area, is very exceptional and should be considered as a unit for purposes of preservation. The Heritage Statement assessed the heritage group of Farnham Castle together (albeit as subgroups), and then the CA and St Andrews Church, and I consider this to be a sensible approach.

The Assets

46. The first record of building on the castle site is from 1138, when Bishop Blois constructed a motte-and-bailey castle, Farnham was founded as a conveniently located palace on the route from Winchester to London. The group of assets at Farnham Castle have exceptional historic interest derived from both their illustration of medieval society and association with historical figures and events nationally, regionally and locally. Farnham Castle has been altered and extended over the course of approximately 800 years, and has existing high archaeological interest, and the potential for additional high archaeological interest. There is evidence that the Keep at Farnham Castle contains a number of archaeological features. The development of the Castle and the buildings associated with the Castle complex have archaeological significance in providing evidence of the lives of those who occupied the complex, and important historical events.

47. The Grange as currently standing was built on the site of the former Bishop's Grange, it was likely associated with the management of the surrounding estate and farmland. This group of assets have archaeological interest relating to the operations of that high status estate and the survival of any potential remains of these earlier buildings.

48. Farnham Park and Old Park were initially laid out in the late medieval period but then remodelled or converted to agricultural land, and are historic parts of the wider estate associated with Farnham Castle. They have historical and archaeological interest in respect of the survival of potential remains, and structural landscape elements associated with the earlier iterations of their layout and function.

49. Farnham Castle, The Grange and Farnham Park, in addition to the historic core of Farnham, were all under the jurisdiction of the Bishops of Winchester at times from the 14th century onwards. The shared historic interest across the assets makes a positive contribution to the overall significance of each designated asset, reinforcing and enhancing the understanding of the power and authority of the Bishops of Winchester. Accordingly, all the assets identified in the heritage statement, and listed above, contribute in some way to the combined architectural and historical interest of the Farnham Castle Group of which they form.

[4] Heritage Statement Table 2.1

50. Setting makes a contribution to the overall heritage significance of the assets. Farnham Castle was a building meant to be seen, in an elevated position with an element of architectural display, experienced as part of a wider landscape and alongside religious establishments, administration buildings, and designed landscapes. This experience of the castle is intrinsic to its significance, and remains present today, particularly in respect of the historic centre which reinforces the use of the castle as a statement of power.

51. Various phases of Farnham Park survive relatively intact and its is designated as a garden of special historic interest. The intactness, openness, and legibility of the original intention of Farnham Park as a deer park, overlaid by later improvements, makes a positive contribution to the significance of Farnham Castle in respect of its setting, functioning as a reminder of the relationship between the castle and its landscape.

52. The Old Park would likely have been created alongside the original construction of Farnham Castle in 1138. Whilst the historical functional relationship of the Old Park with Farnham Castle was severed, it having been broken up into farm holdings. However, the Old Park retains a sense of its historic function and character and, by extension, its connection to Farnham Castle as a part of the high-status estate. Accordingly, it contributes to the setting of the assets through its historical context.

53. The appeal site would likely have been owned by the Bishops of Winchester in the medieval period, however there is no evidence to suggest that any historic connection remains legible. The character of the appeal site is experienced in the context of the expansion of the town, having evolved in its use with it. Due to the expansion of the town, with the residential and education built form within the immediate vicinity and along the boundaries, the function of the appeal site is not generally experienced in conjunction with the heritage assets, and visual relationships have been eroded for similar reasons. It does not function as part of the setting of the assets, and I find that the appeal site does not contribute strongly to the significance of the heritage assets in either the Farnham Castle or the Grange subgroups.

The Farnham Conservation Area (CA)

54. The character and appearance of the CA is determined by the town's historical development. Farnham Castle and St Andrews Church illustrate two distinct phases of the town's history and are important landmarks within the CA. The planned streets indicate a high density of development, with networks or rear passages and yards, which then integrate with green public open spaces such as St Andrews Churchyard and Bishops Meadow Victoria Gardens. The topography of the area, with the core of historic core of Farnham growing northwards from the bank of the river way contributes to the CA's character. Beyond the historic core, the town has evolved and developed to include a variety of styles and materials in its buildings, which demonstrate its development as a town.

55. The Farnham Conservation Area Appraisal (2005) identifies that some elements of the wider setting make a positive contribution to its overall significance, this is reinforced by the topography of the area allowing views across and through the CA. However, whilst the appeal site is part of the wider, broader, setting of the CA, it is separated by significant levels of

development. Moreover, it does not read as an element of the setting of the groups that I assess above. I consider that the appeal site does not contribute to the significance or special interest of the CA.

St Andrews Church

56. St Andrews Church plays an important role in the character of Farnham. It serves as a central point of orientation, and is visible from numerous locations. It has a long and complex history, the listing identifies that it dates from the 12th century, and replaced a Saxon church on the same site. It has exceptional historic interest due to its age, and for the important role it played in the early development of Farnham. The continuity of the role that religion played in medieval society and in modern life demonstrates the continuity in the function of the church and is evidence of its historical significance. Due to the retention of 12th to 16th century fabric (including the west tower) provides architectural interest, and its position as a landmark contributes to this.

57. St Andrews Church is located within the Saxon core of Farnham, an urban church enclosed by the townscape of the CA. There are a number of Grade II and Grade II* listed buildings in the immediate setting of St Andrews Church, and these buildings contribute positively to the significance of St Andrews Church, allowing it to be appreciated in its historic townscape.

58. St Andrews Church and its tower are distinctive and can be appreciated in intimate and wide ranging views from the surrounding landscape. The tower acts as a wayfinding feature and adds to the overall significance of the listed building. However, whilst the widespread visibility makes a positive contribution to the overall significance, the architectural and historical interest are better appreciated from within the immediate vicinity of the church.

59. The appeal site does not contribute to the overall heritage significance of St Andrews Church, there is no evidence of any historical functional relationship between the two.

60. St Swithun's Way, a walking route, runs along part of the site. The view of St Andrews Church from St Swithun's Way is a positive experience, the church is legible as the most prominent built feature within the town centre. In addition, due to the topography of the area, glimpses of St Andrews Church tower can be seen intermittently from points along Public Footpath 94, which runs along the northern edge of the appeal site.

61. Whilst detailed design would be considered at reserved matters, the illustrative plans confirm that the development would respond positively to the historic environment. The location of development would be on the lower parts of the appeal site, protecting transitional views where they exist, and not encroaching towards the setting of the assets identified. A landscape led approach would reinforce positive elements of the historic landscape, and could reinstate lost elements. The legibility of St Andrews church would be maintained, particularly from St Swithun's Way through layout and landscape.

Conclusion on heritage

62. I find that any contribution that the appeal site makes to the setting of the identified heritage assets is very limited, and it does little to contribute to the significance of those assets. I am mindful that, in accordance with the NPPF, great weight should be given to the conservation of designated heritage assets. I am satisfied on the basis of the evidence and my observations at the appeal site and surrounding area, that the illustrative plans confirm that the proposal would be deliberately designed and laid out such to ensure that the development would read as part of the established townscape, and could be delivered in a manner that would sustain the heritage significance of the identified heritage assets.

Other Highway matters

63. Concerns were raised regarding highway safety concerns. I have addressed these in relation to the immediate effect of the proposal in my reasoning. However concerns were raised by residents in respect of the wider effects of the proposal. As part of the proposal a number of improvements would be made to the wider highway network, which I observed on my accompanied visit, and would be secured as part of the proposal through a S278 Agreement. The highway evidence is clear that the increase in traffic would not have a severe impact on the functioning capability of the highway network. I am satisfied that the off-site highway works would assist with the functioning of the highway in the wider area, and that the proposal would not be harmful to highway safety, neither in itself or in combination with other development.

Facilities

64. Concerns were raised regarding the pressure of additional residents on local facilities including but not limited to schools and healthcare. The proposal would require a contribution from the developer towards the Council's Community Infrastructure Levy, and the Council's Regulation 123 list identified the infrastructure that would benefit from the contribution. There is no evidence to suggest that these payments would not come forward, and it is for the Council to prioritise where these contributions are invested, and should be used to ensure adequate facilities are provided.

Flood Risk

65. A number of concerns were raised in relation to the flooding of properties within the Abbey View Estate. These existing issues are beyond the control of the appellant, however it is necessary to ensure that the proposal would not increase the risk of flooding elsewhere.

66. In respect of ground water flooding, the Council's Strategic Flood Risk Assessment (SFRA) in November 2018 indicates the site lies on the border of the 25-50% and 50-75% areas susceptible to groundwater flooding. Investigations were carried out as part of the Flood Risk and Drainage Statement including the excavations of boreholes to a depth of 4.25m. A single borehole recorded groundwater at 3.7m below ground level. I am satisfied that the risk of the site being subject to groundwater flooding is low[5].

