



Appeal Decision

Inquiry held on 28-31 October & 4 November 2025

Accompanied site visit made on 31 October 2025

by Nick Fagan BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2025

Appeal Ref: APP/C3810/W/25/3369419

Land west of Bewley Road, Angmering, West Sussex BN16 4JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gleeson Land against the decision of Arun District Council.
 - The application Ref is A/154/24/OUT.
 - The development proposed is: Outline planning application with all matters reserved, other than principal means of access from Bewley Road, for the construction of up to 190 residential dwellings and a community building (Use Class E (d,e) or F2(b)), together with the provision of open space, landscaping and associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted with all matters reserved, other than principal means of access from Bewley Road, for the construction of up to 190 residential dwellings and a community building (Use Class E (d,e) or F2(b)), together with the provision of open space, landscaping and associated infrastructure at Land west of Bewley Road, Angmering, West Sussex BN16 4JL in accordance with the terms of the application, Ref A/154/24/OUT, subject to the conditions in the Schedule below.

Applications for costs

2. An application for costs has been made by the appellant against the Council. This application is the subject of a separate simultaneous decision.

Preliminary Matters

3. The Inquiry was adjourned on 4 November pending receipt of the completed S106 agreement (the S106), signed/sealed by all the parties, which was received and dated 12 November 2025. I refer as necessary to the obligations this provides below.

Main Issues

4. The main issues in dispute are as follows:
 - The principle of the proposed development outside any Built-Up Area Boundary (BUAB) in the adopted Arun Local Plan (ALP).
 - The effect of the development on the landscape and visual amenity of footpath users.

- Whether the development, including the access to it, can be made safe from surface water flooding for its lifetime and ensure that flooding off-site is not increased.
 - The loss of Best and Most Versatile (BMV) agricultural land.
 - The planning balance of harms against benefits.
5. Leading up to the submission of Proofs of Evidence, Angmering Community Alliance (ACA, the Rule 6 Party) was also contesting the highway safety of the (sole access) route into the site from the end of Bewley Road, the only detailed highway safety issue being considered. However, following my acceptance of the revised plans in compliance with the Wheatcroft principles and appropriate public consultation of such, ACA's highway witness confirmed in his Proof that these detailed revised highway access plans overcome its initial concerns, such that there are no remaining highway safety objections from it, notwithstanding some lesser residual concerns.
6. Nonetheless, I heard at the Inquiry from several local residents, Councillors and the MP serious concerns about the alleged inability of Bewley Road and Arundel Road to accommodate the additional vehicular traffic from the proposed development. In particular, the perceived increased danger to school children walking to and from the two primary schools in Arundel Road resulting from photographic evidence of current poor car parking at road junctions near the schools at drop-off and pick-up times, and a perceived likely increase in incidents of road rage resulting from more drivers having to negotiate parked cars and the curb build-outs on these roads.
7. Whilst I sympathise with such concerns and fears, there is now no highway safety objection raised by either West Sussex County Council (WSCC) as the highway authority for the area, or from ACA. Additional vehicular traffic from the development could, I realise, result in additional pick-ups and drop-offs at the schools on Arundel Road, further poor parking and further incidents of road rage. But none of this is argued to result in significant highway safety or capacity impacts by WSCC or ACA, nor have I been presented with any detailed evidence from any third parties that it would. As such, highway safety is not one of the main disputed issues in this appeal.

Reasons

Principle of Development

8. The site, comprising principally of four arable fields 16.1Ha in area, is situated immediately to the west of existing residential development in Palmer Road, Bewley Road and Fletcher Way, Angmering. It lies outside Angmering's BUAB. There is agreement between the main parties that the proposed development would therefore conflict with ALP Policy SD SP2, which states that development should be focused in BUABs, and with linked Policy C SP1, which defines land outside of BUABs as countryside, which '*will be recognised for its intrinsic character and beauty.*' Policy HD1 of the 'made' Angmering Neighbourhood Plan (ANP) mirrors those Policies.
9. The appellant accepts that the failure to comply with these policies means that the proposed development would fail to comply with the development plan read as a

whole. Its argument that ‘recognised’ does not necessarily mean preserved as open countryside is untenable because otherwise these BUAB policies would be meaningless; development on open countryside cannot possibly ‘recognise’ the intrinsic character and beauty of that countryside by taking it away and replacing it with built urban or suburban development.

10. The appellant also raises several contextual factors, including the lack of a five-year housing land supply in the District, which it argues lessen the weight to be given to the development plan. I deal with these in the planning balance below. However, there is a clear breach of the ALP’s spatial strategy and of the ANP, and thus the development plan read as a whole.

Effect on the Landscape and Visual Amenity of Footpath Users

11. The appellant’s Landscape and Visual Assessment (LVA), submitted with the application, acknowledges that the appeal scheme would result in landscape effects as summarised in its Table EDP 6.1 and visual amenity effects in its Table EDP 6.2. Mrs Lancaster for the appellant, although she (somewhat unhelpfully, albeit GLVIA3¹ compliant) uses a different grading structure – with a different number of tiers and descriptive terms – to assess such effects, agrees that there will be some effects. Mr Leaver for ACA, unsurprisingly, considers that such effects or impacts will be greater than those suggested by the LVA or Mrs Lancaster. The differences are summarised in the comparison Tables within Inquiry Document (ID)22.
12. Although the Council did not refuse the application for any landscape or visual amenity reason, it did raise in its Statement of Case that it considers the development scheme would significantly detract from the environmental and amenity benefits of the two public footpaths that cross/abut the site (Public Rights Of Way/PROWs 2176 and 2198), and that consequently it considers Policy GI SP1 would be breached. This position was maintained at the Inquiry by its planning witness, notwithstanding that it advanced no separate landscape witness.
13. The A3 Effects Table in ID22 is the most useful in analysing the differences between the LVA, Mrs Lancaster and Mr Leaver, in that it lists the agreed most important receptors that would be impacted by the development. These are the 4 main landscape receptors: the site and its immediate context, Landscape Character Area (LCA) SC11-Littlehampton and Worthing Fringes, LCA SC12-Angmering Upper Coastal Plain², and LCA 40-Lyminster Angmering Coastal Plain³. And the users of the 4 most important PROWs as shown on the Viewpoints (VPs) in the LVA: 2198 (VPs 1&2), 2176 (VP 3), 2155 (VPs 6-8) and 2201 (VP 9).
14. In terms of the overall level of effects as set out in ID22 it is worth highlighting that on the scale of Very Substantial (at the apex) to Negligible (at the base) as set out in Table EDP A3.8 of the LVA, neither the LVA or Mrs Lancaster consider any of the effects on the above 8 receptors to be more than Moderate adverse. Even Mr Leaver did not consider more than 2 of the receptors to suffer a residual (i.e. at Year 15, once the scheme’s landscape screening would have taken effect) Major adverse effect and 3 a Major/Moderate effect; he did not consider that any of the 8 would suffer a Substantial or Very Substantial Effect.

