



Appeal Decision

Inquiry opened 29 October 2014

Site visits made on 29 October and 5 November 2014

by D R Cullingford BA MPhil MRTPI

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

Decision date: 9 January 2015

Appeal Ref: APP/L3815/A/14/2219554

Land to the south of Clappers Lane, Bracklesham Bay, West Sussex, PO20 8JB

- 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 by Wates Development Limited against the failure of the Chichester District Council to determine an application for planning permission within the prescribed period.
- The application (ref: EWB/14/00457/OUT) is dated 10 February 2014.
- The development proposed is described as 'an outline application for the erection of 160 residential dwellings, a new vehicular access, open space and other ancillary works'.

Summary of Decision: ~ The appeal is dismissed

Procedural matters

The need for EIA

1. Although this scheme falls within the description set out at paragraph 10b in Schedule 2 and exceeds the thresholds in column 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, the Screening Opinion issued by the Council for a proposal entailing some 220 dwellings here indicated that a significant environmental effect would be unlikely, given the sensitivity of the immediate area. In a letter dated 14 July 2014 the Secretary of State confirmed that the appeal scheme would not be likely to have any significant environmental effect, bearing in mind the criteria set out in Schedule 3 to the Regulations, and consequently would not constitute EIA development; an Environmental Statement is thus not required. Nevertheless, the application was accompanied not just by:
 - A Planning statement,
 - A Statement of Community Involvement and a
 - Design and Access Statement:But also by:
 - A Landscape and visual assessment
 - An Arboricultural Assessment
 - An Ecological Impact assessment
 - Ecological surveys
 - An Archaeological Desk-top assessment
 - A Transport Assessment
 - A Framework Travel Plan
 - A Flood Risk Assessment and foul drainage strategy, together with an update Addendum
 - An Agricultural Land Quality Assessment

- An Air Quality Assessment, and
- A Sustainability and Energy Assessment

The emerging Local Plan

2. The Inquiry took place during the EiP of the emerging Chichester Local Plan (2014-2029). In October, the EiP Inspector had asked for an 'audit of the evidence' to demonstrate the housing capacity that could be delivered in the context of the 'constraints' identified in the Plan; all potential sites and all potential ways to deliver housing within the Plan area were to be considered¹. The Council acceded to this request and the 'audit' was approved by Cabinet and the full Council at the end of November². As a result a modest increase in the possible annual average housing provision over the Plan period is now proposed from 410dpa to 435dpa within the Plan area with the potential capacity of the East Wittering and Bracklesham 'settlement hub' being increased from 100 to 180 dwellings. At the Inquiry, I agreed that all parties should have an opportunity to comment on such changes to the emerging proposals, to be submitted by 10 December. I now have the benefit of those additional submissions.

The site and surroundings

3. Bracklesham sprawls against the Sussex shingle in a series of closes and culs-de-sac lined (mainly) with neat suburban dwellings and modest bungalows. It sits amidst flat low-lying farmland on the edge of the Manhood Peninsula amongst the chalets and caravans of holiday villages, camping sites, caravan parks and the expanse of estuarine SPAs; it lies at the end of the B2198 (here known as Bracklesham Lane) across the sometimes tortuous 11km or so from Chichester via the A286. A few small shops (including a convenience store, a post office and a hairdresser), restaurants, take-away establishments and pubs congregate in Bracklesham Lane, though many more outlets (including 2 modest supermarkets) occupy the parades at the centre of East Wittering, about 1.8km to the west: there is a children's nursery (in Bracklesham) and a primary school (in East Wittering): there are playing fields, a playground and the Bracklesham Barn Community Centre nearby. Buses (up to 4 times an hour) provide a 20-30 minute link to Chichester.
4. The appeal site is a flat field of some 5.6ha roughly 70m to the east of Bracklesham Lane. It lies adjacent to, and just to the east of, the modest bungalows in Grayswood Avenue and Barton Way, the small rear gardens of which demarcate the 'settlement limit' (the boundary of the 'Settlement Policy Area') and the edge of 'open countryside'. Opposite the site to the north along Clappers Lane is a ribbon of about 9 detached dwellings in substantial plots and beyond them the chalets and caravans of the extensive South Downs Holiday Village. Flat open arable land stretches eastwards to the attractive village of Earnley and its ancient Parish Church (some 300m distant) and, beyond that (little more than 1km away) is the expanse of the coastal realignment at Medmerry; Earnley is a Conservation Area containing several Listed Buildings, including the Parish Church: the Medmerry Realignment has the status of a Special Protection Area, accommodating paths, cycle-ways, horse trails and car parks. To the south, beyond a field hedge and ditch, dwellings are currently being erected in accordance with a scheme for 50

¹ ID7

² CA5

homes, originally granted on appeal in September 2013 (APP/L3815/A/13/2192900). Further south still is the Bracklesham Barn Community Centre and an extensive recreation area. The site itself is 'screened' from the wider landscape to the north and east by belts of dense foliage up to 12m deep beside the roadside ditch and a field drain.

