



Appeal Decision

Inquiry Held on 18 to 21 January 2022 and 25 to 28 January 2022

Site visit made on 1 February 2022

by Rory Cridland LLB (Hons), PG Dip, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 25th February 2022

Appeal Ref: APP/M3835/W/21/3281813

Land North West of Goring Station, Goring-by-Sea, Worthing

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Persimmon Homes Thames Valley against the decision of Worthing Borough Council.
 - The application Ref AWDM/1264/20, dated 7 August 2020, was refused by notice dated 11 March 2021.
 - The development proposed is for a mixed use development comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre (uses including A1, A2, A3, A4, A5, D1, D2, as proposed to be amended to use classes E, F and Sui Generis) with associated car parking, car parking for the adjacent railway station, undergrounding of overhead HV cables and other supporting infrastructure and utilities.
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Decision

1. The appeal is allowed and outline planning permission is granted for a mixed use development comprising up to 475 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, local centre (uses including A1, A2, A3, A4, A5, D1, D2, as proposed to be amended to use classes E, F and Sui Generis) with associated car parking, car parking for the adjacent railway station, undergrounding of overhead HV cables and other supporting infrastructure and utilities at Land North West of Goring Station, Goring-by-Sea, Worthing in accordance with the terms of the application, Ref AWDM/1264/20, dated 7 August 2020, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The application is made in outline with all matters reserved. I have determined the appeal on that basis, treating all plans as illustrative.
3. The Council, in its decision notice, identified six reasons for refusal. Reason for refusal (RFR) 1 includes references to the impact of the proposed development on designated heritage assets, including the Highdown Hill Scheduled Monument and the Highdown Conservation Area ("the CA"). The Council confirmed during the Inquiry that no significant areas of disagreement exist between the main parties in relation to heritage matters and both parties

recognise that the resultant harm to the significance of designated heritage assets would be less than substantial¹.

4. During the course of the appeal, the Council confirmed that its concerns in relation to highway safety had been resolved and, as a result, RFR 3 was not pursued by the Council at the Inquiry².
5. Likewise, it was agreed that RFR 5, (impact of the proposed development on ground nesting birds), and RFR 6 (infrastructure requirements in respect of affordable housing, public open space and highways) could be resolved through the use of planning conditions or obligations³. As such, evidence was not presented on these matters.
6. During the inquiry it became clear that the effect of the proposed development on local green space was inextricably linked to the acceptability of the location, the need for housing and the Council's emerging local plan. As such, I have dealt with them together below.
7. Following the close of the Inquiry, a section 106 Agreement signed by both parties was provided which includes all of the planning obligations sought by the Council. I consider these further below.

Main Issues

8. In light of the above, the main issues are:
 - (i) whether the appeal site offers an acceptable location for development having regard to local and national planning policy, the need for housing, the Council's emerging local plan and the effect of the proposed development on local green space;
 - (ii) the effect of the proposed development on the landscape, including the setting of the South Downs National Park (SDNP); and
 - (iii) whether the residual cumulative impact on the road network would be severe.

Reasons

Location and Local Green Space

9. The appeal site is located adjacent to the defined settlement boundary of Goring-by-Sea and consists of around 20 hectares (ha) of land forming part of an area known as Chatsmore Farm. It is currently in agricultural use, consisting of a relatively flat, open field bordered along its southern boundary by the London to Brighton railway line. Beyond the railway is an established residential area linking Goring-by-Sea and the neighbouring settlement of Ferring.

Existing development plan policy

10. Policy 13 of the Worthing Core Strategy (2011) (WCS) sets out the Council's development strategy. It directs new development to sites within the existing

¹ Statement of Common Ground (SoCG) on Heritage Matters (CD-C5C3).

² Planning Statement of Common Ground (SoCG) (CD-C4).

³ Ibid.

built-up area boundary (BUAB) and, with the notable exception of the West Durrington strategic allocation, adopts an approach whereby it will be delivered on previously developed sites. Furthermore, it makes clear that residential development outside the existing BUAB will only be considered as part of a borough-wide housing land review if there is a proven under-delivery of housing within the core strategy period.

11. It is common ground that the appeal site falls outside the BUAB⁴, is not a previously developed site and would conflict with WCS Policy 13. However, the appellant argues that WCS Policy 13 is out of date and should be afforded limited weight. In essence, it argues that the policy is a restrictive policy which fails to accord with the Framework's stated aim of significantly boosting the supply of housing, makes no allowance for balancing benefits against harm and provides no solution to remedy the acknowledged under provision of housing other than by a full review.
12. However, while I accept WCS Policy 13 is now of some age, it must be seen within its overall context. As the explanatory text notes, continued sustainable growth and development are important factors but as pressure for development grows, it is also important to protect the areas of open countryside which contribute to Worthing's character.
13. Even though the Framework makes clear the importance of significantly boosting the supply of housing, it also makes clear that it should be read as a whole. This means balancing the need for housing against a variety of factors including, amongst other things, the need for planning policies and decisions to recognise the intrinsic character and beauty of the countryside.
14. While I acknowledge the local policy context was one in which it was considered all of Worthing's development requirements could be delivered within the existing BUAB, in my view, WCS Policy 13 seeks to achieve a similar balance. Despite being adopted prior to the introduction of the Framework and against a different policy background, its aim of protecting the countryside is generally in accordance with the aims set out in paragraph 174 of the Framework
15. Overall, I consider WCS Policy 13 remains one of the cornerstones of the adopted development plan and agree that it continues to serve a useful planning purpose. This is despite it being intended to meet a significantly lower housing requirement, having been prepared under a different policy background and being primarily protective in nature.
16. In reaching this conclusion, I have noted the appellant's concerns in relation to the consistency in the Council's approach to WCS Policy 13. In particular, I note its previous decision to approve a development of 240 dwellings on a greenfield site at West Durrington⁵. However, it is clear that there are material differences between the appeal site and the one at West Durrington, including the latter's location within the BUAB and a recognition that it had been long accepted as having some potential for housing development. I do not therefore consider the approval by the Council of that application provides any meaningful support in

