



Appeal Decision

Inquiry opened on 24 April 2012

Site visits made on 27 April 2012

by **B J Sims BSc CEng MICE MRTPI**

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

Decision date: 20 June 2012

Appeal Ref: APP/C3810/A/11/2163208

Land at the Woodgate Centre, Woodgate Road, Westergate, West Sussex, PO20 3GU

- 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 Builtform Developments Limited against the decision of Arun District Council.
 - The application Ref AL/69/11/, dated 2 July 2011, was refused by notice dated 29 September 2011.
 - The development proposed is the erection of up to 100 dwellings [including 30% (up to 30) affordable] together with 7,115 square metres of landscaped open space within the residential area and an additional 1.95 hectares of land to be laid out as publicly accessible amenity woodland.
 - The inquiry sat for 5 days on 24-27 and 30 April 2012.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the application and appeal are in outline, the matter of access is for detailed consideration at this stage.
3. The submitted plans were slightly amended after consideration by Arun District Council (ADC) to incorporate a slight correction to the site boundary near the access point in the north western corner. ADC agrees to this modification and the appeal is considered on the basis of the modified plans [*as listed A-J*] because the boundary correction has no bearing on the nature or effects of the development.
4. The Appellants have entered into certain planning obligations, provided by way of two Unilateral Undertakings (UUs) under Section 106 of the Act as amended. UU1 makes provisions to secure 30% affordable housing in accordance with the application as well as financial contributions toward Fire and Rescue and Library services. UU2 provides for financial contributions toward enhanced pedestrian and cycle facilities.
5. ADC and the Appellants have jointly provided, without prejudice, a Schedule of suggested planning conditions, mostly agreed but otherwise indicating areas of disagreement and including alternative wordings.

6. Accompanied and unaccompanied site visits were undertaken, including during the morning peak traffic period, on 27 April 2012, to observe the effect of the railway level crossing on the flow of traffic along the A29 Lidsey Road at Woodgate.

Main Issues

7. The main issues in the appeal are:
 - 7.1 the effect of the proposed development on the appearance and character of the appeal site and the surrounding area outside any settlement boundary,
 - 7.2 the level of sustainability of the location of the proposed housing with respect to transport modes and the proximity of community facilities,
 - 7.3 the effect of traffic generated by the development on living conditions in Woodgate Road,
 - 7.4 the suitability and safety of pedestrian and cycle routes serving the development and the adequacy of the proposed financial contribution toward their enhancement,
 - 7.5 the effect of traffic generated by the development at the junction of Woodgate Road and the main A29 Lidsey Road, taking account of the influence of the nearby railway level crossing and proposed improvements to the junction,
 - 7.6 the degree of need for additional dwellings in the District with respect to the achievable five-year housing land supply, and
 - 7.7 other material considerations including the provision of adequate drainage and any benefits of the proposed development.

Reasons

Planning Policy

General

8. Since the appeal was submitted, the National Planning Policy Framework (the Framework) has come into effect, replacing former Planning Policy Statements. The Evidence to the Inquiry was prepared and the Inquiry conducted with reference to the Framework, including its relationship to locally adopted planning policy.
9. The Framework first reiterates, at paragraphs 11-13, the legal requirement that planning decisions must be taken in accordance with the development plan unless material considerations, including the Framework itself, indicate otherwise.

Development Plan

10. The development plan for Arun District comprises the adopted South East Plan of 2009 (SEP) and saved policies of the adopted Arun District Local Plan (ADLP) of 2003. The SEP, as the Regional Spatial Strategy, is intended in due course to be revoked under the Localism Act, whilst the plan period of the ADLP expired in April 2011. For the time being, the statutory development plan

provisions of most relevance to this appeal are contained in SEP Policies CC6, H1, H2, SCT1 and SCT5 and in ADLP Policies GEN2, GEN3, GEN5, GEN7 and GEN32.

11. The SEP Policies together set out a vision to promote high quality development in support of sustainable economic growth and regeneration of the Sussex Coast, which includes the area of Westergate. Policy CC6 on sustainable communities requires development to respect the character and distinctiveness of settlements and landscapes and to create a high quality built environment, including with respect to accessibility.
12. On housing, the SEP provides for the managed delivery of 11,300 new dwellings in Arun District between 2006 and 2026, at an average rate of 565 dwellings per annum (dpa). Policy H2 includes the provision that account should be taken of any backlog of unmet housing needs within the first ten years of the Plan.
13. Within Arun District, ADLP Policy GEN2 defines built-up area boundaries outside which Policy GEN3 restricts development, in order to protect the countryside for its own sake. Policy GEN7 seeks high quality design that responds to site characteristics and allows for safe movement of vehicles, giving priority to pedestrians. Policy GEN32 aims to avoid significant noise pollution arising from new development.
14. For housing, ADLP Policy GEN5 sets a District target of 8,700 new dwellings between 1996 and 2011, a figure that was based on gross totals before losses in the former West Sussex County Structure Plan.