The proposal

5. The application is submitted in outline with all matters except the means of access reserved for subsequent approval. It explicitly involves the erection of 160 dwellings with a new vehicular access onto Clappers Lane and the provision of open space. Illustrative plans show how 160 dwellings might be arranged around estate roads connected to a main access from Clappers Lane, shown as running southwards through the site to link, via the development currently under construction, to Elm Close and Beech Avenue, both of which serve as convenient routes to the shops and facilities in Bracklesham Lane. A landscaped pedestrian path is indicated to provide a north to south link in the eastern part of the scheme. An area of open space with a playground is shown in the north east corner of the site: a smaller area of incidental open space is indicated beside the southern boundary, partly separating the appeal scheme from the new dwellings that will become 'Pebble Reach' and partly complementing the open space in the eastern part of that development. A further area of open space is shown in the southern half of the 'peninsula-like projection' beside the playing fields and recreation area at Bracklesham Barn; this area is largely within flood zone 2, with a small part in flood zone 3. In all, about 0.97ha of the site would accommodate the screening foliage along the northern and eastern boundaries and would remain largely inaccessible: some 0.89ha would contain the accessible areas of open space, of which about 0.68ha would be in the 'southern peninsula'.
6. The illustrative plan also shows that the scheme might consist mainly of 2 storey structures with small blocks of 2.5 storey buildings positioned at one or two nodal points. There would be a range of dwelling sizes; 19 (12%) would offer 1 bedroom, 53 (33%) would provide 2, 76 (48%) accommodate 3 and 12 (8%) contain 4. Some 64 units (40%) would be affordable dwellings in accordance with the Council's Interim Statement on Affordable Housing; the Council confirm not only that there is a high housing need in the parish, but also that the mix of market housing, as well as the mix and tenure of the affordable dwellings, would be acceptable. The mix of private dwellings would provide 34% with 1 or 2 bedrooms 55% with 3, and about 10% with 4: the mix of affordable homes would consist of 61% with 1 or 2 bedrooms, 36% with 3 and 3% with 4. The provision of the latter, together with nomination rights, would be secured through the signed and submitted section 106 Agreement. Spaces for some 291 parked cars are shown mainly along street frontages and sometimes in car parking courts. Provision for 228 cycle spaces would also be made.
7. The main access from Clappers Lane would break through the screening foliage roughly midway along the northern boundary. The arrangement now proposed would be designed to restrict traffic movements allowing traffic only to turn right into the scheme and only to turn left out of it. The intention is to deter the possibility of 'rat-running' through the Earnley Conservation Area and along the narrow lanes beyond, either northwards to Chichester or eastwards to Selsey.

8. Foul sewage from the scheme would drain to the Sidlesham WwTW. It is estimated that there would be more than sufficient headroom at Sidlesham to accommodate the proposal. However, the network leading to it is inadequate, as is clearly demonstrated by the evidence and photographs submitted by local people. Hence, the intention is that the foul drainage would avoid the Church Road pumping station and Clappers Lane by utilising and upgrading the arrangements required for the recently permitted scheme at Pebble Reach; the permitted pumping station there would be upgraded and the flows forced westwards along the gravity sewer beneath Beech Avenue and thence routed southwards and eastwards to return via Stocks Lane (through an enlarged sewer), Legion Way and West Bracklesham Drive to the pumping station in East Bracklesham Drive for onward transmission to Sidlesham. These provisions are to be secured by Agreement under the Water Industry Act 1991 and by the imposition of an appropriate condition preventing development until details are submitted to, and approved by, the Council.
9. Surface water is to be drained from the site into adjacent watercourses via a SUDS scheme. Subject to groundwater monitoring and provisions for the proper maintenance of the SUDS, it is agreed that such arrangements would be acceptable. Conditions could also ensure that finished floor levels and roadways would be raised to accommodate potential flood levels.
10. A signed and dated section 106 Agreement¹ would secure contributions of almost £428,000 for the provision of community and leisure facilities, together with ecological improvements and protection for the Chichester Harbour SPA. It would also, in combination with a 'nomination agreement', secure provision for the affordable housing, maintenance of the open space and the SUDS. Some £279,000 would provide for contributions in respect to education, libraries, fire and 'local' road improvements. And, over £334,000 would contribute to the additional costs of policing, as well as improvements to the A27 and A286 junction at the Stockbridge roundabout. In all, contributions of more than £1.04m would be made. The submitted 'advisory note' explains how these provisions would conform to the CIL Regulations². I agree. These contributions would thus constitute material considerations in favour of the scheme.
11. Suggested conditions³ would ensure that the scheme would be implemented as intended: that arrangements for the provision and management of the landscaping and open space would be secured: that intended footpaths and cycle-ways would be provided: that foul and surface water drainage systems would be installed and controlled: that a Travel Plan would be devised and implemented: that any potential contamination on the site would be addressed: that any archaeological finds would be recorded: and, that the materials for, and appearance of, the buildings would be controlled.

Planning policy and the main issues

12. The Development Plan is currently the 'saved' policies of the Chichester District Local Plan First Review (1999). The emerging Chichester Local Plan (2014-2029), which addresses the provision for housing over the period 2012-2029, is in the throes of Examination. The emerging Plan initially sought to provide

¹ ID11

² Document 38

³ Document 27

an annual average of 410 dwellings over the Plan period, equivalent to 480dpa within the District (assuming 70dpa would be achieved within the South Downs National Park). This figure is well short of almost all estimates of the full objectively assessed need for housing within the District which, since 2013, has been set out in ranges with mid-points varying from about 530-590dpa; the latest estimate agreed in the relevant Statement of Common Ground¹ being 560-575dpa. The proffered justification for pursuing a housing requirement well below those estimates is that environmental constraints (including the National Park, AONBs, SPAs and SACs), sewage treatment capacity and inadequate highway infrastructure must limit the dwellings that could be accommodated acceptably. Hence, although the combined settlement of East Wittering and Bracklesham is identified as a 'settlement hub' in policy 2 (below only Chichester itself in the 'settlement hierarchy'), it is deemed to be suitable to accommodate only 100 dwellings over the Plan period (policy 24).

