
Appeal Decision

Inquiry held on 14-17 October 2014

Site visits made on 14 and 17 October 2014

by John L Gray DipArch MSc Registered Architect

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

Decision date: 20 November 2014

Appeal Ref. APP/Z3825/A/14/2215437

Land north of Brook Close and Rother Close, Storrington

- 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 Crest Nicholson Eastern against the decision of Horsham District Council.
 - The application, ref. DC/13/1265, dated 5 July 2013, was refused by notice dated 10 February 2014.
 - The development proposed is approximately 75 dwellings including the creation of an access point from Water Lane and the provision of open space including a children's play area, linear park, landscaping and sustainable urban drainage systems on the site.
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Decision

1. The appeal is allowed. Outline planning permission is granted for the erection of approximately 75 dwellings plus the creation of an access point from Water Lane, the provision of open space including a children's play area, linear park and landscaping, and sustainable urban drainage systems, on land north of Brook Close and Rother Close, Storrington, in accordance with the terms of the application, ref. DC/13/1265, dated 5 July 2013, subject to the conditions set out in Annex C to this decision.

Application for costs

2. At the inquiry, an application for costs was made by Crest Nicholson Eastern against Horsham District Council. This is the subject of a separate decision.

Procedural matters

3. The application was submitted in outline but with access not reserved for future consideration. The Design and Access Statement indicated that no dwelling should be built above the 45m AOD contour. An illustrative layout showed one dwelling above that contour and others straddling it. The parameters plans are based on the illustrative layout but show the maximum extent of development rather than of the dwellings themselves.
4. Thakeham Parish Council was concerned that the notifications forming part of the application for planning permission may not have been correct because ownership of the strip of land adjacent to Water Lane (over which access to the proposed development would pass) could be in dispute. There can be little doubt from the information submitted at the inquiry (Document CN7) that notice was properly served on the registered owners. Accordingly, there is no impediment to determination of the appeal.

Main Issue

5. There is a single issue in this appeal – the effect on the landscape and visual character of the appeal site and its surroundings, the site being outside the built-up area boundary of Storrington. This issue encompasses the effect on the setting of the listed Snapes Cottage. In addition, the conclusion on it has to be set against the absence of a 5-year housing land supply in the District, which was not the subject of material disagreement at the inquiry.

Reasons

Five-year housing land supply

6. The Council's own figures show a housing land supply of just 3.2 years. It is not really of any moment whether under-provision in previous years warrants a 5% or a 20% buffer to be added to the nominal supply requirement; in policy terms, there is no real difference between 3.2 years (5%) and 2.9 years (20%). Nor is it unduly significant that last year (2013/14), for the first time since at least 2006/07, housing provision exceeded what was notionally required. The housing trajectory based on the old South East Plan requirement for 650 dwellings/year, for the period up to 2025/26, shows that the present shortfall, estimated at 2,314, would actually increase to 3,953 between 2013/14 and 2025/26.
7. In fact, the Council acknowledged the lack of a 5-year housing land supply as long ago as 2009 by producing its Supplementary Planning Document (SPD) on Facilitating Appropriate Development (FAD). This SPD must be credited with some consistency with the National Planning Policy Framework (NPPF) because it acknowledges, in effect, that a 5-year housing land supply does not exist. It sets a number of criteria by which land adjoining defined settlement boundaries, which would not normally be considered suitable for housing development under the policies of the adopted Development Plan Documents (DPDs) (the Core Strategy and General Development Control Policies), might be more appropriately assessed.
8. To that extent, the FAD SPD is capable of over-riding the policies on housing provision in the adopted Development Plan. That must include General Development Control Policy DC1, which resists development outside built-up area boundaries which is not essential to its countryside location. The NPPF is also a material consideration capable of over-riding Development Plan policies on housing provision; it says, broadly, that relevant policies for the supply of housing should be considered out-of-date if there is not a 5-year supply of deliverable housing sites. On the other hand, the reason for refusal of the appeal application refers to Core Strategy Policy CP1, which is about maintaining and enhancing landscape and townscape character, not about the supply of housing.

