



Appeal Decision

Inquiry held on 27, 28 and 29 October 2015

Site visits made on 26 and 30 October 2015

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 14 December 2015

Appeal Ref: APP/L3815/W/15/3003656

Land North of Long Copse Lane, Westbourne, Emsworth, West Sussex, PO10 8SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Southcott Homes Limited against the decision of Chichester District Council.
 - The application Ref WE/14/00911/FUL, dated 12 March 2014, was refused by notice dated 15 October 2014.
 - The development proposed is the erection of 16 no dwellings, vehicular and pedestrian access, car and cycle parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 16 no dwellings, vehicular and pedestrian access, car and cycle parking and landscaping, at Land North of Long Copse Lane, Westbourne, Emsworth, West Sussex, PO10 8SU, in accordance with the terms of application ref: WE/14/00911/FUL, dated 12 March 2014, subject to the conditions in the attached schedule.

Application for costs

2. At the Inquiry an application for costs was made by Southcott Homes against Chichester District Council. The application is the subject of a separate decision.

Preliminary Matter

3. The Council's second reason for refusal relates to the absence of a legal agreement to secure necessary planning obligations. Shortly after the Inquiry in accordance with the timescale agreed, a signed and dated Section 106 agreement was provided that makes provision for affordable housing, community facilities, play and open space, recreation, public art, Sustainable Urban Drainage Systems (SUDS), education, libraries, total access (relating to traffic calming measures on Monk's Hill and a pedestrian crossing), fire and rescue and fire hydrants. The Council confirmed at the Inquiry that once signed, the Section 106 agreement overcomes their second reason for refusal. From the evidence before me, I consider that the requirement for these provisions meets the three tests set out in Paragraph 204 of the National Planning Policy Framework (the Framework) for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy

(CIL) (2010). Further, the sought obligations comply with the five pooled contribution limit imposed by Regulation 123 of the CIL Regulations. As a result, I have not considered such matters further in my decision.

Main Issues

4. As a result of the evidence before me, having regard to the above preliminary matter and the discussions undertaken at the Inquiry, I consider that the main issues of the appeal are the effect of the proposal on the character and appearance of the area and whether the development represents sustainable development, having regard to the development strategy of the Chichester Local Plan: Key Policies 2014-2029 (2015).

Reasons

Character and appearance

Context

5. The appeal site is located immediately adjacent to the settlement boundary of Westbourne. The appeal site is an open field, which I understand is often used for grazing horses and sheep, although none were present at the time of my site visits. The field is elevated from the surrounding roads by approximately one metre. The site is bordered by North Street to the east, Long Copse Lane to the south, a bridleway (School Lane) to the west and existing residential dwellings to the north. Further to the west are open fields that form an open area between Westbourne and Emsworth. The site is generally enclosed by a substantial hedgerow, with mature trees on the western boundary. It was evident that any long distance views of the site are very limited.
6. The appeal site has a planning history, which includes a previously dismissed appeal (APP/L3815/A/13/2198341, dated 2 December 2013). The previous proposal was for 22 dwellings and the appeal site has not significantly changed since this time. Consequently, I will have regard to the previous Inspector's findings when considering the effect of the proposal on the character and appearance of the area.
7. In terms of policy context, since the planning application was determined by the Council, the Chichester Local Plan: Key Policies 2014-2029 (2015) (the LP) has been adopted. Saved Policy BE11 of the Chichester Local Plan (1999) has now been replaced. Consequently, the policy of most relevance is Policy 33 of the LP. Policy 33 sets out that planning permission will be granted for new residential development where proposals: meet the highest standards of design; are in keeping with the character of the surrounding area and its setting in the landscape; and respects and where possible enhances the character of the surrounding area and the site, its setting in terms of its proportion, form, massing, siting, layout, density, height, size, scale and detailed design. A number of interested parties have referred to the Council's Interim Policy Statement on Housing - Facilitating Appropriate Development (2012), however, this has now been superseded as a result of the adoption of the LP.

Approaches to the site

8. The village is approached from the west by Long Copse Lane, which is relatively well used, being the link road between Emsworth and Westbourne.

