



---

# Appeal Decision

Inquiry held on 16-19 April and 7 June 2013

Site visit made on 6 June 2013

**by Richard E Hollox BA(Hons) BSc(Econ) MPhil FRTPI FRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 June 2013**

---

**Appeal Ref: APP/L3815/A/12/2179845**

**Land at Park Farm, Chichester Road, Selsey, Chichester, West Sussex, PO20 0NL**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Landlink Estates Limited against the decision of Chichester District Council.
  - The application, Ref SY/11/04954/OUT, was refused by notice dated 21 March 2012.
  - The development proposed is the erection of 50 dwellings, access, landscaping and associated works.
- 

## Decision

1. The appeal is allowed and planning permission granted for the erection of 50 dwellings, access, landscaping and associated works on land at Park Farm, Chichester Road, Selsey, Chichester, West Sussex, PO20 0NL in accordance with the submitted plans, Drawing Nos 11092 MH 01 Rev B, 11092 MH 02, 11092 MH 03 Rev B and SH/02/01. The planning permission is subject to the conditions set out in the Schedule below.

## Procedural Matter

2. A unilateral undertaking under the Town and Country Planning Act 1990 Section 106 is made by the Appellant. It has been taken into account in the determination of the appeal.

## Main Issues

3. From the evidence, 7 main issues arise in the determination of the appeal. They are whether:
  - a) there is a shortage of housing land in the District and, if so, the extent to which it falls short of a 5-year supply, the weight which should be attached to it and the implications of any such shortage;
  - b) the site is in a sustainable location with particular regard to access to services, facilities and employment opportunities;
  - c) the development would cause harm to the landscape, the setting of Selsey and to the wider area;
  - d) the development would result in inconvenience and/or danger on the public highway;

- e) it would overload infrastructure, including for drainage, education and medical services;
- f) it would have an adverse effect on agriculture, particularly agricultural land quality and farm viability; and whether
- g) it would make a useful contribution to the District's supply of affordable homes.

## **Reasons**

### Land supply and other housing matters

4. The main parties have held a number of discussions on this matter and there is now little between them. They agree that the Council's 5 year housing requirement, together with the addition of the 20% buffer to which the National Planning Policy Framework (the Framework) refers at its paragraph 47, is now for 3,444 dwellings. The Appellant estimates that there is a sufficient supply of housing land to last just over 3 years from April 2013, whereas the Council maintained at the start of the Inquiry that there was a supply from that month of 3.75 years. Both estimates were based upon evidence available in April 2013 on the District's housing requirement of 480 dwellings a year set by the South East Plan. In the absence of a recently adopted Local Plan, this Regional Plan is agreed to provide the most appropriate basis at present for a housing target. Land at the King Edward VII Hospital at Easebourne for which planning permissions were granted in 2007 and 2011 for 409 (net) dwellings accounted for much of the difference between the estimates. The Council was confident that all 409 dwellings would be built within 5 years, but the Appellant refers to an application for an amendment to the permission which would have the effect of varying a Section 106 Agreement and questions the rate of delivery to complete the scheme within 5 years.
5. During the adjournment between 19 April and 7 June 2013, the Council re-assessed its housing land supply figures in response to matters raised at an Inquiry concerning housing development at Maudlin Nursery, Westhampnett. This re-assessment is set out in Document 6. It shows a 3.6 year housing land supply which has come a little closer to the Appellant's estimate. It is now reasonable to conclude that there is a 5 year housing land supply somewhere between 3 and 3.6 years, and maybe at a point mid-way between them. Whichever estimate proves to be correct, it is fair to say that there is a significant shortfall of housing land in the District. This means, as the Framework at its paragraph 49 puts it, relevant policies for the supply of housing should not be considered up-to-date if, as here, the Council cannot demonstrate a 5 year supply of deliverable sites. The absence of this supply is not, of course, the only material consideration in the determination of the appeal. Nevertheless, and in view also of the Government's determination to boost significantly the supply of housing, it is a matter to which a considerable amount of weight should be attached.
6. The revised figures indicate a shortage of 958 rather than the previously estimated 854 dwellings (net) advised at the start of the Inquiry. The Council estimates that the 50 dwellings of the appeal proposal would increase the supply of housing land by no more than 0.07 years which, it says, is not as substantial a contribution as is claimed. In purely arithmetical terms, this is