Landscape and visual impact

Policy

9. Development on the appeal site would run contrary to what is sought by Policy DC1 but that is outweighed by the FAD SPD, which permits certain sites to be considered against its criteria. The appeal site is accepted as meeting 15 of the 18 criteria. The Council argues only that it fails against nos. 6, 7 and 8 – respectively that the landscape and townscape character of the area would not be protected (as sought by, so far as this appeal is concerned, adopted Policies CP1, DC2 and DC9), that development would not

complement the character of the settlement (Policies CP3 and DC9) and that the setting of the listed Snapes Cottage would not be protected (Policy DC13).

10. It is worth noting that the reason for refusal of the application refers only to Policy CP1. The clarification from the Development Control (South) Planning Committee in August 2014 refers in addition to Policies CP3, DC2 and DC9, as well as the design guidance in the NPPF. The Committee also, in May 2014, deliberated on the harm to the setting of Snapes Cottage (in the absence of a heritage assessment accompanying the application) and resolved that, while there would be harm, it did not outweigh the public benefits of the proposed development. Policies CP3, DC2 and DC9 seem reasonably related to what is sought in Policy CP1 and the setting of the listed building is anyway, by virtue of s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a matter to be dealt with in this decision.

Landscape and townscape character

11. The landscape character of the area has been assessed in various documents – regionally, the Wealden Greensand Area being one of 159 National Character Areas assessed by the Countryside Agency (now Natural England); county-wide, in the Strategy for the West Sussex Landscape; and locally, in the Horsham District Landscaped Character Assessment and the Horsham District Landscape Capacity Study. Logically, the last of these provides the most detailed assessment.
12. In the Capacity Study, the appeal site and the land to the north, up to public footpath 3424, fall within Local Landscape Character Area 59, Land North of Water Lane. The landscape character is considered to be “moderate-high”, its condition “generally good”, the “attractive distant views of the South Downs and the wooded greensand ridge from elevated land” are noted and the area is deemed to have “low-moderate capacity” for medium-scale housing development, described as approximately 100-250 dwellings. The text notes that “the capacity for large scale housing development is limited” and that “careful siting would be needed to ensure it would not appear as unrelated to the existing settlement edge”. It also says that “employment development is likely to be very visually sensitive”.
13. The appeal site lies within Thakeham Parish and abuts Storrington and Sullington Parish. The Design Statement for the former notes that the parish is “characterised by ridges and small hills to the south” and that “the countryside tends to blend into people’s gardens”. The Design Statement for the latter gives as guidelines for new development “preservation of the character and landscape of the area” and “retention of hedgerows/trees wherever possible to encourage wildlife and for visual effect”.

The effect of development on landscape character

14. Development on the appeal site would clearly cause harm to its landscape character. That much is conceded by the appellant. The question to be asked is how extensive that harm would be. The methodologies used in the Landscape and Visual Impact Assessments (LVIAs) differ, which may go some way to explaining the different conclusions.
15. The Council assesses the site as a whole, ranking its local landscape value as ‘medium high’, its susceptibility to the development proposed as ‘high’ and its sensitivity as ‘medium high’. Following from this, it assesses the overall landscape effects of the completed development (at Day 1) as ‘moderate-