¹ Guidelines for Landscape and Visual Impact Assessment, 3rd Edition, 2013

² SC11 & SC12 are LCAs set out in in the *Strategy for the West Sussex Landscape 2005*

³ LCA 40 is set out in the *Arun Landscape Study 2006*

15. Regardless of this, GLVIA3 cautions against the use of scales in assessing the significance of effects on landscape and visual amenity receptors and stresses the importance of the definition or descriptions of effects, whether adverse or beneficial, as well as the importance of professional judgment in deciding which level/scale an effect falls within in terms of the specific local characteristics of the area. As such, GLVIA3 and the LVA are professional aids for me to assess such effects, but it is more useful for the readers of this decision if I describe my judgement on the likely effects in plain words below. I concentrate on the residual (Year 15) effects, because these will obviously be long term, but acknowledge that the effects on all 8 receptors will obviously be greater in the early years following completion of the housing development.
16. Dealing first with the 4 landscape receptors, it is obvious that the site and its immediate context would suffer a Major/Moderate effect at Year 15, as Mr Leaver argues: it would be transformed from arable fields to a new housing estate, which is clearly a material change to the landscape resource and visual amenity, as per the definition of Major in LVA Table EDP A3.9. Obviously, such effects would be considerably greater at Year 1.
17. In terms of the 3 LCA areas at Year 15, Mr Leaver considers they would all suffer Moderate adverse effects, based on them having a medium sensitivity and medium magnitude of change. However, the site is only a small proportion of all these LCAs and would not affect their overall character, and so I have sympathy with ACA and the appellant's lower level of effect. Even if I did accept Mr Leaver's judgement, Moderate only means that the proposals *'would result in a slight but non-material change to the landscape resource'* (Table EDP A3.9).
18. Turning to the visual amenity receptors, even Mrs Lancaster conceded that there would be *"really big effects"* on PROWs 2176 and 2198 including in Year 15. That is because much of the length of both these footpaths would no longer look out onto open countryside but would largely be surrounded by residential development, which would completely alter their character and therefore the amenity of the people who use them, notwithstanding that the appellant would improve their widths and surfacing. Clearly, this would result in an adverse material change to their visual amenity even at Year 15: a Major adverse effect, as Mr Leaver maintains.
19. Footpaths/PROWs 2201 and 2155 are physically unaffected by the proposed scheme and I accept that the proposed tree screening belts shown on the illustrative masterplan and landscape strategy plans would be likely by Year 15 to screen the vast bulk of the houses on the new estate. But I accept Mr Leaver's suggested level of effect at Year 15 as Major/Moderate adverse because the scheme brings built development nearer to the open countryside location of these footpaths and its western extent would still be obvious in the kinetic experience of walking the 'Angmering Ring', including from VPs 7-9 and other viewpoints on this walk in either direction, bearing in mind that this seems to be an important walk that is regularly used by locals for exercise and dog walking, as I was able to see.
20. The development would also have, at worst, a Moderate adverse effect on residents in Palmer Road and Bewley Road who overlook the site from their rear windows, but ACA does not raise this as an important visual objection to the scheme and it is an inevitable consequence of any greenfield development next to existing housing, bearing in mind that there is no right to a view.

21. In conclusion, I generally agree with Mr Leaver's suggested levels of effects. These are Major or Major/Moderate (as set out above) in relation to the landscape character of the site and its surroundings and the visual amenity of the users of PROWs 2176, 2198, 2201 and 2155. As such, at worst, the proposed scheme would result in '*a material but non fundamental change to the landscape resource or visual amenity*' of the area, as per the definition of a Major adverse effect in LVA Table EDP A3.9.
22. ALP Policy GI SP1 states: '*All major development must be designed to protect and enhance existing Green Infrastructure assets, and the connections between them, in order to ensure a joined up Green Infrastructure Network.*' PROWs are themselves Green Infrastructure (GI). The appellant is proposing to widen PROWs 2176 and 2198 and to improve their surfaces in order to facilitate their wider usership including by the residents of the scheme, but which will also benefit existing local residents. I acknowledge the benefits of such physical improvements to these footpaths.
23. But, for the above reasons, much of the length of these footpaths will be surrounded by or feature the proposed housing in views from them, which cannot be said to enhance them as GI assets. In my judgement the physical improvements to these footpaths would not outweigh the harm to them by loss of their countryside location, views and the rural experience of walking through them for their users. The proposed tree planting beds on the western edge of the development would to a large extent screen the bulk of the new housing from PROWs 2201 and 2155 to the west and southwest of the site, but the westerly extension of Angmering into the countryside would still be noticeable for walkers along these footpaths. For the above reasons, Policy GI SP1 would therefore be breached.
24. I have already indicated above that ALP Policy C SP1 is conflicted with, because urban/suburban development cannot recognise the intrinsic character and beauty of the countryside by removing and developing part of it.
25. ALP Policy LAN DM1 states: '*Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas.*' The settlement edge of Angmering abuts all 3 LCAs as set out above. The scheme will obviously lead to the loss of open countryside on the appeal site, but the illustrative landscaping proposals set out in the masterplan and landscape strategy involve reinforcing and replanting hedgerows and maintaining the ditches on the site, as well as providing woodland planting belts and SUDS ponds to its western part. This would not only help screen the development as requested by the Council's officers during the iterative design of the proposals but also all of which complements and mirrors existing landscape features that characterises these LCAs⁴ – for instance Decoy and Steyne Woods immediately to the north and the ponds within them. For these reasons I consider that Policy LAN DM1 would not, on balance, be breached.
26. ALP Policy QE SP1 seems to be concerned with avoiding pollution from development and protecting existing industrial and commercial uses from agents of change such as proposers of new residential development. As such this policy

⁴ For instance, in accordance with the Land Management Guidelines for LPAs SC11 (CD3.17) & SC12 (CD3.18) published by WSCC

does not seem to be relevant here because the layout and design of the houses in the scheme are reserved matters and because the site would abut merely existing residential rather than commercial property. The policy would not therefore be breached by this outline proposal.

27. In terms of national policy, the proposed development does not recognise the intrinsic character and beauty of the countryside of the site and therefore conflicts with paragraph 187 b) of the National Planning Policy Framework (NPPF), which requires such recognition, as per the conflict with ALP Policy C SP1. However, in terms of paragraph 135 c), whilst built development removes countryside, the illustrative masterplan and landscape strategy would successfully incorporate key elements of the 3 local LCAs and physically improve the width and surfacing of PROWs 2176 and 2198 such that landscape harm would be minimised.
28. In summary, there would be a breach of ALP Policies C SP1 and GI SP1 in that the proposed development would result in some adverse effects, but there would not be significant harm (my emphasis) to the local landscape or the visual amenity of users of the above most affected PROWs.