- true. In its call for sites, however, the Council's Interim Policy Statement on Housing – Facilitating Appropriate Development (FAD) (updated October 2012) envisages schemes of this magnitude on sites adjoining Selsey. The Council adopted FAD in July 2011 but the updated edition takes account of the Framework which was published in March 2012. It aims to provide interim guidance until such time as there is a 5 year housing supply or until the emerging Local Plan, now being prepared, is in place. There should be little doubt that where there is a significant shortage of housing land, every home would be much valued by its intended occupant(s). This is particularly the case with regard to the useful provision in the appeal scheme of affordable homes. This point about the limited extent of the contribution carries little conviction.
7. The Council accepts that the shortage in the 5 year supply of housing land is not a position in which it would wish to be, and it is well aware of the implications. These include the policy in paragraph 49 of the Framework and its paragraph 14 that where relevant policies are out-of-date, the decision should be to grant planning 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; or specific policies in this Framework indicate that development should be restricted*. This recent national policy is an important consideration in the determination of the appeal.
  8. The Council has not been slow to deal with these circumstances, especially as its existing Local Plan, adopted in 1999, is of some vintage. It is pressing on with the preparation of its new Local Plan, but this is not likely to be adopted until October 2014. This Plan will presumably seek to meet the full, objectively assessed needs for market and affordable housing in the housing market area. In the meantime, however, FAD rightly refers to the presumption in Government policy in favour of sustainable development. Each edition has 17-18 criteria, the earlier one stating that development may be acceptable outside existing Settlement Policy Areas (SPA) *providing all the criteria are met*. The later edition says that it *may be acceptable providing the following criteria, where relevant to the development, have been satisfactorily addressed*. This implies greater flexibility in the determination of proposals such as the appeal scheme.
  9. The essential purpose of FAD is to encourage more house-building in the District owing to the persistently low rate of development especially with regard to affordable homes. It also seeks to accord with the requirement of the Framework to maintain delivery of a 5 year supply of housing land to meet the housing target. The Council is taking its responsibilities in this matter seriously and pro-actively, but the fact remains that there is a significant shortage of housing land in the District in general and in Selsey in particular which has a *high housing need* (Report to Planning Committee 1 March 2012). This degree of need undermines the case for the alleged premature nature of the appeal scheme, advanced by some local residents.
  10. The appeal site is part of a larger area identified in the Strategic Housing Land Availability Assessment (SHLAA) (updated March 2013) as having the potential for 260 dwellings in years 6-10 of the emerging Local Plan. From this, and other SHLAA sites, the Council will presumably choose sites to be included in its Local Plan and/or in its subsequent Sites Allocation Local Plan. Hence the site does not have the status of inclusion in an adopted Local Plan, and so little

weight should be attached to this consideration. Suffice it to say, however, that it is regarded as a candidate for development.

11. The appeal proposal includes a variety of dwellings in terms of their style, appearance and accommodation. The housing comprises 16 2-bedroom and 34 3-bedroom dwellings. The Council raises no objection to these, and other design aspects of the proposal, including its layout. This is a reasonable approach. In this respect, and bearing in mind relevant conditions attached, the proposal accords with the criterion in Local Plan Policy BE11 which concerns intrinsic merit.
12. In this way, the proposal accords with the emphasis in the Framework on good design which is described as indivisible from good planning. It also accords with the policy in the Framework of planning for a mix of housing based on, for example, the needs of different groups in the community. These are good points in favour of the scheme.
13. The conclusion on this issue is that there is a significant shortage in the 5 year housing land supply and that substantial weight should be accorded to it. This state of affairs has important implications for the appeal proposal in terms of national policy set out in the Framework, especially its paragraphs 14 and 49.

Location of the site and its sustainability credentials

14. The site is located at the north-eastern edge of the mainly built up parts of Selsey and thus at some distance (about 1.25 km) from its centre where most local facilities are to be found. These include a range of shops, banks, post office, places selling food and drink and a small supermarket. The impression is of a good variety of establishments, consistent with the size of the settlement, and more than adequate to provide for most daily needs. To this should be added the community and other amenities, including churches and the Selsey Centre which appears to be a lively and well-supported local asset. It is not surprising that the level of services qualifies the town in FAD and in the Report to the Planning Committee of 1 March 2012 as a "key settlement hub".
15. At a reasonable brisk walking pace, it takes about 16 minutes to walk from the far, north-easterly end of the site at the entrance to Four Ways to Lloyds Bank towards the far, south-westerly end of the High Street. This is a little less than set out in Mr Ford's proof of evidence, but the essential point here is that all the many amenities which he lists are within 20 minutes walk of the appeal site. It takes considerably less time, about 5 minutes, to walk to the Selsey Centre from the same departure point. It would take longer, and maybe a good deal longer, if accompanied by a child, with or without a buggy, and if laden with shopping on the way back. Nevertheless, there are footways along the route, the terrain is essentially flat and the walk is a pleasant one in clement weather conditions. This is an important aspect of sustainability.
16. There is no guarantee that prospective occupants of the dwellings who would be of working age would be employed in Selsey. There is, however, a range of local employment in various premises, including several small industrial estates and similar groups of enterprises, again consistent with the size of the settlement. No doubt, however, some will find, or continue to find, work in Chichester or elsewhere. The level of employment, regarded as low by some local residents, and the prospect of some people working elsewhere, should not

