RESPONSE TO THE LPA STATEMENT REF APP/Z3825/W/24/3344901

By Philip Orpwood FRICS(ret) trustee and Hon. Estates manager to the Norbertine Order

I wish to reply to the planning authorities 52 page statement. The council have expanded upon their reasons for refusal and provided additional evidence in support. I will respond in the same order they have used.

1. The plan of the appeal site and planning history they describe is inaccurate and distorted. Firstly the declared conservation area keeps being moved and is not supported by our Parish Council. I believe that to now include an electricity substation, a tarmac road, a second row of leylenddi trees and encroach upon our Priory Fields is purely to give the LPA more power. Originally the conservation area was extended to include our Matt's Wood following our volunteers re-wilding project. There is no need or logic in extended it to include the substation, access road, a second line of trees and now part of our Priory Fields. I attach **appendix A** showing on plan 2 what our Parish Council consider should be conserved. Plans 3 and 4, previous areas claimed as conservation areas. Plan 5 the Parish Council, unlike Horsham District Council have a thorough knowledge of the area and as can be seen from this plan do not consider the views over this land to be of any significant importance or to be in need of protection.

The council then go on to list in support of their refusal a number of appeals that were refused, going back seventeen years. They fail to list the appeals that were upheld. Such as appeals against their refusal of DC/19/1446, DC/19/1113 and DC/16/0915. The only consistency is the councils refusal of every thing we propose following our refusal to sell our land at agricultural value to a local developer. The appeals that they list were in fact all dismissed on one major point, the BUAB, however the boundary was set by the council having given false information to the Examiner and the public. I attach **appendix B which** contains the list of reasons given by the council for refusing to promote this site and you will see from your site inspection that every one of these reasons is false. You may also be aware that you have two appeals right now one for six affordable dwellings and another for eight affordable dwellings on this site (APP/Z3825/W/24/3337327 and 3337382). We suggested all three appeals be dealt with together but the LPA I understand objected. However the appendix B has the report by the councils own independent landscape experts that contradicts the councils views, as does the councils own conservation experts. In addition I would wish to point out that the BUAB and the previous appeals were all under an out dated National Planning Policy Framework. It is generally accepted that the planning system is broken and a new NPPF is now proposed. This will promote sustainable sites, ecology and accept that development boundaries will have to be extended. The council have failed to reach anything close to the targets set in their now outdated development plan. Only 43% of the target in our area and 61% in the district as a whole, so those refusals are no longer relevant to this appeal. **See Appendix C.**

2. The councils description of the works is not correct. There is no infilling of open frontage or the erection of a roof shelter to the east elevation. The roof shelter is existing and was approved on appeal after an earlier refusal by the council. The infilling is in fact the removal of existing insulated metal security doors being replaced by windows.

The area of this site is a regularly moved lawn used for recreational purposes and is surrounded by existing development on three sides and a tarmac access road on the forth side. The term countryside is therefore, in my opinion, misleading. There is provision both in the NPPF and the councils own policies to convert unused agricultural buildings. This building will be unused when we are forced to stop our re-wilding and return the machinery that has been loaned to us over the years. The barn in fact is not just for agricultural purposes it is our volunteers shelter and muster station. Without any windows will be unable to use the first floor and we will have to abandon our work and disband our volunteers. The councils statement claim their decision has been based upon relevant policies, but that does not appear to be the case. We believe the council are not always aware of what their polices are and deny or misrepresent their policies to suit their wishes. I would welcome the opportunity to present the evidence, but I am instructed this is not permissible within the written procedure. I will therefore quote and reflect on some of those policies.

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Policy 1. Policy 1 starts by saying they will take a positive approach that reflects the presumption in favour of sustainable development. **This therefore suggests support for our application.**
Policy 2. States, ensuring the needs of the community through sustainable growth-allow growth in district-Bring forward mixed opportunity-support sustainable settlements-manage development to protect rural landscape-guide development to form strategic green spaces-encourage the effective use of land-have flexible policies-provide varied housing needs. **Again if anything this supports our application.**
Policy 4. Growth of settlement boundary will continue to be supported where
a/ adjoin the existing settlement boundary. **Our application does**.
b/ level of expansion appropriate. **It is. Only 43% of housing target has been met.**
c/ development is needed. **It is see above.**
d/ not prejudice long term . **It does not and will not.**
e/ development is contained within an existing defensible boundary. **Very much as our proposal is on a site surrounded by existing development with well establish trees and enclosure helped by the topography.**
Policy 26. a/ Support the needs of agriculture and forestry. **It will not only help us with our re-wilding, but when a scheme is approved we can incorporate more planting of trees and hedgerows in the area once said by the previous head of planning at Horsham to be suitable for development.**
b/ provide quiet informal recreational use or areas. **With our Matt's Wood next door this could hardly be better provided.**
c/ be sustainable. **Unlike other sites proposed this is not only the most sustainable but also up wind of the polluted area. Medical centre, shops, garage, church, museum and library are all in easy walking distance.**
d/ must be appropriate scale importance of ecology-tranquility-woodlands-fields-landform.
Our track record speaks for itself. We will still own Matt's Wood and our Catholic cemetery that encompass the proposed site. After twenty year of improving the biodiversity and ecology we are not going to do anything to harm our work or the character of the area. We simply wish to make most efficient use of our land.

If one reads the LPA policies and the NPPF it will be seen that in fact they support our application.

