

**Wineham And Shermanbury Plan
(W.A.S.P.) 2014 - 2031**

Submission Plan

February 2016

**Report to Horsham District Council on the
Independent Examination of the draft
Wineham and Shermanbury Plan 2014 - 2031**

January 2017

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Summary of main findings

0.1 It is a requirement of the Town and Country Planning Act 1990, as amended by the Localism Act 2011 ('the 1990 Act') that this report should contain a summary of its main findings. The reasons for each of the recommendations are given in the following sections of the report.

0.2 The principal findings in this report are that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in the 1990 Act, does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

0.3 My main recommendations for modifications to the individual policies are that:-

- paragraph 5.3 in the plan text should be deleted;
- the provision for housing in the plan, as stated in paragraphs 5.10 and 5.11, is reduced from 20-29 dwellings to at least 11 dwellings to around 20 and that wording is used in a new policy 7 which allocates land for that number of houses at Barmarks with revised criteria instead of policy 11 which should be deleted. The criteria for the Barmarks site should be reduced to avoid unnecessary duplication with generally applicable policies and, most significantly, the policy requirement for the setting aside of 0.2 ha. of land for community use should be deleted;
- Policy 12 for the allocation of land for 4 dwellings at Wyndham Pool, Wineham, should be deleted;
- Policies 6 should be converted to an aim and, along with the whole of Chapter 4, moved to a non-statutory annex;
- Policy 8 and the accompanying text should be deleted as a statutory policies but may be included as an aspirational statement in a non-statutory annex to the plan;
- Policies should be clearly distinguished from vision, objectives and aims and
- Policy implementation should be clarified by avoiding the use of 'support' terminology.

Introduction

Appointment

1.1 I have been appointed by the Horsham District Council (HDC), acting as the Local Planning Authority (LPA), under the provisions of the Town and Country Planning Act 1990 ('the 1990 Act'), to carry out an independent examination of the Wineham and Shermanbury Plan¹ (W.A.S.P) 2014 - 2031 (WASP). The proposed plan was submitted to the LPA on 29 February 2016. The HDC carried out publicity for the proposed plan for 6 weeks between 11 March and 22 April 2016 giving details of how representations might be made, in accordance with Regulation 16 of the Neighbourhood Plans (General) Regulations 2012 ('the 2012 Regulations'). I was sent the documentation required under Regulation 17 on 30 August 2016 including copies of all of the representations received under Regulation 16. I have taken that documentation into account in carrying out the examination.

1.2 I am a Chartered Town Planner (Member of the Royal Town Planning Institute) with over 40 years post-qualification professional experience in local and central government. I am independent of the Shermanbury Parish Council and of the Local Planning Authority. I have no land interests in any part of the plan area.

My role as an examiner

1.3 The terms of reference for the independent examination of a Neighbourhood Development Plan are statutory. They are set out in the 1990 Act² and in the 2012 Regulations³. As an examiner I must consider whether the plan meets what are called 'the basic conditions'⁴ and it is appropriate to 'make' the plan. In summary, the basic conditions are met if the making of the plan would:-

- have regard to national policies and to advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;

¹ It is a Neighbourhood Development Plan prepared under the provisions of the 1990 act

² Specifically Schedule 4B as inserted by Schedule 10 of the Localism Act 2011

³ SI 2012/637, partially amended by the 2015 Regulations, SI 2015/20

⁴ These are set out in paragraph 8(2) of Schedule 4B

- be in general conformity with the strategic policies contained in the development plan for the area;
- not breach, and otherwise be compatible with EU obligations relating to Strategic Environmental and Habitats Assessment and be compatible with Convention rights, within the meaning of the Human Rights Act 1998.
- meet 'prescribed conditions' and 'prescribed matters' have been complied with in plan preparation and submission.

1.4 Legislation requires that my report on the draft plan should contain one of the following recommendations:-

- a) that the draft plan is submitted to a referendum, or
- b) that modifications are made to the draft plan and the modified plan is submitted to a referendum, or
- c) that the proposal for the plan is refused.

1.5 I may also consider whether the area in which any referendum might take place should be limited to the designated plan area (the parish) or widened to include adjacent areas. I may make recommendations for modifications which I consider need to be made to secure that the plan meets the basic conditions or for compatibility with EU obligations and (Human Rights) Convention Rights. The only other modifications which I may recommend are those to correct errors.