thwart the development. Commuting is not an unusual activity, and there is no reason to regard it as potentially excessive in this case, either in the number or length of journeys undertaken.

17. Although Selsey is not served by rail, it benefits from a bus service. This is mainly the Route 51 from Selsey Bill, past the appeal site and via Sidlesham, Street End, Hunston, Whyke, close to Chichester Rail Station and to Chichester Bus Station and Cathedral. According to the most recent timetable (Document 4), the buses leave Selsey for Chichester on Mondays to Fridays from 06.00 to 23.35 hrs. Throughout most of the day, there is a 10-15 minute service. From Selsey Church, the nearest stop to the appeal site noted on the timetable, it takes up to about 40-45 minutes to reach the City centre; similarly with the return journey. Some local residents draw attention to the expense of bus fares, a not unusual complaint, but the frequency of buses and the good service provided is another important aspect in considering the sustainability of the site. In the terms of the Framework, these buses give people a real choice about how they travel.
18. In terms of location, few sites are ideal in matters of sustainability. The appeal site does, however, benefit from good access to services and amenities. Although there is no evidence of any of them being under threat, additional housing could serve to increase their viability, to the general advantage of all. Any problems which might limit convenient access to shops are likely to be reduced in the future with a greater resort to on-line shopping and home delivery which already takes place in this part of the District.
19. In conclusion on this issue, the site is sufficiently close to a range of services and amenities, and well enough served by public transport, to be regarded as being in a sustainable location.

Effect on surroundings

20. The point at which the visitor enters Selsey is a matter of judgement. Even though there are various buildings to the north of the appeal site along the B2145 road, such features as the prominent Wave roundabout, the "Selsey" sign, the Wave public art and the direction sign to the town centre indicate that this is the entrance to the town. Manor Road which issues from the roundabout provides a strong and obvious physical boundary to the residential development to its west and to the local edge of the mainly built-up area. The tall, wide hedge along the western boundary of the appeal site draws further attention to the change from urban to the west and rural to the east. Development as proposed would intrude into the countryside, causing harm to it. This is contrary to Policy RE1 in the adopted Chichester District Council Local Plan First Review which applies a general restriction on development in the rural area beyond the SPAs. But that is not the end of the matter.
21. This Policy is of some age. Although it does not conflict with the policy in the Framework of recognising the intrinsic character and beauty of the countryside, it should be applied in the context of the shortage of housing land, the under-delivery of housing in the District and the Government's strategy to boost significantly the supply of housing. The presence of the Natures Way industrial buildings to the immediate north-east of the site, although somewhat physically isolated in the rural area at present, would provide an element of containment for the proposed development. These substantial size buildings, as existing and as due to be extended, together with trees and other