When approaching from this direction the area is rural in nature. At the point in which the appeal site is encountered, views of the village and its built development are evident, particularly across the appeal site, but also along Long Copse Lane.

9. From this location, the previous Inspector raised particular concern that the previous scheme would be prominent and would present a dense and consistent frontage that would not allow for views through the site. The previous Inspector went on to find that the previous scheme would dominate the scene and would not be seen in the context of the existing village, but rather as a separate urban extension. Concern was also raised that the gardens of the proposed houses would be visible and that domestic paraphernalia would be apparent and that this would add to the more urban characteristics of the proposal and would not be in keeping with the other approaches to the village where the frontages of properties are visible, rather than the generally less well ordered private rear gardens of dwellings.
10. The proposal that is before me has been altered to seek to address these concerns. The number of proposed dwellings has been reduced to 16 dwellings, which has removed a row of houses whose gardens backed onto the paddock. The extent to which built development would extend into the appeal site has therefore been reduced and now provides a more spacious arrangement. The reduction in built development has also allowed views to be gained through the site to the existing development beyond, as is evident from Photomontage Viewpoint 3A of Mrs Brockhurst's evidence. The paddock area would also be increased as a result. Further, a hedgerow is proposed on the boundary of the built development and the paddock, which would be in keeping with the existing hedgerows that border the site and in my view would offer a more appropriate edge to the paddock and the rural area beyond. The Council has noted that parking spaces are proposed on the boundary with the paddock, which would still give an urban appearance to this edge of the development. However, I am mindful that once the proposed hedgerow establishes, the parking spaces would not be largely evident.
11. The proposed dwellings would overlook also the paddock which would reflect the character of the village from other approaches, where the frontages of properties are evident, with gardens behind. The proposal would extend built development into the rural countryside, however, this would only be by one dwelling past the existing development on Long Copse Lane and School Lane. Whilst noting the Hampshire Farm development nearby at Emsworth, the scheme would not result in any unacceptable coalescence, particularly given my findings above.
12. I consider that the proposal would not be a prominent projection into the rural area and through careful design has addressed the previous Inspector's concerns with regard to the western approach along Long Copse Lane. The rural aspect to the western approach would be retained.
13. Moving further along Long Copse Lane, Plots 7, 8 and the gable end of Plot 9 of the proposed development would face onto Long Copse Lane and would be sited opposite the existing properties. The previous Inspector noted that the dwellings of the previous scheme would be close to the lane and, despite the bank and hedge, would be easily seen from the lane and that the density,

- height and proximity of the proposed dwellings to the existing dwellings on the other side of the lane would result in an undue sense of enclosure.
14. In response to this, the appellant has revised the scheme to reduce the quantum of development on the boundary and has moved the dwellings further away from the boundary, with greater spacing between the dwellings. The proposed dwellings would also be set back behind a substantial hedgerow. As a result, of these amendments, I consider that the proposal would not create a sense of enclosure. A section drawing has been provided, which demonstrates that despite being on higher ground, the ridge heights of the proposed dwellings would not be significantly greater than those of the existing properties on Long Copse Lane. Given this and the above matters, I consider that the proposal would not be overbearing when viewed from Long Copse Lane.
 15. It was evident from my site visit that when approaching the appeal site along North Street either from the north or from the south only oblique views of the appeal site are possible until you are very close to the site. These views are also framed by the existing built development and the open nature of the appeal site is not largely evident. The provision of new dwellings on the eastern boundary, set to a large degree behind the existing hedgerow, would not materially alter these views.
 16. When viewed from North Street directly opposite the appeal site, the dwellings would be set back from the road a similar distance to the existing dwellings already present on North Street. The street elevation drawing PP1164/240-00 P1 illustrates that the proposed dwellings would be of a comparable scale and height to the existing properties Brambletye & Brambledean. Whilst the appeal site is on elevated ground, I observed on my site visit that the dwellings on the opposite side of North Street are also generally set higher than the road. There would also be evident breaks between the dwellings, allowing views of the countryside behind. Consequently, I consider that the proposal would not be a prominent and overbearing form of development.
 17. The Westbourne Village Design Statement (the VDS), which is a material consideration, sets out that the view across the appeal site from North Street opposite Ellesmere Orchard is important to villagers. This relates to views to the wider countryside behind and the treed skyline. However, I observed that with the exception of a small gap in the hedgerow, existing views of the appeal site are largely prevented. The previous Inspector noted concerns that the previous scheme, whilst providing some views through the proposed access, would form a visually impenetrable wall of built form when viewed from this location.
 18. The proposal would have a gap of approximately 15 metres at its access that would allow unobstructed views through the appeal site to the countryside and treed skyline beyond. As set out above, there would also be gaps between the dwellings fronting onto North Street which would also allow views of the countryside beyond. The gaps and views through the site, would maintain a sense of openness and would allow North Street to retain a reasonable relationship with the countryside beyond. Therefore, whilst the VDS view of importance would be framed by new residential development, the key aspects of the view of the open countryside and treed skyline to the west, to a large degree, would be maintained. Whilst acknowledging that the VDS seeks to