⁴ Planning SoCG (CD-C4), Para 2.9.

⁵ Planning Permission ref AWDM/1882/16; CD-J49.

the present case. In any event, each application must be considered on its own merits.

Housing need

17. The parties agree that the housing need for Worthing, based on the standard method, is 885 dwellings per annum which equates to 14,160 homes over a 16-year plan period. Furthermore, the Council accepts that there is currently an exceptionally high unmet need for housing and a substantial unmet need for affordable housing⁶ within the borough.
18. While I acknowledge that this must be seen in the context of Worthing's geographical constraints - its tightly constrained boundaries, the fact that it is bordered to the north by the SDNP, by the sea to the south and that the vast majority of its land already falls within the existing BUAB - taken together, it is clear that the unmet need for both market and affordable housing in Worthing is considerable.
19. Furthermore, there is also a substantial unmet housing need in neighbouring areas and within the wider sub-region. While I note the stated commitment of the Council and its partners to work together in identifying a strategic, cross boundary solution to meet this unmet need, it remains the case that at present, no such solution has been identified.
20. Moreover, while the parties disagree on the extent of the shortfall⁷, the Council accepts that it is unable to demonstrate a 5-year housing land supply and will continue to be unable to do so post adoption of the emerging Worthing Local Plan (eLP)⁸. In addition, I also note that the most recent Housing Delivery Test results for Worthing⁹ identify a record of considerable under delivery¹⁰.
21. While I acknowledge that this area of the country is one of the most densely developed areas of the UK, and that even if the Council was to develop every blade of grass within its administrative area, meeting this need is likely to prove challenging for the foreseeable future. Nevertheless, I agree with the appellant that the real-life consequences that flow from this unmet need should not be taken lightly.

The emerging local plan and prematurity

22. The appeal site is not designated as a local green space, local or strategic gap and does not currently benefit from any formal protection in planning terms. Likewise, while I acknowledge the appeal site was previously designated as a strategic gap under the West Sussex Structure Plan (2005)¹¹, that plan is no longer extant. As such, I do not consider there is any policy support for its strategic retention in planning terms as part of the current development plan
23. However, emerging Policy SS5 of the eLP identifies the appeal site as part of one of four Local Green Gaps. It restricts development within these areas in order to retain the separate identities and character of Goring-by-Sea and

⁶ SoCG on Housing Need (CD – C5E2).

⁷ Ibid.

⁸ Ibid.

⁹ Published 14 January 2022, DLUHC.

¹⁰ with the most recent measurement being 35%, a fall against the borough's previous measurement of 52%.

¹¹ West Sussex Structure Plan 2001-2016 (2005) (CD-K12).

- neighbouring settlements. Likewise, emerging Policy SS6 seeks to designate Chatsmore Farm, including the appeal site, as Local Green Space (LGS).
24. The Framework advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections and their degree of consistency to the Framework.
25. I note that the eLP is currently at a relatively advanced stage - with hearings having been held and the eLP inspector having issued an initial advice letter. However, in his initial advice, the eLP inspector has made a number of comments on the relationship between emerging Policies SS4, SS5 and SS6, their internal consistency and in some cases their compliance with the Framework and the planning practice guidance.
26. While I agree that the site may be demonstrably special to the local community and of particular local significance, the Council accepts that, in view of the conclusions of the eLP inspector, Chatsmore Farm constitutes an extensive tract of land and is unsuitable, as currently proposed, for LGS designation under emerging Policy SS6. I concur with the Council's conclusions on this and as such, afford that policy no weight in the determination of this appeal.
27. Turning then to emerging Policy SS5, I acknowledge there would be some potential conflict with that emerging policy in so far as the proposal would develop a significant portion of the proposed gap and reduce the visual separation of the settlements. However, a number of main modifications are also proposed to that emerging policy to ensure its effectiveness and provide internal consistency with policies SS4 and SS6. While I accept that these do not affect the overall policy aims, they are nevertheless subject to further consultation and it is, at present, unclear what form the final policy will take. This, in my judgement, considerably limits the weight which it should be afforded.
28. Furthermore, while I note the Council's arguments in respect of prematurity and its concerns with the effect that the proposal would have on the strategic balance it is seeking to achieve in the eLP, the Framework makes clear that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in limited circumstances. This is particularly the case where the presumption in favour of sustainable development applies.
29. In the present case, while I acknowledge the eLP is at a reasonably advanced stage, it is nevertheless still some way off from adoption. Furthermore, even though the proposed scheme would develop one of the 4 remaining gaps which emerging Policy SS5 of the eLP seeks to protect, I do not consider its effect would be so substantial, or its cumulative effect so significant, that granting permission would undermine a fundamental aspect of the eLP's strategic balance as a whole.
30. Overall, I am not persuaded by the Council's arguments on prematurity and do not consider the eLP is at a sufficiently advanced stage to justify a refusal of planning permission on those grounds. Likewise, I do not consider the emerging policy SS5, in so far as it relates to the appeal site, is so central to the eLP that granting permission would have a materially undermining effect, particular when viewed in light of the exceptional need for housing in the borough.