- vegetation in hedgerows and copses, would much screen views of the scheme from the north-east towards and from Church Norton. In these circumstances, the development would not appear unduly piecemeal in its surroundings. Similar considerations apply to Local Plan Policy BE11 which states that new development must not detract from its surroundings, taking into account its effect on the local environment and its setting in the landscape. Again, there is no conflict with the Framework in terms of protecting the countryside.
22. Much the same considerations apply with Policy RE6 which seeks to prevent the coalescence of settlements, such as Selsey and Pagham, and retain their identity and amenity. Development can, however, proceed in the strategic gap between these settlements *in compelling circumstances*. According to the Report to the Planning Committee, this is a blanket policy covering a wide area of land wrapping around Selsey and is both extensive and indiscriminate. That is true. Coalescence, or the perception of it, is not only a matter of inter-visibility between settlements but of impression and sensitivity. Owing, however, to the small amount by which the distance between the north-eastern entrance to Selsey and both Pagham Harbour and Pagham would be diminished, the integrity of the gap between them would not be materially compromised. Nor would be prejudiced the pleasant attributes of Selsey or Pagham or, for that matter, Church Norton or their settings. The presence of the Natures Way buildings supports that conclusion. The appeal scheme does not conflict with Policy RE6.
23. In 2011 independent consultants, Hankinson Duckett Associates, produced a Landscape Capacity Study Extension for the Council to inform the preparation of its Core Strategy. The Study includes the appeal site in an area described as the Selsey Northern Settlement Edge which is stated to be *relatively well enclosed from the wider rural landscape to the north by hedge lines and trees along the northern edge of the character area*. It identifies this area as *having capacity and could, from a landscape perspective, accommodate some development without significant detrimental effect on the character of the landscape as a whole*. Whether the same conclusion would have applied to an actual proposal is open to question, but its findings do not conflict with evidence gained at the site inspection. Even so, the Study does not constitute Council policy and the Council regards it as no more than a background paper. There is no reason to disagree with its conclusions, but its status should be accorded limited weight.
24. Criterion 1 in the later edition of FAD provides that the boundary of a site intended for development is *contiguous* with the SPA, and there was some debate at the Inquiry about its meaning in the context of the appeal proposal. The Shorter Oxford English Dictionary defines "contiguous" as *touching, in contact, adjoining, continuous and neighbouring* (1710). The FAD explains that at least one boundary of the site must physically adjoin the SPA in whole or in part. Where, it says, the site is separated from the SPA by a road, as here with Manor Road, a judgement will be made on the degree of separation or integration with the settlement. Criterion 17 in FAD gives further assistance in its reference to sites of up to about 50 units *adjoining the settlement hubs*.
25. Manor Road is wide where it forms the boundary to the nearby residential neighbourhood and it is not within the SPA. Nevertheless, as a hard surface, it can reasonably be regarded as part of, or akin to, the main built up area and closely associated with the settlement hub. Furthermore, owing to the

closeness of the site to the residential area, it is reasonable to conclude that there is no fundamental conflict between the appeal proposal and Criterion 1. Nor is there any material conflict with other cited controversial criteria in the Statement of Common Ground, particularly Criterion 2 concerning landscape character and Criterion 7 concerning coalescence.

26. Policies RE1, RE6 and BE11 and the definition of SPAs are still part of the statutory development plan and so should be accorded due weight. But in so far as they impinge upon the promotion of housing as the Framework intends, they are not up-to-date and hence the approach in the Framework paragraphs 14 and 49 for decision-making applies. To conclude on this issue, the development would cause harm as a result of intrusion into the immediately surrounding countryside, but this harm should be seen in the context of the status of the above Local Plan policies and relevant parts of the Framework. Moreover, the effect upon the wider rural area, including the Strategic Gap, and the settings of the settlements in this part of the District would be negligible.

#### Traffic and the public highway

27. The Appellant estimates that the 50 dwellings would result in 2 trips a minute on local roads at the busiest times. The Council does not dispute it, and it would appear to be a reasonable expectation. Most of this extra traffic can be expected to use the B2145 towards Chichester and other destinations beyond it. This road has accommodated a significant increase in traffic since 2002 when the Halcrow Report was published, as has been the case with most other roads in the country. As with many other places, the population of Selsey has increased since the 2001 Census, as has car ownership. Not surprisingly, the B2145 is a busy road. Even at around 15.00 hrs on the day of the site inspection, there was an agreed *fairly steady flow of traffic in both directions*. A variety of vehicles are to be seen, including cars, heavy goods vehicles, buses, vans, tractors with trailers and other farm vehicles. This is not unusual in an essentially rural area.
28. There are obvious hazards along much of its length between Selsey, through Sidlesham and towards Chichester. Of particular note are the sharp bends near The Anchor at Sidlesham and at Upper Norton (the Ferry Bend). The carriageway is not always of the same width. Nevertheless, the evidence gained from driving in each direction about 6 times with no mishap or near miss is that the road is well marked where necessary with white lines, with long stretches of double white lines to prohibit overtaking. Speed restrictions of 30, 40 and 50 mph are in place where appropriate, and their signs are clearly seen. As elsewhere, much depends upon people driving with due care and attention, including for example taking into account poor visibility due to inclement weather conditions and children going to and from school.
29. As with many other roads in the country, accidents have occurred on the B2145. There was one fatal accident in each of the years 2008, 2009, 2010 and 2011, 19 serious and 59 slight accidents respectively during 2007 (part) - 2012 (part). These are, of course, tragedies for all concerned and every reasonable step should be taken to reduce this rate of accidents wherever possible. Road safety schemes have been introduced on this road, one of which carried out in Spring 2006 resulted in a reduction in the annual number of reported accidents from 19.7 to 11.4. The evidence also shows that the accident rate for the B2145 compares favourably, if that is the right word, with

other B roads in the country. Nevertheless, the County Council closely monitors this road and its performance and it will continue to introduce safety proposals as and when required to enhance its safety record. The emphasis should be on improving road safety and driver awareness rather than necessarily denying people the accommodation which they need.