Surface Water Flood Risk

29. Owing to a recent change to national flood risk advice in Planning Practice Guidance (PPG)⁵, the Council withdrew its second refusal reason in terms of the development's failure to comply with the sequential test, given that it does not object on grounds that the proposed scheme or land elsewhere would be at risk of flooding. Consequently, neither the Council nor WSCC as the Local Lead Flood Authority have any such objections.
30. However, ACA argues that:
 - i. the development would not be safe for its lifetime from surface water flooding due to the flood flows from the upstream catchment to the east;
 - ii. the single access into the site from Bewley Road would not be safe for the same reasons;
 - iii. the development would increase surface water flood risk elsewhere, specifically in terms of the inadequacy of flood compensation storage and because greenfield run-off flows from the site have not been adequately characterised or attenuated;
 - iv. and, therefore, the sequential test does apply, and it is agreed (that if it does because of the above flood risk) between the parties that it is failed – because there are other sequentially preferable sites.
31. The site is in low risk Flood Zone 1 as shown on the EA Flood Map for Planning (in respect of fluvial/tidal flood risk). But it is agreed that the EA's Long Term Flood Risk mapping identifies areas of high surface water flood risk on the site. ACA considers the proposed development would be at such risk as well as adjacent land downstream of the site to the west, whereas the appellant argues that the

⁵ PPG Ref ID: 7-027-20220825, amended on 17 September 2025, which states that the sequential test need not be applied when a site-specific flood risk assessment demonstrates clearly that occupiers and users would remain safe from current and future surface water flood risk without increasing flood risk elsewhere.

proposed scheme will negate any such risk by suitable drainage mitigation measures, as set out in its revised Flood Risk Assessment (FRA) for the site⁶.

Safety of the Development for its Lifetime

32. The land levels of the topography in Angmering and its surroundings are greater in the east than the west and it is agreed that water from this eastern watershed flows westwards onto the site, either via the soil or on the surface. Water from the site flows westwards including from the existing ditches⁷ located on the field boundaries towards Black Ditch, which flows westward again into the River Arun that drains into the sea at Littlehampton⁸.
33. What is disputed is the size of the catchment and therefore how much water could realistically enter the site from the east. The ACA maintain the watershed is an area to the east and northeast of the site of 43.2Ha, and that this will all have to be drained via Ditch A. It estimates the volume of water within the inundation area (a width of 50m around the natural depression on the site in Development Parcel B on Mr Lecocq's Figure 7.3) to be 720m³ in the 1 in 100-year flood event + climate change allowance⁹.
34. The appellant maintains that the catchment area would more likely be 7.4Ha comprising only the residential development block around Palmer Road to the west of Arundel Road, because the existing drainage infrastructure outside that area discharges to either Ditch B or southwards outside the site. I understand why the EA does not take into account the existing road drainage infrastructure, given its age/condition and lack of certainty regarding its current operational efficiency, but failure to take its existence into account implies that it doesn't work at all, which is very unlikely, otherwise there would be many more flooding events on the local roads. In reality it is likely to function to some extent, and that Ditch B conveys water westwards, as it would continue to do post the development's completion.
35. Even if ACA's calculation of the watershed catchment is correct and all that water does reach the site in the 1 in 100-year rainfall event, some of it will be channelled through Ditch B westwards. Even if all that water, combined with run-off water from the development on the site itself, exceeds the volume of the existing ground depression on the site (which currently stores water in times of heavy rainfall), the proposed drainage scheme (as required by Condition 8 in the Schedule below) can be designed to provide storage for this water in the SUDs ponds on the western part of the site¹⁰.

Safety of the Access

36. The EA surface water flood maps show a high risk of flooding on Bewley Road, the sole access to the site. There is a more than 3.3% chance a year of flooding up to a depth of 20cm each year for most of the length of the road, and the same 3.3% chance of flooding up to a depth of 60cm each year for a 50m stretch of its lowest point, its eastern end near the Arundel Road junction. Such flooding will only worsen with climate change.¹¹ This is illustrated by the photograph of such flooding on 4 July 2025 in Figure 4 of Mr Carpenter's Proof.

⁶ CD5.2

⁷ Referred to as Ditches A-D on Figure 7.3 of Mr Lecocq's Proof

⁸ This is illustrated in Mr Carpenter's Proof, Figure 6

⁹ Mr Carpenter's Proof, para 17

¹⁰ Mr Lecocq's Proof, para 7.10 & Figure 7.3

¹¹ As shown in Mr Carpenter's Figures 5A-5D

37. Although that photo demonstrates a failure of the road gulleys in Bewley Road to drain incidents of heavy rainfall without resulting in ponding/flooding, Mr Lecocq has shown that the trial pit closest to Bewley Road (in his Appendix D) has a measurable infiltration rate and there is no reason to suggest that the gulleys in Bewley Road that drain to soakaways (on the permeable subsoil there) do not function to some extent. His conclusion of a peak flood depth, including an addition for climate change up to 2060 of 29cm is unlikely to prevent access by most vehicles down Bewley Road to and from the site, and I note that his 29cm depth evidence in this respect is unchallenged. ACA's argument that the drainage gulleys on Bewley Road should be disregarded on the basis that they are old – and therefore completely ineffective – is unrealistic, albeit I accept they may well not work to their original design capacities.
38. PROW 2176 could provide a walkable access and egress route from the site to the north and south of the vehicular access point, if that were to be flooded, which was accepted by ACA at the Inquiry. The fact that some vulnerable residents – who could not walk along the footpath – would suffer from flooding at the vehicular access point is relevant but given that the depth of any such flooding (as set out above) is unlikely to prevent most vehicles accessing the site, I attribute little weight to this objection.

Flood Risk Elsewhere

39. ACA maintain that the existing greenfield run-off rate from Development Area B, where the depression is, to be zero, such that if there is any run-off from the development site, flood risk would be increased downstream. However, Mr Lecocq's ground investigations found no meaningful infiltration in trial pit TP10 closest to the depression, which suggests some likely run-off from the site.
40. The importance of this is because ACA claim that the appellant has inflated the current run-off rate, which it maintains is zero. I find this hard to believe, for the above reason, and because there must be times of persistent heavy rainfall where the depression or the ditches are overtopped and there is run-off in a westerly direction, as Mr Carpenter himself confirms in his Figure 6 run-off routes westerly from the site.
41. In any case, the main concern here is whether the current flood storage on the site (the depression and the pale blue area around it on Mr Carpenter's Figure 1) can be adequately replaced, including in terms of accommodating any additional rainfall run-off from the hard landscaped areas of the housing development itself. Whether or not the proposed flood storage areas – the SUDs ponds near the western boundary of the site – are precisely on the same level as the development areas is not particularly important provided the drainage from the site is into these SUDs ponds, which is the design intention. As indicated above, the depth and area of these ponds can, if necessary, be expanded to ensure greater volumes of storage, to ensure that downstream run-off rates from the estate are no greater than they currently are. They would be able to accommodate a 730m³ volume of water plus any additional run-off from the new estate.
42. Furthermore, run-off rates will be restricted to QBAR (the greenfield run-off rate for the 1:2 annual return event), which is less than the run-off rate for the current 1:100 annual return event storm, and hence an improvement on the current situation.

Conclusion on Flood Risk

43. For the above reasons I conclude that the development, including the access to it, can be made safe from surface water flooding for its lifetime and ensure that flooding off-site is not increased.
44. Consequently, the sequential test need not be applied. There is therefore no breach with Policy W DM2, assuming the recent PPG updates the Policy in this respect.