- substantial adverse'; the visual effects (also at Day 1) are considered to be 'slight/moderate adverse' and 'moderate adverse' from public footpath 3424 to the north, 'minimal to slight adverse' from the South Downs, varying between 'moderate adverse' and 'substantial adverse' for residents of various adjacent properties and 'minimal/slight adverse' for people on Water Lane.
16. The appellant sub-divides the appeal site into three zones. The higher ground (Zone 3), seen in isolation, would be of high sensitivity to the type of development proposed but urbanising influences around the site reduce that to 'medium-high'. The remainder of the site (Zones 1 and 2) has some characteristics of medium sensitivity but others which reduce it to 'medium-low'. The landscape effects of the proposed development (at Year 1, which may be taken as similar to Day 1) are assessed against particular landscape features – 'minor adverse' and 'minor-moderate adverse' for the hedgerows and arable/grassland, 'moderate beneficial' for the canopy trees and 'minor-moderate beneficial' for the water courses and ruderal vegetation. The visual effects of development are considered to be 'neutral/minor adverse' from public footpath 3424, 'neutral/negligible adverse' from the South Downs, 'moderate-major adverse' to 'minor-moderate adverse' for residents of the various adjacent properties and 'minor-negligible adverse' from Water Lane.
 17. While seemingly less robust in its process, there is much to be preferred in the appellant's assessment. There is little doubt that the site is better sub-divided into three. The higher ground to the north is clearly more visually sensitive than the majority of the site and the area around Water Lane, to be used for access to the development but not proposed for any houses, is more or less self-contained. The higher ground is more obviously related to the countryside around, with views (partially obscured by trees and hedges) out of it and into it; the majority of the site, on the other hand, appears to be a relatively modest area of countryside penetrating the built-up area, with existing development (following construction of the Tesla building and the housing at St Mary's Close) on three sides.
 18. The adjective 'modest', as used above, applies primarily to the area of the land – but also, to an extent, to its landscape quality, in as much as it does not enjoy any specific designation. The Council argues that the presence of the Tesla building draws attention to what has been lost and heightens the importance of keeping what remains. There is something in that argument – not as much, however, as in the counter-arguments. It is there and is not going to go away, though its impact may become mellowed over time; it clearly adds to the already irregular urban form in the area; and, at a time when considerable amounts of land are required for housing in the District, it means that development on much of the appeal site would not represent the intrusion into open countryside north of Storrington that it might have appeared to be before.
 19. What it is difficult to accept from the appellant's analysis is that there would not be harm to the landscape character of the site. It would go from being open fields to a housing estate, albeit with land kept open along its northern boundary. That is a significant change; even with the retention of the main areas of trees and hedgerows, it can only be seen as harmful to landscape character. On the other hand, the analysis does highlight one important beneficial facet of the illustrative development – the retention and reinforcement of the boundary vegetation and, to a large extent, that within the site as well.

20. Perhaps more important, given the likelihood that areas of similar landscape quality around some of the District's settlements will come under pressure for housing development, is the visual impact that this proposed development would have.
21. At present, the only public views into the site are from public footpath 3424, to the north and north-west. They are limited by the trees and hedges close to the footpath itself and screened by those along the northern and western boundaries of the site. The site boundary vegetation would be reinforced by additional planting but there would still likely be glimpsed views through that to indicate that there was housing where presently there is open land. However, the parameters plans ensure that housing would not be so close to the northerly boundary of the site as to be at all prominent. In particular, such views as there are southwards over the site from the footpath would leave the skyline of the South Downs to all intents unchanged.
22. Views from the curtilage of the Tesla building are not particularly critical. There will be change, from open land to a housing development, but no reason why, subject always to design, these should be in any way harmful for the viewers. Not altogether dissimilarly, there would be a distinct change in views from the residential properties adjacent to the appeal site. While they would come to be of housing rather than open land, there is no reason why, again subject to detailed design, what would be seen would be in any way harmful to residential amenity. And, again in the same vein, views for people in Water Lane would change – there would be a new access road, giving views of housing a little distance away, but there is no reason why the change from countryside to housing development should be harmful.
23. The Council considers the openness of the appeal site important to the setting of Storrington, which is said to "nestle" below the South Downs. That description may be correct from within the settlement, where, in various views, the Downs can be a prominent backdrop to the urban form – but it is much less true from the appeal site or north of it, because the Downs are seen to be some distance away (over 3km from the appeal site itself). It is true that, from the higher ground on the appeal site, the impression in some directions is of Storrington occupying relatively low ground below the Downs; any importance that may be attached to that is, however, diminished by two prominent features – by the Water Lane Industrial Estate, close to the south-west of the site and visibly on land rising to the same height as the appeal site, and by the prominent (because of its proximity) suburban character of the existing housing abutting the appeal site boundaries to the south and south-east.
24. There is little about the appeal site or its surroundings that matches the description quoted above from the Thakeham Parish Design Statement. Also, of course, views from the site are not available to the public at present; they would become so only as a result of the public footpath development.
25. In views from the South Downs, the appeal site is almost imperceptible (as one may suspect from its distance of over 3km away). Once one has located the Tesla building, with its prominent light-coloured roof, one can see the site and imagine the extent of housing as proposed in the illustrative layout. Its roofs would be visible but they would not obscure the important effect of the trees along the northern boundary. In broader terms, the addition of housing

on the appeal site would make virtually no difference to the general impact of built development in the overall scene.