There is no prohibition against development outside the BUAB and indeed when it suits the council frequently allow such developments even when on land liable to flood or in what they previously described as a strategic finger of green. The public understandably question these strange and conflicting decisions of the council. However with regards our site, none of the experts agree with the councils views on the level of harm. You will see this from the Landscape report and previous comments. To quote the councils own expert "The visual harm would be minimal due to the topography and the well established trees and boundaries". This was in response to a proposal to build four large detached houses not just fit windows into a barn to allow a change if use. (See appendix B).

The LPA say the proposal would be in breach of the following;-

Policy 25 says the LPA will support development that enhances landscape -maintains and enhances green infrastructure. **So they should be supporting us!**
Policy 32. Al**l five points very much would be what we have in mind as can be seen by our track record. Appendix D**
Policy 33. Requires applicants to make efficient use of land. (**Soil so poor three famers gave up free use for grazing).**
Policy 14 (SS&W 2019) . **Again all very much in support of what we are doing and propose or are not relevant.**

This application did include an ecological report, one of four in fact over the past 15 years. Not one report found anything of importance. In my opinion the LPA requirements are in breach of NPPF section 44. There is no increase in the foot print of the existing building and all works would be to the inside of the existing structure. In addition, together with our volunteers, we have

been actively improving the ecology and biodiversity of our land whilst being very much involved with the local community. We have planted well over 4,000 trees and hedgerow whips. We have dug out a clay pond and provided purpose built homes for many species. We have involved the youth in our projects and allowed them to make use of our land. No other development that our council have promoted has re-wilded nearly 75% of their land let alone then allowed the public access to nearly two thirds of that re-wilded land. Is a fifth ecological report in 15 years really justifiable at this stage? It could be made a condition that yet another ecological survey be undertaken and any works or precautions noted are complied with. It should be noted that originally the ecological surveys lasted three years, then two years and was only recently reduced to 18 months. Our ecological report was one year and eleven months old!

The LPA have already given approval to schemes based on water meters, use of low water usage equipment showing a reduction to I believe it was 45 litres per person per day. Under the current plan it is 110 litre. In addition the LPA have said they will make available a water offset payment, but this has yet to be published. Under the NPPF permission should not be refused if it can be made acceptable by imposing a condition. Having stated that an offset may be purchased it is unreasonable not to make this a condition just because they have not yet worked out what to charge!

The councils refusal is really on one issue, that being the harm to the area. They raise two new points however. Firstly in 3.5 they suggest they know better than the experts in their own conservation department and their own independent Landscape Experts. Then in 3.9 and 3.10 the councils conduct. They claim the council has responded to complaints of dishonesty, incompetence and abuse of power. If one considers an acknowledgement of an email or saying they have total faith in their staff or this is up to the Ombudsman, then yes they have responded. At no time however have they investigated complaints or apologised for their errors. Right now they have refused a freedom of information request as to how many applicants they have defrauded by making false claims regarding fictitious requirements. That is now with the Information Commissioner's Office. The Ombudsman say they will not investigate dishonesty, incompetence, abuse of power or corruption in LPA's as there is a right of appeal to the Planning Inspectorate. I can say that the LPA have made numerous false claims and showed a lack of knowledge of their own rules ever since we refused to sell our land at agricultural value to a local developer. Once again I would welcome the opportunity to show the Inspector our proof, but have been instructed that this is not admissible under the written appeals procedure. The appeal that the LPA refer to, APP/Z3825/C/21/3276563&4 was out sourced by the Inspectorate to a self employed individual with no planning, ecological or architectural qualifications whatsoever. According to her web page her main work was for local authorities as a mentor, consultant and monitoring officer in local government, hardly impartial. She arrived on site with the councils enforcement officer, having met him in advance. The enforcement officer then misled her during the site inspection regarding the boundary of the National Park. I am advised she is no longer used by the Planning Inspectorate.

I do not consider the councils grounds for refusal have anything to do with planning policies whatsoever. It is clear that not only do these policies applaud what we have done and what we are doing, but they support us. Of the three grounds for refusal only one really has any real relevance with regards this application and that is harm to the character of the areas. That issue is very much a matter of opinion not of fact. However what is very clear is that the work we have done and are doing is approved and to be supported according to central government and supposedly to be supported by our District Council. All the experts disagree with the planners or do not support their views. None objected to our proposals, not one considers there would be undue harm and most say there would be no harm. A view supported by local opinion, supported by our petition regarding the barn windows in respect of the Appeal quoted in the LPA statement 3.10. Only the planning department claimed our windows were harmful and again not supported by the experts, local opinion or common sense. **See Appendix E.**

With regards LPA statement 3.5 I am confident and able to demonstrate that the Council's evidence is flawed and undermined by expert and public opinion. I would have wished to

include a local petition and a Landscape and Visual Technical Report we had commissioned from the councils own independent Landscape experts in March 2020 had I anticipated it would support my appeal. Unfortunately, I am prevented from doing so at this juncture under the written representations procedure which forbids its admission with final comments. I will of course welcome an opportunity for it to be seen and considered by the Inspector should they be willing to exercise their discretion and accept on the basis the Council may also then have an opportunity to comment on it.

Appendix B-C-D and E have had to be excluded as inadmissible under the written procedure rules.

I hope that the Inspector will support our appeal and agree with local opinion and all the experts and not with the Councils planning department (note para 2.2).

Thank you. Philip Orpwood FRICS(ret)

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