ensure that where green pastures reach into the village they should be retained, I consider that such views through the appeal site would retain the rural aspect of the village in this location and help to blend the proposal with the existing village, in accordance with the general aims of the VDS.

19. The scheme would result in the removal of a section of hedgerow along North Street to accommodate the proposed access. Whilst this would be an obvious man made feature, views of the countryside beyond would be clearly evident. Further, the quantum of development has been reduced from the previous appeal scheme, which would result in a softer landscaped boundary to North Street.
20. The evidence of the Council has provided a critique of the Landscape and Visual Impact Assessment (the LVIA) that supports the proposal. The Council are of the view that the effect of the proposal on many viewpoints has been understated by the appellant. Notwithstanding this, it is evident that where adverse effects are identified they are in locations very close to the appeal site and are largely a direct consequence of the development of new residential dwellings on a currently open field. I am of the view that the change of use of the site would not so much alter the character of the area within which it falls as to change the character of the site itself.
21. As a result of my findings above, I agree with the conclusion of the LVIA on visual impact that the proposed development would be prominent in views from the surrounding residential properties (and to walkers and horse riders), but would not substantially alter the scale and character of the surrounding area. I acknowledge that the occupants of the surrounding properties place great importance on their current views over the appeal site. However, as acknowledged by the previous Inspector, the preservation of views is not in itself a matter which the planning system seeks to protect. I accept that such views would dramatically alter, but such a change would not in itself be harmful in planning terms.

Wider landscape

22. The West Sussex Landscape: Land Management Guidelines identifies the site as being on the western edge of the character area Southbourne Coastal Plain (SC5). This covers a large area and many of the key characteristics are not of relevance to the appeal site, although it does set out that parts of the area retain elements of smaller scale, more varied landscapes with quiet hamlets and traditional villages enclosed by small pastures. Under land management guidelines it is noted that development should maintain and strengthen field boundaries and restore and strengthen the landscape of gaps between settlements.
23. The Chichester District Council Landscape Capacity Study Extension (2011) (the Landscape Capacity Study) identifies the appeal site as falling within the character area No 110 Westbourne Common Footslopes. This area is set out as having 'substantial sensitivity', 'moderate' landscape value and 'low' landscape capacity. However, the Landscape Capacity Study notes that landscape capacity for change is unlikely to be uniform across the character area. The majority of the character area No 110 is located to the north of Westbourne in the open countryside. In contrast the appeal site is relatively well contained, immediately adjacent to the existing built development of the village and any wider distant views are very limited. I also consider that the appeal site does

not exhibit many or all of the key characteristics and qualities listed in the study for area No 110. Therefore, I agree with the appellant's view that when considered on a more localised basis the appeal site has a much greater capacity to accommodate change than that set out for the wider area in the Landscape Capacity Study.