31. Indeed, the fact remains that, at present, the appeal site does not form part of a designated strategic gap for planning purposes, nor does it benefit from any other specific form of protection in planning policy terms over and above that set out in Policy 13 of the WCS.

Summary on location and local green space.

32. I have found above that while the site may be demonstrably special to the local community and of particular local significance, I concur with the views of the eLP inspector and the Council that the site does not meet the criteria for designation as LGS. Likewise, I have found that the proposal would not materially undermine the strategic balance that the Council is seeking to achieve as part of the eLP.
33. However, I have also found the proposal would be in conflict with WCS Policy 13 due to its location on a greenfield site outside the BUAB. I consider this policy forms one of the cornerstones of the adopted development plan and, as such, I consider it should be afforded full weight.
34. Nevertheless, it is clear that the identified conflict with this policy needs to be considered in light of the area's exceptionally high levels of unmet housing need - which I accept will have significant, real-life consequences for residents of the borough. I consider these matters further in the planning balance below.

Landscape

35. The appeal site does not lie within a designated or valued landscape for planning purposes, although it does form part of the setting of the SDNP, being around 200m from its boundary. It is located within National Character Area 126, noted as one of the most concentrated stretches of shoreline ribbon development in Britain. It consists of a narrow area of open farmland, classified as best and most versatile agricultural land, located between the settlements of Goring-by-Sea and Ferring.
36. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA)¹², prepared in accordance with the guidance set out in GLVIA3, which identifies a number of representative viewpoints. The Council accepts that the LVIA contains a proportionate review of the local landscape and is suitable to assess the effects of the proposed development on the surrounding area¹³. Furthermore, the main parties agree that the scheme will result in some adverse landscape and visual effects. It would involve the erection of up to 475 dwellings on what is currently an open, undeveloped site which forms part of the countryside setting to Goring-by-Sea and the SDNP. However, the parties disagree on a number of the judgements made within the LVIA.
37. In particular, the Council have raised concerns in relation to the impact the proposal would have on the landscape value of the 'gap', the setting of the SDNP and views from within it as well as more localised visual impacts from nearby vantage points. I consider these issues in further detail below.

¹² CD-A11.

¹³ Landscape SoCG (CD-C5C3).

Landscape value of 'the gap'

38. As already discussed above, the appeal site forms part of an area of land that separates Goring-by-Sea and Ferring north of the railway. There was some considerable discussion at the Inquiry as to the best way to describe the role that the appeal site plays in separating these settlements¹⁴. However, notwithstanding my conclusions above on its role as a strategic gap in planning terms, it is clear that the appeal site consists of a physical 'gap' between the settlements and appears as a break in the surrounding development.
39. The existing 'gap' is around 750m wide and 450m deep and consists of an area of around 30ha. Adopting the words of the eLP inspector, 'it is well related visually to the SDNP and thus provides an opportunity for the open countryside to penetrate the built-up area'¹⁵.
40. The Council argues that the proposed development would close the existing open views between the settlements, negatively impacting on their separate identities. It points to previous appeal decisions issued in 1963 and 1974 respectively¹⁶ which, amongst other things, recognise the importance of maintaining an area of separation between the settlements - particularly in view of the development which had, at that time, already occurred south of the railway.
41. While I acknowledge these decisions were taken under entirely different local and national planning policy contexts, they nevertheless recognise the importance of the gap in the overall structure of the urban area. I agree with that assessment and, in view of the limited changes that have taken place in this part of Worthing in the intervening period, see no reason to take an alternative view.
42. However, while it is clear that the introduction of the proposed scheme would have an urbanising effect on the site itself and would diminish the sense of separation between Goring-by-Sea and Ferring, the illustrative masterplan indicates that most of the built form would be located towards the southern end of the site, in a location where it is clear, both from the aerial photographs submitted and on the ground that a merging of the settlements has already taken place. This would limit the overall visual impact and with around 14ha of land remaining open and undeveloped, I do not consider the physical or visual separation of the settlements would be undermined.
43. Accordingly, while I acknowledge the appeal site is of landscape and amenity value to the local community, and that its loss would result in some harm in this respect, I am not persuaded that the proposed development would materially undermine the landscape value of the 'gap'.

Setting of the NP and views from within it.

44. As noted above, the appeal site is visible from within the SDNP, with clear views of the appeal site possible from the Scheduled Monument at Highdown Hill as well as from parts of Highdown Rise and the car park at Highdown

¹⁴ With the appellant suggesting it was more of an 'indentation' in the surrounding built form and the council preferring the terms 'break' or 'gap'.

¹⁵ Local Plan Inspector's post hearing advice note (CD -E4), paragraph 11.

¹⁶ CD-J11; CD-J14.