Emerging Local Policy

15. The emerging spatial vision for Arun District follows a long-established approach to focus growth mainly on the larger settlements but includes Westergate, Barnham and Yapton among villages suitable for strategic development.
16. Housing policy is under review by way of the emerging Local Plan. In this connection ADC has resolved upon a reduced housing target of 400dpa once the SEP is revoked. The Local Plan is not due for adoption before the end of 2013.

Framework

17. The Framework at paragraphs 7 and 14 sets out a presumption in favour of high quality, sustainable development, with accessible local services. This is in support of approving, without delay, any proposal that accords with the development plan. Alternatively, where the development plan is out-of-date, development should be approved unless its benefits would be significantly and demonstrably outweighed by adverse impacts when assessed against the Framework as a whole.
18. Framework paragraph 17 includes the core principles, on one hand, to make every effort proactively to drive sustainable economic development and, on the other, to seek a good standard of amenity for existing occupiers of land and buildings, and to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.

Framework paragraphs 18 and 19 state that the planning system should ensure support for economic growth.

19. Framework paragraphs 29 to 41 set out national policy for sustainable transport. This includes ensuring that development is located where the need to travel is minimised and the use of sustainable transport modes can be maximised [para 34], and high quality public transport is available and safe access is provided with priority to pedestrian and cycle movements [para 35]. For larger scale development, a mix of uses is favoured to include employment on site and community facilities within walking distance of most properties [para 38]. Development should only be prevented on transport grounds where adverse impacts are severe [para 32].
20. With respect to housing, Framework paragraph 47 provides for local planning authorities to use their evidence base to assess objectively the housing requirement to be met in their local plans. A five-year supply of deliverable sites should be identified, with an additional buffer of 5%. Where there has been a persistent record of under delivery a 20% buffer is required to provide a realistic prospect of achieving planned housing supply. Paragraph 48 allows the five-year supply to include windfall sites where there is compelling evidence that this is a reliable source. Paragraph 49 states, with reference to the presumption in favour of sustainable development, that local housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable sites.
21. Framework paragraph 214, for the time being, gives full weight to local policies adopted since 2004 even where there is limited conflict with the Framework, whilst paragraph 215 states that due weight may be given to relevant local policies adopted before 2004, according to their degree of consistency with the Framework.

Relative Weight of National and Local Policy

22. The SEP, adopted since 2004, falls to be considered with reference to Framework paragraph 214. There is no dispute that the relevant SEP Policies are essentially consistent with the Framework and, to that extent, carry their full statutory weight in relation to this case. At the same time, their provisions are broadly based and, whilst not precluding the appeal development, are of limited assistance in assessing whether the appeal site specifically is a sustainable location for the development proposed.
23. The ADLP, adopted before 2004, falls to be considered with reference to Framework paragraph 215. Policies GEN7 on design and GEN32 on noise are essentially consistent with the Framework and continue to carry full weight.
24. However, the requirement of Policy GEN3 to protect the countryside for its own sake, reflecting former national advice, has given way to the provision in Framework paragraph 17 simply to recognise its intrinsic character and beauty. As a result, with respect to Policy GEN3 the Framework is properly regarded as attracting greater weight.
25. With respect to the settlement and housing policies of the ADLP, the designated built-up area boundaries of Policy GEN2 were adopted in 2003 to accommodate, in settlements then regarded as sustainable, development needs calculated in the context of earlier planning circumstances. Even then, the housing target of Policy GEN5 was explained in terms that envisaged the

need for pro-active steps, including possible early policy review, in the event that housing did not come forward at the required rate.