24. The site does not have any landscape designations. There was debate at the Inquiry that considered whether the landscape was 'valued' as set out in Paragraph 109 of the Framework. There is no definition in the Framework that sets out what a valued landscape constitutes. However, I consider that to be of value, the landscape needs to be something more than ordinary, which is a view that is shared by an Inspector of another appeal¹ that has been referred to by the appellant. I acknowledge that the landscape has local importance to the community of Westbourne, however, given the evidence before me, I am not of the view that the appeal site forms part of a 'valued landscape' that would benefit from the specific protection of Paragraph 109 of the Framework.
25. The Council has referred to an appeal in Foxbury Lane², Westbourne. I acknowledge that in that case the Inspector concluded that the development would adversely affect a valued landscape. However, I am mindful that the site is on the other side of the village, with differing characteristics and a different relationship to the wider landscape. This therefore does not alter my views on this matter.
26. Given all of my above findings, I consider that the proposal would not cause harm to the wider pastoral landscape or conflict with the key characteristics or land management guidelines set out in the above character assessment documents.

Other character and appearance matters

27. The Council are of the view that the proposal would be an uncharacteristic change in the historic pattern of development in the northern part of the village. Having regard to Figure 3 of Mr Pullan's evidence, whilst the majority of development is to the eastern side of North Street, there is existing development immediately to the north and south of the appeal site. The proposal would not project significantly to the west of the existing development to the north and south. Therefore, I do not share such concerns.
28. The architectural appearance of the dwellings has raised concern. I observed that there is a significant variation in dwelling types and styles within the area. The proposed dwellings would also have varying architectural styles to reflect this characteristic of the village. Consequently, I consider that the appearance of the dwellings themselves would be acceptable.
29. I acknowledge the concerns of the previous Inspector with regard to lights being evident at night from the proposed development. However, I am not of the view that this in itself would be sufficient to withhold planning permission. I am also mindful that the Council has not objected in principle to development on the appeal site and such lighting would be an inevitable consequence.

¹ APP/X1118/A/14/2224465, dated May 2015.

² APP/L3815/A/13/2205297, dated 14 April 2014.

Character and appearance conclusion

30. Drawing all of the above matters together, whilst the proposal would undoubtedly alter the appearance of the site, including a reduction in its openness, I consider that the scheme would not materially harm the character and appearance of the area or the wider rural setting of the village. Further, I am of the view that the considered amendments to the scheme have overcome the previous Inspector's concerns. Consequently, I conclude that the proposal complies with Policy 33 of the LP and Section 7 and 11 of the Framework. Further, whilst there are some evident conflicts, I consider that the proposal complies with the general objectives of the VDS.
31. Further to all of my findings above, I am mindful that numerous landscape experts have considered varying proposals at the site and none have raised any in principle objection to development on the site, but rather raised specific design and quantum of development concerns. As set out above, the Council also agreed at the Inquiry that it does not have an in principle objection to development on the site. Also notably, the Council's appointed landscape consultant at the planning application stage did not raise an objection to the proposal, subject to conditions being imposed, having previously raised concern with regard to the previous appeal scheme. This was evidently in isolation of the Council's housing land supply position at the time. In addition, the proposed development largely reflects an example scheme put forward by the Council as part of their evidence at the previous appeal, which it considered to be acceptable. I consider that all of these matters add weight to my findings.

Sustainable development?

32. The Framework sets out at Paragraph 47 that the Government is seeking to significantly boost the supply of housing. Further, Paragraph 49 goes on to set out that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy 1 of the LP reflects the Framework's presumption in favour of sustainable development. Policy 2 of the LP sets out the spatial strategy for delivering new housing within the district and identifies Westbourne as a service village. Further, Policy 2 goes on to set out that outside the Chichester city and the settlement hubs, service villages will be the focus of new development. The policy notes that this should be for small scale housing development in accordance with the indicative numbers set out within Policy 5 of the LP. The provision of 25 new dwellings is set out within Policy 5 for Westbourne and notes that this will be provided for by Neighbourhood Plans or the future Site Allocations Development Plan Document (DPD).
33. The appellant is of the view that given the very early stages of production of both the Site Allocation DPD and the Westbourne Neighbourhood Plan that the development is silent on the matter of where the 25 dwellings allocated to Westbourne should be located. However, Policy 2 of the LP makes clear that there is a presumption in favour of sustainable development within settlement boundaries. Consequently, I consider that the development is not silent on this matter.
34. The appeal site is located outside of the development boundary of Westbourne and therefore there is conflict with Policy 2 of the LP. Further, whilst the relevance of Policy 45 of the LP was debated at the Inquiry, it is clear that the