Gardens. It forms part of the middle distance, framed to either side by the settlements of Goring-by-Sea and Ferring, with longer range, extensive views towards the sea.

45. The SDNP Authority has not raised any specific concerns in relation to views from within the SDNP or with the impact of the proposed development on the setting of the National Park. Nevertheless, the Council consider that the overall effect of the proposal on views from Highdown Hill would be substantial adverse.
46. I do not agree. While I note that views are breath-taking from this vantage point, I observed that the appeal site itself is not prominent in those views and the focus is clearly on the sea. This accords with the Viewpoint Characterisation and Analysis Study (2015)¹⁷ which identifies Highdown Hill as a good vantage point from which to view the surrounding landscape and recognises that, notwithstanding the densely populated areas of Worthing and Ferring, extensive sea views are the main focus. Even though the proposed development would be visible in the mid-ground view, it would nevertheless be seen in the context of existing development - much of which already extends further north and in closer proximity to the SDNP than would the proposed development.
47. I accept that the addition of built form on the appeal site would result in a clearly perceptible and noticeable change to the existing view. However, these views already include intrusive development which affect the tranquillity from within the SDNP. The appeal site would be seen within this context. Extensive views towards the sea and the sense of tranquillity within this part of the SDNP would not materially alter and while I accept there would be change to the view, I concur with the appellant that the level of harm would be moderate adverse and not significant.
48. Turning then to the views from Highdown Rise and the public car park at Highdown Gardens¹⁸, from these locations within the SDNP I acknowledge the proposed development would, from certain viewpoints, be more noticeable. However, as with views from Highdown Hill, it would be seen within the context of the existing development south of the A259 and would appear neither overly prominent, visually intrusive or materially affect views towards the sea.
49. Paragraph 176 of the Framework does not seek to restrict development within the setting of a national park but instead advises that it should be sensitively located and designed to avoid or minimise adverse impacts. In view of its location towards the southern end of the site, and the limited impact on views from within the SDNP, I consider that would be the case with the development proposed and do not therefore consider that the setting of the SDNP or views from within it would be materially affected.

Localised impacts

50. The Council has raised a number of concerns with the effect of the proposed development on localised views including those from the A259 Littlehampton Road, Goring Street, public footpaths 2121 and 2121-1 and the railway station

¹⁷ South Downs National Park: View Characterisation and Analysis (November 2015) (CD-G6).

¹⁸ See LVIA Appendix C (Photographs 19 and 20) and Appendix I (Viewpoints 19 and 20) (CD-A11).

footbridge, all of which they consider would experience substantial adverse effects.

51. I observed all of these locations during my site visit and noted that, while the site is clearly visible from parts of Goring Street, views are filtered in parts by existing vegetation. While some views would become more open, particularly near the proposed access, the retention of the existing vegetation and proposed new tree planting along the eastern boundary of the site would continue to act as an effective filter. Overall, I consider the effect on visual receptors at this location would be moderate adverse.
52. However, it was clear during my site visit that views from Littlehampton Road would be more affected. Whereas at present drivers and pedestrians passing along this route experience an open agricultural site which contrasts with the clearly defined settlement boundary evident along Goring Street, these views would materially alter, becoming far more urbanised and extending the settlement further north and west.
53. While I acknowledge the proposed development would be seen within the context of the surrounding urban environment and set back behind areas of open space to the north of the site, I agree with the Council that the proposal would result in a high magnitude of change at this location and consider the overall effect would be substantial adverse.
54. Likewise, at present there are open, uninterrupted views across the site towards the SDNP and Highdown Hill from the public footpaths (and more informal routes crossing the site) as well as from the nearby railway bridge. Most receptors at these locations will be looking towards these areas and would, notwithstanding the noise from the roadway, enjoy the more quiet and tranquil nature of the site and its attractive surroundings, which provides a considerable sense of relief from the nearby built-up areas. The majority of these views would be lost and replaced with more built form, significantly eroding views towards the SDNP and materially impacting on the users' experience.
55. I do not therefore agree with the appellant's assessment that the visual effects on these receptors would be moderate adverse and instead agree with the Council's assessment that the effect would, in fact, be substantial adverse. While I acknowledge the illustrative masterplan indicates that there would be framed views and corridors within the site, which would preserve some of these views, I do not consider they would act as a suitable replacement or fully mitigate against the resultant harm.
56. Overall, while I agree with the appellant's assessment on views from many of the representative viewpoints assessed, including from Goring Street, I consider the impact on receptors travelling along Littlehampton Road, users of the public footpaths 2121 and 2121-1 (as well as those users of the more informal routes across the site) and those using the nearby railway bridge would be substantial adverse.

Overall conclusions on landscape

57. Drawing the above threads together, I do not consider the proposed development would materially affect the setting of the SDNP, the wider landscape or undermine the existing physical or visual separation between the

settlements of Goring-by-Sea and Ferring. However, I acknowledge the appeal site is valued by the local community and that its loss would result in some harm in this respect. I have also found that the proposal would adversely impact on a number of visual receptors which would result in some further harm. I consider these further as part of the overall planning balance below.