The design opportunities

26. Paragraph 64 of the NPPF says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. The Council argues that the illustrative layout, or the parameters plans, represent poor design because development would come too far up the slope and obscure the important views of the South Downs.
27. It is worth repeating five things. The views from public footpath 3424 to the north and north-west would not be noticeably affected by the proposed development. Views from the site itself are not presently available to the public. In amenity terms, there is no reason why views from within the built-up area should be harmful. The setting of Storrington, seen from the appeal site, is not such as to warrant preservation, irrespective of whether views of it are presently available to the public. And the proposed development would barely be noticeable from the South Downs.
28. It is a great advantage of the appeal proposal that the higher ground on the north of the site would not be built upon, thus restricting the proposed housing to land where it would not impinge noticeably on views from the north and north-west, or indeed on views from the South Downs. The proposed development would also give a more regular, and seemingly more defensible, boundary to the built-up area (and perhaps help to integrate the otherwise prominent Tesla building into the built-up area). And the additional planting proposed along the northern boundary would give better definition between the built-up area and the countryside.
29. Against that, the Council argues that important views from the upper part of the site would not maintain an unbroken vista of the ridge of the South Downs. It does so by reference to the parameters plans and the illustrations in the Design and Access Statement (DAS).
30. It is perhaps unfortunate that the parameters plans show the northerly edge of development rather than the limits to the housing itself; looking at the illustrative layout, the ridges of the houses would be 12 metres or more from the line on the plans. Also, the maximum height to ridge is 10m, giving an element of flexibility for reserved matters but further exaggerating the likelihood of houses on the illustrative layout obscuring views.
31. Better is to look at the DAS, in particular the illustrations on page 30. These show that the skyline of the South Downs would be unmistakable, even though only glimpsed between the houses in the foreground. The illustrative layout shows that there would be three views, to the south-west and south-east, directly down the access roads; they would be complemented by the sort of glimpsed views illustrated, but varying as one moved around the open ground in the north of the site. That is as much as one sees of the Downs when within Storrington and, similarly, is as much as is necessary to maintain the sense of place on the appeal site.
32. Accordingly, the proposal cannot be said to have failed to take the design opportunities open to it and cannot be said to have failed to protect the landscape and townscape character of Storrington.

The setting of Snapes Cottage

33. While it had resolved that the harm to the setting of the listed Snapes Cottage did not outweigh the public benefits of the proposed development, the Council nevertheless maintained that there would be (less than substantial) harm to the setting and that that ought to be considered as part of the effect the development would have on landscape and townscape character. Despite the absence of a specific reason for refusal, that is not an unreasonable approach.
34. The Heritage Statement provided by the appellant (in response to objections by interested persons) concludes that the building's historic function has been completely eroded by demolition of the associated agricultural buildings and its remodelling as a rural house (from a farmstead), with the result that the building is nowadays dislocated from its rural setting. The building's real significance, therefore, lies in its surviving 15th-century timber frame, seen from the outside only in its northern and eastern facades.
35. This is not an unreasonable assessment. One would have little idea, looking at the building, that it was once a farmhouse. Nowadays (and for some time past), its apparent relationship with the surrounding countryside has (had) nothing to do with its historic agricultural function. Moreover, there is little likelihood of that changing in the future. In terms of its listing, therefore, the building may be seen simply as a house in the countryside, with its setting being its own residential curtilage.
36. The proposed development would not impinge on that curtilage. The paddock to its south is separated from the residential curtilage by a fence. It would become part of the appeal site but would not be built upon, the nearest house being beyond a private access road to the south, outside the paddock. That private access road would extend from the existing access to Snapes Cottage through the paddock and would serve three houses (on the illustrative layout); its reduction to a footpath would prevent traffic from the rest of the development using it for access. Its location would not impinge significantly on the listed building or its setting, its suggested design and materials would lessen such impact as it might have and the amount of traffic from three dwellings (about 20 movements a day, certainly no more than 30) would not detract from the building, or its setting, or the living environment enjoyed by its residents.
37. The effect on the listed building and its setting is thus less than substantial in terms of the NPPF, almost nil in actual fact. There can be no doubt that the public benefit from the proposed development, contributing to alleviating the shortfall of housing in the District, clearly outweighs such harm as there would be. In relation to s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the minimal harm to the setting of the listed building affords no good reason to withhold outline planning permission for the proposed development. Also, there is no harm in terms of adopted Policy DC13, which is inconsistent with the NPPF in not admitting the weighing of public benefits against whatever harm might be done.