Loss of Best and Most Versatile (BMV) Agricultural Land

45. It is agreed that 62% (9.9Ha) of the site is BMV, 43% (6.9Ha) being Grade 3a and 19% being Grade 2 (3Ha).
46. ALP Policy SO DM1, in its first paragraph, states: *'Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a [presumably this means land] of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term.'*
47. It then goes on, in its second paragraph, to state: *'The requirement to protect the best and most versatile land can be outweighed if it is demonstrated through sustainability and options appraisals that:'* (my emphasis) and then lists three requirements (a, b & c) of such appraisals including c) *'The proposed development meets the requirements of the countryside policy and/or equine development policy.'* The countryside policy is Policy C SP1. As explained above, the proposal fails to comply with this policy.
48. The appellant's Closing Submissions (ID 30, paragraph 60, last sentence) claims that there is no requirement to undertake a sustainability and options appraisal *'because, as the policy makes clear, doing so provides one way of demonstrating that the requirement to protect BMV is outweighed.'*
49. I disagree. The second paragraph of Policy SO DM1 is explanatory: it explains the process for determining whether the need for development outweighs the need to preserve BMV, and makes it clear that this process requires the submission of sustainability and options appraisals that demonstrate all of criteria a-c. This is not therefore 'one way' of demonstrating that the requirement to protect BMV is outweighed – it is the only way. And it has not been done, because no such appraisal(s) have been submitted. Mr Ross in paragraph 9.7 of his Proof accepts this and, further, accepts that there is a conflict with the policy. For these reasons the proposed development would fail to comply with Policy SO DM1. I deal with the contextual matters including the need for the development, and the weight that should be given to this policy conflict below

The Planning Balance¹²

Harms

50. As the appellant acknowledges, there is a clear breach of the ALP spatial strategy in Policy SD SP2 and linked Policy C SP1, as well as with ANP Policy HD1, and

¹² In terms of the scale of harms and benefits, I adopt the same scale as set out in paragraph 7.3 of the main Statement of Common Ground

consequently with the development plan read as a whole. There would also be breach of ALP Policy GI SP1 in terms of the harm to the amenity of users of PROWs 2176 and 2198.

51. The Council's spatial strategy and development plan policies are out-of-date because the housing need in the ALP was based on the former standard method, which only assessed need for 1,000 dwellings per annum (dpa) on average, rather than the current standard method, where the need is 1,458dpa. The Council agrees that in its emerging local plan, in order to deliver this new level of housing, it will have to amend the historically defined BUABs to include land that is currently countryside.
52. The Council lacks a five-year supply of housing land (5YHLS). It is agreed that now, at best, it can only demonstrate a 3.4YHLS and the latest Housing Delivery Test indicates that delivery was less than 75% of the housing requirement over the previous three years (it was only 70%). I have concluded above that flood risk would not be a reason to dismiss the appeal and there are no other NPPF policy clashes in terms of the issues mentioned in Footnote 7 and paragraph 11 d) i). That includes habitat sites, because Natural England, in its letter of 23 October 2025 (ID19) has ruled out any harm to the identified SPA, SACs¹³ and Ramsar sites, having assessed the appellant's latest shadow appropriate assessment. This means that the appeal falls to be decided under the tilted balance in paragraph 11 d) ii).
53. Because of its failure to meet the HDT, the Council has had to prepare an Action Plan (CD3.2), which encourages applications to come forward for deliverable sites identified in the HELAA. There is no suggestion that the two HELAA sites of which the appeal site is composed are deliverable (merely developable) and HELAA sites are not a substitute for the development management process. But it is agreed by the Council that some housing could come forward on the site within the next 5 years if the appeal is allowed. Additionally, if the Council is to deliver its annual housing requirement, I would suggest that relatively unconstrained sites in sustainable locations like this will be required to achieve that.
54. For these reasons I consider that no more than moderate weight should be given to the proposed development's failure to meet the Council's above spatial strategy policies.
55. Turning to BMV, it is clear from the appellant's submitted Agricultural Land Classification and Considerations Report (CD4.19) that Arun has a much higher proportion of its land classified as BLV than England as a whole. Indeed, ALP paragraph 11.1.4 states: *'Most of the undeveloped coastal plain within the District is high grade agricultural land and falls within ALC Grades 1, 2 and 3a.'* Arun District essentially comprises this coastal plain to the east and west of the River Arun: the built-up urban areas along the coast including Bognor and Littlehampton and Arundel to the north, separated by open largely agricultural land also containing villages. So, most of the agricultural land within Arun is BMV.
56. This indicates to me that at least some, if not the majority, of greenfield residential allocations in the forthcoming emerging local plan are likely to be on BMV land, as they seem to have been in the ALP. Consequently, the appeal site is unlikely to be

¹³ Arun Valley Special Protection Area; Arun Valley Ramsar, and the following Special Areas of Conservation: The Mens, Singleton & Cocking Tunnels, & Ebernoe Common.

any worse than other similar sized residential developments in the District which are likely to come forward either as allocated sites or simply as development proposals. Indeed, as drawn to my attention in Section 9 of Mr Ross's Proof, the Council itself has granted permission itself for development on Grade 1 land at Kingston and Inspectors have granted various permissions on appeal for residential development on BMV land in Arun. Of course, crucial to many of these decisions was the lack of a 5YHLS, which persists today.

57. This is pertinent to criterion b) in ALP Policy SO DM1: *'That any site preferred for development is demonstrated to be the best and most sustainable option, including but not limited to the terms of land quality, ecosystem services, infrastructure and proven need'*. There is no dispute here that there is a need for additional housing on greenfield sites, nor that the appeal site is in a sustainable location close to all the day-to-day facilities in the large village of Angmering – close enough to walk or cycle and also close enough to walk to regular bus services on Arundel Road that quickly link to the nearby towns.
58. This explains why officers who drafted the Committee Report (for approval of the application) only considered that moderate weight should be attributed to the loss of BMV on the site, in line with similar conclusions of moderate weight by Inspectors granting four appeal decisions cited by Mr Ross in paragraph 9.20 of his Proof. The Council points out that all the above decisions, including the Kingston decision granted by itself, were for smaller residential developments. I agree and agree that the loss of a greater number of hectares of BMV here should be taken into account. However, there is a great need for additional new housing in the District, much of which will inevitably have to be on greenfield agricultural BMV land, and I therefore only attribute moderate weight to the loss of nearly 10Ha of BMV here, including to the conflict with Policy SO DM1.
59. I have concluded above that the proposed scheme would fail to meet ALP Policies C SP1 and GI SP1 in terms of landscape and visual harm. But I have also concluded that such harm would not be significant, and so I attach no more than moderate weight to it and to these breaches of policy.