Transport

58. The illustrative drawings indicate that vehicular, pedestrian and cycle access to all parts of the proposed development would be achieved via the creation of a 3-arm roundabout junction which the Council has acknowledged would raise no substantive highway safety concerns. However, the Council has raised concerns with the residual cumulative impact that would occur on the road network in 2033 when taken with other committed and planned developments, including those identified in the eLP. In particular, it raises concerns with the operation of certain arms of the roundabouts located to the north and south of the proposed site access.
59. The appellant's Transport Assessment (TA) and Transport Assessment Addendum (TAA), taken together, recognise that both the northern and southern roundabouts currently operate close to or over capacity during the weekday AM and PM peak hour periods. Likewise, they indicate that the predicted level of growth likely to occur by 2033 cannot be adequately accommodated by the current junction arrangements. In response, the appellant has identified mitigation in the form of a number of improvements to the northern and southern roundabouts including lane widening as well as enhancements to pedestrian and cycling infrastructure - which it proposes would be delivered as part of the proposed scheme.
60. Following some initial concerns raised by the highway authority, the appellant provided further information including a microsimulation model (VISSIM) which models the proposed development (with the proposed mitigation) compared to a 2033 base year (without the development or mitigation).
61. However, although the Council accepts that the VISSIM model has been independently audited and is robust, it argues that it does not provide an accurate picture of the impacts of the appeal scheme against the 2033 base scenario because it fails to account for any improvements to the roundabouts already identified in the Worthing Local Plan Transport Study (WLPTS). Instead, it suggests that the results of the VISSIM model should be compared to those set out in 'Sensitivity Test 2' of the WLPTS (based on SATURN modelling) or alternatively the VISSIM model should be disregarded, and the results contained in the appellants' TAA (based on ARCADY modelling) used in its place.
62. I do not agree. During the Inquiry, I heard considerable evidence on the various options for comparing the outputs of the different modelling undertaken. However, both highway witnesses accepted that it is difficult to make direct comparisons between the models as they rely on different inputs and serve different purposes. Indeed, it is clear that the outcomes produced by any particular model will vary depending on a number of differing factors. As such, attempting to make any meaningful comparison between them is, in my view, inherently flawed.

63. Likewise, while I accept that the results contained in the TAA would not involve comparing different models, the VISSIM model was prepared at the request of the highway authority, in part due to the limitations of the ARCADY modelling carried out in the TA and TAA.
64. Furthermore, the VISSIM modelling takes into account the proposed development, the proposed mitigation that would be delivered along with it as well as the traffic generated by the proposed allocations within the eLP, together with the estimated levels of growth which are expected to have occurred at that time. It considers the interaction of traffic on all arms of the roundabout and while I accept that it comes with a number of limitations, I consider that it provides a robust scenario against which to assess traffic conditions at the roundabouts in 2033.
65. There is no dispute that the VISSIM modelling indicates that in the 2033 AM peak hour period, there would be increased queuing along the A259 Littlehampton Road arm of the northern roundabout. The average number of vehicles queueing on this arm would be around 229 (with development and mitigation), an increase of around 36 vehicles over the 2033 modelled baseline. I accept that this would be a considerably long queue, estimated by the Council to be around 1.3km. Furthermore, the modelling indicates that travel time along this route would increase by around 209 seconds.
66. Likewise, at the southern roundabout, the modelling indicates average queue lengths along the Goring Way West arm of around 56 vehicles in the AM peak (with development and mitigation), an increase of around 23 vehicles and around 6 seconds over the 2033 modelled baseline.
67. However, the VISSIM modelling videos presented at the Inquiry¹⁹ show traffic would not be stationary and would continue to move through these junctions, albeit more slowly. In all of the other junctions modelled, the evidence indicates that there would be either a decrease in queues during the AM peak hour or they would remain substantially the same²⁰. Similarly, the VISSIM modelling indicates that in the PM Peak, while there would be a deterioration on the A259 Littlehampton Road western arm of the northern roundabout, for all other arms there would be a general improvement.
68. In the present case, the modelling indicates that there would be increased congestion and travel time along parts of the highway network - which I acknowledge would result in inconvenience to users of these routes. Furthermore, I accept that where a junction is operating at or over capacity even a small increase in queuing and travel time during peak hours can have a significant effect.
69. Nevertheless, while I accept that the proposed development would place some further strain on certain parts of the local road network in Worthing and would result in increased queuing and increased journey times along A259 Littlehampton Road and Goring Way West, I do not consider the residual cumulative impact would be severe. Indeed, I consider the overall picture

¹⁹ CD -K8i; K8ii; K8iii; and K8iv.

²⁰ Other than in the case of The Strand, where the Council accepts there would be no severe impact due to an ability for drivers to use alternative routes.

would be one of improvement. As such, I find no conflict with Paragraph 111 of the Framework in this respect.

70. In reaching my conclusions, I have noted the other appeal decisions referred to by the Council²¹ where smaller increases in vehicle numbers have been found to result in severe cumulative impacts on the road network. However, in those cases it is clear that the network as a whole was already operating under considerable strain. I am not persuaded that such is the case in Worthing and, as such, I do not consider they provide any meaningful support for withholding planning permission in the present case.