[5] Flood Risk and Drainage Statement, Proof of Evidence of Simon Packer, Appendix 3

67. Whilst the risk of flooding was assessed as negligible from all sources, there is a potential flood route through the site for an extreme water surface event with a probability of less than 0.1%[6]. To address this a diversion route for flood waters was proposed through the use of a diversion corridor, which was assessed by the Local Lead Flood Authority. In respect of flooding and drainage concerns, a Flooding and drainage statement was submitted, and the Local Lead Flood Authority confirmed that the drainage strategy proposed would be suitable subject to conditions. I am satisfied with the findings of the Flood Risk and Drainage Statement, and I note the position of the Local Lead Flood Authority. I find that the proposal would not result in an increase in flooding either on site, or in the surrounding area.

68. I have had regard to the representation from Thames Water and a suitable condition could be imposed as suggested.

Fault line

69. Concerns were raised in representations and at the inquiry regarding a fault line that is located within the appeal site. Having regard to the location of the built form, and the fact that this is an outline only scheme with all matters other than access reserved, I am satisfied that this matter could be investigated at the reserved matters stage.

Ecological features

70. A number of important habitats and species are present on the appeal site, as identified in the Ecological Impact Assessment. A number of measures would be provided to protect and enhance the ecological features of the site. These include the enhancement of existing linear features, installation of additional bird and bat bricks, hedgehog friendly fencing to allow movement of small species across the site and landscape, creation of a wildlife pond, creation of a traditional orchard, and long term management of communal habitats to benefit wildlife. Accordingly, I am satisfied that the proposal would protect and enhance ecological feature on the site.

Access to SANG

71. Concerns were raised at the Inquiry that parking should be laid out within the proposed development, and signage erected, to allow members of the public to access the remaining open space on the site. It was discussed at length at the inquiry, and the parties agreed that there was some confusion regarding the provision of a SANG at the site. As no SANG is being proposed it would not be necessary to provide parking on the development, or signage.

Thames Basin Heath Special Protection Area – Appropriate Assessment

72. The appeal site lies with the zone of influence for the Thames Basin Heath SPA (TBHSPA). The SPA is designated for its population of breeding Nightjar, Woodlark and Dartford Warbler.

73. European and national legislation requires that any plan or project should not give rise to any likely significant effect upon these areas. In order to avoid any likely significant effect, proposals for development are required o

[6] ID 14

demonstrate that they can avoid or mitigate such effect. The proposal in combination with other projects has the potential to affect the integrity of the TBHSPA as a result of increased recreational pressures that would arise from the increase in local population.

74. The Conservation of Habitats and Species Regulations (2017) (Habitats Regulations) are engaged and it is necessary for me as the competent authority in this case to carry out the required appropriate assessment in accordance with the Habitats Regulations.

75. The Habitats Regulations specify that the competent authority may only give permission for the proposal after having ascertained that it will not adversely affect the integrity of the European site. In so doing, the competent authority may give consideration to any conditions or other restrictions which could secure mitigation and so provide certainty that the SPA would not be unreasonably affected.

76. The Council's TBHSPA Avoidance Strategy (the Avoidance Strategy) provides guidance on the level of avoidance measures expected to see incorporated within proposals for development. The Avoidance Strategy was prepared to respond to Natural England's advice that any application for residential development that would result in an increase in the number of dwellings within 5km of the SPA will, without avoidance measures, be likely to have a significant effect as set out in the Habitats Regulations. The Avoidance Strategy identifies that mitigation and avoidance are secured through the provision of Suitable Alternative Natural Green space (SANG), or financial contributions towards the management of SANG, and Strategic Access Management and Monitoring (SAMM) contributions used at the SPA.

77. Natural England has confirmed that, provided the appellant complies with the requirements of the Avoidance Strategy, through a legal agreement securing contributions to SANG and SAMM, that it does not object to the proposal. It advises that subject to securing the SANG and SAMM mitigation package it considers that the proposal would not lead to an adverse effect on the SPA.

78. The S106 Planning Obligation provides a financial contribution towards the Church Crookham SANG, which has been identified as suitable by Natural England. However, as discussed at length at the inquiry, due to the nature of the appeal scheme there may be capacity at the Farnham Park SANG in due course. The S106 Planning Obligation allows some flexibility as to where the SANG is provided. I am content that, whilst flexible in location, both SANGs are confirmed to be appropriate by Natural England for the purposes of provided mitigation. Therefore, I am able to find that the mitigation would be secured as required by the Habitats Regulations.

79. Subject to these measures I conclude that the development would not adversely affect the integrity of the SPA either alone or in combination with other plans and projects. Accordingly, the proposal would comply with Policies NE1 and NE3 of LPP1.

Other material considerations

80. I have found that the proposal would conflict with the FNP in respect of the first and second main issues, and it would therefore conflict with the

development plan when taken as a whole. The Planning and Compulsory Purchase Act 2004, s38(6) directs that determination must be in accordance with the development plan unless material considerations indicate otherwise.

81. There is agreement between the parties that the Council is unable to demonstrate a five year housing land supply. Following changes to the Standard Method in December 2024, it is agreed that the housing land supply figure is currently in the region of 1.28 years[7]. I consider this to be a significant shortfall in supply.

82. The proposal would deliver 83 homes, of which 24 would be affordable. In an authority which is unable to demonstrate a 5 year supply of homes, these dwellings would boost the supply of housing in one of the most sustainable settlements within the borough, and would be particularly important in the context of the shortfall for general market housing and also in the context of an identified need for affordable housing in the wider area.

83. The delivery of housing is of substantial weight, especially given the Government's objective of boosting the supply of homes and the location of the site being on the edge of the highest tier settlement.

84. A significant area of Public Open Space would be provided, some 8.7 hectares. The council suggests that these would replace existing open countryside which already provide recreational uses, however these areas are not maintained. The proposal would create accessible and functional open space for the benefit of all users, easily accessed from the surrounding developments, university, and town centre, which could be carefully designed to create a community led space. I attach significant weight to this as a benefit of the scheme.

85. A Locally Equipped Area of Play would be provided, combining play with nature using predominantly natural materials for equipment. This would benefit residents and users of the space; however I am mindful that there is an existing LEAP within the Abbey View development, and therefore accord this element limited weight.

86. Part of the proposal would include a community orchard, the benefits of which could be enjoyed by the general public and local residents. The orchard would also be within the view corridor of St Andrews Church tower, creating a pleasant element of the entry to the town, and I attach moderate weight to this element.

87. There would be economic benefits associated with the additional spending from the new housing, along with temporary construction spend and job creation. I attach moderate weight to this consideration, having regard to the increased economic activity from future occupiers.

88. The substantive evidence before me concludes that there would be an on-site biodiversity net gain in excess of the 10% required. Having considered the representations made by interested parties, I attach moderate weight to this benefit.

[7] Planning Statement of Common Ground

Planning Balance

89. The proposal would conflict with the development plan as a whole. The site is located outside the limits of development and there is an 'in principle' policy harm. The proposal would also result in limited harm to the character and appearance of the area.

90. Having regard to the lack of a 5 year housing supply, NPPF paragraph 11(d)(ii) is engaged, such that there is a presumption in favour of granting planning permission for sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

91. Paragraph 14 of the NPPF goes onto provides that in situations where the presumption applies, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. This is subject to two criteria; that the neighbourhood plan became part of the development plan five years or less before the date of the decision, and that the neighbourhood plan contains policies and allocations to meet its identified need. The FNP was made in April 2020, and accordingly for the purposes of decision making, it is in excess of five years old. As such, the first criteria of para 14 of the NPPF is not met.

92. The 'in principle' policy harm is of limited weight because there is no obvious remedy to the housing shortfall and this overall position indicates that the development plan is failing to meet its strategic challenges. Some unplanned development is necessary to address the shortage of housing land supply in this area. This is recognised the explanatory text of policy SP2 of LPP1, and there would be a risk of some harm to the character and appearance through green field developments, depending on the specific nature of the site.

93. The location of the development on the edge of Farnham as one of the four highest order settlements means the site could not be better located in terms of its proximity to a settlement. It is very well located for local services and would allow residents to access them without reliance on a private car, which attracts moderate weight. Together with its, footpath/cycle links, travel plan, public open space and other obligations in the S106, I consider the development would be sustainable. Therefore, there would be compliant with core policy SP1 of the LPP1.

94. The shortfall in market housing is considerable and there is a substantial shortfall in affordable housing. The proposal would provide up to 24 affordable dwellings for people in housing need and up to 59 market dwellings. This would make a significant contribution to housing supply and is provision of both affordable and market housing is of substantial weight. Furthermore, there are other social, economic and environmental benefits outlined above, such that, when applying the tilted balance, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the many benefits of the proposal, when assessed against the policies in the NPPF taken as a whole.

95. Consequently, there are material considerations which indicate a decision should be taken other than in accordance with the development plan.

Conditions

96. The Council and Appellant produced a list of conditions, which were discussed at the round table session, with all parties encouraged to participate. Where there was a dispute between the parties, this was discussed at the round table session. Whilst Farnham Town Council did not participate as a Rule 6 party, they were given the opportunity to input to the drafting of the conditions at this session. I have had regard to these discussions in preparing the list of conditions in the attached schedule, as well as the Planning Practice Guidance regarding the use of conditions and the NPPF. Where necessary, I have amended the wording of the suggested condition in the interest of clarity, precision and enforceability.

