
Appeal Decision

Hearing opened on 2 February 2016

Site visit made on 8 March 2016

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 04 October 2016

Appeal Ref: APP/Y9507/S/15/3139364

Land at Laundry Cottage and Woodlea, Horsham Road, Petworth, West Sussex, GU28 0HA

- The appeal is made under Section 106BC of the Town and Country Planning Act 1990 against a refusal to modify a planning obligation.
 - The appeal is made by Crownhall Estates Ltd against the decision of the South Downs National Park Authority.
 - The development to which the planning obligation relates is the erection of 21 dwellings, comprising 13 private dwellings and 8 affordable dwellings; associated private amenity space and parking; a new access from North Street; public open space; and parking and access to the cemetery.
 - The planning obligation, dated 30 July 2014, was made between Chichester District Council, West Sussex County Council, Justin Walter Hogbin and Joanna Claire Hogbin, Andrew Charles Howard and Judith Penny Howard, The Right Honourable Audrey Caroline Baroness Egremont and The Honourable Mark Thomas Bridges, Crownhall Estates Ltd, Lloyds Bank PLC, and The Right Honourable John Max Henry Scawen Second Baron Egremont and Seventh Baron Leconfield.
 - The application Ref SDNP/14/06285/MPO, dated 2 December 2014, was refused by notice dated 4 November 2015.
 - The application sought to have the planning obligation modified as follows: discharge of the affordable housing obligation as set out in section 1 of the First Schedule of the Section 106 agreement dated 30 July 2014.
 - The hearing was conducted over three days, 2 February, 8 March and 17 August 2016.
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Decision

1. The appeal is allowed. For a period of three years from the date of this decision, the planning obligation, dated 30 July 2014 and made between Chichester District Council, West Sussex County Council, Justin Walter Hogbin and Joanna Claire Hogbin, Andrew Charles Howard and Judith Penny Howard, The Right Honourable Audrey Caroline Baroness Egremont and The Honourable Mark Thomas Bridges, Crownhall Estates Ltd, Lloyds Bank PLC, and The Right Honourable John Max Henry Scawen Second Baron Egremont and Seventh Baron Leconfield, shall have effect subject to the modifications set out in the attached schedule.

Applications for costs

2. At the hearing, applications for costs were made by the Appellant against the National Park Authority (NPA) and by the NPA against the Appellant. These applications are the subject of separate decisions.
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Procedural matter

3. The application form gives the location of the site as Laundry Cottage, Woodlea and Grassmere. However the site does not include Grassmere, nor the dwelling known as Woodlea and all of the land associated with that property. At the hearing the main parties agreed that the site should be referred to as land at Laundry Cottage and Woodlea, and I have identified it accordingly in the appeal details above.
4. The hearing was initially closed on 8 March 2016. At this point the main parties were asked to submit schedules setting out their viability appraisal positions as expressed at the hearing. However differences emerged, particularly in respect of stamp duty land tax. The parties were therefore asked to comment on these differences, and to explain the implications of their latest positions for affordable housing. Additional material was then submitted by each main party setting out different approaches to the calculation of stamp duty land tax. Moreover neither main party clearly set out the implications of their respective position for the planning obligation. Consequently I decided that the hearing should be re-opened to address these matters, and it was finally closed on 17 August 2016.

Main Issue

5. I consider that the main issue in this appeal is whether the affordable housing requirement has rendered the development unviable, and, if so, how the proposal should be dealt with.

The planning obligation

6. The planning obligation includes a series of requirements in the first schedule. In addition to the provision of affordable housing, these concern financial contributions towards community facilities, primary education, library services, access infrastructure, fire services and public art, the provision and maintenance of open space, and arrangements for the construction and maintenance of estate roads. None of the measures set out in the planning obligation has yet been implemented.