13. The justification for this 'constrained requirement' has been subject to scrutiny at the EiP. The Inspector asked for an 'audit of the evidence' to demonstrate how the 'constraints' had led to the derivation of 'capacity', entailing considerations of all potential sites and all potential ways to deliver housing within the Plan area². The recent completion of this exercise³ has resulted in proposals for a modest increase in the possible annual average housing provision over the Plan period from 410dpa to 435dpa within the Plan area and from about 480dpa to 505dpa within the whole District (including the National Park). As part of this exercise, the potential capacity of the East Wittering and Bracklesham 'settlement hub' has also been increased from 100 to 180 dwellings.
14. Clearly, housing requirements and the capacity of the East Wittering and Bracklesham 'settlement hub' are currently in a state of flux⁴. And, even if it were otherwise, substantive objections to the emerging Plan have been lodged in relation to both matters. Some have elements of technical or documentary support. Indeed, traffic modelling indicates that this 'settlement hub' might accommodate up to 340 dwellings while a review of SHLAA sites indicates that the appeal site could have potential for 178 dwellings⁵. Such matters are not to be determined in the context of a section 78 appeal: the outcome must await adoption of the Plan. But, they do indicate that the effective capacity of East Wittering and Bracklesham to accommodate additional dwellings is likely to exceed the 100 currently proposed in the emerging Plan. The relevant Neighbourhood Plan provides no further guidance; it remains at a very early stage, even though the designated area was approved in September 2013.
15. What planning policies now apply here? The 'saved' policies of the adopted Local Plan are clearly not absent or silent and, although the Plan is 'long in the tooth', it does not necessarily follow that all its policies must be 'out-of-date'. In this case, the Plan shows the appeal site as wholly within the countryside and beyond any 'settlement policy area' where residential development is to be severely restricted. However, it is agreed that a 5-year supply of housing land cannot be demonstrated; currently sufficient land to last for little more than 4 years can be identified and an estimated dearth of 684 dwellings has

¹ Document 28

² ID7

³ CA5

⁴ CA1-CA5

⁵ CA4 and CA5

accumulated¹. Since it is also agreed that paragraphs 47 and 14 of the Framework are engaged², it follows that the proposal is to be considered in the context of the presumption in favour of sustainable development and permission for housing granted unless tests derived from specific policies in the Framework (or material considerations) indicate otherwise or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole. For the purposes of this appeal, those are the tests that I apply. I also note that, through the section 106 Agreement, the scheme would meet the requirements of the various 'Interim Statements' that remain operational³.

16. In that context, the Council acknowledge that the provision of market and affordable housing would constitute clear benefits of the scheme. Moreover, they raise no site specific objection to additional housing on this site, adjacent as it is to a 'settlement hub'. On the contrary, the principle of additional housing here would be acceptable. Rather, their concerns relate to the scale of development and the cramped nature of the scheme evident from the illustrative plans; the claim is that the proposal would contravene 'saved' policy BE11, paragraphs 58, 59 and 61 of the Framework and undermine complementary elements of the emerging Local Plan seeking high quality design, a good living environment and a scheme reflecting the character of the landscape and its surroundings (policy 33). In addition, the Council consider the proposal to be unsustainable in relation to the employment opportunities within easy reach of the site, given the scale of development proposed. Other initial concerns are withdrawn in the light of the Transport Statement of Common Ground between the appellants and the Highway Authority⁴ or overcome with the submission of the section 106 Agreement⁵.
17. The Consortium of Western Manhood Parishes raise additional concerns. First, careful surveys of available jobs, leisure, shopping, educational and cultural opportunities, demonstrate the dominance of Chichester and the relative absence of provision at Bracklesham. It is asserted that this would generate a propensity for prospective residents to travel off the Manhood Peninsula, often by car. The claim is that the location of the appeal scheme should thus be regarded as unsustainable. Second, the practise of assigning the new trips generated on the basis of a gravity model is claimed to fail to reflect the relative attractiveness of what is on offer at different destinations. Once that is taken into account, it is estimated that the generated traffic travelling off the Manhood Peninsula and through the Stockbridge and Selsey Tram junctions would be roughly double that estimated by the appellants. The traffic impact would be correspondingly greater. And, there would be some 35 vehicles travelling through the Earnley Conservation Area and the 'eastern lanes' during the peak hour. Third, even though it is now agreed that the traffic impact of the scheme at the Stockbridge roundabout would not be noticeable⁶, it is maintained that, as existing queuing there is severe, any additional queuing

¹ Document 28

² Op cit

³ These include Interim Statements relating to the 'Provision of Service Infrastructure', 'Planning for Affordable Housing' and 'Development and Disturbance of Birds in Chichester and Langstone Harbours'. The Interim Statement on 'Facilitating Appropriate Development' has been 'archived' following the submission of the emerging Local Plan.

⁴ Document 29

⁵ ID11

⁶ Document 30

traffic must also create a 'severe impact'¹. The assertion is that it is now necessary to 'draw a line in the sand' in relation to further 'unforeseen' residential schemes, otherwise the potentially serious cumulative effects of individually 'unnoticeable' traffic impacts would simply fail to be addressed.