97. Conditions dealing with the timescale for implementation of the permission, the approved plans, as well the reserved matters are necessary to provide certainty (conditions 1-5). Drainage and flood prevention conditions are necessary to ensure satisfactory drainage and future maintenance of the site in the interests of flood prevention (conditions 6-8). A condition to provide protection to existing trees (condition 9) is necessary in order to protect the character and appearance of the area.

98. In the interest of highway safety, conditions are necessary (conditions 10-14) to address surfacing and edging of access, completion of a S278 Agreement to secure off-site works, prohibition of access from Old Park Lane, layout of internal roads, footpaths, footways and cycle routes, and the provision of turning areas for vehicles.

99. Conditions securing bicycle parking and charging, and a Travel Plan (conditions 15-16) are necessary to ensure the development provides for sustainable modes of transport and to encourage public health.

100. A specific condition (17) requiring a Construction Transport Management Plan is necessary to ensure the living conditions of residents on Cascade Way and Keepsake Close are adequately protected and in the interest of highway safety. Similarly, to protect the living conditions of neighbouring occupiers, and future occupiers, a condition (18) is necessary in respect of internal and external noise levels.

101. In the interest of public health, conditions are necessary to address any potential contamination issues on the site (conditions 19-21). Conditions regarding a bat strategy, Sensitive Lighting Management Plan, and Landscape and Ecological Management Plan (conditions 22-24) are necessary to ensure that measures are taken to protect protected species and provide biodiversity enhancements. A condition securing play areas is necessary for the living conditions of future occupants (condition 15).

102. A specific condition relating to the layout of the open space is necessary to protect the character and appearance of the area (condition 26). A condition requiring a Sustainable Energy Strategy is necessary to secure a high level of design and sustainable construction (condition 27). A condition is necessary (condition 28) to secure a written scheme of investigation at the site. This is necessary due to the historical association of the area with the historical environment.

103. A condition requiring a Waste Management Plan (condition 29) is necessary to reduce the generation of waste. A condition (condition 30) dealing specifically with the need for a development and infrastructure phasing plan is necessary in respect of flooding and potential pollution.

104. Conditions relating to materials, long term management of landscaping, and tree replacement (conditions 31, 32, 34) are necessary to ensure the development respects the character and appearance of the area.

105. A condition dealing specifically with the provision of SANG is necessary (condition 33) to ensure that the proposal will not have an adverse effect on the Thames Basin Heaths Special Protection Area.

106. Conditions 7, 13, 17, 23, 25, 28, 29 and 33 are pre-commencement conditions. These are fundamental to the development and the matters must be addressed prior to commencement.

Conclusion

107. For the reasons given above I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

2. The first application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. All subsequent reserved matters applications shall be made to the local planning authority not later than five years from the date of this permission.

3. Details of the appearance, landscaping, layout, and scale hereafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

4. The development hereby permitted shall not exceed 83 dwellings.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:
   Drawing No. A2046_001 Rev. P4 - Site Location Plan

   Drawing No. A2046_002 – Parameters Plan

   Drawing No. A2046_004 - Parameters Plan Full Site

   Drawing No. 1902021-11 Rev, D – Proposed Access Arrangements

   Drawing No. 1902021-TK01 Rev. C – Swept Path Analysis Refuse Vehicle

   Drawing No. 1902021-TK04 Rev. A - Swept Path Analysis Large Tipper

   Drawing No. 10542 TPP 01 Rev. A - Tree Protection and Removal Plan

   Drawing No. 10542 TS 01 Rev. B - Tree Schedule

   Drawing No. 10542 TCP 01 Rev. D – Tree Constraints Plan

   Arboricultural Impact Assessment (ref. 10542_AIA.001 rev B)

   Drawing No. 10542 PAIA 15 (1/2) and (2/2) – Arboricultural Mitigation

   Landscape Strategy Rev. E (Ref. GLES3004)

   Landscape and Visual Appraisal March 2024

   Biodiversity Net Gain Calculator (March 2024)

   Biodiversity Net Gain Report (March 2024)

6. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished floor levels for each residential building. The finished ground floor levels shall be a minimum of whichever is

higher, 300 mm above the existing ground levels of the site, or 600 mm above the estimated river or sea flood level. The development shall be carried out in accordance with the approved details.

7. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:

   i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

   ii) include a timetable for its implementation; and,

   iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

   The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

8. Prior to occupation of the first dwelling , a verification report carried out by a qualified drainage engineer must be submitted to and be approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

9. Any reserved matters application relating to layout/landscaping shall be accompanied by a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced). The scheme for the protection of the retained trees shall be carried out as approved.

10. Prior to occupation of the first dwelling the means of access for vehicles and pedestrians shall be constructed in accordance with the approved drawings as listed in condition 4 (Drawing No. 1902021-11 Rev, D – Proposed Access Arrangements) together with a scheme detailing the proposed surfacing and edging of the access, that shall first have been submitted to and be

approved in writing by the Local Planning Authority. The access shall be retained thereafter.

11. Prior to occupation of the first dwelling a scheme shall be delivered through a Section 278 Agreement with the County Highway Authority to provide off-site highway improvements, including:

    a) Reinstating faded yellow line markings on Crondall Lane as identified by the Local Planning Authority.

    b) Pedestrian crossing and bus stop improvements on West Street (as indicated in drawing 1902021 - 14)

    c) Pedestrian crossing improvements on Falkner Road (as indicated on drawing 1902021-15)

    d) Pedestrian crossing improvements on Long Garden Way and Lion and Lamb Way (as indicated on drawing 1902021-16)

    e) Pedestrian crossing improvements on The Hart, at the junction with West Street (as indicated on drawing 1902021-17).

12. No vehicular access to the site shall be provided from Old Park Lane, either for construction traffic or site traffic.

13. The development hereby approved shall not be commenced unless and until the layout of internal roads, footpaths, footways, and cycle routes have been submitted to and been approved in writing by the Local Planning Authority. Such details shall include the provision of visibility splays (including pedestrian inter-visibility splays) for all road users, pram crossing points and any required signage and road markings. There shall be no obstruction to visibility splays between 0.6 metres and 2.0 metres high above ground level.

14. Prior to occupation of the first dwelling space shall be laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear, including appropriate signage, and that space shall thereafter be kept available at all times for those purposes.

15. Prior to occupation of the first dwelling space shall be laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for independently accessible secure parking of bicycles, integral to each dwelling or building within the development site and the provision of a charging point with timer for e-bikes by said facilities, and that space shall thereafter be kept available for the storage of bicycles.

16. Prior to occupation of the first dwelling on the site a Travel Plan, and details of a Travel Plan Co-ordinatorm shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". The approved Travel

Plan shall thereafter be implemented and the appointed Travel Plan Co-ordinator shall thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

17. No development shall commence until a Construction Transport Management Plan, to include details of:

a) parking for vehicles of site personnel, operatives and visitors

b) loading and unloading of plant and materials

c) storage of plant and materials

d) programme of works (including measures for traffic management)

e) provision of boundary hoarding behind any visibility zones

f) HGV deliveries and hours of operation

g) vehicle routing

h) measures to prevent the deposit of materials on the highway

i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

j) on-site turning for construction vehicles

k) Detailed plans of amendments to Keepsake Close and Cascade way to enable safe access for construction vehicles, to be in place ahead of any construction works commencing has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

l) details of a banksman, should this be required.

m) details of the provision of refuse disposal facilities for the use of construction workers.

18. A scheme to ensure that the internal noise levels within the residential units and the external noise levels in back garden will conform to the 'indoor ambient noise levels for dwellings guideline values' specified within BS8233:2014. 'Guidance on sound insulation and noise reduction for buildings', shall be submitted to and approved in writing by the Local Planning Authority. No residential units shall be occupied until the approved scheme is implemented.

19. Prior to commencement of development, other than that required to be carried out as part of demolition or approved scheme of remediation, the following shall be submitted to and approved in writing by the Local Planning Authority:

a) An investigation and risk assessment, in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by a competent person as defined in Annex 2: Glossary of the NPPF.

b) If identified to be required, a detailed remediation scheme shall be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property. The scheme shall include:

(i) All works to be undertaken

(ii) Proposed remediation objectives and remediation criteria

(iii) Timetable of works

(iv) Site management procedures

The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation works shall be carried out in strict accordance with the approved scheme. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

20. Upon completion of the approved remediation works, a verification report demonstrating the effectiveness of the approved remediation works carried out shall be completed in accordance with condition 19 and shall be submitted to the Local Planning Authority for approval prior to occupation of the development.

21. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

22. Prior to the submission of any reserved matters application relating to layout/landscaping (as required by condition 2), a final bat mitigation strategy, update reptile surveys, update bat surveys, update [redacted] surveys and update great crested newt surveys shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with any mitigation measures identified as necessary.