Conclusion on the main issue

38. There is no dispute between the appellant and the Council about the social and economic benefits the appeal proposal would bring to the area. Around 75 houses would make a significant contribution towards dealing with the substantial shortage of housing land in Horsham District. The site abuts the settlement boundary of Storrington, which is identified by Core Strategy Policy

CP5 as a Category 1 settlement and thus considered a sustainable location for development. Construction of the development would provide employment and its residents would provide additional security for the services and facilities to be found in Storrington. (All three of these benefits could be said of any site abutting the settlement – but they are nevertheless advantages of this proposal.)

39. Against that, there would be an element of environmental harm. Objectively speaking, there would be harm to the landscape character of the appeal site. That, however, is effectively outweighed by the absence of any significant visual harm caused by the proposed development. It would barely be noticeable from public footpath 3424 to the north and north-west, or from the South Downs to the south. There is no reason why, subject to detailed design, it should diminish the level of amenity enjoyed by those living or passing close to the site. It would provide a more coherent edge to the built-up area, with the proposed reinforcement planting along the northern boundary affording a stronger delineation between countryside and settlement. It would cause only very modest harm to the setting of the listed Snapes Cottage. And the design opportunities taken by the illustrative layout very much outweigh what are seen by some as the failure to maintain open views from the site towards the South Downs.
40. The adopted Development Plan policies on the supply of housing are out-of-date. The FAD recognises that greater flexibility is needed in the supply of housing land than the Development Plan permits. Overall, the proposed development satisfies the FAD criteria (in so far as they are applicable to the appeal site). The Council considered that the proposal failed against criteria 6, 7 and 8; to a limited extent, that is correct – looked at overall, however, the landscape and townscape character of the area would be protected (criterion 6), development would sit comfortably with the existing character of the neighbouring parts of the settlement (criterion 7) and the setting of the listed Snapes Cottage would not be significantly impinged upon (criterion 8).
41. It follows from these conclusions that there would be no significant harm in terms of adopted Policies CP1, CP3, DC2, DC9 and DC13 (or the guidelines in the Storrington and Sullington Parish Design Statement). Nor, as a consequence of the FAD, is there conflict with adopted Policy DC1.
42. The environmental impact of the proposal would, at worst, be broadly neutral – but there would be very clear social and economic benefits from much-needed new housing in a sustainable location. Together, that renders the proposed development sustainable in terms of paragraphs 6-8 of the NPPF and the policies in paragraphs 18-219. It would be sustainable, its adverse impacts would not outweigh the benefits and, accordingly, paragraph 14 indicates that planning permission should be granted.

Other matters

43. The interested persons who spoke at the inquiry or submitted written representations were largely concerned with the issue already considered above. Four other matters deserve specific mention, however – traffic and highway safety, air pollution, flooding and drainage and the emerging Neighbourhood Plan for Thakeham.

Traffic and highway safety

44. The application was not refused on transport grounds by the District Council. The Highway Authority raised no objection on those grounds. Vehicle movements are forecast as 56 in the morning peak and 59 in the evening peak, consistent with what would be expected from this size of development. Their distribution across the local highway network has been assessed using the 2001 Census Journey to Work data, not particularly up-to-date but considered the best option available. The highway safety and capacity impacts were considered in the context of other developments permitted in the area. A review of local accident records revealed no specific safety concerns and the estimated traffic flows generated by the development ought not to have any noticeable detrimental impact in that respect. All in all, there is nothing in these matters to suggest any serious highways objection.

Air pollution

45. In particular, the Transport Assessment indicated about 10 two-way trips through the centre of Storrington during the morning and evening peak hours. The Air Quality Assessment submitted with the application indicated that the proposed development would have a negligible impact on nitrogen dioxide (NO₂) and particulate (PM₁₀) concentrations within the Storrington Air Quality Management Area (AQMA). That is an understandable conclusion given that the number of vehicle movements generated by the development passing through the AQMA must be comfortably within normal day-to-day variations. Moreover, the cumulative impact with other committed or proposed developments is also considered to be negligible. In fact, it is heavy goods vehicles (HGVs) which contribute most to air pollution in the AQMA (they comprise only 3% of traffic but contribute 30% of pollution); and the proposed development would generate virtually no HGV traffic.
46. The Inspector dealing with the appeal on land north of Melton Drive, Storrington, considered carefully a proposal for 102 dwellings a not dissimilar distance from the AQMA. He concluded that, although there would be a "limited" effect on air quality, the combination of a Low Emissions Strategy (LES) and a financial contribution towards the Low Emission Zone (LEZ) would provide adequate mitigation. There is no reason to disagree with this conclusion when considering a development of approximately 75 dwellings.