policy relates to all development outside of settlement boundaries and is therefore in my view relevant. Policy 45 sets out that development outside of settlement boundaries will be treated as open countryside and will only be permitted where a countryside location is required. The proposal does not therefore comply with Policy 45 of the LP.

35. However, it is evident that Westbourne is considered to be a sustainable location for additional development, as identified in the LP. Given this, the need to significantly boost the supply of housing and the presumption in favour of sustainable development set out in Policy 1 of the LP and the Framework, I consider that the location of the appeal site outside of the settlement boundary and the subsequent conflict with Policies 2 and 45 of the LP is not in itself sufficient to refuse planning permission, without further consideration as to whether the proposal represents sustainable development. This is also supported by the fact that the LP at Policy 2 acknowledges that the settlement boundaries will be reviewed in subsequent development plan documents or neighbourhood plans.
36. Turning to whether the proposal represents sustainable development, given the above, I consider that the proposal, with the exception of being located the wrong side of the settlement boundary, is generally consistent with the development strategy of the LP, namely Policies 2 and 5 of the LP. I acknowledge the views of many local residents that the Westbourne Neighbourhood Plan (the NHP) should be the mechanism to make decisions about where development should be located in Westbourne and that as part of the preparation of the NHP that local residents have shown a preference for other sites within the village. However, the preparation of the NHP is at an early stage of production and therefore carries limited weight and at the present time there are no feasible alternatives before me. The matter of prematurity has also not been raised by the Council.
37. The proposal would deliver 16 new dwellings in line with the indicative allocation set out within Policy 5 of the LP. Of the 16 proposed dwellings 6 would be affordable units and the Council's housing delivery team has confirmed that there is a demonstrable need for affordable units within Westbourne. Further to these social benefits, the proposal would generate associated economic benefits in the form of construction jobs and increased spending from future occupants.
38. I have found above that the proposal would not cause harm to the character and appearance of the area. The proposal would result in increased traffic movements, however, the Highway Authority are of the view that such movements can be accommodated on the local road network. Local residents have evident concerns in this regard, however, I have not been provided with any substantive evidence to suggest that I should take a different view to the Highway Authority. In terms of increased parking, the proposal provides a good level of on-site parking. It was evident from my site visit that the village centre, where the majority of local services and facilities are located, is a short walking distance away. Therefore, I am not convinced that the proposal would lead to increased demand for on-street parking, both in the vicinity of the appeal site or in the village centre.
39. The proposed access would provide suitable visibility splays, which could be secured and maintained by a suitable planning condition. In terms of