23. Prior to the commencement of development, a Sensitive Lighting Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall detail how all external lighting installed on this development shall comply with the recommendations of the Bat Conservation Trusts' document entitled "Bats and lighting in the UK – Bats and the Built Environment Series". The development shall be undertaken and maintained in complete accordance with the approved details.

24. Any reserved matters application relating to layout/landscaping (as required by condition 2) shall include a Landscape and Ecological Management Plan (LEMP). Proposals for ecological enhancement, and where required, compensation and mitigation put forward within the LEMP should be based on the impact avoidance, mitigation and biodiversity enhancement recommendations of the Preliminary Ecological Appraisal (2023 Update) and the Ecological Impact Assessment (prepared by the Ecology Partnership in May 2023) and the results or requirements of any protected species presence/likely absence surveys carried out. The LEMP shall include:

    a) Description and evaluation of features to be managed and created including measures to compensate for loss of proposed tree and hedge removal;

    b) Numbers and locations of bat and bird boxes, including provision integral to the design of the new buildings;

    c) Aims and objectives of management;

    d) Appropriate management options to achieve aims and objectives;

    e) Prescriptions for management actions;

    f) Preparation of a work schedule for securing biodiversity enhancements in perpetuity;

    g) Details of the body or organisation responsible for implementation of the LEMP;

    h) Ongoing monitoring and remedial measures; and

    i) Details of legal / funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery

    The enhancement proposals put forward within the LEMP shall have been subject to quantifiable evaluation through application of the DEFRA Biodiversity Metric ensure to demonstrate to a measurable net gain. The development shall be undertaken in complete accordance with the approved details.

25. Prior to the commencement of development a detailed scheme for the provision of a Local Equipped Area of Play (LEAP) and Local Areas of Play

(LAPs) including the timetable for their implementation shall be submitted for approval by the Local Planning Authority, if required. The LEAP shall be a minimum size of 400 square metres and the LAP a minimum size of 100 square metres. The LEAP and LAPs shall be implemented in accordance with the approved scheme and timetable and retained thereafter.

26. Any reserved matters application relating to layout/landscaping (as required by Condition 3) shall be in broad accordance with Drawing No. GLES004_01 Rev. 1 - Illustrative Landscape Masterplan in relation to the developable area and location of open space only, unless otherwise agreed in writing with the Local Planning Authority.

27. A detailed Sustainable Energy Strategy shall be prepared and submitted as part of the reserved matters details and shall be in accordance with the Sustainability and Energy Statement prepared by Daedalus Environmental and dated May 2023. It shall include measures to ensure a reduction in CO2 emissions across the site measured against the relevant Target Emission Rate (TER) set out in the Building Regulations 2010 (as amended) (Part L). The development shall be carried out in accordance with the approved Sustainable Energy Strategy unless otherwise agreed in writing by the Local Planning Authority.

28. No development [(including demolition)] shall take place until: (i) An archaeological Written Scheme of Investigation (WSI) been submitted to and approved in writing by the Local Planning Authority; and (ii) Any necessary safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the WSI have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the Local Planning Authority.

    The development should be carried out in full accordance with the approved details within the WSI.

29. No development shall take place until a Waste Management Plan is submitted to and approved in writing by the Local Planning Authority. This plan should demonstrate that waste generated during the construction, demolition, and excavation phase of the development is limited to the minimum quantity necessary; and opportunities for re-use and recycling of any waste generated are maximised. The Waste Management Plan should be implemented as approved.

30. Prior to occupation of the first dwelling, relevant details shall be submitted to and agreed in writing by the Local Planning Authority that either of the following is acceptable:

    i). Surface water drainage or disposal capacity exists off site to serve the development; or

    ii). A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water. Where a

development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or

iii). All surface water network upgrades required to accommodate the additional flows from the development have been completed.

31. Prior to the commencement of any works above slab level of any of the dwellings hereby permitted the materials for all hard surfaced areas including any roadways, pavements and footway/cycleways, fences and walls (with typical elevation sections including straights and where there are changes in alignment supplied for both including any coping details, decorative brickwork and piers etc.), shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed in accordance with the details as approved. All soil and vent pipes and other flues shall be dark coloured. All electrical meter boxes shall be painted or otherwise coloured to match closely the colour of the facing brickwork or render wall as appropriate.

32. Prior to occupation of the first dwelling hereby permitted a long-term management and maintenance scheme to provide for hard and soft landscaping future maintenance in perpetuity for public areas shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the long-term management and maintenance of all shrub, grasses and tree planting in public areas which includes all public open spaces, drainage basins and play areas, and the maintenance of other public facilities including benches and bins and other elements of hard landscaping and public infrastructure works. This shall be implemented and retained in accordance with the approved scheme thereafter.

33. No development hereby permitted shall commence prior to written confirmation from the Local Planning Authority that the requisite allocation of Suitable Alternative Natural Greenspace (SANG) has been secured by the applicant at Naishes Wood, Church Crookham or within such other SANG area as may be approved by the Local Planning Authority as SANG for the purposes of Waverley Borough Council's Thames Basin Heath Avoidance Strategy (adopted July 2016 or such subsequent revision thereof as may be adopted).

34. a) The approved Tree Replacement Strategy reference 10542 PAIA 15 (1/2) and (2/2) shall be implemented prior to occupation of any dwelling and post completion of the necessary highway improvements works on Keepsake Close and Cascade Way. Any alternative replacement strategy shall first be submitted to and agreed by WBC before development commences and thereafter implemented prior to occupation and post completion of the necessary highway improvements..

b) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed, damaged or dies, another tree of the same species and size as that originally planted shall be planted at the same place in the first planting

season thereafter (30 November – 28 February), unless the Local Planning Authority gives its written consent to any variation.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

John Litton KC of Landmark Chambers	Instructed by Turley Consultants
He called	
Joanna Ede	Turley Planning Consultants
Philip Bell	Motion Consultants Limited
Simon Packer	Turley Planning Consultants

FOR THE LOCAL PLANNING AUTHORITY:

Mr Robin Green of Cornerstone Barristers	Instructed by Waverley Borough Council
He called	
Robert Petrow	Petrow Harley Limited
Christopher Sampson	KLW Limited

INTERESTED PARTIES:

John Schonegevel
Tersia Hopkins
Joan Oldroyd
Rebecca Clear
Catherine Keeble
Julian Minto
Tony Haslam
Trevor Free
Mr Tilbury
Mr Howell
Mr Milton
Mr Edge
Councillor Powell
Councillor Cockburn
Councillor Beaman

DOCUMENTS SUBMITTED AT THE INQUIRY

Running order of Interested Parties from Abbey View

Appellant's Opening Statement

Opening Statement on behalf of Waverley Borough Council

Submission by Mr Tilbury, Farnham Town Council

Objection on behalf of the Open Spaces Society

Submission by John Schonegevel

Weight to be given to benefits/disbenefits

Submission by Tersia Hopkins-Sarai

Planning appeal inquiry statement of Cllr Catherine Powell

Representation submitted by Stewart Edge

Updated Allocation site delivery table

Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3)

Assessing landscape value outside national designations

Surface Water Flood Risk Update

Submission by Mr Trevor Free

Submission by Joan Oldroyd

Submission by Rebecca Clear

Submission by Catherine Keeble

Submission by Julian Minto

Details of residents for site visit

Evidence note of Ms Ede

Site Visit Itinerary for 13 February 2025

Email note from Natural England dated 10 February 2025

Closing submission on behalf of Waverley Borough Council

Closing submission on behalf of Appellant

Updated Noise Impact Assessment dated 12 February 2025

APPENDIX
3



Planning Inspectorate

Appeal Decision

Hearing held on 25 & 26 March 2025 and (online) 19 May 2025

Site visits made on 25 & 26 March 2025

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Appeal Ref: APP/Z3825/W/24/3350094
Land to the West of Storrington Road, Thakeham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Bellway Homes Ltd (Strategic Land) against the decision of Horsham District Council.
- The application Ref is DC/24/0021.
- The development proposed is demolition of existing buildings and the phased redevelopment of the site as a residential led development comprising 247 dwellings and flexible non-residential floorspace (Use Class E), with works to public right of way and associated landscaping, open space and infrastructure.

Decision

1. The appeal is dismissed.

Applications for costs

2. Costs applications were made by the parties against one another. These applications are subject of separate decisions.

Preliminary Matters

3. The signed *Highways Statement of Common Ground* (Highways SoCG) and *Statement of Common Ground 1 – General Matters* (SoCG), received on 21 March 2025, clarified the remaining areas of dispute between the main parties. Following the submission of information with the appeal, the main parties agreed[1] that the second reason for refusal was no longer relevant and the Council did not seek to defend it.

4. Through its *Addendum Statement of Case* (Addendum SoC), the appellant highlighted that an update to the National Planning Policy Framework (the Framework) in December 2024 (paragraph 175) and changes to the Environment Agency's Flood maps in January 2025 necessitated the submission of a sequential test. The *Flood Risk Sequential Test Report*[2], Addendum SoC and other Hearing Documents[3] were consulted upon following the adjournment of the hearing on 26 March 2025. The Council and interested parties were invited to comment on the additional evidence so as to avoid prejudice.