Planning policies

7. Local planning policies support the provision of affordable housing. This part of the National Park is within Chichester District, and the Development Plan includes the saved policies of the Chichester District Local Plan First Review. Policy H8 of the Local Plan explains that efforts will be made to negotiate an appropriate proportion of social housing on sites with a capacity for at least 25 dwellings or which are at least 1ha in size. The appeal site is 0.93ha in size, and 21 dwellings are proposed. Whilst the proposal falls below the thresholds set out in the first part of Policy H8, the policy also supports affordable housing on sites of any size where there is no conflict with the policies of the Local Plan intended to protect the surrounding environment.
8. Chichester DC has prepared an Interim Statement on Planning for Affordable Housing¹ to update the position set out in the Local Plan, which has been adopted for use by the NPA. The intention is to increase the amount of affordable housing, and to this end it will be sought on all but the smallest

¹ Appendix K to the NPA's statement.

sites. On sites of 10 or more dwellings, a level of 40% affordable housing will be sought. If it can be demonstrated that the full requirement would make a scheme unviable, fewer affordable homes may be acceptable.

9. Preferred Options for the South Downs Local Plan were published in 2015. Policy SD24 carries forward the target of 40% affordable housing, but applies this to schemes with six or more dwellings. The eight affordable dwellings included in the development granted planning permission on the appeal site represent about 40% of the total number proposed, in line with local policy as expressed in the Interim Statement and the emerging Local Plan.

Reasons

Background to the appeal

10. The planning obligation was executed on 30 July 2014, and the application seeking relief from the provision concerning affordable housing was submitted on 2 December 2014, just over four months later. Promotion of the development had commenced before completion of the planning obligation and the grant of planning permission (1 August 2014), and offers were sought from registered providers for the eight affordable units. A report to the Appellant in 2013 on this exercise records two offers, and recommended that Affinity Sutton, who had made the higher offer, be invited to continue working on the project (Document A6).
11. In March 2014, the offer from Affinity Sutton is recorded at £1,277,500². However, the Appellant argued that rent reductions in the social housing sector and the announcement of the right to buy for affordable rented units had had a negative impact on value, and that Affinity Sutton was no longer able to maintain the offer made in March 2014. Additionally, reference was made to increased build costs and increases in existing use value. Although the Appellant had previously considered that the scheme was viable with the provision of eight affordable units, the representative of Crownhall Estates present at the hearing explained that no viability appraisal had been undertaken in conjunction with the planning application.

Viability appraisals

12. At the application stage for the proposal to modify the planning obligation, the Appellant submitted two appraisal calculations for the residential development of the site, excluding and including affordable housing³. The assessment with affordable housing gave a residual land value which was £466,838 lower than the existing use value and that without affordable housing gave a residual land value which was £9,057 higher than the existing use value. Appraisal calculations for the NPA have been undertaken by District Valuer Services (DVS). Calculations at application stage gave a negative differential of £324,618 for a scheme with 40% affordable housing and a positive differential of £375,735 for open market housing⁴. A series of other appraisals have been submitted by both main parties over the course of the appeal.

² In the report by advantageSDS to the Appellant (Document A6), the offer from Affinity Sutton is recorded as £1,279,000 in 2013. The figure of £1,277,500 is given in the Appellant's revised statement (paras 2.1 & 2.2), Document A1.

³ Appendices A and B to the affordable housing viability report which accompanied the application.

⁴ Appendices 2 and 1 to Document L2.

13. In response to my request, both main parties submitted final appraisals taking account of the discussion on the third day of the hearing (Documents A30 & L19, and summarised in table 1 below). The Appellant has submitted a single appraisal for a scheme comprising wholly open market units, which gives a deficit of £470,028⁵. The NPA has also submitted an appraisal on an open market basis, together with appraisals for schemes including two and three discounted ownership units. Each of these appraisals shows a surplus, with a figure of £326,255 given for the wholly open market scheme. It is these final appraisals which carry most weight in my considerations. Whilst the NPA maintains that an element of affordable housing could be provided, it agreed with the Appellant that the development would not support the eight units specified in the planning obligation. I have no reason to take a different view.