30. The B2145 road is the only one between Selsey and the Highleigh turn at Sidlesham, and hence carries no through traffic. Hence any closure of this road due to an accident or other emergency precludes access to and from Selsey. As local residents say, there have been occasions when this has happened and it results in considerable inconvenience. The evidence does not, however, lead to the conclusion that these closures have been frequent, and there is no reason to expect them to be so in the future. Inconvenient though these occasions are, they do not happen so often nor are they so frustrating to justify the refusal of planning permission for the proposed development.
31. There is likely to be additional demands made upon this road following developments in and around Selsey, including 112 dwellings at Donnington, and cumulative effect must be taken into account. It is significant that the County Council as Highways Authority does not object to the proposal, noting that *the level of additional trips is not likely to have a significant impact upon the local road network at the busiest times*. The conclusion on this issue is that the B2145 is not so hazardous a road that the additional traffic to be expected from the appeal scheme would result in serious inconvenience and/or danger on the public highway.
32. As with any other road, there must come a point when the B2145 has reached its physical and/or environmental capacity. That would not be exceeded by the cumulative effect of the development. Matters of traffic and the public highway should not preclude the appeal proposal.

#### Infrastructure

33. Local people raise matters relating to infrastructure, but they do not feature in the Council's reasons for refusal. They include problems with drainage, inadequate medical services and a shortage of school places. The unilateral undertaking deals with them. This is a legally enforceable obligation designed to mitigate the impacts of the development. The essential point here is that the development should not be expected to put right existing deficiencies. As the Framework explains, the obligation must meet certain tests, including being directly related to the development and being fairly and reasonably related in scale and kind to the development. It meets those tests.
34. It is significant that no objection in principle is made by the relevant providers, including the County Council as Local Education Authority. Southern Water confirms that sufficient capacity exists at Sidlesham Waste Water Treatment Works (WWTW). There is, however, insufficient capacity within the local sewers to accept the foul discharge from the development as the increased flows to the public system may subject existing land and housing to a greater flood risk. Hence the Appellant has agreed an alternative solution with Southern Water of a direct connection to the pumped main from East Beach Water Pumping Station to Sidlesham WWTW. This removes the risk of further flooding to Selsey due to the additional flows resulting from the development.



35. It is not unusual for services and other infrastructure to fall short of people's expectations. The unilateral undertaking ensures suitable contributions to various types of infrastructure, and the conclusion on this issue is that the scheme should not be thwarted by these matters.

#### Agricultural land

36. The Notice of Refusal states that the appeal site is Grade 1 agricultural land. This is incorrect as the Council subsequently acknowledges. It is mainly Grade 2 with a small amount of Grade 3A land close to its eastern boundary. Nevertheless, the soil is of good quality and classified as best and most versatile agricultural land. There is a good deal of this resource in the District, but that does not lessen the value which should be accorded to it in this case. The site is no more than 1.75 ha in extent and comprises only 0.5% of the Appellant's land holding. It is described as being an insignificant part of the farm. There is, however, no evidence denying its potential to continue to produce good food for the nation.
37. The Framework at its paragraph 112 obliges local planning authorities to take account of the economic and other benefits of this type of land, prescribing generally that poorer quality land should be preferred for development. The evidence is that, in a District with this and various other policy restrictions covering large areas, including the South Downs Area of Outstanding Natural Beauty, suitable opportunities for development are much reduced. There is no conflict with FAD in this matter, good quality agricultural land not being the subject of any criterion. This no doubt reflects its widespread occurrence. Nor, in these particular local circumstances, is there any crucial conflict with the Framework.
38. The Appellant considers that very little weight should be attached to this consideration. The value of the land for food production, however, deserves more than that, and the weight to be attached to it should be towards the moderate. Even so, bearing in mind the modest size of the site, this consideration is not of sufficient force to prevent the development taking place.

#### Affordable housing

39. The scheme includes 20 affordable homes, in line with the Council's adopted (2007) Interim Statement on Affordable Housing that developments of 10 or more dwellings (net) should include up to 40% provision. There is no dispute about the need for this type of accommodation in the District in general and in Selsey in particular. The Council's Housing Enabling Officer advises that *there is a very great need for affordable housing in Selsey*. A variety in its provision is proposed. These homes will make a modest, but useful, contribution to local needs. It is a good point in favour of the development and it also accords with the policy in the Framework of meeting this type of need where it has been identified. This aspect of the scheme should be accorded a good deal of weight.