[1] As per the Highways SoCG
[2] Hearing document 1
[3] Hearing documents numbered 2 – 5 inclusive

5. A draft version of a unilateral undertaking (UU) was received on 12 March 2025. A further alternative draft was received on the 24 March 2025 and was discussed at the hearing. A completed UU, dated 7 April 2025, was submitted. The Council and West Sussex County Council (County Council) also provided Community Infrastructure Levy (CIL) Compliance Statements in respect of the various obligations. Insofar as the UU secures a 35% provision of affordable housing and infrastructure contributions in relation to the second reason for refusal, these aspects fell away. I consider the other sustainable transport related obligations within the UU further below.

Main Issues

6. The main issues in the appeal are:

- whether the scale and location of the proposal accord with the development plan;
- whether the proposal would be sustainably located in relation to facilities and services to minimise the reliance of future residents on private vehicles; and
- whether the proposed development would be in a suitable location with regard to flood risk.

Reasons

Context of site and settlement

7. The appeal site was previously used as a mushroom growing and processing business which closed at some point in 2022. It comprises around 15 hectares of land, including some open areas to the north, and many largescale buildings in the southern and central portion of the site. Existing dwellings forming part of Thakeham/Abingworth adjoin the southern parts of the appeal site.

8. The appeal proposal seeks to construct 247 dwellings in place of the existing buildings, including 86 affordable homes (35%). A local centre, incorporating flexible Class E uses, would also be constructed in the centre of the site. The main public open space areas, including an orchard and community park, would be located around the periphery of the site.

9. Thakeham (The Street) is an older, smaller part of the settlement to the north and other than a modest number of dwellings, accommodates a church and public house. The settlement of Thakeham/Abingworth is separated from Thakeham (The Street) by a section of Storrington Road which exists within a cutting and which is relatively narrow with high banks either side. There is no footway along the carriageway edge, though a public right of way (PROW) connects the two parts of the settlement.

10. Whereas much of the settlement previously centred around Storrington Road, Thakeham/Abingworth has materially expanded over recent years. Abingworth Meadows was developed on the site of a former nursery as part of an enabling development linked to the former mushroom business on the appeal site and extended the settlement by around a further 200 dwellings in an easterly direction.

11. As part of the Abingworth Meadows development, a number of other areas of open space, a village hall and café have been developed. The cafe also hosts a small area for general top-up shopping purposes which is available during its opening

hours, broadly during the working day on weekdays and part of the day on Saturdays.

12. There are sports pitches within Thakeham/Abingworth which host a number of club activities. Allotment gardens are also yet to be constructed. There is also a small animal vet practice operating from a unit adjacent to the café. A pre-school building sits to the south of the Abingworth Meadows development but has not operated recently and whether it will reopen is as yet, uncertain. Workshops which were proposed within the Abingworth Meadows development have not yet been developed due to a lack of demand and exploration of potential alternative uses are currently ongoing.

13. To the south and around 1.3 km away is the separate small town/large village of Storrington. The north-eastern area of Storrington contains 'Thakeham School' and an adjoining secondary school. On leaving Thakeham/Abingworth and heading in a southerly direction, the road descends and winds through a cutting which allows for two-way traffic but is absent of footways. The footway resumes around halfway between the outer edges of Thakeham/Abingworth and Storrington.

14. In a wider context, West Chiltington and West Chiltington Common are separated from the appeal site by fields, over which passes a PROW. The alternative routes by rural roads to West Chiltington/Common are in excess of around 2km. The key settlement of Horsham is in the region of 16 km to the north.

Scale and location

15. In policy terms, the development plan currently includes the Horsham District Planning Framework (adopted 2015) (HDPF) and the Thakeham Neighbourhood Plan (TNP) (adopted 2017).

16. Policy 2 of the HDPF seeks to focus development around the key settlement of Horsham and allows for growth in the rest of the district in accordance with the identified settlement hierarchy through an appropriate scale of development which retains the existing settlement pattern.

17. Policy 3 of the HDPF states that development will be permitted within towns and villages which have defined built-up areas. The policy places the combined settlement of Storrington and Sullington within the category known as 'small towns and larger villages' which are settlements with a good range of facilities and services, strong community networks and employment provision, together with reasonable rail and bus services. These settlements are known to act as hubs for smaller villages to meet their daily needs but also have some reliance on larger settlements. West Chiltington Village and Common are classified as a medium village which have a moderate level of facilities and community networks along with some access to public transport, providing some services but leaving some degree of reliance on small market towns and larger villages for a number of requirements.

18. Under Policy 3 of the HDPF, Thakeham (The Street and High Bar Lane (Abingworth)) is collectively classified as a smaller village. The listing of these two separate areas of the village highlights their physical separateness. In general, smaller villages are listed in the Policy as having "*limited services, facilities, social networks but with good accessibility to larger settlements (e.g. road or rail) or settlements with some employment but limited services and facilities or*

accessibility". It is highlighted that residents are reliant on larger settlements for most of their requirements.

19. Policy 4 of the HDPF states that the expansion of settlements will be supported where sites are allocated either within a Local or Neighbourhood Plan and adjoins an existing settlement edge; the level of expansion is appropriate to the scale and function of the settlement type; is demonstrated to meet the identified local housing needs or will assist in the retention and enhancement of community facilities and services; and where its impact would not prejudice comprehensive long-term development.

20. Policy 26 seeks to resist development outside of built up area boundaries (BUABs) other than where it is essential to its countryside location and to meet either the needs of agriculture or forestry, mineral or waste extraction, quiet recreational uses or for some other reason to enable sustainable rural development.

21. The site falls outside of the defined BUAB of Thakeham (The Street/High Bar Lane/Abingworth) and is therefore in the countryside in policy terms. Hereafter, unless where specified, I refer to all areas of the settlement taken collectively as Thakeham.

22. Policy 3 of the TNP covers the appeal site and areas of land to the east and south. Policy 3 of the TNP states that provided that all reasonable efforts have been made to secure an agricultural and horticultural use of the site, the 'Mushroom Site' could be used for one or more of either a recreational use compatible with the countryside location; a solar array use; a light industrial/commercial use and/or tourism use within the existing developed area of the site with the remainder returned to an open agricultural use.

23. In October 2022, the Council published the Facilitating Appropriate Development advice note (FAD) in order to respond to the acknowledged shortfall in housing land supply and to assist in the assessment of proposals outside of BUABs. The FAD enshrines positive support for proposals outside of BUABs where they meet the following criteria:

    - *The site adjoins the existing settlement edge as defined by the BUAB;*
    - *The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;*
    - *The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services;*
    - *The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and*
    - *The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced*.

24. The FAD did not seek to change the categorisation of settlements as set out in HDPF Policies 3 and 4.

25. The Council prepared evidence in support of the production of its emerging *Horsham Local Plan 2023 - 2040* (eLP). This includes the *Settlement Sustainability Assessments,* one from December 2022 and an updated version from July 2024[4].

[4] Local Plan Review – Background Paper - Settlement Sustainability Assessment 2019-2022

Both Assessments note that the level of services and facilities has increased in Thakeham with the recent development of Abingworth Meadows but that the reliance on larger settlements still persists. They note that additional development would generate an increase in unsustainable travel patterns and that an improved bus service would be beneficial. Both versions of the Assessment incorrectly identify the existence of a limited employment provision at Thakeham Mushrooms; which given its closure also means that more out commuting from the village occurs than was previously the case. Overall, there is limited differences in the commentary on the village facilities and services but the 2022 Assessment indicates that the scale and function of the village is 'medium' and the more recent 2024 Assessment indicates that the village should be regarded as small.

26. A key point of contention with the proposal is whether the level of expansion proposed is appropriate to the scale and function of Thakeham.

27. In terms of scale considered numerically, the TNP uses the 2011 Census data for the population and numbers of dwellings within the wider parish. The appellant's evidence focusses on the area more specifically around Thakeham and notes that in the 2021 Census, 585 dwellings were recorded, up 139 dwellings since the 2011 Census. This number excludes the 75 dwellings which have since been completed from Phase 3 of Abingworth Meadows. The Council's evidence on dwelling and population numbers seeks to exclude the addresses within the south of Thakeham parish which are effectively located on the edge of Storrington and functionally linked thereto. I adopt this logical approach. The appellant seeks the inclusion of the dwellings within The Street as part of Thakeham in numerical terms, which is also logical. On the basis of combining the two approaches and including the recently completed dwellings in Phase 3 of Abingworth Meadows, the current baseline figure for numbers of dwellings in Thakeham is around 550 dwellings. A further 53 dwellings[5] (of 65 allocated under the TNP) are also planned for the settlement. Relative to this baseline figure and as is clearly apparent from visiting the village, 257 dwellings would be a very significant increase in scale, particularly in the context of the scale of expansion that the village has already undergone in recent years.