Table 1: Summaries of the Appellant's and the NPA's final appraisals

	Appellant – open market £	NPA – open market £	NPA – 2 x discounted ownership £	NPA – 3 x discounted ownership £
Capital value of housing	9,229,346	9,229,346	8,945,695	8,803,870
Basic build cost	4,265,327	3,983,791 ⁶	3,983,791	3,983,791
Contingency	213,266	199,190	199,190	199,190
Design fees	313,502	292,809	292,809	292,809
S106 costs	124,910	124,910	124,910	124,910
Marketing	264,307	264,307	256,507	252,606
Finance & acquisition	770,614	799,080	757,423	749,554
Developer's profit	1,615,136	1,615,136	1,565,497	1,540,677
Residual land value⁷	1,662,284	1,950,125	1,765,570	1,660,333
Existing use value	2,132,312	1,623,870	1,623,870	1,623,870
Surplus/ deficit	-470,028	+326,255	+141,700	+36,463

⁵ Document A30 gives the Appellant's existing use value as £2,132,012. The calculation of existing use value is set out on page 3 of Mr Chatterji's letter of 10 August 2016 (Document A27), but the final figure is incorrectly given as £2,132,012 instead of £2,132,312. I have included the corrected figure of £2,132,312 in the table and adjusted the deficit from Document A30 accordingly.

⁶ The schedule accompanying the appraisal in Document L19 incorrectly gives the basic build cost as £3,983,971.

⁷ Deduction of the sum of costs and profit from the capital value may not always equate precisely to residual land value due to rounding.

Common ground

14. There was considerable discussion at the hearing about the inputs used in the appraisal calculations, in particular concerning additional build costs for those dwellings within Petworth Conservation Area (plot Nos 1-10)⁸, remedial work due to ground conditions, stamp duty land tax, and existing use value. As a consequence of the discussions, agreement was reached between the main parties on the following inputs used in the appraisal calculations:

Capital value of open market housing - £9,229,346

Planning obligation costs - £124,910

Marketing costs (for wholly open market scheme) - £264,307

Developer's profit (for wholly open market scheme) - £1,615,316.

15. Insofar as build costs are concerned, most items are not in dispute. The NPA had queried various items including enhanced materials in the conservation area, remediation works, piling, and wall construction. Notwithstanding any reservations on other matters, the only differences being pursued by the NPA by the end of the hearing concerned the costs of piling and wall construction. Consequently I have not recorded other components of build costs as being in dispute.
16. Although there are differences in the calculations of the amount of stamp duty land tax, the approach has been agreed. The appeal site comprises three parcels of land: Laundry Cottage and its garden, land associated with Woodlea, and part of the rear gardens of three almshouses which are in the ownership of the Leconfield Estate. It is agreed that stamp duty land tax should be calculated on an individual property basis, that the residential rate applies to Laundry Cottage, and that the non-residential rate applies to the other two parcels.

Viability

17. The difference in build costs between the main parties is due to their respective assessments of the costs of piling and entrance walling. Based on Spon's Construction Cost Book 2016, the Valuation Office Agency, acting for the NPA, has calculated a cost of £143,619.75 for piling (Document L17), whereas at the hearing the Appellant's quantity surveyor gave a much higher figure of £350,523.40. Whilst he acknowledged that the NPA's piling cost had been uplifted (in accordance with Spon's methodology for sites in the South-East), it was suggested that Spon's figures were out-of-date in this region, and the Appellant derived its cost from a current piling project in London. No detailed information about the costs of the London piling project or the similarity of that site to the land in Petworth has been submitted. Moreover the Appellant did not dispute that Spon's figures are widely accepted by tribunals and are based on costing feedback from the construction industry. I consider that more confidence can be placed on a piling cost based on figures from this source, and accordingly I prefer the piling cost put forward by the NPA.
18. The dispute about walling concerns a 3m high section of existing wall, which the Appellant argues needs to be taken down and rebuilt. An annotated plan