The S106

60. The S106 secures delivery of the following planning obligations as set out on the Summary drafted by the appellant's solicitor (ID33):

Schedule 1 (Obligations other than Affordable Housing)

- Contributions & Monitoring Fees to be paid prior to commencement or at set yearly intervals: Travel Plan & general monitoring fees, and Secondary School Transport contribution.
- Travel Plan & Highway Works, the former to be submitted & approved and the latter delivered prior to any occupation of the new dwellings. [It should be noted here that the Highway Works as defined (on page 15 of the S106) do not include the widening and re-surfacing of PROWs 2198 and 2176, although they are covered by Condition 4, which specifies what the landscaping reserved matters application should contain.]
- Open Space provision & ongoing maintenance to be approved under reserved matters

- Safeguarding, servicing & transfer of the Community Building Land to Cancer United charity (that provides facilities for cancer sufferers in West Sussex) within 3 years providing the latter can secure funding to construct the building.
- Fee to monitor implementation of biodiversity net gain (BNG, covered by condition) plan prior to first occupation.

Schedule 2 (30% Affordable Housing, AH)

- Comprising 25% First Homes, 67% Affordable Rent & 8% Intermediate Housing in accordance with an AH Scheme to be submitted & approved prior to commencement; no more than 60% of the market housing units to be occupied until the affordable units (excluding First Homes) have been provided and transferred to an AH Provider & the First Homes ready for sale/occupation.

61. Planning obligations must only be sought and may only constitute a reason for granting planning permission where they meet the following tests in *The Community Infrastructure Regulations 2010*, as explained in NPPF paragraph 58: necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Hence planning obligations are customarily requirements for mitigation to offset any harms or financial or off-site infrastructure demands that arise because of proposed development.
62. I accept that the Cancer United charity, which provides prehabilitation, rehabilitation and survivorship programmes including physical fitness that improves recovery and wellbeing outcomes for cancer sufferers for hundreds of residents of Adur and Arun, will include cancer sufferers from the proposed development as well as the wider Angmering area.
63. Whilst it is certainly arguable whether the above obligation to gift the land in the southeast corner of the site to the charity meets the above three statutory tests for planning obligations, I am lax to exclude it from the S106 because it will benefit future residents of the estate on the site as well as many others in West Sussex and the charity has spent six years (so far in vain) searching for a suitable home for its new facility. Such a search has involved approaching Parish and District Councils and the County Council as well as developers. It is likely that only by means such as this obligation will a site for the charity be likely to be found and to come forward. The fact that it will be a benefit to local residents as well as occupiers of the estate should not exclude it from the S106, just as an Open Space area larger than that required by ALP requirements that other local residents can use should not be similarly excluded. I address the weight to these and other benefits below.

Benefits

64. However, I cannot attach more than limited weight to the Cancer United land benefit. First, because it will mainly benefit people unrelated to the proposed dwellings on the site. Secondly, because the obligation itself places onerous terms on the charity to secure the funding for the construction of the building within three years of the first occupation of the development, which is far from certain, given that the charity does not currently have such funding available.

65. There is no dispute that substantial (i.e. the highest) weight should be attached to the delivery of up to 133 market homes, and up to 57 affordable homes, given the lack of a 5YHLS in the District. In terms of the delivery of more than 9Ha of new Public Open Space (POS) at the northern end of the site, I acknowledge that this would be at the northern edge of Angmering, but it would still be used by locals including walkers additional to the scheme's residents and I consider moderate weight should be given to this benefit.
66. In terms of the 20% BNG that would be achieved on the site, I agree that moderate weight should be given to this benefit, given that it is double the nationally prescribed requirement. I also agree with the Council that moderate weight should be given to the economic benefits of the proposed development in terms of jobs and multiplier benefits during the construction period and the future spending of the estate's occupants. NPPF paragraph 85 does not mean that the economic benefits of a scheme automatically get significant weight, as per the current caselaw on this issue, as rehearsed at the Inquiry.

Planning Balance Conclusion

67. The substantial weight placed on the delivery of new dwellings alone (including 30% affordable dwellings) in such a sustainable location, in the current circumstances where the Council cannot demonstrate a 5YHLS and whose emerging plan is unlikely to be adopted until, at the very best, the summer of 2028, easily outweighs the moderate harms of failing to comply with an outdated spatial strategy, harms to landscape and visual amenity and to the loss of BMV.
68. Added to the substantial weight of the new housing by the moderate weight of a generous amount of POS, moderate weight of BMG double the required amount, moderate weight of the economic benefits and the limited weight of providing land for Cancer United's new building, the adverse impacts of granting permission would come nowhere near significantly and demonstrably outweighing the combination of these benefits. Consequently, the appeal should be allowed.

Conditions

69. The conditions in the Schedule below are agreed between the main parties. I agree that they all meet the tests for conditions in the NPPF and Planning Practice Guidance and that they are necessary for the individual reasons appended to each condition in the Schedule.

Conclusion

70. For the reasons given above the appeal is allowed.

Nick Fagan

INSPECTOR

Schedule of Conditions

Condition 1

The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:

Layout.

Scale.

Appearance.

Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

Condition 2

The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

Condition 3

The development hereby approved shall be carried out in accordance with the following approved plans:

- Site Boundary Plan (Location Plan) (Ref: P23-2720_DE_001_F_8);
- Land Use Parameter Plan (Ref: P23-2720_DE_001_19_H); and
- Proposed Access Arrangements (Ref: ITS19620-GA-008 Rev A).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T DM1 of the Arun Local Plan.

Condition 4

The landscape and layout details to be submitted pursuant to condition 1 shall include the following items:

1. Details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted, or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

2. Full landscaping details including the use of native trees and compensatory planting on the basis of 2 trees/hedge units for every 1 lost.
3. Details of the position, design, materials, height, and type of all boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the bottom of the fences to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.
4. Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). It must also:
 - identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
5. Full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 70th dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.
6. Full details of the proposed location and extent of enhancements (widening and surfacing) to PRow F.P. 2198 and 2176. Development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity, the quality of the environment, the site biodiversity, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies OSR DM1, D DM1, QE SP1, QE DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

Condition 5

The layout, scale, and appearance details to be submitted pursuant to condition 1 shall include the following items:

1. A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings and community building. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical

requirements set out in Part S, section 6.2 of the Building Regulations applicable at the time (or any subsequent guidance). As required by the Arun Parking Standards SPD (2022) at table 2.2, 30% of all parking spaces for the community building shall provide active EV charging points. The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

2. A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval.
3. 5% of all parking provided as suitable for disabled persons. This must include a percentage of the proposed visitor parking spaces.
4. Full details of cycle storage including elevations where such is provided in separate buildings; and
5. A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

Condition 6

Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with Angmering Neighbourhood Development Plan Policy H2 and the Councils guidance note "Accommodation for Older People and People with Disabilities Guidance".

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policies D DM1 and D DM2 of the Arun Local Plan and section 4 of the Councils guidance Note "Accommodation for Older People and People with Disabilities Guidance".