- pedestrian safety and concerns about the use of Long Copse Lane, by walkers and horse riders, the scheme makes provision for a new footpath, which I consider to be a benefit of the proposal. This would provide a safe walking route through the site and would link to the existing gate on the southeast corner of the appeal site. I consider that this addresses such safety concerns.
40. The matters of surface water drainage, sewer capacity and flooding have been raised as concerns. The appeal site lies in flood zone 1 and therefore the Environment Agency has not objected to the proposal. Further, Southern Water has confirmed that no pipe 'up sizing' is required to accommodate the proposal and that only adjustments to the internal workings of two pumps are likely to be required. Given the above and despite the photo's provided by local residents of flooding around the appeal site, I consider that such matters can be suitably addressed through the imposition of a suitable planning condition. This would require a surface and foul water drainage scheme to be agreed with the Council.
41. The proposal would result in the addition of three dwellings immediately opposite the existing properties on Long Copse Lane. Despite being located on higher ground, the appellant has provided a section drawing (LP90- P508) that illustrates that the ridge height of the proposed dwellings would not be significantly greater in height than the existing properties. Given this and the separation distance, I consider that the proposed dwellings on this boundary would not appear overbearing to the occupants of the properties along Long Copse Lane. I observed on my site visit that there would be a certain level of mutual overlooking, however, the dwellings would be separated from Long Copse Lane by the existing hedgerow. The relationship between the properties would be reflective of many other relationships in the village where dwellings face one another across a public highway and would, in my view, be acceptable.
42. I acknowledge that the proposal would lead to increased foot traffic along the proposed footpath that would run along the boundary with Long Copse Lane. However, this would be inside of the existing hedgerow and would therefore not result in any significant overlooking to the properties along Long Copse Lane.
43. During my site visit, I observed the proposal from Gough Cottage, School Lane. It was evident that the proposal would be a substantial distance from the rear elevation of the Cottage. Subsequently, I consider that the proposal would not result in any significant loss of daylight or sunlight. For the same reason, I also consider that there would not be any loss of privacy. The proposal would back onto the side garden of Brambletye. However, Brambletye would be separated from the nearest proposed dwellings by their associated curtilages. Such a relationship would not be unacceptable and whilst there would be some element of mutual overlooking and general disturbance, this would not be dissimilar to that which already exists with the neighbouring property to Brambletye or the properties on the opposite side of North Street.
44. The application was supported by an Ecological Assessment, which determined that the scheme would not cause any significant ecological impacts or any harm to protected species. In addition, a planning condition has been proposed by the Council for bat boxes to be installed as part of the development.

45. The effect of the proposal on the existing infrastructure, particularly on education and the GP surgery has raised concern. The proposal includes an education financial contribution to mitigate any additional pressure on local schools. In terms of healthcare, no financial contributions have been sought by the West Sussex County Council and there is no substantive evidence before me to suggest that there would be any unacceptable pressure on existing services as a result of the proposal. In addition to the above, it is asserted that the village has poor public transport and a number of residents have also set out that the village accommodates many traveller sites and dwellings, which also put a strain on existing infrastructure. However, I am mindful that the LP considers Westbourne to be a suitable location for additional development and allocates an indicative 25 dwellings to be delivered in Westbourne.
46. In the absence of any identified harm from the proposal, I consider that the proposal fulfils the social, economic and environmental roles of sustainability. The proposal therefore constitutes sustainable development as set out in the Framework, for which there is a presumption in favour. I am of the view that this material consideration is sufficient to outweigh the development plan conflict with Policies 2 and 45 of the LP, as a result of the site's location just outside of the settlement boundary.
47. The matter of housing land supply was debated at the Inquiry. However, I have found that the proposal is sustainable in its own right, which in this case outweighs the identified development plan conflict. Further, I am mindful that the presence of a five year housing land supply should not be considered as a 'cap' on additional housing or restrict sustainable development from being delivered. As a result, whether the Council can or cannot demonstrate a five year housing land supply or whether Paragraph 14 of the Framework is engaged has not had a significant bearing on my decision.

Other matters

48. I am not of the view that allowing the appeal would set a precedent for other similar development in Westbourne, given the specific nature of the proposal and the appeal site. Further, the scheme would deliver a significant proportion of the indicative 25 dwellings allocated to Westbourne within the LP, which would need to be taken into account for any further housing proposals. In addition, I consider that the provision of 16 new dwellings would not affect the social well-being or community cohesion of Westbourne.

Conditions

49. I have considered the suggested conditions against the tests set out within the Framework and the advice provided by the Government's Planning Practice Guidance and have amended them where required. As well as the standard time limit condition, a condition is necessary to ensure the development is undertaken in accordance with the approved plans in the interests of proper planning and for the avoidance of doubt.
50. To ensure the suitable appearance of the development, conditions are imposed that require: a schedule of materials and finishes to be agreed with the Council; a landscaping scheme to be produced; details of street lighting to be provided; details of site levels and longitudinal and latitudinal sections through the site of the dwellings; and details of the footpath to be constructed along

the southern boundary of the site with Long Copse Lane (including its width, alignment and surfacing materials).