⁸ A plan of the conservation area is at Document O3 and the site plan is drawing ref 1239/PL03 Rev H in Appendix B to the NPA's statement.

prepared for the Appellant (in Document A31) identifies the walling concerned at the north-east corner of the garden of Laundry Cottage, together with two shorter sections between the line of the proposed access road and Horsham Road. I note that the approved site plan refers to the retention of the boundary wall at the north-east corner of the garden and of the length extending to Horsham Road. The Appellant has not disputed that the plans included in Appendix B to the NPA's statement and listed in condition No 1 of the planning permission comprise the approved plans. None of these plans include the rebuilding of a 3m wall in the positions shown on the Appellant's plan, and this work does not form part of the permitted scheme. The note from Casson Associates (in Document A31) suggests that the wall needs to be rebuilt due to instability, but the site plan shows the unstable part as a projecting section which runs across the position of the access road, and which is not included in the lengths identified on the plan in Document A31 for rebuilding. I am not persuaded, therefore, that this work should be included in the build costs for the project.

19. The main parties agree that contingency costs and design fees should be calculated respectively as 5% of the basic build cost and 7% of that cost with the contingency addition. As a result of the difference in build costs there are consequential differences in the amounts included in the appraisals for these items.
20. The remaining area of disagreement on costs concerns those related to finance and acquisition. Although agreement was reached about the calculation of stamp duty land tax on the basis of individual parcels, certain detailed differences remain, and the NPA's open market appraisal includes a slightly higher figure for stamp duty. Higher amounts for agent's fees, legal fees and interest are also included in the NPA's appraisal, in which finance and acquisition costs are calculated as £28,466 above the Appellant's total (see table 1 in para 13). This higher figure benefits the Appellant as it acts to depress the residual land value. For the reasons given, I consider that, where they differ, the other cost inputs put forward in the NPA's open market appraisal are more reliable than those put forward by the Appellant. Inclusion of affordable units in the NPA's other appraisals reduces the amounts included for marketing, finance and acquisition costs, and for developer's profit. This also reduces the capital value of the scheme.
21. I turn now to consider existing use value. The site comprises three parcels of land (above, para 16). The Appellant had originally valued Laundry Cottage at £900,000 (in November 2014)⁹, a figure with which the DVS concurred. Subsequently, this house, which I had the opportunity to inspect as part of my site visit, has been extensively refurbished. The NPA suggested that the value should be uplifted by £20,000 to take account of this work. However the house has been valued by an estate agent at £1,350,000¹⁰, and I note that the Halifax Regional index shows a 9.9% increase between the final quarters of 2014 and 2015¹¹ in the South-East: I consider that this range of evidence supports the higher value of £1,100,000 put forward by the Appellant when the appeal was made¹². There is agreement between the main parties that an increase of 1.5% should be applied to reflect the movement in the property

⁹ Appendix E to the viability report accompanying the application.

¹⁰ In Document A10.

¹¹ Appendix D to Document A12.

¹² Appendix C to the Appellant's original statement.

market during the course of the appeal, and they both consider that an incentive should be added to the value of the property. Given the high value of the house, I agree with the NPA that a level of 15% should be sufficient for this purpose, rather than the 20% advocated by the Appellant. Applying this percentage to the Appellant's figure of £1,116,500 (taking account of the 1.5% increase agreed in August 2016) gives an existing use value for Laundry Cottage of £1,283,975.