Flooding and drainage

47. There is clearly, from the representations, an existing drainage problem in Brook Close. It is not for the developer of the appeal site to resolve existing problems; however, the proposed development should not make existing conditions worse. Neither the Environment Agency nor Southern Water has objected to the appeal proposals, subject to appropriate conditions on both surface water and foul drainage being attached to planning permission. In fact, the proposed surface water drainage strategy would be more likely to help than hinder conditions in Brook Close, because it would control the run-off from the appeal site.

Thakeham Neighbourhood Plan

48. Thakeham was designated a Neighbourhood Plan area in January 2014. A pre-submission plan is expected to be published in November 2014. It has a long way to go after that, including passing through examination and a

referendum, before it can be formally adopted. For that reason alone, the Neighbourhood Plan can carry little weight in the determination of this appeal.

49. It may be known from surveys that a majority of parishioners are against both the coalescence of settlements and large scale housing developments. The appeal scheme, however, would not lead to coalescence between Thakeham and Storrington, because it would not extend further north than existing development to its east or west. Also, it is at least debatable whether approximately 75 houses can constitute 'large scale' development; for example, the Horsham District Landscape Capacity Study defines medium scale housing development as approximately 100-250 dwellings. Thus, there can be no assumption that the appeal scheme would contravene whatever eventually comes to be part of the Neighbourhood Plan.

Obligation and conditions

50. The draft of a unilateral obligation was submitted to the inquiry and an executed and unaltered version submitted, by agreement, after the inquiry had closed. Based on the County Council's justification and the further email trail (Documents CN5 and CN6), all of its provisions can safely be considered necessary to make the proposed development acceptable in planning terms, directly related to the development and also fairly and reasonably related to it in scale and kind.
51. A list of suggested conditions (Document CN4) was also considered at the inquiry. Conditions 1-4 (time limits, application plans and reserved matters) are clearly necessary. So too, notwithstanding the reserved matters condition, are those on design, tree protection and landscaping (5, 6 and 8-10), details of the open space and the play area (11) and the provision of storage for refuse/recycling bins (20). All are necessary to secure an appropriate standard and quality of development, although some can be modified (or amalgamated) for clarity or precision or in line with model conditions. The suggested condition on lighting (7) is more appropriately amalgamated with the design of roads and paths and open space within the site (13 & 11), there being no need to control time-limited security lighting at individual dwellings and little likelihood in a residential development of floodlighting or the like being installed (were it possible, in any event, to install such lighting without specific permission).
52. Conditions on the details and provision of the accesses (12) and the design and provision of the roads, footways, footpaths and cycleways within the site (13 and 14), including street lighting (7), are necessary from both design and access points of view. A condition to secure a travel plan (16) is necessary to achieve as sustainable a development as possible. Not unrelated is the condition to secure a LES for air quality (21), which will complement the financial contribution towards the AQMA contained in the obligation. The purpose of the suggested condition requiring a Traffic Regulation Order (17) is appropriate but better constructed as a negative condition. The condition to secure fire hydrants (18) is appropriate from a safety point of view.
53. It is clear from the representations of Southern Water and the Environment Agency that the suggested condition to secure details of foul and surface water drainage (19) is necessary – but it ought to be expanded to secure timely provision of both. It is all but certain that the developer will have to enter into agreements with Southern Water in relation to sewage