18. Local residents endorse the objections lodged by the Council and the Consortium. Other matters raised include the use of productive farmland and the erosion of the rural gap between Bracklesham and Earnley. There is concern that the traffic generated by the scheme would impair the quiet rural character of Clappers Lane and lead to rat-running through Earnley, so damaging the character of the Conservation Area. The scheme might also impinge on the RSPB reserve at Medmerry and create an encircling urban edge to the 'compensatory habitat' evident from vantage points within the re-alignment. Evidence is also presented of the inadequate arrangements for foul drainage and there is concern that the incidence of inundation by sewage would be exacerbated by the proposal.
19. In those circumstances, and from all that I have heard, read and seen, I consider that this case turns on whether the presumption in favour and the benefits of this scheme would be significantly and demonstrably outweighed by any adverse impact, as assessed against the Framework, with particular reference to:
 - i) the sustainability of the scheme,
 - ii) the traffic impact of the proposal, and
 - iii) the likely character and quality of the development intended.

The benefits of the scheme

20. There is little more than a 4-year supply of deliverable housing sites that can be identified and an agreed shortfall of some 684 dwellings in the number currently required. The proposal would thus contribute to the 5-year supply of housing land and address the shortfall currently identified. Indeed, to meet that shortfall within the next 5 years (as the PPG advocates, if possible) land for a further 137 dwellings over and above the current average annual requirement would need to be found; the appeal proposal would make a substantial and significant contribution to meeting such a requirement. Moreover, I accept that the scheme would be likely to make an immediate contribution to the provision of the additional dwellings needed here. The grant of planning permission is the only obvious impediment to delivery, all the necessary agreements being in place. And, the progress made on the emerging estate at Pebble Reach to the south, barely one year from the grant of permission to the same appellants, would bode well for the early delivery of dwellings on the appeal site. A significant boost to the supply of housing would thus also be achieved.
21. The scheme would deliver some 64 dwellings (40%) as affordable homes in line with the Council's Interim Statement on Affordable Housing. At the time of the application 157 households were listed on the 'housing register' with a local connection to the parish of East Wittering (including Bracklesham) and 45 of those were identified as being in some form of 'priority need'. The scheme would thus meet the needs of those on the 'priority list' and make a substantial contribution to meeting the needs of those with a local connection to the

¹ This was the initial view of the Highway Authority, see document 36

parish. Moreover, as this is not an exception site, it is explained that the affordable housing on offer would also be available to people from neighbouring and other parishes, thereby helping to ameliorate the dire need for affordable dwellings within the District as a whole. The Council confirm that the mix of affordable dwellings, in terms of size, would be acceptable and comply both with the distribution set out in the SHMA (2012) and the requests made by housing officers. The provision would be secured through the executed section 106 Agreement, so that the proposal would make a significant contribution to meeting the objectively assessed need for affordable housing in the housing market area, as the Framework extols.

22. It is clear that those significant benefits would be delivered often in accordance with several operative planning policies. There is no site specific objection to the scheme from the Council beyond those relating to the scale of the proposal and the access to employment. There is no allegation of harm relating to ecology, landscaping, air quality, residential amenity, highway design or the provision of open space. On the contrary, the Landscape Capacity Study (2011) identified the site as within an area exhibiting only 'slight' landscape value and having only 'slight sensitivity', with the result that, given its enclosing foliage and its distance from the Earnley Conservation Area, it was deemed to have the highest capacity of any within Bracklesham to accommodate some new housing. I think that there would be scope to strengthen the existing foliage to enhance its 'screening effects' in relation to views from the Medmerry re-alignment.
23. The ecological impact of the proposal would be imperceptible. The site is some 2km from the 'compensatory habitat' at Medmerry, which (subject to suitable conditions) ought to be too far for any direct or indirect effect to be evident. A contribution to compensate for any 'recreational disturbance' to the Chichester Harbour SPA is to be provided and secured through the section 106 Agreement. Subject to those provisions, Natural England raise no objection to the scheme. Also, an updated 'mitigation strategy', including further survey work, together with the re-positioning of a road bridge over the field ditch between the site and the development at Pebble Reach is deemed to overcome the Council's concerns in relation to the protected species evident on the site.
24. In those circumstances, a further benefit entailed by the proposal is the potential to avoid developing other more sensitive sites in locations where more constraints might be evident. And, in a District like Chichester where severe constraints are numerous and extensive, I rather agree with the appellants that such a benefit is unlikely to be realised often. The provision of landscaping and the generous extent of the open space in comparison to policy requirements would benefit those in the vicinity and prospective residents. Local spending by the new residents would help to sustain local jobs, services and public transport. And, quite apart from the jobs and investment derived from the development itself, the 'new homes bonus' could itself encourage much needed new house building elsewhere in the District. The benefits of the scheme would thus be substantial. In those circumstances, as indicated above, planning permission should be granted unless significantly and demonstrably outweighed by any adverse impact, as assessed against the Framework. I consider those potential adverse impacts below.