Condition 7

The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

Condition 8

The layout and landscaping details submitted pursuant to condition 1 shall include supporting surface water drainage information to show that the site can be sustainably

drained within the proposed layout. The supporting surface water drainage information must include:

1. A full winter's groundwater monitoring
2. Winter infiltration testing in accordance with BRE DG 365 or similar approved
3. Details of the proposed method and location of surface water disposal, in accordance with the SuDS hierarchy
4. Impermeable area or catchment plan
5. Calculations modelling the surface water drainage network for the following storm events:
 - 100% Annual Exceedance Probability
 - 10% AEP + climate change allowance
 - 3.33% AEP + climate change allowance
 - 1% AEP + climate change allowance
6. All storm events must include an allowance for urban creep and surcharged outfalls where appropriate
7. Detailed drainage plans conforming to Local Planning Authority guidance
8. A plan showing no conflicts between existing and proposed trees, their potential growth and the surface water drainage design
9. Details of surface water flood compensation storage design,
10. A plan showing the impact of the proposed development on existing watercourses
11. Details of any proposals to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-12. development run-off values and in accordance with current policies
12. Details of any necessary permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme
13. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms

No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan and to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

Condition 9

Prior to the commencement of the development hereby approved, details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning

Authority (including details of its siting, design, and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

Condition 10

Prior to the commencement of the development hereby approved, a site-specific SuDS Maintenance and Management Manual must be submitted and approved in writing by the Local Planning Authority. The SuDS Maintenance and Management Manual submitted for approval shall include:

1. Details of SuDS features, connecting drainage infrastructure and watercourses with maintenance requirements for each element.
2. A management and maintenance plan for the lifetime of the development, including a schedule for the timing and funding of planned replacement of components at the end of their design life.
3. Details of the financial management of the maintenance of the surface water drainage on the site.
4. Details of who is responsible for the implementation of the SuDS Maintenance and Management Manual.
5. Details of the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme for the lifetime of the development.

Upon completed construction of the approved drainage system, the persons responsible for the maintenance of drainage on the site shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the surface water drainage for the site is adequately maintained, and therefore not increasing flood risk for the lifetime of the development with policies W DM2 and W DM3 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

Condition 11

Prior to the commencement of the development hereby approved, a drainage construction programme must be submitted and approved in writing by the Local Planning Authority. The construction programme submitted for approval shall include:

1. Details of the phasing arrangements for the approved surface water drainage design. Each drainage design phase of development must be able to operate in isolation from later phases.
2. Details of any temporary arrangements to enable the surface water drainage of the entire site whilst under construction.

3. Details of reinstatement of any surface water drainage features after construction.
4. A programme detailing inspections of surface water drainage features during the construction of the development.
5. A programme detailing the functional operation of the approved final surface water drainage design for the development.

The surface water drainage scheme for the development must then be constructed in accordance with the approved surface water drainage construction programme.

Reason: To ensure that flood risk is not increased and water quality not decreased during the construction of the development with policies W DM2 and W DM3 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to approve the construction methodology prior to construction commencing.

Condition 12

Prior to commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these parts, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to occupation of any dwelling or part of the site, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved Verification Plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Plan, and for the reporting of this in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies QE SP1 and QE DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

Condition 13

Prior to the commencement of the development hereby approved, including any works for demolition, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). Thereafter, the approved Plan shall be implemented and adhered to throughout the entire construction period. The plan shall provide details as appropriate but not limited to the following matters:

- The anticipated number, frequency and types of vehicles used during construction.
- Details of construction phasing.
- The method of access and routing of vehicles during construction.
- Permitted construction traffic arrival and departure times.
- The parking of vehicles by site operatives and visitors.
- The loading and unloading of plant, materials and waste.
- The storage of plant and materials used in construction of the development.
- The erection and maintenance of security hoarding.
- The provisions of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including provisions of temporary Traffic Regulation Orders).
- Details of public engagement both prior to and during construction works.
- Details of the drainage phases.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and to mitigate any adverse impact from the development on the A27 in accordance with DfT Circular 01/2022.

Condition 14

Prior to the commencement of the development hereby approved, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include all avoidance and mitigation measures set out in the approved EcIA Report (EAD Ecology, 2025) and include the following:

1. Risk assessment of construction activities potentially damaging to biodiversity.
2. Identification of "biodiversity protection zones".
3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements).
4. The location and timing of sensitive works to avoid harm to biodiversity features, including habitat and protected species.
5. The times during construction when specialist ecologists need to be present on site to oversee works.

6. Responsible persons and lines of communication.
7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
8. Use of protective fences, exclusion barriers and warning signs.
9. Containment, control, and removal of any invasive non-native species present on site.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

Condition 15

Prior to the commencement of the development hereby approved, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

1. Purpose and conservation objectives for the proposed enhancement measures;
2. Detailed designs or product descriptions to achieve stated objective;
3. Locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
4. Persons responsible for implementing the enhancement measures; and
5. Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To conserve and enhance protected and Priority species in accordance with policy NV DM5 of the Arun Local Plan and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Condition 16

Prior to the commencement of the development hereby approved, a further survey shall be undertaken to confirm the continued absence of badgers and badger setts and the results shall be submitted to the Local Planning Authority for approval in writing. If there is evidence then no development shall take place until a comprehensive method statement indicating how the protected species are to be safeguarded during the

construction period and how appropriate mitigation measures are to be incorporated into the development has been integrated into the proposed CEMP Biodiversity (Condition 14) and submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before the first occupation and retained as such thereafter, together with proposals for mitigation if required. The development shall be carried out in complete accordance with the approved surveys.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because badgers must be protected during construction.

Condition 17

Prior to the commencement of the development hereby approved, a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM "Biodiversity Net Gain Report and Audit Templates" (July 2021), shall be submitted to and approved in writing by the Local Planning Authority. This shall provide 20% measurable biodiversity net gain, using the DEFRA Biodiversity Metric 3.0 or any successor. The content of the Biodiversity Net Gain report should include the following:

1. Baseline data collection and assessment of current conditions on site.
2. A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity.
3. Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity, and ecological functionality.
4. Details of the implementation measures and management of proposals.
5. Details of any off-site provision to be secured by a planning obligation.
6. Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and policies ENV SP1 and ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition by virtue of schedule 7A to the Town and Country Planning Act 1990.

Condition 18

- A) Prior to the commencement of the development hereby approved, but after the approval of the Biodiversity Net Gain Plan a 30-year Habitat Management and Monitoring Plan (HMMP) for the provision of 20% Biodiversity Net Gain (BNG) shall be submitted to and approved in writing by the Local Planning Authority. The HMMP

shall be based upon Natural England's Habitat Management and Monitoring Plan Template and shall include the HMMPT Companion Document and a list of what will form part of the Habitat Management and Monitoring Reports submitted for Part B) of this condition.

- B) From the date of last occupation, or the date that the BNG creation and enhancement works have been completed, whichever is the earliest, a BNG Habitat Management and Monitoring Report must be submitted to and approved in writing by the Local Planning Authority by years 2, 5, 10, 15, 20, 25 and 29.

The development shall proceed on the basis of all approved documents and timings as approved under A) and B) for the duration of the HMMP.