- infrastructure and under sections 278 and 38 of the Highways Act 1980 with regard to off-site and adoptable on-site highways works.
54. Lastly, a construction management plan, or strategy, is essential to ensure that the development can be carried out with as little impact or inconvenience as possible to the environment, residential amenity or highway safety (15).
55. There was specific discussion about the constraints imposed by the parameters plans, the relevance of the illustrative layout and the fact that, contrary to what is said in the DAS, one house on that layout would be clearly above the 45m contour and three others would straddle it.
56. The parameters plans clearly offer the opportunity of development moving away from that shown on the illustrative layout. For example, houses could be located much further up the slope of the site, with their gables on the lines shown on the parameters plans, which would very likely have a negative effect on the quality of the open space on the site and on the availability of glimpsed views of the South Downs. Using the 10 metre maximum height for buildings would exacerbate that. However, the parameters plans are clearly developed from the illustrative layout, they show the limits to the development, rather than the housing, and the 10 metre maximum height is said to give an element of flexibility. If the illustrative layout were broadly to be followed and the houses were to have normal hipped roofs, then the development would appear very much as illustrated in the DAS. Appropriate wording in a condition can ensure that, by giving the Council the means, if necessary, of challenging a detailed layout that varies markedly from the illustrative one.
57. There need not be concern about individual houses, as shown on the illustrative layout, standing astride or above the 45m contour. Houses nos. 74 and 75, at the western edge of the site, are peripheral to the open space and the generality of views of the Downs. The position of house no. 64 could almost certainly be adjusted but its illustrated position would not cause any noticeable harm. House no. 3, in the eastern part of the site, is not going to be more noticeable from outside the site for being above the 45m contour and is not noticeably going to hamper views of the Downs or appear unduly dominant in the context of the open space in this part of the site. There is no need for change to the parameters plans in this respect.

Overall conclusion

58. All matters raised in the representations and at the inquiry have been taken into account but there is nothing, individually or cumulatively, that could outweigh the conclusion on the main issue, which leads to the decision to allow the appeal.

John L Gray

Inspector

ANNEX A APPEARANCES

FOR HORSHAM DISTRICT COUNCIL

David Lintott, of Counsel	instructed by Horsham District Council.
He called	
Ms Nicola Brown BLandArch CertUD CMLI	Director, David Huskisson Associates, Tunbridge Wells.
James Hutchinson BA(Hons) MA MRTPI	Consultant acting as Principal Planner, Major Development Team, Horsham District Council.

FOR CREST NICHOLSON EASTERN

Rupert Warren QC	instructed by Barton Willmore LLP, The Observatory, Southfleet Road, Ebbsfleet, Dartford, DA10 0DF.
He called	
Matthew Chard BA(Hons) DipLA(Hons) MAUD CMLI	Partner, Barton Willmore LLP, London.
Huw Edwards MSc MRTPI	Planning Partner, Barton Willmore LLP, Ebbsfleet.
Ms Heather Allen	Barton Willmore LLP (on conditions only).

INTERESTED PERSONS

Ms Karen Dawes	Thakeham Parish Council.
Alistair Hopper	Local resident.
R D Snook	Local resident.
Dr Roger Smith	CPRE Sussex Branch (Horsham District).
Cllr Roger Arthur	District Councillor for Chanctonbury Ward.

ANNEX B DOCUMENTS

Core Documents

CDX List of Core Documents.

Documents submitted by Horsham District Council

HDC1 Horsham District Updated Housing Trajectory and related email trail.
HDC2 Extracts from GLVIA3.
HDC3 Nicola Brown's proof of evidence, with summary and appendices.
HDC4 James Hutchinson's proof of evidence, with appendices.

Documents submitted by Crest Nicholson Eastern

CN1 Illustrative layout marked up with contours.
CN2 Thakeham Parish Design Statement.
CN3 Draft section 106 obligation.
CN4 List of suggested conditions.
CN5 Written CIL justification by West Sussex County Council.
CN6 Email trail re. Total Access Demand (TAD) contribution.
CN7 Letter dated 17 October 2014 from SAC Beachcroft LLP re. land adjacent Water Lane.
CN8 Executed section 106 obligation (received in Pins on 21 October 2014).

CD1/6a Matthew Chard's proof of evidence.
CD1/6b Appendices to Matthew Chard's proof of evidence.
CD1/7 Appellant's responses to comments from interested parties.
CD1/8 Huw Edwards' proof of evidence.

Documents submitted by interested persons

IP1 Representations by Karen Dawes re. application notifications.
IP2 Karen Dawes' statement.
IP3 Alistair Hopper's statement, plus summary.
IP4 R D Snook's statement.
IP5 Dr Smith's statement.
IP6 Cllr Arthur's statement.