22. The main parties have adopted different approaches in respect of the other two parcels: the Appellant has taken into account the reduction in value to the houses concerned of the loss of land (together with the market value of the land at Woodlea), whilst the DVS has assessed the market value of the parcels themselves. The Appellant has also included an amount intended to recompense the vendor for capital gains tax. I am not persuaded that it is appropriate to uplift the valuation to respond to parties' individual tax liabilities. I note that DVS take that view. Moreover, in response to my question, Mr Chatterji, for the Appellant, explained that he had not previously put forward valuations on this basis.
23. Excluding an additional amount in respect of capital gains tax, the valuation of £400,000 for the land at Woodlea is agreed by the main parties. Insofar as the almshouses are concerned, I do not consider that the position of the house at the eastern end of the terrace is so different as to merit an increase in value from £50,000 to £75,000 as now put forward by the Appellant. I agree with the NPA that the value of this land was appropriately set at £150,000 in the first instance¹³. Nor do I consider it appropriate to add an incentive, as suggested by the Appellant, in recompense for release of a restrictive covenant and payment for a drainage easement. Removal of the restrictive covenant is in the landowner's interest to enable the development to proceed and to thereby realise value on the almshouses land, and payment for an easement appears to relate more closely to the costs of development of the site. I do, however, agree with the Appellant, that an uplift of 1.5% should be applied to the value of these parcels. This is consistent with the approach taken by the parties to increases in the capital value of the housing, build costs, and the value of Laundry Cottage over the course of the appeal. On the basis outlined, the existing value of the land at Woodlea would be £406,000 and that of the almshouses land would be £152,250, giving, with Laundry Cottage, a total figure of £1,842,225. The main parties agree that taking account of these existing use values, the figure for stamp duty land tax would be £120,511 (Documents A33 & L24), which is greater than included in their final appraisals.
24. My assessment of the existing use value of the appeal site has given a figure which exceeds the residual land value in both of the NPA's appraisals which include affordable housing (see table 1 in para 13)¹⁴. Accordingly I find that those schemes, including either two or three discounted ownership dwellings, would not be viable. Insofar as the open market appraisals are concerned, I consider that the NPA's assessment is more reliable in terms of cost inputs (above, para 20). Taking the adjusted figure for stamp duty land tax together with other cost inputs from the NPA's appraisal gives a residual land value which is £80,280 in excess of my assessment of the existing use value (see

¹³ Appendix E to the viability report which accompanied the application.

¹⁴ The higher figure for stamp duty land tax associated with the revised existing use value would simply result in somewhat lower residual land values and hence does not alter this position.

table 2). There is nothing before me to indicate whether this amount would be sufficient to fund a single affordable unit. At the hearing the NPA suggested that modification of the planning obligation should include provision for an affordable housing commuted sum, whereby any surplus amount (of residual land value above existing land value) would be used to contribute to the provision of off-site affordable housing. The surplus which I have identified lies between those given as outcomes in the NPA's two appraisals for schemes including affordable housing. On the evidence before me, I conclude that the scheme as originally proposed would not be viable, but that the development would support a contribution of £80,280 towards the provision of affordable housing.

Table 2: Revised viability calculation

	£
Capital value of housing	9,229,346
Basic build cost	3,983,791
Contingency	199,190
Design fees	292,809
S106 costs	124,910
Marketing	264,307
Finance & acquisition	826,698
Developer's profit	1,615,136
Residual land value¹⁵	1,922,505
Existing use value	1,842,225
Surplus/ deficit	+80,280

Other matters

25. The County Council explained that the level of contributions included in the planning obligation reflected the inclusion of affordable housing in the proposed housing scheme. It argued that, in consequence, when considering appraisals

¹⁵ Deduction of the sum of costs and profit from the capital value may not always equate precisely to residual land value due to rounding.

for open market housing, the level of certain contributions should be increased. However the Government guidance *Section 106 affordable housing requirements* makes it clear that the application and appeal procedure will assess the viability of affordable housing requirements only, and will not reopen any other planning policy considerations. The main parties agreed that it would not be appropriate to seek adjustment of contributions specified in the original planning obligation as part of the current appeal.