#### Conditions and informatives

40. An initial list of conditions was discussed at the Inquiry. Subject to some minor editing, they are now as agreed between the main parties.
41. Condition Nos 1 and 2 are attached to comply with the Town and Country Planning Act 1990 Section 92 (as amended). The 2 year period in Condition No

- 2 reflects FAD Criterion No 16 which seeks to encourage the speedy delivery of housing schemes. Condition No 3 is attached for the avoidance of doubt and in the interests of the proper planning of the area. Condition No 4 is attached in the interests of visual amenity and to ensure buildings of good appearance. Condition No 5 is attached in the interest of highway safety. Condition No 6 is attached for the same reason and to ensure adequacy of parking arrangements. Condition No 7 is attached to ensure a safe and neighbourly development. Condition Nos 8, 9 & 16 are attached in the interests of amenity and biodiversity. Condition Nos 10 & 14 are attached to prevent the risk of flooding as a result of the development, to improve and protect water quality and in the interests of habitat and amenity.
42. Condition Nos 11 and 12 are attached to ensure that the development is satisfactorily drained. Condition No 13 is attached to prevent pollution and more generally to protect the residential and other amenities of the area. Condition Nos 15 & 19 are attached to ensure a satisfactory development and in the interests of visual amenity. Condition Nos 17 & 18 are attached to promote the use of sustainable means of transport. Condition No 20 is attached to ensure that adequate open space is provided, in the interests of amenity and the proper planning of the site. Condition No 21 is attached to ensure that the development is consistent with a mixed and balanced community. Condition No 22 is attached in the general interests of the environment and to anticipate the effects of climate change. Condition No 23 is attached in the interests of amenity and to ensure no detriment to the wonder and beauty of the night sky.
43. All these conditions are necessary for the reasons given and are reasonable in all other respects. They enable a development to proceed where otherwise it would have been necessary to refuse planning permission. In these ways, they accord with the provisions of Circular 11/95.
44. The Appellant, the developer and all other persons/bodies as appropriate are reminded of the informatives and notes set out in the Final Agreed Suggested Conditions (Document 7). They relate to such things as a formal agreement with Southern Water, the provisions of the Countryside and Rights of Way Act 2000 and the Countryside Act 1981 and the consent of the Highways Authority to construct the crossover.

#### The unilateral undertaking

45. This undertaking was made on 7 December 2012. It refers amongst other things to affordable housing, including the size and mix of these 20 dwellings, contributions towards community facilities, sport and leisure and library, open space and play area, ecological mitigation measures, a Total Access Demand contribution towards infrastructure and contributions towards fire and rescue service and public art.
46. The undertaking accords with the Council's relevant planning policies and national sustainability policies and is necessary to make the development acceptable in planning terms. It is directly related to the development and it is fairly and reasonably related in scale and kind to it. It therefore meets the legal requirements of the Community and Infrastructure Levy Regulation 122. For these reasons, substantial weight should be accorded to it.

Other matters

47. The risk of precedent is raised. Historic field boundaries define the site and there is no reason why a proposal for its development should not be determined on its own merits, rather than as the first phase of any proposed larger scheme. There is no conflict with FAD Criterion 12 which refers to the artificial division of land. In any event, each proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. This statutory requirement has guided my deliberations.
48. This statutory approach applies to the current appeal and will apply to any other planning application which has, or might, come before the Council or the Secretary of State. No comment, therefore, is made about any other proposal, lodged or expected, nor should any inference be drawn about their determination.
49. There is concern about the effect of the development on tourism, upon which the economy of Selsey much depends. There is no evidence to show how recent residential development in the town has had a significant adverse effect upon it, and the suggestion that the appeal proposal would do so does not convince.

Conclusion

50. I have weighed the advantages of the scheme in the balance with its disadvantages in the context of the development plan and the material considerations. Three material considerations are especially important ones. They are the absence of a 5 year supply of housing land, the Framework and FAD.
51. The adverse effects of granting planning permission would not so significantly and demonstrably outweigh the benefits, which are considerable, when assessed against the policies of the Framework taken as a whole. Nor are there any specific policies in the Framework which indicate that the development should be restricted. This constitutes the compelling circumstances to which Policy RE6 refers. This is a case where material considerations outweigh those policies in the development plan which oppose the proposal.
52. I realise that my decision will come as a disappointment to the many people who have objected to the proposal at both the planning application and the appeal stage. They include those who represent the Campaign Against Over-Development In Selsey (CAODIS) who should be congratulated on the depth of their research and the skill, courtesy and commitment with which they conducted their case at the Inquiry.
53. I note the Council's officers' recommendation in principle to approve the appeal proposal, and I have had regard to all the other points raised. These include the preparation of a Neighbourhood Plan for Selsey which will have to be in general conformity with emerging Local Plan. They do not, however, outweigh those planning considerations which have led to my decision.