Procedural matters

1.6 Horsham District Council formally designated the parish of Shermanbury as a Neighbourhood Area on 29 February 2014. The plan relates solely to the designated area and has been submitted by the Shermanbury Parish Council (SPC) as the 'qualifying body'. Section 38B(1)(a) of the 1990 Act requires that the plan 'must specify the period for which it is to have effect' and that is given on the front cover. The plan does not relate to mineral extraction or waste development or to nationally significant infrastructure and, therefore, those statutory provisions are satisfied.

1.7 The legislation states that the 'general rule' is that the examination of the issues by the examiner should take the form of the consideration of written representations. However, an examiner must hold a hearing 'for the purpose of receiving oral representations about an issue' where he or she considers a hearing 'is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case'⁵.

1.8 From my initial appraisal of the plan and the representations made, I came to the view that some additional written clarification was required on a number of matters. I put some questions to the HDC in an e-mail dated 9 September and submitted a number of questions to the SPC by e-mail sent to the HDC for onward transmission on 15 September. I received responses from the HDC on 20 September and the SPC on 3 October. In general terms I was satisfied from these responses that I had sufficient information to proceed without causing a hearing to be held. However, one of my questions to the SPC related to the absence of a 'boxed' Policy 13 on small scale business development and the response was to provide a completely new policy which is not in the submitted plan and had not, therefore, been consulted upon by the HDC under Regulation 16. A similar policy was included in the Regulation 14 consultative plan but which, as the Consultation Statement shows, the SPC had resolved to amend. Its omission was an error but it was not an error which I considered I could remedy by way of a recommended modification to the plan unless a further consultation was carried out on the intended policy equivalent to that under Regulation 16. That consultation was carried out between 21 October and 2 December 2016. Only one representation was received in that period and it did not raise new issues.

1.9 Any delay in the examination process, especially as it had already reached a relatively advanced stage, is unfortunate. However, as I had already reached a conclusion on the overall scale of housing development provided for in the plan I decided to release, on 14 October, what amounted to an advance part report on that issue alone. Only a summary of the main points is referenced in this report but

⁵ Paragraph 9 of Schedule 4B to the 1990 Act (as in reference 1 above)

the full text of the advance report⁶ is included as Appendix 1. It forms part of the reasoning for modifications to the housing allocation policies in the plan, most particularly Policy 11 which provides for the development of land for up to 20 houses on a site called Barmarks. Also, to take advantage of the procedural delay I considered it would be advantageous to frame a set of questions for the SPC relating specifically to the detailed policy criteria for the Barmarks site. Those questions, designed to examine the sustainability of the proposal, were put to the SPC by way of an e-mail sent to the HDC on 14 October. The previous day I had raised some detailed questions for the Local Highway Authority regarding access arrangements to the A281 Brighton Road which were answered in a note dated 19 October. The SPC's response to my questions about Barmarks were submitted on 30 November. I have taken all of the written responses into account and I am satisfied that I have sufficient information to complete the examination without needing to hold a hearing.

1.9 At an earlier stage in the proceedings I decided that it would be advantageous that I should visit Shermanbury parish and the surrounding settlements so that I might fully appreciate the character of this rural area and the settlements within it as well as to look at the sites proposed for development and alternatives put forward in representations. I did this during the morning of 27 September 2016.

1.10 The SPC have submitted a Basic Conditions Statement in accordance with the Regulations. It provides a detailed assessment of the extent to which the plan meets the basic conditions, as summarised in paragraph 1.3 above, including commentary in tabular form in relation to each of the policies in the plan against the provisions of the National Planning Policy Framework (NPPF) and Horsham District Planning Framework (HDPF). I have taken that assessment into account in my examination.

1.11 I have taken into account all of the written representations made on the submitted draft plan.

⁶ With a few minor corrections

Preparation of the plan and the pre-submission consultation process

2.1 As required by legislation⁷, the SPC have submitted a Consultation Statement. It sets out clearly the process of plan preparation and public engagement right from the initial stages in the summer of 2013, evidence gathering followed by the first public meeting on 12 May 2014, exhibitions during 2015 and production of the pre-submission (Regulation 14) draft plan consulted upon between 7 December 2015 and 25 January 2016.

2.2 The consultation statement is comprehensive and ably demonstrates the very considerable effort put into community engagement and to consult statutory bodies, business interests and landowners. The scope of the preparatory work undertaken is impressive and the SPC is to be congratulated on the thoroughness of the consultation exercises. Most importantly, as required by the Regulations, the statement includes a summary of the main issues arising in representations on the consultative draft plan and indication of how those issues have been considered and acted upon.