Modifications to the planning obligation

26. Both the main parties have submitted suggested modifications to the planning obligation¹⁶. The Appellant has prepared a draft deed of variation to the original agreement (Document A26), but there is no executed deed before me, and any modifications will be as set out in this decision. There is agreement that the existing paragraphs in the First Schedule concerning affordable housing should be deleted. These relate to the provision of eight affordable rented units, and the NPA accepts that this number and type of accommodation cannot be provided as part of the scheme. Given my findings about the ability of the development to support discounted ownership dwellings (above, para 24), the obligation should not be modified to require their provision.
27. There is a local policy imperative to provide affordable housing, and my consideration of the viability appraisals has led me to the conclusion that the scheme would provide funding which could be used for this purpose. Accordingly a new requirement should make provision for the payment of an affordable housing commuted sum. The NPA suggests that the commuted sum should be utilised in the following order of priority: firstly in that part of the National Park within the area of Chichester District Council (DC), if that is not possible within the National Park as close to the boundary of Chichester as possible, and finally within any part of the National Park unless otherwise agreed with the Council. As Chichester DC is the housing authority, I agree that first preference should be given to use of the commuted sum for that part of the National Park within the District. However the suggested second preference category which refers to the National Park as close to the boundary of Chichester as possible is imprecise, and the caveat in the third category appears to allow the possibility of use of the commuted sum outside the National Park. This would be inappropriate, given the high level of provision sought in the emerging Local Plan. If a commuted sum cannot be spent within Chichester, it should be utilised elsewhere in the National Park, with the proviso that preference is given to opportunities closer to the district boundary. A number of other detailed modifications would be consequential on the substantive matters referred to above.

Conclusions

28. There is agreement between the main parties that the scheme at Laundry Cottage and Woodlea cannot sustain the eight affordable dwellings specified in the planning obligation. I am not persuaded by the evidence before me that any affordable dwellings could be provided as part of the scheme. As the obligation precludes development commencing until notification has been given of the approved body which would be responsible for affordable units on the site, the scheme is effectively stalled. The clear preference of the NPA is for affordable housing to be provided on-site as part of proposals involving 11 or

¹⁶ Documents A26, A32, L21 & L23.

more additional dwellings, as set out in Policy SD24 of the emerging Local Plan, but in exceptional circumstances alternative forms of delivery may be acceptable, including a financial contribution. Although I do not consider that affordable housing could be provided on the appeal site, there would be a sufficient surplus over the existing use value to enable a contribution of £80,280 to be made to provision elsewhere. Having regard to all matters raised, I conclude that the appeal should be allowed, and the planning obligation modified as set out in the attached schedule for a period of three years.

Richard Clegg

INSPECTOR

Richborough Estates

Schedule of modifications to the planning obligation

DEFINITIONS

Delete the definitions of: Affordable Dwelling Units; Affordable Dwelling Land; Affordable Rented Units; Affordable Housing; Approved Body; Disposal; Chargee; Gross Internal Floor Area; Nomination Agreement; Nomination Rights; Open Market Units; Plans 1, 2 and 3; Proposed Development; Provide; Registered Provider; Starter Tenancy; Units for Rent.

Add the following definitions:

Affordable Housing Commuted Sum

The sum of £80,280 (eighty thousand, two hundred and eighty pounds) towards the cost of providing affordable housing within:

- (1) the area of the South Downs National Park that is co-extensive with the area of the Council, or
- (2) if that is not possible, within any part of the South Downs National Park, with preference given to areas closer to the boundary of the Council.

Plans 1 and 3

The plans so numbered and attached to this agreement.

Proposed Development

The residential development of the Land comprising the erection of 21 dwellings (including 1 replacement dwelling); associated private amenity space and parking; new access from North Street; public open space; and parking and access to the cemetery.

PLANS

Delete plan 2.

FIRST SCHEDULE, PART 1

Delete heading AFFORDABLE HOUSING and paragraphs 1.1 – 1.22.