28. The appellant's various assessments[6] point out that some additional facilities exist now that did not exist before the Abingworth Meadows development. However, a removal of employment opportunities (through the closure of Thakeham Mushrooms), closure of the preschool and uncertainty about workshops previously approved in the Abingworth Meadows scheme further detract from the village's ability to sustain its residents without the need to travel to higher functioning settlements by private vehicle. Furthermore, the categorisation of Thakeham as a small village which is said to have 'good' connectivity to larger settlements, such as West Chiltington/Common and Storrington, obscures the reality that the current connectivity is almost exclusively through residents using private vehicles given the very limited bus service and poor walking and cycling routes; a point to which I return below.

29. The proposal includes a Local Centre on the ground floor of Block A which would allow for a retail unit and/or a small number of units of varied uses to be delivered

[5] Including 25 dwellings approved under HDC Ref. DC/20/2577 and 28 dwellings under consideration under HDC Ref. DC/23/2146
[6] as per the *Former Mushroom Farm Site Facilitating Appropriate Development in Thakeham* (Lichfields FAD), the related *Hearing Statement Addendum Input* and further explained at the hearing

in a position visible from Storrington Road. A related letter from Rapleys[7] indicates that the 2021 Census data population of 2,380 individuals is unlikely to generate sufficiently strong or consistent market demand for a convenience store to be viable, but with the appeal proposal, recently completed Phase 3 development and other planned developments, with potential for an initial rent-free period, a convenience store operator would be more attracted to a unit of the size proposed.

30. The Parish-wide population data of 2021 cited in the Rapleys' letter exceeds that relied upon for the population of Thakeham from the Lichfields FAD of 1,467 people. If applying a 2.4 average occupancy increase to the dwellings recently completed in Thakeham and those that are committed and planned by the proposal, a population of 2,380 individuals would still not be achieved and would fall further short of the number expected to attract a convenience store operator. The lack of demand for retail and or similar non-residential floorspace is a reoccurring theme from earlier consents at Abingworth Meadows which has been brought to my attention. These factors suggest that whilst the proposed local centre would be located more favourably than that previously planned and provided in Abingworth Meadows, and despite obligations on the appellant to actively pursue such through the UU, the delivery of this aspect as a means to enhance the sustainability of Thakeham would be uncertain at best.

31. The relative scale and functionality of Thakeham has been compared to other villages like Cowfold and Slinfold in the appellant's evidence. The existing convenience retail provision in at least Cowfold is one notable difference between it and Thakeham. However, the limited detail on the existence, or otherwise, of useable public transport connections or connectivity to larger settlements renders it difficult to make a meaningful analysis about the options available to residents in those other small villages.

32. Another aspect of the appellant's evidence is the extent to which villages contain previously developed land (PDL). Though there are some villages in Horsham that may have large areas of PDL, this has not materially influenced the settlement hierarchy. However, in my view, it does not undermine the policy and evidence base conclusions specifically on settlement scale and functionality and would not preclude the reuse of PDL forming a material consideration where relevant.

33. I have also considered the appellant's suggestion that the scale of Thakeham with the proposal and other planned developments, at around 800 – 900 dwellings should be considered appropriate when compared to other villages that fall into the small village categories. I have also approached the assessment on the more holistic basis being encouraged, however, taking account of the evidence, I consider that the proposal would not be appropriate by virtue of being grossly out of scale with the settlement of Thakeham and its limited existing functionality. The proposed means of altering the function of the settlement are not certain to succeed and do not alter my view in this regard.

34. Accordingly, the proposal entirely conflicts with Policies 2, 3, 4 and 26 of the HDPF and Policy 3 of the TNP. For the reasons outlined above, the proposal would also fail to accord with the guidance in the FAD.

[7] Hearing Document 2

Sustainability

35. In respect of sustainable travel, the aspirations for the HDPF are expressed in Policy 40 which supports developments that promote an improved and integrated transport network, with a re-balancing in favour of non-car modes as a means of access to jobs, homes, services and facilities and, in particular, where they are appropriate and in scale to the existing transport infrastructure, including public transport. Policy 40 also seeks for development to be located in areas where there are or will be a choice in the modes of transport available, and minimises the distance people need to travel and conflicts between traffic, cyclists and pedestrians. The Policy also seeks to deliver better bus and rail services in partnership with operators and increasing opportunities for interchange between the public transport network and all other modes of transport.

36. The introduction to the TNP indicates that despite the building of some housing estates in the 20th century in the south and centre of the village, Thakeham's access to many employment opportunities remains by car, with the network of sunken lanes making walking and cycling difficult. Within the settlement itself, and as agreed in the Highways SoCG, people can walk to the café/shop, open spaces and village hall. A slightly longer but relatively safe walk can be made to the public house and church on The Street via a tarmacadam PROW. The bus stops are also conveniently located on Storrington Road in the village centre.

37. Storrington Road has some sections through the cuttings both to the north and south which are narrow, constrained and, in my view, difficult enough to navigate with due care and attention even in a typical vehicle. Whilst there is no prohibition on cyclists using the road and even assuming that the surface condition could be improved at the outer edges of the carriageways, there is no prospect of them being widened to assist with the perception of protection from vehicles to encourage a greater uptake of purposeful journeys to local destinations. As such, the option to cycle even to Storrington within the carriageway is likely to remain one for experienced cyclists only. Taking an alternative road route via West Chiltington presents some similarly challenging sections and a longer route overall which seems similarly unlikely as a regular commuting option. For similar reasons to that outlined above, the opportunity to walk the most direct route to Storrington along the carriageway edge is unsafe and has limited prospects of being made meaningfully safer.

38. There is a PROW which connects Thakeham with West Chiltington (and West Chiltington Common). There are also PROWs and bridleways that also connect with Storrington Road near the Kingdom Hall from where continuous footways resume towards Storrington centre. A number of improvements are proposed by the appellant to upgrade many of these routes, including[8] upgrading some PROWs to bridleways which allows for cyclists, pedestrians and horses and riders to use them. Some upgrades to all-weather surfaces are proposed, in addition to signage improvements as part of a package of improvement works extending out from Thakeham.

39. However, even assuming no impediment to delivery of any part of the package of improvement works and related signage, my view is that a limited number of journeys would be made using these routes on foot or bicycle for purposeful

[8] Bridleway 2483, Footpath 2405 and Footpath 2448

journeys to work, to shops, leisure destinations or to school. The reasons for the lack of take up would be due to a combination of the journey times along lengthier, indirect routes; undulations along the routes which present a difficulty for some users; the absence of street lighting; and related safety concerns due to their largely rural contexts. In short, in my view, whilst a beneficial package of improvements, they would serve more readily as enhancements to the recreational offer for Thakeham residents rather than offering a genuine choice of useable sustainable travel options to minimise reliance on private vehicles.

40. In terms of bus travel, there are two bus stops within Thakeham, one on each side of Storrington Road. Presently, there is only one service a day operating in each direction. The appellant's evidence[9] indicates that at present, even the Monday to Friday peak buses to Horsham are minimally used, meaning that the TNP is correct to say that residents of Thakeham rely heavily on private vehicles to make journeys out of the village for work or other day-to-day reasons.

41. Through the UU, the proposal includes a contribution towards 'Bus Service Improvements' totalling an amount not exceeding £869,660. The terms of the UU specify that this would include at least a peak hour service to Horsham and Storrington, and three other off-peak services to both destinations. The contribution is to be paid to the 'Bus Service Operator' to fund the improvements through a 'Bus Service Contract' entered into between the Operator and Owner (developer), with the first 50% payable prior to occupation of the 25th dwelling and the balance payable prior to occupation of the 125th dwelling.

42. Looking to the supporting evidence[10], the potential service improvements are listed as Option A or Option B and the maximum contribution figure in the UU is based on the implementation of the more expensive of the two options, Option A, multiplied by 5, being the number of years over which the funded period is suggested to run. However, the UU omits to specify that the service would operate over five years, or that the service improvements would be weekday only and there is no draft contract appended to the UU that clarifies the terms on which such a contribution has been based. Even though there is an opportunity for the County Council to approve the terms of the contract between the Owner and Bus Service Operator, the absence of clarity within the UU on such basic terms presents a material risk.

43. Added to the risk identified above is the arrangements for the final 50% instalment being made when the developer is ready for the occupation of the 125th dwelling, which would be beyond the control of the Bus Service Operator and for which there is limited detail of any anticipated build out projections. Furthermore, as the contract would solely be between the Owner and Operator, any contract failure on the part of the Operator would be for the Owner to seek to remedy, without any terms in the UU to ensure a continuation of service until at least the unspecified end of the term of the contract. These factors all point towards a lack of certainty that the services would even run successfully over an initially funded period.

44. Beyond the funded period of any contract, any services operating would be expected to be either commercially viable with patrons from Thakeham and users from other settlements on the route, for example Barnes Green, or subsidised in full or part by the County Council. The predicted number of bus patrons per day

[9] Report Ref: 2206671-R13, July 2024
[10] Transport Assessment Addendum – WSCC Comments, Appendix B – Ardent, July 2024

outlined in the Transport Assessment is a low figure[11] which was acknowledged at the hearing as not having been updated to take into account the proposed enhanced bus service. It is therefore difficult to quantify the mode shift effect of the enhanced bus service, its wider beneficial effects on changing the behaviour of existing residents, or the likelihood of the service becoming commercially viable beyond any funded period. As such, there is a lack of substantive evidence on which to base any conclusions about the commercial viability of the bus services beyond any funded period. Whilst the appellant points to the lack of evidence from the Council to support that it would not work, the opposite is also true.