Reason: To ensure measurable net gains to biodiversity and in accordance with the Environment Act 2021 and policies ENV SP1 and ENV DM5 of the Arun Local Plan. This must be a pre-commencement condition because it relates to the creation and retention of biodiversity net gain in accordance with schedule 7A to the Town and Country Planning Act 1990.

Condition 19

Prior to the commencement of the development hereby approved, a Soil Resource Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall set out how soils on the site are to be protected during construction and then recycled/reused in the new development layout.

The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with policy SO DM1 of the Arun Local Plan and the NPPF. It is necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

Condition 20

Prior to the commencement of the development hereby approved, the applicant shall prepare and submit for approval an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. This must be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

Condition 21

Prior to the commencement of the development hereby approved, the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with policy HER DM6 of the Arun Local Plan. This is required to be a pre-commencement condition because otherwise the disturbance of earth could harm important deposits.

Condition 22

Prior to development above damp-proof course (DPC) level, details of the proposed location of the required fire hydrants must be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

Condition 23

Prior to the first occupation of any part of the development, the vehicular access serving the development shall be constructed in accordance with the details shown on drawing ITS19620-GA-008 Rev A.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan.

Condition 24

Prior to the first occupation of any dwelling the car parking serving the respective dwelling shall be constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Once provided, the spaces shall be retained thereafter and are only to be used for the parking of vehicles.

Reason: In the interests providing adequate parking throughout the development with policy T SP1 of the Arun Local Plan.

Condition 25

Prior to the first occupation of the community building, car parking spaces, cycle parking spaces and Electric Vehicle Charging spaces shall be provided in accordance with condition 5 above and retained thereafter.

Reason: In the interests providing adequate EV parking and alternative travel options throughout the development in accordance with policy T SP1 of the Arun Local Plan.

Condition 26

Prior to the first occupation of any dwelling, the electrical vehicle charging spaces and cycle parking space serving the respective dwellings shall be provided in accordance with condition 5 above and retained thereafter.

Reason: In the interests providing adequate EV parking and alternative travel options throughout the development in accordance with policy T SP1 of the Arun Local Plan.

Condition 27

Prior to the first occupation of any part of the development (or specified phase of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority). The content of the LEMP shall include the following:

1. Description and evaluation of landscape and ecological features to be managed.
2. Ecological trends and constraints on site that might influence management.
3. Aims and objectives of management for both hard and soft landscape areas.
4. Appropriate management options for achieving aims and objectives.
5. Prescriptions for management actions.
6. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
7. Details of the body or organisation responsible for implementation of the plan.
8. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and policy ENV DM5 of the Arun Local Plan and to ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies ENV SP1 and ENV DM5 of the Arun Local Plan.

Condition 28

Prior to the first occupation of the first building of each drainage phase (as approved under the construction management condition), a verification report must be submitted and approved in writing by the Local Planning Authority. The verification report submitted for approval must:

1. Be written and informed by a surveyor or engineer that is independent of the contractor.
2. Demonstrate that the surface water drainage system has been constructed in accordance with the approved details.
3. Include full as-built survey drawings.
4. Include photographs of excavations, installation of any surface water structure, control mechanism or other drainage infrastructure.
5. Detail any corrective works that are necessary with a timetable for their completion.

Where corrective works are required, these must be carried out in accordance with the approved timetable. Corrective works must be subsequently resurveyed with the findings submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately address for each new dwelling and not increase and in accordance with NPPF and policies W DM2 and W DM3 of the Arun Local Plan.

Condition 29

Prior to the first occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with policy TEL SP1 of the Arun Local Plan.

Condition 30

Prior to the first occupation of the Community Building, details of the hours of operation shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area in accordance with policies QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF.

Condition 31

No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays. In addition, there shall be no external working, an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF.

Condition 32

No development shall take place within 3m of the edge of any watercourse without the prior written consent of the Local Planning Authority. This includes any building, structure, planting of trees, shrubs, or similar growth. All plans shall clearly show the 3m easement from all watercourses (open and culverted) and no development shall encroach within these protected areas.

Reason: To ensure that appropriate access to the watercourse is retained to facilitate maintenance ensuring that the drainage system operates satisfactorily in accordance with the NPPF and policies W DM2 and W DM3 of the Arun Local Plan.

Condition 33

At least 10% of the energy supply of the development shall be secured from on-site decentralised, renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to, and approved in writing by the Local Planning Authority before any development above damp-proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure the generation of on site renewable energy to meet the predicted demand in accordance with national planning policy, and with policy ECC SP2 of the Arun Local Plan.

Condition 34

If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment & prevention of harm to human health in accordance with policies QE SP1 and QE DM4 of the Arun Local Plan.

End of Conditions

APPEARANCES

FOR THE APPELLANT: *John Litton* KC (Landmark Chambers) called:

- *Tim Wall*, Partner of i-Transport LLP, MCIHT & CMILT – Highway Safety*
- *Steven Lecocq*, Technical Director at Mayer Brown Ltd, CEng MICE, C.WEM MCIWEM, CSci, MCIHT – Flood Risk
- *Wendy Lancaster*, Director of Expert Witness Services at Tyler Grange Group Ltd, CMLI, FRSA – Landscape
- *Adam Ross*, Director at Nexus Planning, MRTPI – Planning*

FOR ARUN DISTRICT COUNCIL (ADC): *Ben Du Feu* (Cornerstone Barristers) called:

- *Martin Carpenter*, Director of Planning at Enplan, MRTPI – Planning*

FOR ANGMERING COMMUNITY ALLIANCE (ACA): *Ed Grant* (Cornerstone Barristers) called:

- *John Russell* of JR Transport Planning Ltd, MCIHT & CMILT – Highway Safety*
- *Clive Carpenter* of GWP Consultants, FGS, Cgeol, EurGeol, C.WEM MCIWEM, MIAH – Flood Risk
- *Peter Leaver*, Director of David Wilson Partnership, CMLI – Landscape
- *Phillip Hughes*, Principal of PHD Chartered Town Planners, MRTPI, FRGS, MCMI – Planning*

*NB Highway Safety was the subject of a Round Table Discussion (RTD) on the afternoon of Day 1 (28 October). Planning was the subject of a RTD on the morning of Day 4 (31 October). Flooding and Landscaping were both the subject of the normal formal Inquiry procedure of Eic, X-X and Re-X in the intervening days between the two RTD sessions.