26. It is undisputed that housing land has not come forward at the required rate of either the ADLP or the subsequent SEP. ADC expressly accepts that the time-expired built-up boundaries of the adopted ADLP now have significantly reduced weight and do not relate to housing beyond 2011. As a result, housing sites will be required outside the currently defined built-up boundaries. To that extent, the local housing policies are to be regarded as out of date in any event and this is a material consideration in the appeal. However, it remains to consider the effects of the appeal development on individual merit.
27. Whether the adopted local housing policies are out of date with respect to the presumption in favour of sustainable development in terms of Framework paragraph 49 is a matter of judgement in relation to the five-year housing land supply currently available. This is considered below under the heading of Housing Need.
28. Finally, the emerging Local Plan is at such an early stage of preparation that it carries very limited weight.

Location Outside any Settlement Boundary

29. The proposed development is strictly contrary to adopted ADLP Policy GEN3 to protect the countryside because the site is outside any built-up settlement boundary defined by Policy GEN2. In contrast with Woodgate Road within the settlement boundary immediately to the west, the site is semi-rural in character, comprising mainly horse paddocks with some dispersed residential and other built development associated with its equestrian use. Although bounded to the north by a small site with permission for a Class B industrial use and to the south by an extensive caravan park, the site gives way to open countryside to the east.
30. The addition of up to 100 dwellings would, in effect, double the size of the developed area of Woodgate, south of the nearby main railway line, and form an urban extension into the countryside. Even allowing for the existing and potential development adjacent to the site, the scale and intensity of this amount of new building would substantially alter the character of both the landscape and the adjacent settlement. In this respect, reference was made at the Inquiry with a site just outside the settlement boundary of Yapton where development of 173 dwellings was recently allowed at appeal. In that case, however, direct comparison is limited because there was found to be a greater degree of urban enclosure.
31. Judging this particular proposal on its individual merits, there are certain considerations in its favour to mitigate its harmful impact outside the settlement. There is no reason that this outline proposal could not be the basis for a development of the high quality required by SEP Policy CC6 and ADLP Policy GEN7 and, furthermore, it would avoid any southward linear extension of Woodgate. The development would relate to the existing settlement and would not be greatly visible in the wider landscape beyond limited local viewpoints. The site is not subject to any protective landscape designation and does not in itself make a particular contribution to the appearance or character of the surrounding countryside, whilst the proposed development incorporates landscaped open space and public amenity woodland.

32. Despite these mitigating factors, and notwithstanding that the settlement boundaries and countryside protection Policies GEN2 and GEN3 of the ADLP are to be regarded as out of date, the proposed development would nevertheless cause a degree of harm to the intrinsic semi-rural character of the appeal site, and to the countryside on its eastern flank. This is a material consideration still recognised by Framework paragraph 17, as well as SEP Policy CC2, and is to be taken into account in the overall balance of planning considerations.

Sustainability

Settlement Context

33. The area of Woodgate, where the appeal site is situated, forms part of the settlement of Westergate. Even though the main focus for development in the emerging Local Plan is likely to be the larger towns of Bognor Regis and Littlehampton, Westergate is among a group of inland villages historically regarded as sustainable settlements and now envisaged for strategic house building. This would amount to several hundred dwellings, including some 170 within Westergate itself. The appeal site is identified as potentially suitable for development in the Strategic Housing Land Availability Assessment (SHLAA) with no insurmountable constraints.
34. However, consideration of Westergate for development in the emerging spatial strategy cannot yet be given significant weight, and mere identification in the SHLAA is not a justification for planning permission because the SHLAA is not itself adopted policy. Even though ADC has allowed several larger housing developments in line with its emerging strategy, there is nothing to say that the appeal site specifically is favoured for housing development over any other location in terms of its sustainability.
35. It is notable too that, in past assessments of sustainability, both at the former Local Planning Inquiry in 2002 and in the more recent Arun Settlement Sustainability Study in 2007, Woodgate in particular, and Westergate in general, have performed poorly, compared with most of the other settlements assessed, in terms of employment and transport accessibility. That is despite a good level of community facilities. The Study notes that only about one in five employees travel to work within the settlement.
36. Moreover, it is important not to equate the area of Woodgate with Westergate as a whole, because it comprises a relatively small part of the settlement toward its southern edge. Furthermore, Woodgate is partly severed from the larger part of Westergate by the main railway line. This runs east-west across the A29 Lidsey Road via a level crossing not far north of the junction of Woodgate Road, where the proposed development would gain access.