*Richard E Hollox*

Inspector

### **SCHEDULE OF CONDITIONS**

- 1) Details of the layout of the site, the scale and appearance of the buildings, the community garden, play area, the landscaping and the means of access (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved.
- 3) The plans and particulars required under Condition No 1 shall be generally in accordance with the submitted plans, Drawing Nos 11092 MH 01 Rev B, 11092 MH 02, 11092 MH 03 Rev B and SH/02/01.
- 4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and other hard surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
- 5) The access from the site to the public highway shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority before any other operation or use authorised by this permission is commenced.
- 6) Before the occupation of the first dwelling, provision shall be made in accordance with a scheme to be approved in writing by the local planning authority for the parking of 102 cars and such land including the garages shall thereafter be used in perpetuity for the parking of cars and similar vehicles.
- 7) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, and this approved Statement shall be adhered to throughout the construction period. It shall provide for:
  - a) the parking of vehicles of site operatives and visitors;
  - b) the loading and unloading of plant and materials;
  - c) the storage of plant, materials and liquids used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) the turning and manoeuvring on site of vehicles;

- h) the position of any site huts/cabins/offices;
  - i) a scheme for external lighting of the construction compound and the hours of operation thereof.
- 8) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for the whole of the site, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.
- 9) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development or any phase of development, whichever is the sooner. Any trees or plants, including any existing trees or hedgerows indicated as being retained in the approved scheme, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives its written consent to any variation.
- 10) Before the development hereby permitted is begun, a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development together with a timetable for its implementation in full shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include details of measures for its maintenance and management after completion.
- 11) Before the occupation of the first dwelling, a scheme showing the proposed means of foul water disposal including all necessary on-site and off-site works shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out and completed in full accordance with the details shown in it. The responsibility for securing all necessary agreements and permits from the landowner or other party shall rest with the developer.
- 12) No dwelling hereby permitted shall be occupied until the surface water and foul drainage works have been completed in accordance with the submitted plans.
- 13) Any facilities for the storage of oils, fuels or chemicals in the construction phase or thereafter in association with any dwelling shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or

- discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.
- 14) No development shall be carried out until such time as a scheme to ensure finished floor levels are set no lower than 5.1m AOD has been submitted to and been approved in writing by the Local Planning Authority and thereafter there shall be no departure from the approved levels.
  - 15) Before work begins on the development hereby permitted, details of site levels and longitudinal and latitudinal sections through the site of the dwellings shall be submitted to and approved in writing by the Local Planning Authority to show how the buildings are to be set into the ground.
  - 16) Before the development hereby permitted is begun a detailed mitigation strategy to mitigate the impacts on the nearby SSSI/SPA/RAMSAR site including a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority which shall include full details of the dog walking route, the homeowner education pack, the Pagham Harbour interpretation signage, the wetland scrape (including but not limited to, dimensions, profiles, timing, construction methodology and long term management details) and the ecological enhancement of the footpath network. Thereafter the approved strategy shall be fully implemented and retained in perpetuity.
  - 17) No dwelling hereby permitted shall be occupied until a Travel Plan Statement is submitted to and approved in writing by the Local Planning Authority.
  - 18) No dwelling hereby permitted shall be occupied until secure cycle parking spaces for each dwelling have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and which accord with the West Sussex County Council's Residential Parking Standards.
  - 19) The maximum height of the dwellings hereby permitted shall not exceed 2 storeys.
  - 20) Notwithstanding the illustrative layout shown on the drawings hereby permitted the development shall provide an amount of open space commensurate with the requirements of Policy H5 of the Chichester District Local Plan First Review 1999 unless any variation of this requirement is specifically agreed in writing by the Local Planning Authority.
  - 21) The housing mix for the development hereby permitted shall accord with the details agreed with the Local Planning Authority: for affordable housing, this is 9 2-bedroom, 9 3-bedroom & 2 4-bedroom dwellings, and for private market housing it is 7 2-bedroom & 23 3-bedroom dwellings.
  - 22) All the dwellings hereby permitted shall achieve a minimum Level 3 of the Code for Sustainable Homes (or any such national measure of sustainability for house design that replaces that scheme), and no dwelling shall be occupied until a final Code Certificate has been issued for it certifying that that Code Level has been achieved or exceeded.