25. The Council believe the proposal to be unsustainable in relation to the employment opportunities within easy reach of the site, given the scale of development proposed: the Consortium show that the potential attraction of the available jobs, leisure, shopping, educational and cultural opportunities beyond East Wittering and Bracklesham would be likely to 'exceed' the attraction of those within it, so encouraging 'unsustainable' car-borne travel to destinations beyond the Manhood Peninsula.
26. But that all seems to me to be what might be expected at a 'secondary service centre' such as this. East Wittering and Bracklesham are described in the emerging Plan as a 'single large village with a good range of everyday facilities', including parades of shops and 'local services such as doctors and banks serving a wider area'. There is no secondary school or leisure centre and there are relatively limited local employment opportunities. But the place is not the County town or the religious, cultural and commercial focus for an extensive population. It is a modest sea-side resort identified only as a 'settlement hub', defined in the emerging Plan as a 'secondary service centre, providing a reasonable range of employment, retail, social and community facilities serving the settlement and local catchment area'. Trips beyond it to higher order services and facilities are only to be expected. Their inevitable existence does not necessarily demonstrate the appeal site to be in an unsustainable location. On the contrary, it could be as 'sustainable' as many other locations within, or on the edge of, this 'single large village'.
27. The evidence demonstrates as much. The place provides a haven for tourists and for some local businesses, facilities and services: higher order services and larger businesses are located elsewhere. The business at the Cobham Microwave site may have closed, but reoccupation or redevelopment might offer new employment opportunities. The East Wittering Business Centre may be on the periphery of the settlement, but local employment also exists in the small shops, restaurants, nurseries and tourist attractions. Indeed the village provides employment for some 2,300 people with roughly 1,000 commuting into the village from beyond the Manhood Peninsula, so demonstrating its role as a local employment centre. Not surprisingly, about one fifth of working residents travel less than 2km to work and about 52% travel less than 10km (probably within the Manhood Peninsula). Such flows seem to me to partly reflect the choices people might reasonably make in deciding where they might wish to live and work.
28. This particular 'settlement hub' is the second largest settlement on the Peninsula and is deemed to have the potential for some housing and employment growth. The emerging Plan identifies a modest requirement of about 100 homes explicitly limited to take account of 'traffic and transport issues affecting the Peninsula, capacity constraints at the Sidlesham WwTW and potential impacts on local designated sites'. The restricted access to employment opportunities, although recognised in the Plan, is not explicitly identified as limiting that housing requirement. And, although additional local employment opportunities are to be catered for in conjunction with the housing sought, it is recognised that the 'commercial demand for further employment space in the village is likely to be restricted to a very local market and entail modest provision of small office and workshop units on flexible terms'. Clearly such provision is not intended to cater for all those working and living within

the village, so that the Plan must accommodate (perhaps even endorse) travel to work elsewhere by many. The 'sustainability' of that solution must depend upon the distribution of housing, relative to employment and other attractions, across the Plan as a whole. Whether or not the appeal proposal would be 'sustainable' would thus depend on the degree to which it would breach the scale of housing development envisaged as appropriate in the Plan.

29. As submitted, the Plan identifies a modest requirement for about 100 homes in East Wittering and Bracklesham over the period 2012-2029. Construction of the 50 dwellings permitted at Pebble Reach on appeal in 2013 is underway, so permission for a further 160 units would result in the provision of 210 dwellings within the village, double the amount envisaged in the Plan. Moreover, as that 'overprovision' would be likely to materialise at an early stage in the Plan period, it could easily be exacerbated by pressure for subsequent development during the decade or more over which the Plan would remain operative. On that basis, I think that the appeal proposal might reasonably be held to be 'unsustainable' if it were to significantly breach the scale of development envisaged as appropriate in the Plan and thus entail an element of housing development where the need to travel would not necessarily be 'minimised' in relation to the distribution planned'.
30. However, it seems to me that the recent completion of the 'capacity audit' now makes it impossible to be certain whether the level of 'overprovision' currently envisaged would represent an unsustainable excess in a 'secondary service centre' or a sustainable addition to a 'settlement hub'. First, the 'capacity audit' has increased the proposed housing requirement in the village to 180 dwellings, just 30 short of the potential provision from Pebble Reach combined with the appeal scheme. Second, the 'allocations' set out in the Plan were stated (at the EiP) not to be 'minimums' partly because a 'minimum' might imply an open ended acceptance of anything greater. But, by the same token, they are not 'maximums' either. Hence, modest additions would not necessarily contravene the housing requirements or lead to unsustainable and unforeseen patterns of travel not catered for by the Plan. And, of course, the 'housing requirement' and the allocations set out in the 'capacity audit' may yet alter or increase further in the course of adopting the emerging Plan. In any case, sustainability entails more than access to employment and more than just travel. In the circumstances that prevail here, I follow similar reasoning to my colleague who determined the appeal at what is now emerging as Pebble Reach; I consider that the appeal proposal must be regarded as a reasonably sustainable addition to this 'settlement hub'.

Traffic impact

31. The Consortium are concerned that the scheme would generate substantially more traffic through already congested junctions and over rural lanes, including the Earnley Conservation Area, than is estimated by the appellants. They also object to the failure to consider the potentially serious cumulative effects of individually 'unnoticeable' traffic impacts.
32. The Framework insists that schemes should only be prevented or refused on transport grounds where the residual cumulative impact is 'severe'. That is an onerous test. Moreover, half a dozen experts or expert bodies indicate that the impact of the appeal proposal would not be severe. These include the Highway Agency, their consultants, the County Council (the Highway Authority), the District Council and an independent transport consultant. Even

the Consortium agree that the effect of an increase in traffic from the scheme itself on the Stockbridge roundabout of 0.3% (according to the appellants) or 0.6% (according to the Consortium) would be not be noticeable¹. Essentially, the concern is that permission for the appeal proposal could serve as a precedent 'opening the door' to a succession of schemes exceeding the scale of development envisaged in the emerging Plan each individually imposing similarly 'unnoticeable' traffic impacts on the highway network. And, of course, as traffic increases and conditions worsen, individually unnoticeable percentage increases could accommodate ever larger increments of additional vehicles.