ANNEX C

CONDITIONS ATTACHED TO PLANNING PERMISSION

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins. The development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be implemented in accordance with the Land Use Parameter Plan 21554A/11 and the Building Heights Parameter Plan 21554A/10 and broadly in accordance with the principles described and illustrated in the Design and Access Statement dated July 2013, the illustrative masterplan 21554A/05E and the illustrative landscape masterplan 1340/001/C.
- 5) Development shall not begin until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Development shall not begin until details of all screen walls and fences have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and no dwelling shall be occupied until the walls and/or fences associated with it have been erected.
- 7) The details of landscaping pursuant to conditions 1), 2) and 4) above shall include details of the open space across the northern part of the site. They shall also include a detailed management and maintenance plan for all landscaped areas other than private domestic gardens, broadly in accordance with the provisions described in the Landscape and Biodiversity Management Strategy by Barton Willmore Landscape Planning and Design, dated July 2013.
- 8) Development shall not begin until a plan indicating all trees and hedgerows to be retained, consistent with the Arboricultural Report by Ian Keen Limited, dated 17 September 2012, and measures to protect them during the course of development, have been submitted to and approved in writing by the local planning authority.
 - No retained tree or hedgerow shall be cut down, uprooted or destroyed; nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars.
 - If any retained tree or hedgerow is removed, uprooted or destroyed, or dies, another tree shall be planted at the same place and shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the

- purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
- Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
 - No burning of any materials shall take place within 10 metres of the canopy of any retained tree or hedgerow.
- 9) Within three months of the commencement of development, full details of an Equipped Play Area within the open space in the northern part of the site and all paths and artefacts or structures (such as seats, signs, litter bins and lighting) within the open space shall be submitted to and approved in writing by the local planning authority. The details shall include the timing of their provision and a future management and maintenance plan. Development shall be carried out in accordance with the approved details.
- 10) Vehicular access on to Water Lane shall be constructed in accordance with drawing no. 0401/DK/004/C prior to any other development taking place on site. The access shall include visibility splays of 2.4m x 43m, which shall thereafter be kept clear of all obstructions over a height of 0.6m above the adjoining carriageway level.
- 11) Development shall not begin until full details of the extension into the site of the existing private drive serving Snapes Cottage have been submitted to and approved in writing by the local planning authority. The extended private drive shall serve no more than three dwellings, beyond which it shall be reduced in width so that it cannot be used for vehicular access. Development shall be carried out in accordance with the approved details.
- 12) Development shall not begin until full details of all access roads, footways, footpaths and cycleways within the site, including lighting and the provision of two fire hydrants, and including future management and maintenance arrangements for those areas not to be adopted as public highways, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 13) No dwelling (other than up to three served by the private drive from Snapes Cottage) shall be occupied until a scheme for waiting restrictions on Water Lane adjacent to the site access junction has been implemented.
- 14) No dwelling shall be occupied until:
- (a) all access roads, footways, footpaths and cycleways serving that dwelling have been constructed in accordance with the approved details;
 - (b) space has been laid out for cars and cycles to be parked in accordance with the layout approved pursuant to condition 1) above.
- 15) No dwelling shall be occupied unless and until provision has been made for the storage of refuse/recycling bins, in accordance with details first submitted to and approved in writing by the local planning authority. The approved provision shall be retained thereafter for that purpose.
- 16) Within three months of the commencement of development, the developer shall submit for the written approval of the local planning authority a Travel Plan, broadly in accordance with the details in section 8 of the Transport Assessment by WSP dated 03/07/2013. The Travel Plan shall be implemented

as approved before the occupation of 75% of the dwellings approved and then, in so far as it relates to the occupiers of individual dwellings, for each dwelling occupied thereafter; the Plan shall subsequently be maintained and developed as approved.

- 17) Development shall not begin until full details of the means of foul and surface water drainage, including any off-site measures, have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until both foul and surface water drainage schemes have been implemented in accordance with the approved details.
- 18) Development shall not begin until a Low Emissions Strategy for Air Quality has been submitted to and approved in writing by the local planning authority. The Strategy shall be implemented as approved.
- 19) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - i) working hours on site;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) the loading and unloading of plant and materials;
 - iv) traffic management, including delivery times, lorry routing and traffic control, as necessary;
 - v) the storage of plant and materials used in constructing the development;
 - vi) the erection and maintenance of hoarding or fencing necessary for public safety, amenity and site security;
 - vii) wheel washing facilities;
 - viii) measures to control the emission of dust and dirt during construction;
 - ix) measures to control noise and vibration during construction;
 - x) a scheme for the recycling or disposal of waste resulting from construction works.

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