- 23) The application for the approval of reserved matters submitted to the Local Planning Authority shall be accompanied by a lighting scheme for street lights and external estate lighting; this scheme shall include the type and specification of the equipment to be installed, its energy consumption, energy saving measures (automatic switch-off) and the predicted light emissions thereof. The predicted light emissions shall not exceed the ambient night levels in the immediate locality.

### **END OF CONDITIONS**

### **APPEARANCES**

#### FOR THE LOCAL PLANNING AUTHORITY:

Mr Gwion Lewis  
He called  
Of Counsel, instructed by Ms Nicola Golding,  
Principal Solicitor, Chichester District Council  
Mr Ian Ellis, Director, Southern Planning Practice  
Ltd, Youngs Yard, Churchfields, Twyford,  
Winchester, SO21 1NN  
Mr Robert Davidson, Principal Planning Officer,  
Chichester District Council

#### FOR THE APPELLANT:

Mr Stephen Morgan  
He called  
Of Counsel, instructed by Luken Beck MDP Ltd  
30, Carlton Crescent, Southampton, SO15 2EW  
Mr G Ford, Director of Impact Design  
Consultants, Consulting Engineers, Aylesbury  
Mr D Hares, David Hares Landscape Architects, 4  
Northgate, Chichester, PO19 1BA  
Mr G Beck, Director of Luken Beck MDP Ltd, 30  
Carlton Crescent, Southampton, SO15 2EW  
Mr A McShane, Associate Director, MJA  
Consulting Engineers, 58-62 Ock Street,  
Abingdon, OX14 5BZ

#### INTERESTED PERSONS:

Mr Richard Bramall  
Mrs Glenda Baum  
Professor Mr Harold Baum  
Mr Timothy Kinross  
Mr Chris Lewington  
Mr Ben Cooper  
Mrs Carolyn Cobbold  
Mr B Hall  
Mr Richard Hall  
Lydiate Cottage, Rectory Lane, Church Norton,  
PO20 9OU  
Warner Wood, Hersee Way, Selsey, PO20 9AF  
Warner Wood, Hersee Way, Selsey, PO20 9AF  
153 East Beach Road, Selsey, PO20 9BS  
1 Park Farm Cottages, Park Lane, Selsey, PO20  
0HF  
c/o Selsey Town Hall  
Yender, Hundred Steddle Lane, Birdham, PO20  
7BL  
Drayton, PO20 0BD  
Sidlesham Traffic Action Group

Mrs Carol Purnell	6 Manor Road, Selsey, PO20 0SD
Mrs Eileen Howland	73 Drift Road, Selsey, PO20 0PN
Mr Rickman	
Mr David Green	5 Albion Road, PO20 0DH
Mr Peter Bird	10 Wight Way, Selsey, PO20 0UD
Mr Adrian Harland	Russets, Church Lane, Sidlesham, Selsey, PO20 9BS
Mr Hughes	
Mr A Ford	77 Drift Road, Selsey, PO20 0PN

## **DOCUMENTS HANDED IN AT THE INQUIRY**

- 1 Attendance Lists
- 2 Opening Statement on behalf of the Appellant
- 3 Folder with Statements by Mr Bramall, Mrs Baum, Professor Mr Baum, Mr Kinross and Mr Lewington (CAODIS)
- 4 Bus timetable for No 51 Selsey-Sidlesham-Chichester service
- 5 Letter dated 12 April 2013 from RPS concerning planning application for 100 dwellings etc on land north of Drift Road, Selsey
- 6 e-mail of 10 May 2013 with update of Council's assessment of its 5 year housing land supply
- 7 Final Agreed Suggested Conditions dated May 2013
- 8 Statement by Selsey Town Council
- 9 Statement by Mr Richard Hall, Sidlesham Traffic Action Group
- 10 Statement by Mrs Carolyn Cobbold
- 11 Statement by Mr Adrian Harland, Chairman of Sidlesham Parish Council
- 12 Itinerary for Inspector's accompanied site inspection, 6 June 2013
- 13 Council's Closing Submissions
- 14 Closing Submissions from CAODIS
- 15 Appellant's Closing Submissions

## **PLANS**

- A Appendix DH2: Settlement boundaries and strategic gap

## **PHOTOGRAPHS**

- 1 Bundle of photographs and correspondence submitted by Mr Hughes