

Chichester District Council

Cabinet

7 June 2022

Public Questions and Answers Sheet

Question from Mr Andy Sargent:

A number of residents who attended the planning appeal for the Church Road Wittering Appeal were concerned that Officers were not sufficiently briefed and subsequently the planning appeal was won by the developer and costs awarded against CDC. Considering CDC have taken additional funds out of reserves how will CDC ensure that the barrister employed by CDC, planning officers and expert witnesses are well enough briefed for future appeals and specifically for the Pallant Homes sites in Chidham and Hambrook?

Answer from Cllr Taylor:

Thank you for your question, this first thing I would like to say is that this Council has a very good track record for defending its appeals for major development. As of April 2022 the percentage of appeals allowed over a two year rolling period for major development was 1.6%.

In respect of the appeal at Church Road, West Wittering, the case centred on 2 reasons for refusal; the unsustainable location of the site and the impact of the proposed development upon the character of the area. These were the strongest possible reasons for refusal, nonetheless it is recognised that these matters can be subjective and challenging to defend at appeal. I appreciate that local residents had additional concerns about the proposed development, particularly in respect of foul drainage and infrastructure. However, these did not form part of the Councils' reasons for refusal, and therefore it was not possible for officers or expert witnesses to include these matters in their arguments at appeal.

In awarding costs, the Inspector concluded that the decision of the Planning Committee to refuse the application constituted unreasonable behaviour. Whilst the Inspector agreed with the Council that the proposal would result in an adverse impact to the character of the immediate area, she considered that the level of harm would subside over time, and that the harm did not outweigh the other benefits of the proposal. The Inspector did not however agree the site was in an unsustainable location. The Inspector found that the site was in a location with good access to services to meet the day to day needs of residents and an acceptable distance from larger settlements for secondary education provision and additional social and recreation facilities.

The Inspector also did not accept that the Council could demonstrate a 5-year housing supply, despite another Inspector previously agreeing that the Council could. Such inconsistency in the appeal decisions is unacceptable and we are deeply unhappy with this situation. As a result, the Council has written to the Secretary of State setting out the Council's concerns about the lack of consistency. The letter explains that this lack of consistency has resulted in confusion and

considerable difficulty for the Council as to its position, and also that the inconsistency has also caused significant and understandable concern amongst the affected local communities. We are currently awaiting a response to the letter.

As we approach a number of appeals over the summer months, including the Pallant Homes appeal in Chidham and Hambrook, I know officers are working closely with experienced expert witnesses and barristers to ensure that the Council's reasons for refusal are robustly defended.