

Chichester District Council

Planning Committee

01 March 2023

Planning appeal APP/L3815/W/22/3313480 - Land South West of Willets Way Loxwood West Sussex

1. Contacts

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2. Recommendation

2.1 That the Planning Committee;

- i) notes the information within the report, and
- ii) agrees that the Council does not contest the appeal.

3. Background

3.1 In October 2021 planning permission was sought for the '5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping' under application reference 21/02849/FUL. A recommendation was made to the 5th October 2022 Planning Committee to defer for S106 negotiations and then permit. The Planning Committee resolved to defer the decision for the following reasons:

- i) To undertake a site visit to assess;
 - o whether there is likely to be any impact on the listed buildings, and
 - o to understand the how the site has been subdivided, and
- ii) To obtain further explanation on the following matters;
 - o The current five-year housing land supply position, and
 - o Water Neutrality

3.2 An appeal against the non-determination of the application has now been submitted by the applicant and the purpose of this report is to seek the views of the Planning Committee as to how it would have determined the application, had it had the opportunity to do so.

3.3 Additional clarification has been obtained by officers regarding the current ownership of the site and the surrounding land, the water neutrality mitigation and the Council's planning policy officers have since undertaken an assessment of the five-year housing land supply, which was published on the 6th December 2022.

4. Main Issues

- 4.1 The main issue is whether the Council will contest the appeal, following the Committee's site visit, in light of the recommendation within the previous Committee report (see **Appendix 1**) and the additional information and matters of clarification set out below.

Five-year supply

- 4.2 On Monday 6th December 2022 the Council published its most recent assessment of five-year housing land supply for the Chichester Local Plan area, which provides the updated position as of 1 April 2022. The published assessment identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. This compares with an identified housing requirement of 3,350 net dwellings. This results in a shortfall of 176 net dwellings, equivalent to 4.74 years of housing supply.
- 4.3 In the absence of a 5-year housing supply, the 'tilted balance' in paragraph 11 d) ii) of the NPPF is engaged. This means granting permission unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*. Consequently, there is a heightened imperative to deliver more housing to comply with government policy ahead of adoption of the new local plan with its revised housing strategy and numbers.

Water neutrality

- 4.4 Officers, in their assessment of the scheme, found the only impact which would significantly and demonstrably outweigh the benefits of the development, to be that of water neutrality and the consequent likely significant impacts it would have upon a European Protected Site.
- 4.5 The proposal has been accompanied by a water neutrality scheme, which utilises a combination of on and off-site rainwater harvesting measures to achieve a water-neutral scheme. The principle of rainwater harvesting, to achieve water neutrality is accepted by Natural England.
- 4.6 The off-site measures are located at a development at Crosby Farm, Slinfold, Horsham, and involve the installation of a rain water harvesting system utilising below ground rainwater storage tanks, which have been granted approved by Horsham District Council, under non-Material Amendment application reference DC/22/2335 (NMA).
- 4.7 The detailed methodology of the water neutrality scheme has been found to be acceptable by Natural England, who are satisfied the scheme can achieve water-neutrality, subject to securing and implementing the mitigation. Similarly, Officers are satisfied that, following the approval of the NMA application, the proposal achieves water-neutrality and can be adequately secured via a S106 legal agreement and a planning condition for the on-site mitigation.

- 4.8 In light of the above, Officers consider that the Appeal scheme adequately demonstrates it can achieve water-neutrality, subject to securing the necessary mitigation via condition and S106 planning obligation. On this basis, Officers recommend to the Planning Committee that the Appeal is not contested on the grounds of water-neutrality.

Subdivision of the site

- 4.9 The proposal has been assessed against the Council's Interim Position Statement (IPS) which was introduced to support the delivery of sustainable new housing development outside of settlement boundaries, in the absence of a five-year supply of housing. The IPS doesn't form part of the development plan, and whilst it is a useful tool to assess the appropriateness of housing schemes, the inspector for the Chas Wood Nursery appeal (22/3299268) found it '*at best, a material consideration of limited weight meaning any conflict also carries limited and non-determinative weight as a material consideration*'. Therefore, conflict with a small aspect of a single criterion of the IPS wouldn't, in the view of Officers outweigh the proposal otherwise strong compliance with the remaining criterion of the IPS.
- 4.10 Notwithstanding the above, criterion 4 of the IPS requires developments to '*make best and most efficient use of the land, whilst respecting the character and appearance of the settlement*'. As previously set out within the October 2022 Committee report the proposal would result in a density of approximately 29.4 dwellings per hectare, which would be entirely appropriate for this rural edge of settlement location.
- 4.11 Criterion 4 goes onto *advise 'arbitrarily low density or piecemeal development such as the artificial sub-division of larger land parcels will not be encouraged'*. The applicant has confirmed their land ownership comprises solely that contained within the red line of the submitted planning application. The Council has been advised the remaining southern part of the field has been retained by the original owner for equestrian uses, which is accessed via an existing gated vehicular access onto High Street. The dwelling, Mellows, has been sold separately by the original owners, who have retained a right of access to the equestrian land beyond. As such, it is the view of officers that the proposal does not result in a low-density development, with the site comprising a single, developable parcel of land which has not been artificially subdivided.
- 4.12 In considering the above, and notwithstanding any conflicting views that may exist on the proposal's compliance with criterion 4 of the IPS, as explained within the original committee report, the proposal scores highly against the remaining criterion of the IPS and in the light of the absence of a five-year supply, the proposal is considered acceptable, in principle.

Impact on the listed buildings

- 4.13 Following a detailed assessment of the proposals, the Council's Conservation and Design Officer considers that the development would not harm the setting of the listed buildings that front the High Street.

- 4.14 The development would be located to the east of the listed buildings, within the widest possible extent of their setting and thus, would not have an unacceptable impact. The development would not change the principal view of the listed buildings from the High Street, which is the most important contributor to the significance of the listed buildings.
- 4.15 On this basis, Officers consider that the setting of the listed buildings would not be harmed as a result of the development.

Conclusion

- 5.1 In considering the above, and the original recommendation of the case officer's Committee report, the Appeal proposal would result in the provision of housing in a sustainable location adjacent to an existing settlement, without harm to the environment, the character of the area, the setting of nearby listed buildings, highway safety or biodiversity. It can achieve water-neutrality, ensuring the proposal would not have an adverse impact upon a European Protected Site. At this time the Council is unable to demonstrate a 5 year supply of housing, and there are no identified adverse impacts that would significantly and demonstrably outweigh the benefit of the provision of housing. The decision must be based on the current planning policies and national guidance and consequently, Officers recommend that the Appeal is not contested by the Council.

Background information:

The application, and all submitted appeal documents, can be viewed online at: [21/02849/FUL | 5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping. | Land South West Of Willets Way Willetts Way Loxwood West Sussex](#)

Appendices:

Appendix 1: Committee Report for Land Southwest of Willets Way – 05th October 2023 Planning Committee