Other Matters

71. I have had regard to the considerable number of objections received from local residents and others as part of this appeal. I also note the views expressed by those interested parties who attended at the Inquiry, many of whom spoke as representatives of local interest groups. It is clear that a large number of local residents greatly value the role of the site in providing a gap between the settlements of Goring-by-Sea and Ferring. I have taken this into account in my consideration of landscape impacts above.
72. Likewise, I have noted the heritage concerns raised by the Worthing Society and in particular those in relation to the impact on designated heritage assets, including on views from within the CA. However, I am satisfied that the assessment undertaken by the appellant is sufficiently robust and note that the Council is generally in agreement with that assessment. It indicates that while there would be some harm to nearby designated heritage assets, that harm would be less than substantial, at the lowermost end of the spectrum. There is no robust evidence before me which would lead me to reach a materially different conclusion. Nevertheless, the Framework makes clear that any harm to the significance of a designated heritage asset should require clear and convincing justification. I consider this matter further in the overall planning balance below.
73. I have also noted the other concerns raised by local residents in relation to increased traffic, parking congestion and highway safety. However, I am mindful that the highway authority is content that, following the submission of additional information, the proposal would not result in any material risk. Furthermore, I note the proposal includes a number of improvements to the local highway network including additional crossing points on Littlehampton Road. Overall, I am satisfied that any risk to highway safety could be suitably managed.
74. Likewise, there is nothing to indicate that the proposed development would materially affect air or light pollution in the surrounding area. Similarly, while I acknowledge there would be some impact on wildlife, overall, the evidence indicates that suitable measures can be secured which would adequately protect nesting birds and result in an overall biodiversity net gain.
75. Furthermore, there is nothing to indicate that the proposal would result in increased flooding, either on site or elsewhere and I note that the Council has not raise any concerns in this respect. Likewise, while I acknowledge the

²¹ Including APP/J2210/W/18/3216094 (CD -J71).

numerous concerns of local residents in relation to the impact on existing infrastructure and services, there is no robust evidence to indicate these would be detrimentally affected by the proposed development.

76. Moreover, I consider potential impacts to residential amenity during construction, including noise, can be adequately safeguarded against by means of a suitable condition. Concerns in relation to the impact of the proposed development on local house prices, developer profit and the impact on private views are not material planning considerations.

Planning Obligations

77. An executed section 106 agreement ("the Agreement") has been submitted which provides for 40% of the dwellings to be affordable. Although Policy 10 of the WCS only requires a 30% contribution, in view of the substantial need for affordable housing in Worthing and the challenges faced by the Council in meeting that need, I consider the higher-level contribution is justified. Furthermore, I note that the 40% figure accords with emerging Policy 10 of the eLP in so far as it relates to development on greenfield sites.
78. The Agreement also contains obligations in relation to a scheme of highway works and the provision of a car park at Goring Station which I consider are necessary to mitigate the impact of the development on the surrounding road network. It also makes provision for the submission of a travel plan to promote sustainable modes of transport and secures financial contributions for improvements to existing highways infrastructure in the immediate surroundings. These are necessary in order to ensure that future users and occupiers of the development have a choice of sustainable modes of transport and to secure improvements to existing infrastructure.
79. Obligations in relation to off-site mitigation for nesting birds are necessary to ensure that appropriate measures are put in place to protect against the effects of the proposed development on biodiversity. Likewise, I consider the submission of an ecological management plan is necessary in order to ensure that an overall net biodiversity gain is achieved. These are supported by WCS Policy 13 as well as emerging Policy DM18 of the eLP.
80. Likewise, I consider obligations in relation to public open space and play areas (both on site and off site) are necessary to meet the anticipated demand for such spaces and to reduce social disparity within the borough. These are supported by WCS Policies 11, 12 and 14 and emerging Policies DM7 and DM19 of the eLP.
81. In view of the above, I consider the obligations set out in the Agreement are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. Therefore, they meet the tests within CIL Regulation 122 and those set out in paragraph 57 of the Framework. As such, I have taken them into account in reaching my decision.

Overall Planning Balance

82. I have found above that the proposed development would be in conflict with WCS Policy 13. As I have made clear, I consider this policy remains one of the cornerstones of the adopted development plan and should be afforded full weight. As such, I consider the proposal would be in conflict with the

development plan as a whole, which I consider should be afforded significant weight.

83. I have also found that there would be some potential conflict with emerging Policy SS5. However, as I have noted above, this emerging policy is subject to a number of modifications, further consultation and it is unclear what form the final policy will take. As such, in accordance with paragraph 48 of the Framework, I afford it only limited weight.
84. The proposal would also involve the loss of best and most versatile agricultural land and would have an adverse impact on a number of visual receptors. However, in view of the limited nature of these impacts I afford them only moderate weight. It would also result in the loss of a site that is greatly valued by the local community. While I acknowledge it is not a valued landscape in planning terms, in view of the considerable amount of local opposition, I afford this significant weight.
85. Furthermore, while I have found above that the residual cumulative impact on the local highway network would not be severe, it would nevertheless result in a deterioration of conditions on a number of routes and increase congestion and inconvenience to users of the network. While the Framework makes clear that applications should not be refused on highway grounds unless the residual cumulative impacts are severe, it is nevertheless a matter which weighs against the proposal, and I afford it moderate weight.
86. Turning then to heritage, the main parties agree that there would be less than substantial harm to a number of designated heritage assets. In accordance with paragraph 199 of the Framework, I afford this great weight. However, I also note that paragraph 202 of the Framework indicates that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Council has acknowledged that in the present case the public benefits would outweigh the identified harm²². On the evidence before me, I have no reason to conclude otherwise.
87. Nevertheless, it is clear that Worthing has an exceptional unmet need for housing and that that position is unlikely to change in the medium term. Furthermore, the shortfall in its 5-year supply of deliverable housing sites is considerable even on the Council's own measure. While I acknowledge the efforts of the Council in seeking to ensure that it has left no stone unturned in identifying sites that can sustainably assist in meeting its housing needs, in the present case, the appeal site is well located to the existing built-up area and would make a meaningful contribution to addressing this unmet need. In this respect, I concur with the parties that this should be afforded very significant weight and at the uppermost end of the spectrum.
88. Likewise, I consider the appeal scheme would make a significant contribution to meeting the area's substantial unmet need for affordable housing. While I also recognise the steps the Council is taking to address this unmet need, I am mindful of the considerable challenges it faces in doing so within the existing BUAB. The consequences that flow from this unmet need are considerable and affect real people, often in urgent need of affordable homes. A failure to meet