Accessibility

37. It is therefore necessary, in connection with the present appeal, to assess sustainability with reference to the individual site in question and the accessibility of the key services of food retail, health, employment and education nominated in the West Sussex County Council (WSSCC) Transport Assessment Methodology.
38. Comparison was again made at the Inquiry with the site adjacent to the settlement boundary of Yapton, where permission for over 170 dwellings was recently allowed at appeal, including with reference to sustainability. There is

clearly a wider range of services and community facilities in Westergate than in Yapton. However, distances to many of them from the present appeal site, including hot food takeaway, surgery and nursery are longer, employment opportunities fewer, bus services less frequent and the distance to the railway station at Barnham greater. At the same time, a food store, primary school and a pub are closer.

39. This level of comparison is inconclusive and the crucial judgement to be made, with reference to the available choice of travel mode and journey times, is the degree to which occupiers of the particular site in question would be reliant upon the private car at the expense of more sustainable forms of transport.
40. There is no evidence that the travel patterns of prospective residents of the appeal site would differ from that of the existing community. Therefore it is to be expected that some 80% would work away from the settlement of Westergate and that as many as 89% of journeys of any kind would be by private car. The latter assumption is justified according to records of the Sub Ward of Arun 003C, which includes Woodgate but excludes areas close to Barnham station where train use is more likely to be favoured.
41. According to established assessment criteria, including Institute of Highways and Transport guidelines, journey times on foot to key services, calculated from the centre of the appeal site, would in many cases be of the order of 25 to 35 minutes or more, for example to the Croft Surgery, Elm Tree Stores and Post Office, the Westergate Day Nursery and the St Philip Howard High School. Many work trips on foot would take much longer.
42. It is estimated that it would take 55 minutes to walk, or 24 minutes to cycle, the 4.2Km to the nearest railway station at Barnham, such that many travellers would opt to use a bus as an alternative. Although bus stops are available on Lidsey Road, within a reasonable walking distance of the appeal site, and train services between Barnham station and destinations further afield are quite good, the local connecting bus service is relatively infrequent.
43. These estimated travel times include a 3-minute allowance for the frequent closure of the Lidsey Road level crossing, which in practice can cause delays of considerably longer. It is to be expected that frustration due to the level crossing coupled with the comparatively long distances to many essential services in Westergate, many 2Km or more away, would cause the majority of residents of the appeal site to choose their private cars for most journeys. This is borne out by the presently high proportion of car journeys undertaken by the existing local population.

Conclusion on Sustainability

44. The suitability of the available pedestrian and cycle routes is discussed below but the foregoing considerations lead to the conclusion that the appeal site provides a low level of sustainability for the proposed development with respect to transport modes and the proximity of community facilities.
45. In this respect, the proposed development would fail to comply with the SEP Policy CC6. It would also be in conflict with the thrust of Framework paragraphs 34-35 and 38 to locate development where sustainable travel can be maximised, where there is high quality public transport and community facilities and where there is employment within walking distance of most properties, in particular for larger scale developments as proposed in this case.

46. This consideration weighs considerably against the proposed development.

Living Conditions

47. The main concern of ADC and present residents, regarding living conditions, is that Woodgate Road, as a quiet residential street, would experience a fourfold increase in the number of vehicles using it due to the proposed development and that this would give rise to noise and disturbance, especially at the eastern end of the present cul-de-sac.
48. However, there is no technical evidence to indicate that noise levels would increase to an unacceptable level. The access to the development could be configured to calm traffic speeds and there would still be no through traffic. Woodgate Road is not particularly narrow for a residential access and has footways and verges on both sides. The houses are not especially close to the carriageway.
49. As a matter of judgement, whilst the increased use of Woodgate Road would be noticeable, there is no ground to conclude that the additional traffic due to the proposed development would give rise to significant noise pollution in terms of ADLP Policy GEN32.