33. I sympathise with that view. The analysis demonstrates that the development envisaged in the emerging Plan would, in spite of all the junction improvements financed through contributions, result in very significant queues and delays at the end of the Plan period (in this context modelled as 2031). During the morning peak hour queues on the A286 are modelled (assuming optimisation of the installed traffic signals) to extend southward from the Stockbridge roundabout for some 1.6km (across the Selsey Tram roundabout) with average delays of some 9 minutes: queues in both directions on the A27 would be about 1.5km in length with tail-backs blocking adjacent junctions to the east and west and incurring delays of 10 to 12 minutes². Such conditions would exacerbate the existing queues and delays, already described by the Highway Authority as 'severe'. It follows that the modelled conditions at the end of the Plan could reasonably be described similarly and, consequently, that any measurable additional effect (even otherwise 'unnoticeable' ones) might also be 'severe'.
34. Of course, I accept that not all the development, allocations and proposals put forward in the emerging Local Plan would necessarily materialise. And, I acknowledge that unforeseen additions and alternatives may well serve as acceptable substitutions. Hence, 'the line in the sand argument' requires careful scrutiny. Nevertheless, it is an argument often embedded in policy³. In this case, the queues and delays forecast for the highway network could be said to be warranted as a consequence of accommodating the distribution of development condoned by the emerging Local Plan. Queues and delays attributable to additional development (if demonstrated to be 'additional') might not be similarly condoned.
35. But, the distribution of development and the capacity of settlements likely to be condoned by the emerging Local Plan are uncertain. The recently completed 'capacity audit' indicates that the housing requirement in the village could be increased to accommodate around 180 dwellings, so that the queues and delays attributable to the appeal scheme might well actually turn out to be condoned by the Plan⁴. In any case, far more than the limited junction improvements envisaged as being financed through developer contributions are now in the offing. Upgrading the junctions on the A27 around Chichester (announced in 2013) is now part of a £350m investment programme to transform the A27 into a single strategic route 'to support the development of the local economy' and to remove 'notorious congestion hotspots' (as announced in this autumn's statement). This would, as a consequence, greatly

¹ Document 30

² CA3

³ Countryside, conservation and the Green Belt are common examples

⁴ CA4 and CA5

improve conditions at the Selsey Tram junction. I thus agree with the appellants that it would be inconceivable that a technical solution to the traffic problems currently experienced or identified here would not emerge over the next 17 years. Indeed, both the Highway Agency and the Highway Authority are already engaged in exploring possibilities. And, although this has been a long-running saga often floundering on environmental constraints in the past, I find it difficult to believe that an environmentally appropriate technical solution would remain beyond the ingenuity of all concerned throughout the Local Plan period.

36. The Consortium also believe that the scheme would generate noticeable increases in traffic over the rural lanes, including the Earnley Conservation Area, to the east of the appeal site. They estimate that an additional 37 vehicles might traverse the Conservation Area during the peak hour, an increase of 35%. Given the current level of traffic, this would amount, on average, to a vehicle through Earnley every 25 seconds rather than one every 34 seconds. I am not convinced that that would amount to a severe impact even though it could impinge on the amenity of cyclists, walkers and horse-riders using meandering lanes largely without lighting and footpaths. More importantly, even that impact could be mitigated further by the implementation of the turning restrictions intended at the proposed access, or as designed for the Consortium¹, and by traffic calming measures through Earnley village; suitable conditions could be imposed.
37. Taking all those matters into account, I consider that the traffic impact of the proposal would not be sufficient to outweigh the presumption in favour of this scheme.

Character and quality

38. The 'core principles' of the Framework set out aims requiring places in which people live their lives to be enhanced and high quality design to be secured. Indeed, it is stated that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people; the advice is to incorporate high quality and inclusive design establishing a strong sense of place. The exhortation that schemes should properly reflect local character, reinforce local distinctiveness and provide a good standard of amenity for all chimes with the requirements set out in 'saved' policy BE11 and aspects of emerging policy 33. Hence, those tests are relevant here.
39. I do not see that advice reflected in the submitted illustrative layout. Although the design process includes an assessment of the structure and constraints evident in the landscape, it seems to me that there is a discontinuity between that assessment and the submitted illustrative plan. The main areas of open space are pushed to the periphery confining the built elements of the scheme to a mere 3.7ha, so condensing the built form, the apparent density of the buildings and the 'cramped' character of the intended estate. The juxtaposition between the proposed development and that under construction at Pebble Reach appears awkward with oddly angled plots and flank elevations emphasising the disjunction between the 2 schemes, a perception likely to be accentuated by intervening rows of parked cars and roadways.