45. My attention has been drawn to two appeal decisions which deal with funding towards bus services[12]. In one example, the Local Highways Authority provided evidence that the service would be intended to become commercially viable beyond the initial funding period and would take the responsibility for procuring the bus service. The other example refers to evidenced forecasts that the bus services would be profitable by the end of the build out without the need for subsidy and details requirements within the relevant S106 to manage and monitor bus services, including step-in rights for the Council. Therefore, setting aside the more urban contexts of both of those examples which differ from the appeal site, the evidence and contractual terms offered in both cases appears more robust than what is before me as part of the current appeal proposal.

46. I understand that an Electric Mini Bus and electric vehicle (EV) charging point was approved in association with the Abingworth Meadows development. The appeal proposal, through the completed UU, also seeks to provide a contribution towards the provision and/or maintenance of an Electric Bus or procurement of the service of such, with the contribution to be made to an as yet, unspecified party.

47. However, It became clearer during the hearing that the proposed contribution of £90,000 proposed towards this aspect was not specifically related in scale and kind to the current proposal having, in essence, been lifted from the previous Abingworth Meadows development of a different number of houses and without the application of any indexation uplifts since that point in time, nor specifically related to the current projected costs of such. The amount of the contribution was indicated as being ‘reasonable’ in the view of the appellant, but what it could achieve in terms of additional capacity and private vehicle trip offsetting is unclear, particularly given that the previously approved similar service which has influenced the contribution is not yet operational, some years since it was expected to be delivered and long after the occupation of the completed development.

48. A further obligation seeks to provide an electric car club and charging infrastructure for the benefit of residents. Whilst electrifying the mode of transport would be beneficial to reduce carbon emissions, such trips would still involve the use of a vehicle rather than specifically assisting with a shift towards non-car modes of travel. The UU also offers £250 per dwelling in the form of travel vouchers to be used in accordance with the terms of a Travel Plan towards either bicycles or subsidised bus travel. In addition to service improvements and vouchers for such, there would be some improvements to the bus stops in the village, including the provision of digital bus service information boards.

[11] Transport Assessment, Ref 2206671-R03A, para 6.14 and table 4.2 indicate 11 additional bus trips
[12] APP/V1505/W/23/3325933 and APP/T2350/W/19/3221189

49. I have considered the appellant's point that Thakeham has been found suitably sustainable for the total 65 no. dwellings as allocated under the TNP and with related supportive comments from the Local Highway Authority that contradict the finding that the site is unsustainable for the current proposal. The approach under the HDPF is based on the scale of new development being appropriate to the transport infrastructure and choice in the modes of transport available or proposed. The scale of the proposal, at 247 dwellings, would present a significant additional number of residents with a real lack of genuine choice as to how to access everyday facilities and employment destinations both now and in the future; a point supported by the objections from Active Travel England.

50. Taking into account all of the above, the proposal would not be sustainably located to minimise the reliance of such a high number of future residents on private vehicles and would not robustly secure appropriate realistic or attractive alternative travel choices to mitigate against the serious resultant harm, contrary to the aforementioned HDPF settlement strategy policies and Policy 40 of the HDPF.

Flood Risk

51. The Flood Risk Assessment (FRA) submitted with the appeal application acknowledged that the Environment Agency (EA) online flood risk maps show nominal amounts of pluvial flooding originating from within and around the site, albeit no pluvial flows entering the site from adjacent land. The related finding was that, even in light of the acknowledged risks, the development was at a low risk of flooding from pluvial sources.

52. The evidence also suggests that the small areas of the site known to be at risk of flooding from pluvial sources are due to the very presence of the buildings and hardstandings on site, rather than any underlying geological reasons. Through the development and the implementation of a Sustainable Urban Drainage system (SUDs), these localised areas of pluvial flood risk would no longer exist. The Council did not refuse the development on the absence of proof that there were no sequentially preferable sites in flood risk terms and did not disagree with the FRA's conclusion on the level of risk of pluvial flooding given the characteristics of the site. Whilst not explicitly documented in its Officer Report or SoC, the Council indicate that the factors influencing the flood risk was applied and negated the need to refuse permission or seek further information on sequentially preferable alternatives.

53. The suggestion in the appellant's Addendum SoC is that the update to the Framework in December 2024, in addition to the updates to the EA online mapping, intensified the degree of flood risk from pluvial sources and elevated the matter to one that necessitated the submission of a sequential test. This reasoning differs from that in the *Flood Risk Sequential Test Report*[13] (Sequential Test Report) which indicates that the need arose in light of a number of recent appeal decisions, albeit these were not provided. Nevertheless, in the interests of comprehensiveness, I do not find a reason to disagree and have considered the submitted Sequential Test Report and related evidence.

54. Having communicated its intentions as to the methodology for such with the Council in February 2025, the appellant submitted the Sequential Test Report the day prior to the opening of the hearing and an update to the same during the

[13] Hearing document 1

hearing itself. The Council's Addendum SoC raises issues with the methodology used, specifically in relation to the alternative sites needing to identically accommodate the proposal of 247 dwellings, with a trajectory to allow completions from 2026 and to share the characteristics of having buildings and hardstandings present, i.e. not largely greenfield in nature. Having regard to the Framework, the Mead judgement[14] and other proffered appeal decisions[15] on this aspect, my view is that the approach taken in respect of site characteristics, the need for an identical fit and closely aligned trajectory are overly prescriptive, such that sites have been too hastily discounted from the appellant's search that may be considered sequentially preferrable in flood risk terms.

55. Of those that the Council highlight in its Addendum SoC referenced from the appellant's evidence and the SHELAA[16], at least one site[17] could be considered sequentially preferable insofar as it has no flood risk constraints and would accommodate the development. That site has specifically been discounted because it does not share the characteristics of the appeal site in relation to the presence of buildings and hardstandings. However, in my view, this is not a robust reason to discount the site. Such an approach may lead to sites at higher risk of flooding being chosen over those at lower risk purely on the basis of the presence of built structures, which cannot always secure the most sustainable or logical outcomes.

56. The Council also consider three other sites or clusters of sites to be sequentially preferrable[18], though correspondingly small areas of similar risk of surface water flooding are present in each. As such, even if there are greater prospects of those sites being developed without buildings or site accesses over those areas of flood risk than when compared to the appeal site, I have taken them at face value as being equivalent to the site in flood risk terms.

57. Nonetheless, on the basis of the evidence, I find there to be at least one other sequentially preferable alternative site to the appeal site and thus, the proposal conflicts with paragraphs 170 and 175 of the Framework in flood risk terms.

Other Considerations

58. The SoCG outlined that as at an agreed base date of 1 April 2023, the Council was only able to demonstrate a 2.9 year supply of housing land against the minimum five year requirement under the Framework. The SoCG also outlines that the Council's performance against the Housing Delivery Test for the previous three years was 62%[19]. The Addendum SoCs of both parties cover aspects of the changes that occurred with the publication of the updated Framework in December 2024. The appellant highlights the materially increased housing requirement for the district of 1,357 dwellings per annum, plus 20% buffer using the Framework's standard method. The Council also acknowledge in its Addendum SoC that it can now only demonstrate a 1 year supply of housing land against the new requirement which means a shortfall in the order of 6,700 dwellings or more.

[14] *R (Mead and Redrow) v SoS LUHC [2024] EWHC 279 (Admin)*
[15] Appeal refs 3314268 and 3326187
[16] Horsham District Council Strategic Housing and Economic Land Availability Assessment (SHELAA), 2018
[17] *Site SA-497: Land East of Hampers Lane, South of Rock Road, Storrington*
[18] *Site SA-639: Land off Fryern Road Storrington*, *Site SA-520: Land at Oast House Farm, Ashington* And *SA-384, SA-499 & SA-469: Cluster at Rock Road/Storrington Road, Thakeham and Storrington*
[19] HDT results 2023, published in December 2024

59. In its Addendum SoC, the Council also indicated that progress on the eLP had halted in early 2025 and would not be likely to resume in the near future. As such, the Council state that no weight should be attached to the eLP's emerging policies.

60. Part of the reason for the acute housing land supply position and delays with the eLP stem from water supply issues in the Sussex North Water Resource Zone (WRZ), which is an area of serious water stress and which has implications for the Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites (the Protected Sites), designated under the Habitats Regulations[20]. A strategic mitigation scheme is being developed that the Council and partner organisations hope will be implementable in the near future.

61. In light of the submitted *Water Neutrality Report*[21] and *Shadow Habitats Regulations Assessment*[22], the main parties agree that conditions could be used to ensure that the scheme would be able to offset the previous land use and/or utilise an on-site borehole. As this would avoid water being drawn from the WRZ and would not rely on the strategic mitigation scheme, the development proposed would be water neutral and would thus avoid adverse effects on the Protected Sites.