²² Planning SoCG (CD-C4),

these needs within the borough can create both social difficulties and affect community cohesion in the wider area. In the present case, the appeal site would contribute 40% affordable housing, which would equate to up to 190 affordable dwellings. This would make a significant contribution to meeting the unmet affordable housing need and would result in tangible benefits for real individuals whose needs may otherwise go unmet. As such, I afford it very significant weight.

89. The proposal would also result in a number of more modest benefits including a net gain in biodiversity, construction jobs in the short term, the provision of a local centre, as well as other related benefits to the local economy. I afford these moderate weight
90. In addition, it would result in a number of other benefits including increased car parking, improvements to the local highway network, financial contributions to improve existing highway infrastructure, the promotion of sustainable modes of transport, and the provision of public open space and play areas. However, these are, in the main, intended to help mitigate the impact of the proposed development. As such, I afford them only limited weight.
91. On balance, while I consider the proposal would result in a number of adverse impacts, I do not consider they would significantly and demonstrably outweigh the clear and substantial benefits that would arise from the proposed development when assessed against the policies of the Framework taken as a whole.
92. Consequently, notwithstanding the overall conflict with the development plan identified above, I consider there are material considerations which indicate that a departure is justified in the present circumstances.

Planning Conditions

93. The necessary planning conditions are set out in the attached schedule and were discussed in detail at the Inquiry.
94. Conditions 1 and 2 are required as the necessary conditions concerning the approval of reserved matters and implementation of the development. They allow for the approval of the reserved matters in phases if necessary. Conditions 3, 7 and 9 are necessary to safeguard residential amenity and to ensure that any potential environmental impacts are minimised.
95. Conditions 4 and 5 are necessary to ensure the site is adequately drained. Condition 6 is necessary in order to guard against the risks of contamination. Condition 8 is necessary in order to ensure an acceptable lighting strategy is in place which adequately serves the site and which does not adversely affect the setting of the SDNP. Condition 10 is required in view of the site's archaeological potential.
96. I have not, however, imposed the suggested condition requiring the reserved matters application to be in general accordance with the illustrative master plan as I do not consider it is necessary or would serve a legitimate planning purpose. Likewise, as the application is made in outline, I have not imposed the other suggested condition referring to approved plans as these are more appropriately dealt with as part of the reserved matters. The Council's suggested conditions in relation to piling and investigation boreholes, air quality mitigation, and fire hydrants have not been imposed as I do not

consider sufficient reasons have been given to justify them. Similarly, I have not imposed those suggested by Mr Ring as I do not consider they would meet the requisite tests.

97. Conditions 3 and 4 need to be discharged before work commences on site as they relate to matters which need to be resolved on a fully coordinated basis.

Conclusion

98. For the reasons set out above, and having had regard to all other matters raised, I conclude the appeal should be allowed.

Rory Cridland

INSPECTOR

Richborough Estates

SCHEDULE

CONDITIONS

1. Details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") for any phase of the development shall be submitted to and approved in writing by the local planning authority before any development in that phase begins and the development shall be carried out as approved.
2. Application(s) for approval of all of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall not begin later than two years from the date of approval of the last of the reserved matters to be approved.
3. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority and shall include (without limitation):
 - a. the anticipated number, frequency and types of vehicles used during construction;
 - b. the method of access and routing of vehicles during construction;
 - c. the parking of vehicles by site operatives and visitors;
 - d. the loading and unloading of plant, materials and waste;
 - e. the storage of plant and materials used in construction of the development;
 - f. the erection and maintenance of security hoarding;
 - g. a commitment to no burning on site;
 - h. the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - i. details of public engagement both prior to and during construction works; and
 - j. methods to control dust and noise from the site

Thereafter the approved Plan shall be implemented and adhered to during all phases of development.

4. A detailed surface water drainage strategy for the entire development hereby approved shall be submitted to and approved in writing by the local planning authority prior to, or accompanying, the first reserved matters application. The submitted details shall follow the principles established within the Approved Flood Risk Assessment produced by RGP Design Ltd (D1586/FRA/1.3) in respect of both methods and rates of discharge, and:
 - a. follow the hierarchy of preference for different types of surface water drainage disposal systems;
 - b. be informed by winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365;
 - c. demonstrate that the designed system is capable of storing the 1 in 30 year plus 40% climate change event within the surface water drainage system, and that flood risk to the development and surrounding areas will not be increased in the 1 in 100 year plus 40% climate change event;

- d. demonstrate adequate treatment of surface water prior to its disposal;
- e. include full details of the maintenance and management of the surface water drainage system within a site-specific maintenance manual which shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f. provide evidence of required consents to discharge to or culvert any watercourse; and
- g. provide details of any necessary easements.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details. The details so agreed shall be maintained in good working order in perpetuity in strict adherence with the details contained within the maintenance manual.