Pedestrian and Cycle Routes

50. Woodgate Road and Oak Tree Lane both provide adequate pedestrian and cycle routes into the appeal site from Lidsey Road. Woodgate Road would carry all vehicular access to the appeal site, whilst Oak Tree Lane to the north would be a suitable alternative for pedestrians and cyclists, being a lighter-trafficked cul-de-sac with relatively wide footways. Along Woodgate Road the footways are narrowed by the presence of grass verges but the Road offers room for pedestrians to avoid each other or the occasional cyclist by stepping onto the verges without conflict with motor vehicles. Accordingly the suggestion of ADC that the verges of Woodgate Road should be paved to accommodate the proposed development is not supported.
51. The main A29 Lidsey Road is a different matter as it carries substantial traffic flows for large parts of the day with frequent queues for the level crossing. There are no formal crossing places south of the railway line and no designated cycle paths along the route south toward Bognor Regis or, more important, north toward the community services in the main part Westergate and neighbouring Eastergate.
52. For these reasons, the A29 is accepted as being a route suitable for the more experienced cyclist. The recorded accident rate is low, although the anecdotal but credible evidence of local residents is that this is more because they are fearful of cycling, and avoid it in favour of their cars, than because the route is inherently safe for cyclists or pedestrians.
53. There are alternative cycle routes to the facilities of Westergate and to Barnham station, including some recommended by the WSCC online Cycle Route Journey Planner. However, ADC is justified in seeking improvements to the more direct pedestrian and cycle routes across and along the A29 before any additional use is generated by new development as now proposed, in order to encourage non-motorised transport modes. In this connection, three pedestrian refuge islands would be desirable on the A29, including one serving

an existing bus stop south of the level crossing, as well as a shared pedestrian and cycle route along the A29, at least as far as Eastergate.

54. The approximate ADC budget estimate of cost for such works exceeds £200,000, even without the section of shared pedestrian and cycle route to Barnham, whereas UU2 would provide an estimated £162,000.
55. Concluding on the suitability and safety of pedestrian and cycle routes serving the appeal site, improvements would be required in order to bring the development into line with the priority given to pedestrian and cycle movements by ADLP Policy GEN7 and Framework paragraph 35 in support of sustainable transport. The financial contribution to such work secured by UU2 is unlikely to be sufficient to meet the costs involved. To that extent, there remains an objection to the appeal with respect to cycle and pedestrian routes.

Woodgate Road – Lidsey Road Junction

Existing Conditions

56. The Woodgate Road cul-de-sac serves about 30 properties and forms a tee-junction with the A29 Lidsey Road, an important local lorry route carrying over 8,000 vehicle movements a day. However, there is no question that the traffic generated by extending Woodgate Road to serve an additional 100 houses, as proposed, would exceed the free-flow network capacity of either road.
57. There is, though, an acknowledged problem of local congestion, largely associated with the railway level crossing some 130 metres north of the Woodgate Road junction. The level crossing barriers are lowered for a total of 30 to 40 percent of the day. Closures last between two and six minutes at a time and, in between, the barriers are raised for an average of about three minutes, though sometimes for less than two. The result is regular queuing by north-bound traffic for distances of 200 to 300 metres during times of peak traffic flow, well back past the Woodgate Road junction.
58. At the junction itself, turning movements are constrained by its geometry, with tighter corner radii than other more recently constructed side roads nearby. At approximately 4.8 metres wide, the carriageway of Woodgate Road allows a heavy goods vehicle (HGV) to pass a car, according to the accepted standards of national guidance in the Manual for Streets. However, the effective width of the cul-de-sac is often reduced by kerbside car parking.

Effect of Development Traffic

59. Reliance may be placed on the WSCC Transport Assessment Methodology with reference to highway capacity impact. This includes the criteria that, where existing queues block a junction, or where any increase in average delay exceeds two minutes, nil detriment or better must be achieved in connection with new development. So the question in this case is whether the traffic generated by the proposed development would cause any additional delays due to increased traffic queues or turning manoeuvres at the Woodgate Road junction.
60. The development would generate some 595 vehicle movements a day including about 90 in the peak hours. It is reasonable to assume that this would result in a degree of additional queuing and delay, increasing over the years with general traffic growth. The Appellants have attempted to predict these effects

by way of an accepted modelling technique, adapted to include the level crossing, and arriving at a result that appears to represent mean queue lengths rather than maximum. Combining these results with observations by ADC, it is possible to conclude that, by 2018, peak queue lengths would increase by about seven vehicles, or about 40 metres length, on the main road. At these times on Woodgate Road, instead of a single vehicle usually waiting for the level crossing queue to clear as at present, there would often be three or four.