51. In the interests of highway safety, conditions are necessary that require: the vehicular access serving the development to be constructed before other development commences; provisions to be made to prevent surface water draining onto the public highway; visibility splays to be provided and maintained before the dwellings are first occupied; and vehicle parking and turning spaces for each dwelling are provided before they are first occupied.
52. To protect the amenity and living conditions of neighbouring residents, conditions are imposed that require a Construction Method Statement to be agreed with the Council and details of piling to be agreed with the Council. The Council has suggested a condition that limits the use of the garage buildings to private domestic purposes only. However, I am mindful that any non-incident use would require planning permission and therefore such a condition is not required and has not been imposed.
53. To ensure the protection of the water environment and flood risk, a condition is necessary that requires details of surface and foul water drainage to be agreed with the Council. In the interests of the historic environment, a condition is imposed that requires an archaeological investigation of the site to be carried out.
54. In the interests of ecology, a condition is required that secures the provision of bat boxes as part of the development. To ensure sustainable development, conditions are imposed that: secure suitable waste management storage and secure cycle storage; and secure compliance with Policy 40 of the LP, in terms of sustainable design and construction.
55. A number of the above imposed conditions relate to pre-commencement activities. In each case, I am satisfied that the requirement of the conditions are required to make the development acceptable in planning terms and it would have been otherwise necessary to refuse planning permission.

Conclusion

56. For the reasons set out above and having regard to all other matters raised, including the strong concerns of local residents and the Parish Council, I consider that the proposal constitutes sustainable development and therefore the appeal is allowed.

Jonathan Manning

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gwion Lewis of Counsel

Instructed by Nicola Golding of the District Council

He called:

Neil Davidson Lepus Consulting
BSc (Hons), MSc, MIEEM

Peter Home Adams Hendry Consultancy Limited
MA Oxf MA, MRTPI

FOR THE APPELLANT:

Paul Cairnes Of Counsel

Instructed by Neame Sutton Ltd

He called:

Clare Brockhurst Tyler Grange LLP
FLI, BSc (Hons), DIP LA

Colin Pullan Nathaniel Lichfield & Partners
BA (Hons), DIP UD

David Neame Neame Sutton Ltd
BSc, MSc, MRTPI

INTERESTED PERSONS

Colin Hayter	Westbourne Parish Council
Roy Bristow	Neighbourhood Plan Steering Group
Mark Dunn	District Councillor
Sandra James	County Councillor for the Bourne Division
David Todd	Local Resident
Susan Todd	Local Resident
Jesse Grant	Local Resident
Richard Hitchcock	Neighbourhood Plan Steering Group
Diana Flux	Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Notification letter of the initial appeal, submitted by the Council.
2. Closing submissions of the Council for appeal ref: APP/L3815/A/13/198341, submitted by the appellant.

3. Extract from the Town and Country Planning (Inquiries Procedure (England) Rules 2000, submitted by the appellant.
4. Letter from Richard Hitchcock with regard to the Westbourne Neighbourhood Plan Steering Group, submitted by the appellant.
5. Opening Statement for the appellant.
6. Opening Statement for the Council.
7. Extract from the West Sussex Landscape Land Management Guidelines, submitted by the Council.
8. Appendix 1 of the Landscape and Visual Impact Assessment supporting the application, submitted by the appellant.
9. Housing Land Supply Statement of Common Ground.
10. Draft Section 106 Agreement, submitted by the appellant.
11. Evidence from David Todd.
12. Extract from 'An Approach to Landscape Character Assessment', Natural England, submitted by the Council.
13. Erratum note for Mr Davidson's Proof of Evidence, submitted by the Council.
14. Bundle of Evidence and photos from Jesse Grant.
15. Further extract from 'An Approach to Landscape Character Assessment', Natural England, submitted by the appellant.
16. Photos provided by Susan Todd.
17. Westbourne Neighbourhood Plan Summary of Consultation Responses, submitted by the appellant.
18. Costs application, submitted by the appellant.
19. Cala Group (Holdings) Ltd Annual Report and Accounts 2015, submitted by the appellant.
20. Extract from Local Plan, submitted by the appellant.
21. Suggested Planning Conditions, submitted by the Council.
22. Land registry entry, submitted by the appellant.
23. Closing Statement for the Council.
24. Closing Statement for the appellant.