¹ Document 16

40. In addition, I consider that the layout lacks any discernible internal focus. The open space at the Clappers Lane entrance to the proposed estate is flanked by too few dwellings to create a perception of 'visual containment', especially given the motley collection of façades arranged in diverse positions and the intervening gaps for the roadways, access-ways and parking spaces. And, what might otherwise be a modest 'central square' appears little more than a widened space for parking plots and the banal focus of streets accommodating yet more car parking in long uninterrupted stretches on the street frontages. Indeed, many of the streets would present a bleak urbanised prospect of built façades either behind long lines of parked cars or close to pavements. I fear that the submitted plans illustrate a layout that is mediocre and unimaginative. It would neither reflect the position of the estate at the edge of this village nor the guidance offered in the Framework; nor would it comply with the planning policies applicable here.
41. Of course, this scheme is submitted in outline with all matters except the means of access reserved for subsequent approval. But the defects identified are, in my view, fundamental. It would not just be a matter of tweaking the layout to provide reasonably usable back gardens at every property rather than the small, awkward and dismal plots all too evident in parts of the scheme: nor would planting additional trees to ameliorate a roadside scene all too often dominated by parking plots suffice: nor would 'turning a façade' here and there to complement, rather than interrupt, an apparent physical alignment create a coherent streetscape. On the contrary, I consider that such defects are symptomatic of a flawed scheme, the rectification of which would require careful and thorough reconsideration.
42. I think that it is that, rather than the density, which is the issue here. Indeed, with ingenuity and imagination higher densities might well be accommodated on parts of the site, as the development at Robinson Way would seem to demonstrate. But the Framework places great importance on achieving high quality design (an aim reflected in both 'saved' and emerging policies). I consider that the illustrative scheme would fail to secure a project of 'high quality'; indeed, I think that it would jeopardise the possibility of doing so. Hence, even though I realise that Wates would work with, or sell the site to, a house-builder with their own house types, layouts and designs, and that the final layout would be subject to the approval of the Local Planning Authority, I consider that what has been illustrated would impede the evolution of an acceptable scheme. I agree that Bracklesham exhibits variety in density, design and layout and that there are no townscape designations. But, I do not agree that that warrants the implementation of such a mediocre scheme, contrary to the guidance of the Framework and the requirements of requirements of 'saved' and emerging planning policies.

Conclusion

43. I have found that the benefits of the scheme would be substantial; it would boost the supply of housing significantly, reduce the shortfall in the 5-year supply and contribute to meeting the need for 'affordable housing'. In addition, there would be financial and employment benefits associated with such housing development and social benefits in the support for local facilities and the provision of market and affordable dwellings, as well as additional open space and the like. Given the designation of East Wittering and Bracklesham as a 'settlement hub' and the uncertainty about the scale of

development that might be appropriate there, I consider that the appeal proposal should be regarded as a reasonably sustainable scheme. Moreover, it seems to me that the evidence adduced demonstrates that this proposal would not greatly affect the traffic conditions 'warranted' by the development envisaged within the emerging Local Plan, even more so now that the scale of that development is in a state of flux and that a commitment has been given to road improvements in the Autumn Statement. In those circumstances, and bearing in mind the scope for traffic calming and mitigation, I consider that the traffic impact of the proposal would not be sufficient to outweigh the presumption in favour of this scheme.

44. Nevertheless, I find the submitted plans to be illustrative of a layout that is mediocre and unimaginative, contrary to the guidance of the Framework and the requirements of requirements of 'saved' and emerging planning policies. Although the scheme is submitted in outline, I consider the defects illustrated to be fundamental and their rectification to require careful and thorough reconsideration. The Framework is very clear. Great importance is attached to the design of the built environment and good design is seen as a key aspect of sustainable development, indivisible from good planning. Hence, in balancing the identified defects against the benefits, I find that the defects significantly and demonstrably outweigh the presumption in favour of this residential scheme that would otherwise pertain. There are no 'compelling circumstances' to warrant a different view. Hence, and in spite of considering all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.

Decision

45. I dismiss this appeal.

David Cullingford
INSPECTOR

APPEARANCES
FOR THE APPELLANTS:

Sasha White	QC	Landmark Chambers, London Instructed by: Paul White, Genesis Town Planning
He called:		
Collin Pullan	BA DipUD MRTPI	Urban Design Director, Nathaniel Lichfield and Partners
James Bevis	MSc MILT MICE	Partner, i-Transport LLP
Paul White	BA DipTP MRTPI	Director, Genesis Town Planning

FOR THE LOCAL PLANNING AUTHORITY:

Gwion Lewis	of Counsel	Landmark Chambers, London Instructed by: Nicola Golding, Principal Solicitor, Chichester District Council
He called		
Joanna Bell	BA MSc MA MRTPI	Development Manager, Major Developments Team, Chichester District Council

FOR THE CONSORTIUM OF WESTERN MANHOOD PARISHES:

Robert Carey		Earnley Parish Councillor & Local Resident
He called		
Graham Bellamy	BSc CEng MICE	Partner, Bellamy Roberts
Julia Bowering		Local Resident

INTERESTED PERSONS:

Frances Barton		Office Manager, Bracklesham Caravan and Boat Club Limited
Keith Martin		Chairman, Earnley Parish Council
Graeme Barrett		District Councillor, East Wittering Ward
Eric Padley		Local Resident
Carolyn Cobbold	BSc MSc	Project Leader, Manhood Peninsular Partnership and Birdham Parish Council
Antony Hawkes		General Manager, South Downs Holiday Village, Bracklesham Bay
Hilda Glossop		Local Resident
Christopher Mead-Briggs		West Itchenor Parish Council