61. In order to accommodate additional turning movements, the Appellants propose the installation of a right turn lane (RTL) within the highway boundary, secured by a negative planning condition. This is designed to absolute minimum lane width standards of the Department for Transport Design Manual. There is no question that it would ease the passage of cars turning right into Woodgate Road from the South. However, even after formal safety audit, there remain concerns that there could be conflict between vehicles, including due to buses stopping near the junction and causing overtaking into the opposing RTL.
62. Further conflict is likely to occur due to the still-constrained geometry of the improved junction causing the swept paths of HGVs to overtrack both the RTL and the footways at the corner. In addition HGVs would overrun the opposing lane of Woodgate Road over 16 or so metres from the junction where cars could be waiting to emerge. Moreover, as the level crossing queue regularly extends substantially beyond the taper into the RTL, right turners could still be impeded, or even encouraged to overtake unsafely to gain entry into the RTL.
63. Simple observation indicates that the present traffic conditions are difficult and frustrating. It is noteworthy that certain unwise overtaking movements were observed during the peak hour site inspection, apparently due to frustration at the level crossing queue. It must be recognised that queuing to enter a main road from a side street is a feature of modern life for countless people and that the present situation is not by itself a reason to reject new development if the impact of additional traffic would not be severe when judged in terms of Framework paragraph 32. It is also unlikely in this case that many additional HGV movements would occur.
64. However, whilst the RTL would improve the capacity of the junction overall, there would be some detriment in terms of delay due to additional queuing and impeded turning movements, with implications for road safety. This results in a degree of conflict with ADLP Policy GEN7.

Housing Need

Requirement

65. Whilst the Framework and the Localism Act provide for ADC to define its own housing policies, the target of 400dpa in the emerging Local Plan has yet to be tested by way of public consultation before formal adoption, which is not scheduled before the end of 2013. It would not be appropriate, in connection with the present site-specific appeal, to anticipate the outcome of that process. At the Inquiry the 400dpa figure was not supported by evidence and both ADC and the Appellants accepted that the appropriate policy starting point for assessing current housing need is the 11,300 total, or 565dpa set by the SEP.

66. SEP Policy H2 appears clearly to require any backlog in housing land supply at the start of the SEP plan period in 2006 to be distributed over the first ten years of the SEP, ie up to 2016.
67. ADC calculate that backlog as 212 units based on net completions after losses in terms of the former West Sussex Structure Plan and, further, take the overall 20-year SEP target of 11,300 dwellings as including it. The Appellants calculate the total to be 380 units by subtraction of recorded completions from the relevant proportion of the 8,700 requirement of ADLP Policy GEN5, to be added to the SEP target over the period up to 2016.
68. Whilst the housing policy of the former Structure Plan referred to net completions, its overall target is expressed in gross terms, as is that of the SEP. For direct comparison and proper compliance with the SEP it is appropriate to calculate the 2006 backlog in gross completions with respect to Policy GEN5 and to distribute these over the first ten years of the SEP, as recommended by the Appellants.
69. On that basis, the practical SEP requirement applicable to Arun District for 2006-16 is 5,650+380, equivalent to 603dpa. For the six-year period from 2006 to the present year 2012, the requirement is thus 3,618 units. This figure is to be preferred to the 3,390 on which ADC relies, derived simply by multiplying the SEP annual target of 565 by the 6 years concerned.
70. There is evidence and agreement that there have been a total of some 2,977 dwelling completions in the District between 2006 and 2012, albeit figures for the current year are not yet finalised. By subtraction from the preferred target of 3,618, this represents a shortfall of 641.
71. Adding that shortfall to the revised SEP requirement of 603dpa for the four years 2012-2016 together with the basic 565 requirement for the fifth, the current five-year District housing requirement becomes 3,618 dwellings, again according to the Appellants.
72. ADC assumes a lower shortfall of 413 units with respect to its calculated requirement of 3,390 and adds 260 of that shortfall to the next five years requirement, citing the principle to recover under provision in the short to medium term, and arriving at a current five-year requirement of 3,085 units.
73. However, the approach of the Appellants is to be preferred as clearly compliant with the SEP, in comparison with the more arbitrary methodology of ADC. Accordingly, on the evidence available in the present appeal, it is appropriate to regard the current five-year housing land requirement for Arun District as 3,618 dwelling units, equivalent to 723dpa.