- 5. Prior to the occupation of buildings in any phase of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.
- 6. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or any relevant phase of development) is resumed or continued.
- 7. The development hereby permitted shall be carried out in full accordance with the noise mitigation recommendations set out in the applicants Environmental Noise Impact Assessment Reference SA-5751, and all works which form part of the noise mitigation scheme shall be completed before any dwellings that require mitigation are occupied.
- 8. Prior to the occupation of the first building in a given phase, an external lighting strategy and management plan for that phase shall be submitted to and approved in writing by the local planning authority and the approved details maintained thereafter.
- 9. No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of:
 - 08.00 and 18.00 on Mondays to Friday;
 - 08.00 and 13.00 on Saturdays;
 - and not at any time on Sundays or Public Holidays.

10. Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within 5 working days of their being revealed. Works shall be immediately halted in the area/part of the building affected until provision shall have been made for the retention and/or recording in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

END OF SCHEDULE

Richborough Estates

APPEARANCES

FOR THE COUNCIL

Ms Isabella Tafur and Ms Daisy Noble of Counsel

Instructed by Worthing Borough Council

Called:

Mr Brian Duckett BSc (Hons), BPhil, CMLI

Mr Stephen Gee BA, MSc, CMILT

Mr Ian Moody BA (Hons) MA, MRTPI

Mr Gary Peck BA (Hons), Dip TP, MRTPI

Mr Richard Burraston

FOR THE APPELLANT

Mr Paul Cairnes of Queens Counsel

and Ms Leanne Buckley-Thomson of Counsel

Instructed by Pegasus Group

Called:

Ms Gail Stoten BA (Hons), MCIfA, FSA

Mr Clive Self DiP LA, MA (Urban Des), CMLI

Mr Tony Wares BSc (Hons), MSc (Hons), MCIHT

Mr Neil Tiley BSc (Hons), Assoc RTPI

Mr James Stacey BA (Hons), Dip TP, MRTPI

Mr David Hutchinson BSc (Hons), Dip TP, MRTPI

Mr Matthew Stimson

OTHER INTERESTED PERSONS WHO SPOKE AT THE INQUIRY

Sir Peter Bottomley MP

Mrs Susan Belton (Worthing Society)

Mr Bob Niall (Ilex and Worthing Conservation Group)

Mr Ed Miller (Ferring Conservation Group/Ferring History Group)

DOCUMENTS SUBMITTED AT THE INQUIRY

- K1 – Appellant’s Opening Statement
- K2 – Council’s Opening Statement
- K3 – Planning Statement of Common Ground (also listed as CD-C4)
- K4 - Statement from Mr Bob Niall (Goring and Ilex Conservation Group)
- K5 - Statement from Mrs S Belton (Worthing Society)
- K6 – Revised Appendix H of Appellant’s Landscape Proof of Evidence
- K7i -K7iv - Aerial Photographs of Site and Surroundings
- K8i – Goring 2033 Base AM Video (VISSIM Model)
- K8ii – Goring 2033 Base PM Video (VISSIM Model)
- K8iii – Goring 2033 with mitigation AM video (VISSIM Model)
- K8iv - Goring 2033 with mitigation PM video (VISSIM Model)
- K9 - Draft S.106 Agreement
- K10 – Draft CIL Compliance and Justification Statement
- K11 - Appeal Decision Ref: APP/P3040/W/17/3185493
- K12 – West Sussex Structure Plan (2005)
- K13 – SoS Appeal Decision Ref: APP/F1610/A/11/2165778
- K14 – Worthing Council Draft Integrated Impact Assessment - Main Report (2018)
- K15 - Worthing Council Draft Integrated Impact Assessment – Appendices
- K16 – Worthing Local Plan 2020-2036 Sustainability Appraisal Note on Unmet Need
- K17 – Statement from Mr Grant Ring
- K18 – The South East Plan: Regional Spatial Strategy for the South East of England (2009) (Section A)
- K19 – The South East Plan: Regional Spatial Strategy for the South East of England (2009) (Section B)
- K20 – The South East Plan: Regional Spatial Strategy for the South East of England (2009) (Section C)
- K21 – The South East Plan: Regional Spatial Strategy for the South East of England (2009) (Section D)
- K22 – Panel report on the regional Spatial Strategy for the South East of England (2009)
- Additional Statement from Mr Bob Niall (Goring and Ilex Conservation Group)
- Statement from Mr Ed Miller
- Minutes of Ferring Parish Council meeting dated 24 January 2022

Additional Statement from Mrs Susan Belton (Worthing Society)

Updated List of Proposed Conditions

Updated Draft Section 106 Agreement

Update Draft CIL Compliance and Justification Statement

Combined Summary of LVA effects

Council's Closing Statement

Appellant's Closing Statement

DOCUMENTS SUBMITTED FOLLOWING THE CLOSE OF THE INQUIRY

Final S106 Agreement

Final CIL Compliance and Justification Statement

END