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 2 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: L90-P505 REV A, L90-P506, L90-P507, L90-P508, PP1164/200-00 REV P1, PP1164/201-00 REV P2, PP1164/210-00 REV P1, PP1164/211-00 REV P2, PP1164/212-00 REV P1, PP1164/213-00 REV P1, PP1164/214-00 REV P1, PP1164/215-00 REV P1, PP1164/221-00 REV P1, PP1164/222-00 REV P1, PP1164/223-00 REV P1, PP1164/224-00 REV P1, PP1164/230-00 REV P1, PP1164/231-00 REV P1, S437/12, PP1164/240-00 REV P2 and PP1164/16U DAS4.
- 3) No development shall take place until a schedule of materials and finishes and where required samples of such materials and finishes to be used for external walls and roofs of the proposed buildings and where appropriate surfacing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme of landscaping for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to achieve levels of shelter/windbreak, shade and drought resistance to accord with the expected climate changes during the design life of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants, including any existing trees or hedgerows indicated as being retained in the approved scheme, which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Details of any street lighting to be installed in the development shall be submitted to and approved in writing by the local planning authority, before the first occupation of any of the dwellings hereby permitted. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of site levels and longitudinal and latitudinal sections through the site of the dwellings have been submitted to and approved in writing by the local planning authority. This shall show how the buildings will be set into the ground. Development shall be carried out in accordance with the approved details.
- 7) Before first occupation of the dwellings hereby permitted details of the footpath to be constructed along the southern boundary of the site with Long Copse Lane (including its width, alignment and surfacing materials) and including a timetable for its delivery shall be submitted to and approved in writing by the local planning authority. The footpath shall be provided in accordance with the approved details and timetable and once provided shall thereafter be retained and maintained as a footpath.
- 8) No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing S437/1B (contained in Appendix A of the Transport Statement).

- 9) No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved in writing by the local planning authority to prevent surface water draining onto the public highway. Development shall be carried out in accordance with the approved details.
- 10) No part of the development shall be first occupied until visibility splays of 2.4 metres by 40 metres have been provided at the proposed site vehicular access onto North Street in accordance with the approved drawing S437/1B (contained in Appendix A of the Transport Statement). Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
- 11) No dwelling shall be first occupied until the vehicle parking and turning spaces for that dwelling have been constructed in accordance with the approved plans. These spaces shall thereafter be retained and kept available for their designated use.
- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall at least provide for:
 - i) Construction working hours;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction; and
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 13) No development shall take place until a method of piling (should piling be proposed) has been submitted to and be approved in writing by the local planning authority. Such a piling method shall exclude the use of top driven piling. All piling must be carried out in accordance with the approved method.
- 14) No works shall commence on site until details of the proposed surface and foul water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be first occupied until all drainage works have been carried out in accordance with the approved details.
- 15) No development shall take place until an archaeological investigation of the site has been carried out in accordance with a specification to be submitted to and agreed in writing by the local planning authority. The specification shall include proposals for an initial trial investigation and for mitigation of damage through development to deposits of importance thus identified. The investigation shall be undertaken by an appropriately qualified archaeologist, and shall include the recording of

findings and subsequent publication of results that shall be approved in writing by the local planning authority.

- 16) Before the dwellings hereby permitted are first occupied, details of proposals for the installation of bat boxes within the development shall be submitted to and be approved in writing by the local planning authority. This shall include a timetable for implementation. Development shall be carried out in accordance with the approved details.
- 17) No development shall take place until a scheme for refuse bin and cycle storage has been submitted to and approved in writing by the local planning authority. Such details shall be implemented as approved before the first occupation of the dwellings and then kept permanently available for such purposes thereafter.
- 18) No dwelling hereby permitted shall be occupied until evidence has been submitted to and approved in writing by the local planning authority that demonstrates each dwelling complies with the criteria in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

Richborough Estates