Supply

74. According to the ADC Annual Monitoring Report (AMR) 2010-11, the District housing land supply (HLS) amounted in 2011 to 3,097 units to which ADC now adds 93 units for the Angels and Hyde Nursery site and 191 for small, unallocated windfall sites, making a total of 3,381. The latter two additions are controversial, as are the figures of 390 included for sites identified in the ADC SHLAA and 1,044 for newly identified sites. These components of the HLS are considered in turn as follows:

- 74.1 The Angels and Hyde Nursery site was hitherto impeded by the prospect of a High Court challenge to the grant of permission for its development. The challenge has been withdrawn and it is reasonable to include its projected yield of 93 dwellings as it otherwise appears to be deliverable within the next five years.
- 74.2 There is compelling historic evidence of a consistently large and increasing proportion of District HLS being provided by small sites which are under the threshold of six dwellings for inclusion in the SHLAA. Discounting garden land, sites inside the South Downs National Park and sites already with permission, and simply applying the historic windfall average of 66dpa, a net addition of 191 is justified in terms of Framework paragraph 49.
- 74.3 ADC asserts that SHLAA sites with good prospect of delivery account for a projected total of 1,098 dwellings in the remaining years of the SEP to 2026, of which 390 are expected to come forward in the next five years to 2017. This evidence is undocumented and the number included in the AMR total appears as a simple proportion of the assumed overall figure. At the same time it is reasonable to accept that some of these identified sites will deliver completions, although on the minimal evidence available any figure must be treated with caution.
- 74.4 The figure of 1,044 claimed for recently identified sites is ambitious when divided among the small number of locations concerned. Yet it is noted that at least one site (Site 6) has already outperformed its assumed delivery. This figure too though, must be treated with caution.
75. Overall, in view of the uncertainty surrounding the delivery of the SHLAA sites and recently identified sites, the total HLS of 3,381 dwellings assumed by ADC represents a likely maximum figure.
76. Converting this total of 3,381 into the number of years of supply it represents in relation to the annual requirement of 723, the current likely maximum HLS amounts to about 4.68 years. Taking the most pessimistic view, the five-year HLS would reduce to 3.8 years, or less if assumed build rates were not forthcoming.

History of Under Delivery and the Supply Buffer

77. ADC shows in its AMR that, further to the historic backlog in 2006, in the six years operation of the SEP, dwelling completions only exceeded the SEP target of 565dpa in 2007-8 and provisionally in the current year 2011-12. In none of those years did the total meet the 603 required to meet the backlog prior to 2006. There is merit in the submission of ADC that the term "persistent under delivery" in Framework paragraph 47 denotes a trend which is continuous. That is consistent with the dictionary definition in terms of "relentless" or "incessant" repetition. With respect to the base target of the SEP therefore, it would be appropriate to conclude that under delivery of housing in Arun District, whilst chronic, is not strictly to be regarded as persistent over the last six years.
78. Taking account of the 2006 backlog though, the practical SEP requirement of 603dpa has never been exceeded since the start of the SEP plan period. In that respect, the under delivery of housing in Arun District might reasonably be regarded as "persistent", justifying adding a 20% buffer to the five-year HLS,

equivalent to 6 years rather than 5%, equivalent to 5.25 years, in order to provide the requisite realistic prospect of achieving the planned supply.

79. ADC put forward the interesting approach of applying the buffer to the requirement, as distinct from the supply, as clearly implied in the wording of Framework paragraph 47. The foregoing approach of adding the buffer to the supply is to be preferred as compliant with the Framework so that the requirement remains as a fixed datum for assessment.

Affordable Housing Contribution

80. Despite a District-wide need for affordable housing, there is no evidence of a particular local need for it in the area of the appeal site. However the benefit of a contribution of up to 30% additional affordable dwellings, ensured by UU1 in compliance with ADC policy, is a material factor in favour of the proposal.

Conclusion on Housing Need

81. The evidence in this appeal is a classic reminder that the calculation of housing land requirements and the prediction of housing land supply is an inexact and subjective process. However, on a fresh appraisal, it is unlikely that the most pessimistic assessment of the five-year HLS of 3.8 years or less will be borne out in practice. At the same time, it is evident that the five-year HLS is no more than about 4.7 years, compared with the desirable figure of 6 years in response to persistent under delivery.
82. As a five-year supply of deliverable housing is not demonstrated, it follows in this case that the relevant policies of the ADLP and SEP for the supply of housing should not be considered up-to-date in terms of Framework paragraph 49. Accordingly, the degree of shortfall in the five-year HLS is a material consideration in favour of allowing the proposed development. This is to be taken into account with respect to the presumption in favour of sustainable development set out in Framework paragraph 14.