62. The appeal site and buildings were previously used for the production of mushrooms which is an agricultural operation and which is excluded from the Framework's definition of PDL. The Council has clarified an erroneous statement in its SoC that the reuse of PDL weighs in favour of the scheme, which in fact does not apply in this case. However, the site is large, has some brownfield characteristics and there would be some aesthetic enhancements from the removal of the buildings and replacement the new scheme.

63. The appellant raises the point that there would be consequences beyond the denial of the boost to housing supply if I were to dismiss the appeal. These consequences include the need to maintain costly 24/7 site surveillance to prevent antisocial behaviour, the continued dereliction of the site, the lack of potential for the site to be reused in a similar manner to its former use, and the reintroduction of a significant number of HGV movements through Thakeham in the event that a similar processing operation were able to recommence. I have taken these factors into account.

64. I have also taken account of the representations made by interested parties in support of the scheme that highlight its ability to help meet housing needs, the aesthetic improvements from replacing the existing buildings, improvements to walking routes and planting of many trees. These representations are far fewer in number than those in objection to the scheme, but that does not undermine the validity of the points raised.

Planning Balance

65. I have found that the proposed scheme would conflict with the spatial strategy of the HDPF and TNP in relation to its nature, substantial scale and poor relationship to facilities and services, particularly by sustainable modes of travel. The proposed facilities within the scheme, improvements to various PROWs, bus service improvements and associated travel plan measures could not overcome the

[20] As designated under the Conservation of Habitats and Species Regulations 2017, as amended
[21] Quantum CE, February 2024
[22] Aspect Ecology, February 2024

locational disadvantages of the site or materially reduce the reliance on private vehicles. I also find that there are sequentially preferable sites in flood risk terms, which is a further harm that weighs against the scheme.

66. The HDPF housing targets are now inconsistent with the standard method required by the Framework. The under delivery against the HDT and current undersupply of housing land deems these related policies out of date under the terms of the Framework in any case. The TNP is also over five years old and no longer benefits from the protection of paragraph 14 of the Framework. Accordingly, Policy 3 of the TNP attracts reduced weight, as too do the specific aspects of policies 2, 3 and 4 of the HDPF that seek to constrain development specifically in relation to BUABs, policy allocations and a rigid spatial strategy.

67. However, the Framework requires, in paragraph 110, that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, taking into account the differences between urban and rural locations. Policy 40 of the HDPF promotes this approach and therefore attracts full weight. Policies 3 and 4 of the HDPF also advocate that development should be appropriate in terms of scale and function to the settlement to which it would adjoin. These aspects are relevant to how much people need to travel and what transport modes are, or can be made available to them and are fundamental principles of sustainable development, seeking to ensure developments are of an appropriate scale, type and location. Accordingly, Policies 2, 3 and 4 of the HDPF are still capable of attracting moderate weight. Given my findings, these conflicts and the associated harms weigh substantially against the proposal.

68. There would also be a number of benefits from the scheme to balance against the harms. Clearly, the provision of 247 homes would make a significant contribution towards meeting the critical housing shortfall in the district. The site is owned by a developer already locally present that would seek to commence building homes without delay. Future policies under the eLP that may advocate a planned approach to meeting housing needs are also some way off. As such, this aspect attracts substantial weight in favour of the scheme.

69. The main parties agreed that the need for affordable housing in the district of Horsham is pressing. Of the 247 dwellings, 86 would be affordable tenures, comprising 5% would be First Homes, 25% would be shared ownership dwellings and 70% would be affordable rented dwellings. This contribution to affordable housing as a component of the scheme attracts substantial weight.

70. The scheme would deliver spaces for new flexible Class E uses which could serve a range of purposes and add to the facilities and services available to both new and existing residents. New residents, and the longer-term economic and social input to the area, would also help to support existing community infrastructure. Short-term economic benefits through the construction industry would also flow from the scheme. Collectively, I attach moderate weight to these benefits.

71. The provision of open space of a broad range of typologies and secured by way of planning obligation, would also be a benefit of the scheme that attracts moderate weight in favour of the proposal.

72. The scheme would deliver a range of upgrades to the surrounding PROW network, footways and bus stops. The combination of these measures would be

advantageous for future and existing residents of Thakeham. Future residents could also beneficially apply for travel vouchers and access an electric car club.

73. Though potentially desirable, the certainty of delivery and maintenance of the bus service improvements that could be used by the public at large is in doubt both during any period of a funded contractual arrangement and beyond any such period. Consequently, I afford very limited weight to this aspect of the scheme. Similarly, the lacking clarity on the intention for and scope of the electric bus contribution results in very limited weight being attached to this aspect of the scheme.

74. I note that the scheme would deliver a Biodiversity Net Gain in the order of at least 12% and the planting of 300 trees throughout the site. These are modest benefits of the scheme. The scheme would also be well-designed and would incorporate energy and climate change resilience measures through building fabric and fittings, which along with the aforementioned aesthetic enhancements from removal of the existing buildings, attract additional weight in favour of the scheme.

75. The appellant advances that the total Community Infrastructure Levy receipts that would be generated by the scheme would be in the order of £2.7 million. As this is intended to fund infrastructure improvements to accommodate new development in the area, it does not attract more than limited weight. For similar reasons, the avoidance of other harms is of neutral impact, neither weighing for or against the scheme.

76. The provisions of paragraph 11 d) of the Framework are engaged in this instance. The footnote 7 policies of the Framework that protect areas or assets of importance have been considered in this case. The ability to secure a bespoke water neutrality package and avoid adverse effects on the integrity of the Protected Sites does not equate to a strong reason for refusal.

77. Though there are conflicts with the flood risk objectives of the Framework, for the reasons outlined above in relation to the characteristics of the site, the nature of the risks and anticipated resolution to such through the development itself, this does not represent a strong reason for refusal under footnote 7.

78. Under Framework paragraph 11 d) ii), consideration must be given to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Having given due regard to these matters, in particular the need to direct development to sustainable locations, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the totality of the benefits outlined above.

79. Taking account of the above and the other points advanced in favour of the scheme, there are no considerations of such weight that indicate that a decision should be taken other than in accordance with the development plan, when taken as a whole.

Conclusion

80. For the foregoing reasons and taking all other matters into account, the appeal should be dismissed.

H Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Hashi Mohamed	Counsel instructed by Julian Goodban
Julian Goodban	Regional Planning Director - Bellway Homes
Madeline Anderson-Wood	Strategic Land and Planning Manager - Bellway Homes
Andrew Braun	Associate Director - Ardent
Bethan Haynes	Associate Director - Lichfields
Kieran Wheeler	Director - Savills
Robert Steele	Director – Savills
Claire Fallows	Charles Russell Speechlys LLP

FOR THE LOCAL PLANNING AUTHORITY:

Jason Hawkes	Principal Planning Officer
Adrian Smith	Majors Team Leader
Stephen Gee	Principal Planner – West Sussex County Highways
Noman Kwan	Senior Neighbourhood Planning Officer

INTERESTED PARTIES:

Andrew Brown	Clerk to Thakeham Parish Council
Philip Heims	Local resident
Alan Manton	Ward Councillor for Thakeham
Caroline Instance	Local resident
Chris Jones	Local resident

HEARING DOCUMENTS:

Document 1	Flood Risk Sequential Test Report dated March 2025
Document 2	Letter from Rapleys dated 24 March 2025
Document 3	Letter from Aspect Ecology dated 24 March 2025
Document 4	Updated draft planning obligation and accompanying plans 1 – 4
Document 5	Comparison draft planning obligations

Document 6	Motion Transport Assessment on behalf of Thakeham Parish Council (reprovided)
Document 7	Flood Risk Sequential Test Report: Update Note
Document 8	Completed UU dated 7 April 2025
Document 9	West Sussex CC response dated 24.04.25
Document 10	Email from PROW officer
Document 11	Council SOC Addendum with appendices
Document 12	Letter from Principal Ecology Consultant
Document 13	Inspectors findings on emerging Local Plan
Document 14	Representation from Chanctonbury CLT
Document 15	Representation from A Edge
Document 16	Representation from P Fung
Document 17	Representation from L Gould
Document 18	Representation from M Hall
Document 19	Representation from J Hammond-Wyatt
Document 20	Representation from K Hardman
Document 21	Representation from B Hough
Document 22	Representation from C Jenkins
Document 23	Representation from C Jones
Document 24	Representation from M Oliver
Document 25	Representation from K Shuttlewood
Document 26	Representation from U Suter
Document 27	Representation from Thakeham Parish Council
Document 28	Horsham District Council CIL Compliance Statement
Document 29	Horsham District Council Infrastructure Funding Statement
Document 30	Horsham Council CIL Charging Schedule
Document 31	West Sussex County Council CIL Compliance Statement

DOCUMENTS RECEIVED AFTER THE HEARING:

Document 32	Council’s response to appellant’s costs application
Document 33	Appellant’s response to Council’s costs application

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