INTERESTED PARTIES (who voiced objection to the proposed development at the Inquiry):

- Cllr Andy Cooper, ADC Ward Member
- Cllr Nikki Hamilton-Street, Chair of Angmering Parish Council
- Sylvia Verrinder, Chair of Angmering Parish Planning and Infrastructure Committee
- Nicola Taw, local resident
- Jenny Todd, local resident
- Lawrence Tondelier, local resident
- Sussex CPRE
- Nathaniel Fowles, local resident
- Angela Colliss, local resident and Chair of ACA
- Tom Hempenstall, local resident
- Jan Sheward, Cancer United, who also read a letter from Warren John, local resident, Cancer United member and Cllr at Yapton Parish Council
- Richard Dickinson, local resident and Headteacher at St Margaret's Primary School, Arundel Road
- Kristina Yates, local resident
- Nuala Smith, local resident
- Kathleen Palhan, local resident
- Christopher Snell, local resident
- Dr Beccy Cooper MP

LIST OF DOCUMENTS SUBMITTED AT THE INQUIRY

- ID 1 – Appellant’s Opening Statement
- ID 2 – Rule 6 Party’s Opening Statement
- ID 3 – Arun District Council’s Opening Statement
- ID 4 – Third Party Comments: Councillor Andy Cooper (Arun District Council Ward Member)
- ID 5 – Third Party Comments: Nikki Hamilton-Street (Chair of Angmering Parish Council)
- ID 6 – Third Party Comments: Sylvia Verrinder (Chair of Angmering Parish Planning and Infrastructure Committee)
- ID 7 – Third Party Comments: Nicola Taw (Local Resident)
- ID 8 – Third Party Comments: Jenny Todd (Local Resident)
- ID 9 – Third Party Comments: Lawrence Tondelier (Local Resident)
- ID 10 – Third Party Comments: CPRE Sussex
- ID 11 – Third Party Comments: Nathaniel Fowles (Local Resident)
- ID 12 – Third Party Comments: Angela Colliss (Local Resident / Chair of ACA)
- ID 13 – Third Party Comments: Tom Hempenstall (Local Resident)
- ID 14 – Third Party Comments: Jan Sheward (Cancer United) Inc Letter from Warren John (Local Resident, Cancer United Member, Member of Yapton District Council)
- ID 15 – Third Party Comments: Richard Dickinson (Local Resident / Head of St Margarets Primary School)
- ID 16 – Third Party Comments: Kristina Yates (Local Resident)
- ID 17 – Third Party Comments: Nuala Smyth (Local Resident)
- ID 18 – Third Party Comments: Kathleen Palhan (Local Resident)
- ID 19 – Natural England Advice Letter
- ID 20 – Third Party Comments: Mr Snell (Local Resident)
- ID 21 – Flood Risk Levels Plan
- ID 22 – Landscape Comparison Table
- ID 23 – Third Party Comments: Dr Beccy Cooper MP (Member of Parliament for Worthing West)
- ID24 – Planning Round Table Agenda
- ID 25 – Site Visit Walking Route
- ID 26 – Revised Draft Conditions
- ID 27 – Revised Draft Conditions Explanatory Note
- ID 28 – Rule 6 Party’s Closing Statement
- ID 29 – Arun District Council’s Closing Statement
- ID 30 – Appellant’s Closing Statement
- ID 31 – Appellant’s Cost Submissions
- ID 32 – Arun District Council’s Response to Costs Application
- ID 33 – S106 – Summary of key planning obligations
- ID34 – S106 signed & dated final agreement of 12 November 2025

NB All of the **Core Documents** (CDs) can be found on the Council’s website linked to the Inquiry, at least until the end of the High Court challenge period.

End of Documents



Costs Decision

Inquiry held on 28-31 October & 4 November 2025

Site visit made on 31 October 2025

by Nick Fagan BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2025

Costs application in relation to Appeal Ref: APP/C3810/W/25/3369419

Land west of Bewley Road, Angmering, West Sussex BN16 4JL

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Gleeson Land for a full award of costs against Arun District Council.
 - The inquiry was in connection with an appeal against the refusal of outline planning permission for the construction of up to 190 residential dwellings and a community building (use class E (d,e) or F2(b)), together with the provision of open space, landscaping and associated infrastructure.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant's application for costs is as follows. First, the Council did not mention any landscape related objection in its refusal reasons and introduced it only in its Statement of Case (SoC), contrary to Article 35(1)(b) of the DMPO¹. This included objections on the basis of conflict with ALP Policy GI SP1, which had not been cited in any refusal reason. Secondly, the Council advanced no landscape witness to back up such an objection.
4. Thirdly, it refused planning permission on a developable site in the Council's HELAA, contrary to its Action Plan. And, fourthly, failed to review its case in relation to refusal reasons 1 and 3, following its withdrawal of refusal reason 2, in circumstances where planning officers had recommended approval of the application to the Council's Committee and where the harm identified in the reasons for refusal plainly does not significantly and demonstrably outweigh the benefits of the development.
5. The Council has countered all these costs grounds in its Response dated 3 November 2025 (ID32), in my view successfully for the reasons I set out below, taking each ground in turn.
6. The Council cites ALP Policy C SP1 (Countryside) in its first refusal reason. That policy states that land outside BUABs (i.e. countryside) will be recognised for its

¹ The Town and Country Planning (Development Management Procedure) (England) Order 2025

intrinsic character and beauty. This policy is directly linked with Policy SD SP2 in that the site lies outside a BUAB and is therefore defined as countryside, which sits alongside it in the ALP; I agree with the Council that these policies should be read together because they are concomitant in the context of the ALP. Whilst it is true that the Council only introduced the conflict with Policy GI SP1 in its SoC, it is related to the loss of open countryside including the effect of the development on PROWs 2198 and 2176, which is not unreasonable. Indeed, I have found that this would be the case in my appeal decision, as well as finding a breach of both policies.

7. In terms of the Council not calling on a landscape witness to put forward its evidence, it is entitled to rely on whoever it wishes to do this. It was not unreasonable to rely on Mr Carpenter, its planning witness, to do so, which the appellant acknowledges he did in his Proof. I say this, bearing in mind that paragraph 6.33 of the main Statement of Common Ground agrees between the appellant and Council that the landscape and visual effects set out in Tables EDP 6.1 and EDP 6.2 of the LVA are agreed.
8. I agree with the Council that the HELAA is a very high-level starting point in terms of establishing appropriate sites for development. A HELAA site is not equivalent to an allocated site in a local plan and is certainly not a substitute for or akin to the development management process. The fact that the Council and appellant agree that the appeal scheme could deliver some housing within the next 5 years is not akin to the whole scheme being deliverable in that time; hence the definition of the two HELAA sites that comprise the appeal site as simply developable. There is certainly no assumption that all HELAA sites will be granted planning permission.
9. In terms of the appellant's fourth ground for its application, I consider the Council did review its case, hence its notification that it would raise Policy GI SP1 as an additional policy breach and that it would not seek to defend its refusal reason two in view of the change to the flooding sequential test provisions in PPG on 17 September 2025.
10. It could, obviously, have chosen not to defend its refusal reasons 1 and 3 at that stage, but it chose to do so, knowing full well that the tilted balance in NPPF paragraph 11 d) ii) then applied. But it chose to continue to defend those reasons at the Inquiry, which it did with vigour and effectiveness, notwithstanding that I have found against it in my appeal decision, because it considered that the harms identified did significantly and demonstrably outweigh the scheme's benefits. A Council is not obliged to follow the recommendation of its officers, provided it puts forward a positive and justified case at appeal, which is what it has done here.
11. Consequently, there has been no unreasonable behaviour exhibited by the Council in this appeal.

Conclusion

12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Nick Fagan

INSPECTOR