Other Material Considerations

Planning Conditions, Obligations and Benefits

83. The provision of satisfactory means of foul and surface water drainage, originally of concern to ADC, could be satisfactorily addressed by the imposition of suitably worded planning conditions based on those suggested by ADC and the Appellants.
84. In addition to the 30% affordable housing and highway contribution discussed above, UU1 would provide appropriate Library and Fire and Rescue Service contributions and these would neutralise any harm by way of undue pressure on infrastructure. These planning obligations would be necessary and directly, fairly and reasonably related in scale and kind to those aspects of the proposed development which they address. They would thus be compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010. To that extent, UU1 and UU2 are material to the determination of the appeal.
85. There would be some degree of community benefit from the provision of the 1.95 hectares of publicly accessible amenity woodland included in the proposals, as well as a level of support for economic growth in terms of Framework paragraphs 18-19.

Overall Balance of Planning Considerations

86. With respect to Framework paragraph 14 and the presumption in favour of sustainable development, the degree of under-supply of housing in Arun District amounts to a material consideration in favour of allowing the proposed development unless it is judged on the evidence to be unsustainable due to its location or adverse planning impacts that would significantly and demonstrably outweigh any benefits.
87. On that basis, the degree of adverse impact due to the location of the development outside the settlement boundary and with respect to the Woodgate Road junction and the need for pedestrian and cycle route improvements would not together justify dismissing the appeal in the face of the evident degree of identified housing need.
88. However, taking these disadvantages with the evident poor level of sustainability of the site, the case against the proposed development is sufficient to override both the degree of shortfall in the five-year housing land supply, and the economic growth and other benefits arising from up to 70 open market and 30 affordable dwellings, and the associated public amenity woodland.
89. On this overall balance of planning considerations it is concluded that the appeal should be dismissed.

B J Sims

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Edward Grant	of Counsel
He called	
Mr C Holdup	Transport Planning Engineer
MEng AMCIHT	Paul Basham Associates on behalf of
	West Sussex County Highway Authority
Mr N Crowther	Strategic Development Planning Manager
BA(Hons) DipTP MRTPI	Arun District Council

FOR THE APPELLANT:

Mr Graeme Keen	of Counsel
He called	
Mr P Jackson-Cole	Principal Transport Planner
BSc(Hons) MCIHT	Russell Giles Partnership
Mr P Collins	Director
BA(Hons) DipTP MRTPI	PPC Planning and Property Consultants Limited

INTERESTED PERSONS:

Cllr Mrs M West	Aldingbourne Parish Council
Mrs S Whitmarsh	Local Resident
Mrs C Bartlett	Local Resident
Mr M Burton	Chairman Oak Tree Lane Management Company and Residents Association

DOCUMENTS

- 1.1-5 Lists of persons present at the Inquiry
- 2 Letter of notification and circulation list
- 3 Letters from interested persons
- 4.1-2 Unilateral Undertakings
- 5 Mr Jackson-Cole – Proof of Evidence
- 6.1-2 Mr Jackson-Cole – Appendices
- 7 Mr Collins - Proof of Evidence
- 8.1-5 Mr Collins - Appendices
- 9.1-3 Mr Collins - Additional Appendices submitted during the Inquiry
- 10 Mr Holdup – Proof of Evidence
- 11 Mr Holdup – Appendices
- 12 Mr Crowther – Proof of Evidence
- 13 Mr Crowther – Appendices
- 14.1-7 Mr Crowther - Additional Appendices submitted during the Inquiry
- 15 Cllr Mrs West – Written Statement
- 16 Mr Burton – Written Statement
- 17 Arun District Council - Annual Monitoring Report 2010-11
- 18 Arun District Council – Settlement Sustainability Study 2007
- 19 Arun District Council – Core Strategy Options for Growth Sustainability Commentary 2007
- 20 Arun District Council – Options for Growth 2009
- 21 Schedule of Suggested Conditions

PLANS

- Application Plans revised to accommodate minor site boundary error**
- A 04.2011/07 Revision A – Location Plan
- B 9370211 – Site Plan – Topographical Survey
- C 04.2011/06 Revision A – Existing Site Plan
- D 04.2011/05 Revision A – Block Plan with Indicative Layout
- E 04/2011/08 Revision A – Indicative Master Plan
- Submitted with Transport Assessment**
- F 2011/1307/001 – Proposed Junction Improvements Lidsey Rd/Woodgate Rd
- G 2011/1307/001 Revision A – ditto – revised to take account of Safety Audit
- H Proposed Access Arrangements to Appeal Site
- Further Illustrations**
- I Illustrative Street Scene A
- J Illustrative Street Scene B

PHOTOGRAPHS

- 1-14 Photographic Survey of Appeal Site submitted with the Application