DOCUMENTS

Document	1	Lists of persons present at the Inquiry
Document	2	Summery proof ~ Colin Pullan
Document	3	Proof ~ Colin Pullan
Document	4	Appendices 1-11 ~ Colin Pullan
Document	5	Proof ~ James Bevis
Document	6	Appendices A-S ~ James Bevis
Document	7	Technical Note; A27 Stockbridge Junction ~ James Bevis
Document	8	Technical Note; Further Traffic Impact Analysis ~ James Bevis
Document	9	Technical Note; Stockbridge: Interim Measures ~ James Bevis
Document	10	Summary and proof ~ Paul White
Document	11	Appendices 1a-14 ~ Paul White
Document	12	Summary and proof ~ Joanna Bell
Document	13	Appendices 1-12 ~ Joanna Bell
Document	14	Summary and proof ~ Graham Bellamy
Document	15	Appendices 1-9 ~ Graham Bellamy
Document	16	Supplementary proof and appendices 1-4 ~ Graham Bellamy
Document	17	Proof ~ Julia Bowering
Document	18	Bundle of appendices 1-11 ~ Julia Bowering
Document	19	Statement ~ Frances Barton Photos; Sewage at Bracklesham Bay Caravan and Boat Club site Map: line of proposed sewer crossing the Bracklesham Bay Caravan and Boat Club site
Document	20	Statement ~ Keith Martin
Document	21	Statement ~ Graeme Barrett New developments from January 2012 Grid references Elevation chart Current characteristics of local sewer Census; households and unoccupied dwellings Operational pipe gradients Agenda: meeting with Southern Water, 3 September 2014 Notes of meeting with Southern Water, 3 September 2014 Questions to Southern Water and letter from Andrew Tyrie MP Consultation response from Southern Water to application Letters
Document	22	Statement ~ Eric Padley
Document	23	Statement ~ Carolyn Cobbold Photos: Medmerry realignment and views towards appeal site Medmerry: temporary leaflet Medmerry: winner, Best Practice Award for Nature Conservation Medmerry: award reported in the Guardian Details of the Medmerry scheme Written submission by Birdham Parish Council
Document	24	Statement ~ Antony Hawkes
Document	25	Statement ~ Hilda Glossop
Document	26	Statement ~ Christopher Mead-Briggs Note: Day 4 of EiP into the Chichester Local Plan
Document	27	Statement of common ground (general), October 2014
Document	28	Statement of common ground (5-yr housing land supply), September 2014
Document	29	Statement of common ground (transport, West Sussex County Council), October 2014

Document	30	Statement of common ground (transport, Graham Bellamy), October 2014
Document	31	Opening submissions ~ Sasha White
Document	32	Closing submissions ~ Sasha White
Document	33	Opening submissions ~ Gwion Lewis
Document	34	Closing submissions ~ Gwion Lewis
Document	35	Opening submissions ~ Robert Carey
Document	36	Closing submissions ~ Robert Carey
Document	37	Statement of CIL compliance
Document	38	Schedule and index of letters sent in response to the appeal
Document	39	Letters sent in response to the appeal
Document	40	Letter of notification and circulation list
Document	41	Suggestions for the site inspection ~ Graeme Barrett
Document	42	Maps for the site inspection; Earnley Conservation Area and Earnley surroundings

INQUIRY DOCUMENTS

<i>ID1</i>	<i>Draft section 106 Agreement</i>
<i>ID2</i>	<i>Key Diagram</i>
<i>ID3</i>	<i>Appeal decision, Birdham, May 2014</i>
<i>ID4</i>	<i>Route Strategy and Action Plan for the A27; Atkins, July 2013</i>
<i>ID5</i>	<i>Emails from Highways Agency indicating commitment to funding and implementing improvements to the Chichester bypass (A27), October 2014</i>
<i>ID6</i>	<i>SHLAA sites at East Wittering and Bracklesham, including appeal site; capacity and deliverability, May 2014</i>
<i>ID7</i>	<i>Local Plan EiP; Inspector's request to refresh the 'settlement capacity profiles' to reflect the SHLAA; housing land supply set down for consideration on 2 December 2014</i>
<i>ID8</i>	<i>PPG extract; flood zone and flood risk; amenity open space is 'water compatible' development</i>
<i>ID9</i>	<i>Census 2011; home location of those working in East Wittering and Bracklesham</i>
<i>ID10</i>	<i>Settlement Capacity Profiles, update October 2013</i>
<i>ID11</i>	<i>Signed and dated section 106 Agreement and Nomination Agreement</i>
<i>ID12</i>	<i>Minutes and notes relating to establishing the Consortium of Western Manhood Parishes</i>
<i>ID13</i>	<i>Peak hour flows; destinations of commuting and non-commuting traffic</i>
<i>ID14</i>	<i>Extracts; West Sussex Transport Plan 2011-26; the Manhood Peninsular</i>
<i>ID15</i>	<i>Googlemap timings; facilities in East Wittering</i>
<i>ID16</i>	<i>Action for Roads, DoT July 2013; Chichester bypass listed as a 'pipeline project' after 2015</i>
<i>ID17</i>	<i>Investing in Britain's Future, HM Treasury, June 2013; Chichester bypass listed as a 'pipeline project' after 2015</i>
<i>ID18</i>	<i>Googlemap timings; routes to Selsey</i>
<i>ID19</i>	<i>Manhood tourism headlines</i>
<i>ID20</i>	<i>Extract; emerging Local Plan, Housing and Neighbourhoods</i>
<i>ID21</i>	<i>The effects of 'optimisation' at the Stockbridge junction</i>

DOUCUMENTS RELATED TO THE 'CAPACITY AUDIT'

<i>CA1</i>	<i>Email from Jo Bell</i>
<i>CA2</i>	<i>Submissions from the Consortium of Western Manhood Parishes</i>

- CA3 *Operation of Stockbridge Junction with mitigation works and optimisation of traffic signals*
- CA4 *Letter from Paul White*
- CA5 *Special Cabinet minutes and report*
Evidence Audit – Housing Provision, November 2014
Appendices 1-7

PLANS

Plans	A	1	Site location	1377/S201
		2	Access arrangements	ITB7076/GA/022C
		3	Illustrative block parameters	1377/SK221C
		4	Landscape Strategy	843/L9B
Plan	B	Initial illustrative block parameters		1377/SK221

Richborough Estates