2.3 There was an omission in the consultation processes in that paragraph 2.3 of the plan indicates that the River Adur is tidal as far as the footbridge near St. Giles' Church. The Marine Management Organisation (MMO) is a statutory consultee for all tidal waters and they had not been consulted either on the draft or submission plans. At my request, were contacted by e-mail and their response is to seek the inclusion of reference in the plan to the MMO, the Marine Policy Statement and the South Marine Plan. This is dealt with towards the end of this report.

The Plan

3.1 In paragraph 1.3 above I have set out the terms of reference for my examination of the plan in accordance with the relevant Act and Regulations. In doing so I will first consider the consistency of the plan with the Human Rights Act and then whether EU Regulations have been complied with. I will then consider the extent to which the plan meets the basic conditions.

⁷ The Neighbourhood Planning (General) Regulations 2012, Regulations 15(1)(b) and 15(2)

The Human Rights Act and EU Obligations

3.2 There is no specific analysis of the compatibility of the plan and its policies with the European Convention of Human Rights within the meaning of the Human Rights Act 1998. There is simply a statement in paragraph 10.2 of the Basic Conditions Statement that the plan ‘has had regard’ to the fundamental rights and freedoms guaranteed under the European Convention, particularly under Articles 1, 8 and 14 and that it is submitted that the plan complies with the Human Rights Act. No representations have been made concerning this aspect and from my own assessment I have no reason to conclude other than that the approach taken in the plan is fully compatible with Convention Rights.

3.3 HDC undertook initial screening under the Habitats Regulations⁸ in combination with other Neighbourhood Plans being prepared taking account of the scale of development in relation to that allowed for and assessed as part of the HDPF process. Natural England were also consulted and confirmed by e-mail dated 23 August 2016 that the plan, either alone or in combination with other plans, would be unlikely to have a significant effect on any European site and that an HRA Appropriate Assessment would not be required.

3.4 As indicated in paragraph 8.2 of the Basic Conditions Statement the Sustainability Appraisal prepared for the WASP incorporates a Strategic Environmental Assessment (SEA). The approach taken in Horsham District, in accordance with a general screening opinion prepared by the HDC in January 2015 is that all neighbourhood plans which include site allocations should be subject to an SEA on the basis that the plan contains policies which may have significant environmental effects⁹. That approach had been consulted upon and agreed by the statutory consultees.

3.5 There is criticism in a representation of the scoring approach used in the SA to evaluate development options as set out in Appendix 3 entitled ‘WASP Policy Options Appraisals’. This uses information drawn from site appraisal work

⁸ The Conservation of Habitats and Species Regulations 2010 giving effect to Council Directive 92/43/EEC as amended by 97/62/EC

⁹ In accordance with Regulation 9 in the Environmental Assessment of Plans and Programmes Regulations 2004 which give effect to Council Directive 2001/42/EC

undertaken by URS.¹⁰ The adequacy of the scoring approach is discussed in paragraphs 3.17-18 below but I do not consider the methodology used for the production of the SA itself is seriously flawed.

3.6 Taking the above into account, I am satisfied that the submitted plan is compatible with EU environmental obligations and does not breach Convention Rights.

General Conformity with the strategic policies of the development plan

3.7 One of the basic conditions refers to general conformity with the strategic policies of the development plan. The development plan for the area is the Horsham District Planning Framework (HDPF) adopted in November 2015 only shortly before the WASP was submitted together with the saved policies of the Site Allocations Plan (2007), the Joint Area Action Plan and Minerals and Waste Plans prepared by the West Sussex County Council.

3.8 Section 7 of the Basic Conditions Statement deals with conformity with the development plan. It sets out in tabular form the strategic policies of the HDPF which are judged to be most relevant to the policies and aims of the WASP. It also includes a table of WASP policies listed against the relevant parts of the NPPF and HDPF. However, it needs to be borne in mind that the basic condition relates to general conformity with the development plan taken a whole rather than specific conformity with individual strategic policies in that plan.

3.9 The recently adopted HDPF recognises that some development of rural settlements will be necessary to meet recognised local needs and in order to maintain the vitality of smaller villages and support local facilities such as shops and schools whilst retaining existing settlement functions and rural character. Neither Shermanbury nor Wineham are classified in the development hierarchy of strategic policy 3. Just across the parish boundary to the south is Henfield which is classified in the hierarchy as a 'small town/larger village'. Partridge Green, adjoining to the east, and Cowfold to the north are 'medium villages'. HDPF strategic policy 4 envisages that some land may be allocated for development in Neighbourhood Plans where it is to meet identified local needs or to support local services, adjoins a

¹⁰ Site Appraisal for the Wineham and Shermanbury Neighbourhood Plan, URS, October 2014

settlement edge within a defensible boundary, maintains landscape and townscape character and is appropriate in scale and function to the settlement. It follows that if the overall scale and location of the proposed housing development and its effect on the character and function of the settlements meets the criteria set in HDPF policies then, in that respect, the plan may be regarded as in general conformity with the strategic policies of the local plan.