Insert heading AFFORDABLE HOUSING COMMUTED SUM and the following paragraphs:

- 1.1 To pay to the Council on or before the Operative Date the Affordable Housing Commuted Sum.
- 1.2 Not to cause or allow the Proposed Development to be commenced before the Affordable Housing Commuted Sum has been paid.
- 1.3 If the operative date of the proposed development occurs after 31 March 2017, the Affordable Housing Commuted Sum shall be increased by an amount equal to the proportionate increase in the Nationwide House Price Index (or such other index used by the Council from time to time to calculate affordable housing commuted sums) between the quarter

preceding the date of appeal decision ref APP/Y9507/S/15/3139364 and the quarter preceding the Operative Date.

SECOND SCHEDULE

Amend paragraph 1 to read:

The Council covenants that upon receipt of the contributions referred to in sections 1, 2 and 10 of the First Schedule, it will keep a separate account of the said contributions and apply the same for the purposes for which the said contributions were paid.

Amend paragraph 2 to read:

In respect of the contributions referred to in paragraph 1 above and within ten years of the date of receipt by the Council of each contribution, the Council shall on written request issue to the party that paid the said contribution or its nominee an account certified by the Council detailing how the contribution has been expended.

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Mr S Corp BSc(Hons)	Director, S106 Affordable Housing Ltd.
Mr S M Casson BSc MRICS RMaPS	Quantity Surveyor, Casson Associates.
Mr C Chatterji BSc MRICS	Director, Gascoignes Chartered Surveyors.
Mr H Robbie BSc(Hons) MRICS	Director, Crownhall Estates Ltd.
Mr J Tingley CEnv BEng(Hons) MSc FGS MEnvSc	Technical Director, Geo-Environmental Services Ltd.
Mr P Vacher MCIOB	Quantity surveyor, Consultancy 31.

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Saunders	Development Manager (National Park), Chichester DC.
Mr D Price BSc(Hons) BTP MRTPi	Principal Planning Officer, Chichester DC.
Mr S Ballard	Senior Environmental Protection Officer, Chichester DC.
Mr S Mason BSc MA	Assistant Planner, West Sussex CC.
Miss H Nicol	Rural Housing Enabler, Chichester DC.
Mrs K Simons	Senior Environmental Health Technician, Chichester DC.
Mrs L M Thomas BSc(Hons) MRICS	Technical Lead, Property Services, National Specialist Unit, Valuation Office Agency.
Mr G A Tremeer BSc MRICS	Development Consultant, District Valuer Services – South-East.

THE APPELLANT'S DOCUMENTS

A1	Mr Corp's revised statement.
A2	Mr Corp's viability appraisal dated 27 January 2016.
A3	Revised build cost estimates, submitted on 2 February 2016.
A4	Email and letter dated 7 December 2015 from Seaward Properties to Mr Chatterji concerning offers for the appeal site.
A5	Appeal notifications.
A6	Report by advantageSDS on offers for affordable homes at the appeal site, April 2013.
A7	Marketing details for the appeal site.
A8	Letter dated 15 January 2016 from James Todd & Co to Mr & Mrs Howard of Woodlea concerning capital gains tax.
A9	Revised build costs from Consultancy 31, submitted on 18 February 2016.
A10	Letter dated 16 February 2016 from Mr Chatterji to Mr Corp concerning existing use valuations.
A11	Report on ground investigation at the appeal site by K F Geotechnical, March 2014.
A12	Statement dated 3 March 2016 and appendices from Mr Chatterji.
A13	Costs application.
A14	Email dated 4 March 2016 from Mr Vacher to Mr Corp concerning build costs.

- A15 Letter dated 18 February 2016 from Mr Tingley to Mr Robbie concerning soil contamination and foundation options.
- A16 Extract from Chichester DC Housing Land Supply 2014-2019.
- A17 Contamination assessment of the appeal site, Ground and Environmental Services Ltd, June 2014.
- A18 Email dated 19 February 2016 and attachments from Mr Tingley to Mr Ballard concerning ground conditions on the appeal site.
- A19 Email dated 18 March 2016 and attachments from Mr Corp concerning viability appraisals and costs applications.
- A20 Email dated 3 May 2016 and attachments from Mr Corp concerning viability appraisals 2016.
- A21 Page 4 of letter dated 3 May 2016 and appendix 2 from Mr Chatterji to Mr Corp concerning stamp duty land tax.
- A22 RICS guidance note - Financial viability in planning (GN 94/2012).
- A23 Letter dated 5 July 2016 and attachments from Mr Casson to Mr Corp concerning build costs.
- A24 Letter dated 6 July 2016 from W Stirland to the Appellant and preliminary cost plan for housing on the appeal site.
- A25 Report dated 28 July 2016 and appendices from Mr Chatterji concerning stamp duty land tax.
- A26 The Appellant's proposed modifications to the planning obligation.
- A27 Letter dated 10 August 2016 from Mr Chatterji in response to Mr Tremeer's statement dated 29 July 2016.
- A28 Schedule of piling costs, Casson Associates
- A29 Mr Tremeer's viability appraisal dated 4 March 2016.
- A30 Mr Corp's viability appraisal dated 18 August 2016.
- A31 Note on stone walling costs, Casson Associates, August 2016.
- A32 Letter dated 2 September 2016 and attachments from Mr Corp in response to Document L21.
- A33 Letter dated 28 September 2016 from Mr Chatterji to Mr Corp concerning calculation of stamp duty land tax.

THE LPA'S DOCUMENTS

- L1 Mr Tremeer's viability appraisal dated 1 February 2016 and appendices.
- L2 Mr Tremeer's viability appraisal dated 28 August 2015 and appendices.
- L3 Calculations in respect of build cost estimates, February 2016.
- L4 Comments in response to additional information submitted by the Appellant, February 2016.
- L5 Comments in response to additional information submitted by the Appellant and costs application, March 2016.
- L6 Mrs Thomas's development appraisal dated February 2016.
- L7 Mr Ballard's comments dated 1 March 2016 in respect of soil contamination and remediation costs.
- L8 Mr Mason's statement.
- L9 Response to the Appellant's costs application.
- L10 Email exchanges of February 2016 between Mr Ballard and Mr Tingley concerning foundations.
- L11 Email dated 22 March 2016 from Mr Price¹⁷ and viability appraisal dated 21 March 2016.

¹⁷ The email included a further response to the Appellant's costs application. As the LPA's response had already been made (Document L9), these paragraphs of the email and the associated attachments do not form part of Document L11.

- L12 Email dated 29 April 2016 from Mr Saunders concerning the viability appraisal and the provision of affordable housing.
- L13 Comments in respect of reopened hearing, July 2016.
- L14 Mr Tremeer's statement of 9 August 2016 and appendices.
- L15 Addendum to costs application.
- L16 Mr Tremeer's statement of 16 August 2016 and appendices.
- L17 Valuation Office Agency note on piling costs.
- L18 Email dated 10 May 2016 from Landspeed Homes to Mr Robbie concerning affordable housing on the appeal site.
- L19 Mr Tremeer's statement of 18 August 2016 and appendices.
- L20 Extract from RICS guidance note – Valuation of land for affordable housing.
- L21 The NPA's proposed modifications to the planning obligation.
- L22 Annotated site plan concerning stone walling.
- L23 Email dated 6 September 2016 from Miss Nicol concerning Documents L21 & A32.
- L24 Email dated 28 September 2016 from Mr Price concerning Document A33.

OTHER DOCUMENTS

- O1 Extracts from the Local Plan.
- O2 Extract from the emerging Local Plan.
- O3 Plans of Petworth Conservation Area.
- O4 Correspondence concerning the appeal proposal from Mrs J Hogbin.