3.10 In this context, I wish to deal briefly with the statement in paragraph 5.3 of the plan that there is an expectation that the Parish will contribute towards the figure of 'at least 1500 dwellings' which is provided for in HDPF policy 15 as a contribution from Neighbourhood Plans, even though it is acknowledged that no allocations for housing need be made. The HDPF policy has to be read in its entirety. The total contribution from all of the Neighbourhood Plans in Horsham District, taken together, will make such a contribution to housing supply but the words 'in accordance with the settlement hierarchy' are important. The HDC have confirmed¹¹ that no specific guidance has been given to neighbourhood planning bodies on the application of the policy to specific areas but that in accordance with the overall strategy and in the interests of promoting development in the most sustainable locations the larger settlements are expected to provide a greater level of development than smaller ones with neighbourhood plans expected to follow that categorisation. As Wineham and Shermanbury are unclassified settlements there is no 'expectation' that a rural parish such as Shermanbury should necessarily make any contribution to the 1500 dwellings. Paragraph 5.3 is, therefore, factually incorrect and somewhat misleading. Indeed, it is conjectural as well as being out of date once this examination has been concluded. I consider that the paragraph constitutes an 'error' and I recommend its deletion.

Recommendation 1

Delete paragraph 5.3 in the plan text.

¹¹ E-mail from the HDC dated 27 September 2016

Issue 1: The adequacy of plan provision for housing development and the sustainability of the two proposed site allocations

3.11 It is a central issue for this examination, in terms of the degree to which the plan meets the basic conditions, whether the plan provision for the construction of 20-29 dwellings over the plan period and, in particular, the residential development of the two sites allocated by WASP Policies 11 and 12, might reasonably be regarded as being in general conformity with the strategic policies of the adopted Horsham District Planning Framework (the HDPF) and would contribute to the achievement of sustainable development having regard to national policy for the development of rural areas.

3.12 The HDC have not suggested that overall level allowed for in the WASP takes it out of general conformity with the HDPF. There is a need to allow for neighbourhood planning to operate with a degree of flexibility in the context provided by national policy, in particular paragraph 55 of the NPPF which seeks to promote sustainable development in rural areas and recognises that development in one village may support the provision of services in a village nearby. Blanket policies which restrict growth to certain settlements are to be avoided.¹²

3.13 In the note setting out my initial conclusions on housing need and provision, attached as Appendix 1 to this report, I conclude that the choice of the range of between 20 and 29 dwellings to be provided is a reasonably pragmatic one. It is a significantly higher figure than might otherwise have been expected from the application of HDPF strategic policy, as is pointed out by several representors who consider the provision to be too great. On the other hand, there is representation by developer interests that the plan should provide for a significantly larger number of dwellings to reflect one of the higher level 'need' calculations set out in Appendix 2 of the plan¹³ and to accord with national policy to encourage housing development. In my opinion, the planned provision represents a balanced community choice which properly reflects the plan vision statement 'to protect and enhance the rural and

¹² NPPG, ref. ID. 50-001-20160915

¹³ Derived from a paper by the DowsettMayhew Planning Partnership 'Housing Need Considerations for the Shermanbury Parish Neighbourhood Plan' June 2015

historic character of the Parish while ensuring the changing needs of the community are met'.

3.14 Furthermore, the higher unconstrained development options would not be in general conformity with the strategic policies in the HDPF. There are virtually no existing services in this rural parish which would be supported by the additional housing. The result would be to increase the need to travel, predominantly by private car, to the facilities available in nearby towns and larger villages.

Alternatively, the amount of development needed to support directly the provision of a new community facility¹⁴ would be likely to alter the scale and function of Shermanbury as a place. Not only would that not accord with WASP objectives to maintain the rural character but would be a strategic issue more appropriately considered in a review of the HDPF itself.

3.15 As stated in the plan, Policy 7, two sites are allocated in the plan for housing development. The Wineham, Wyndham Pool, allocation under Policy 12 is for 4 dwellings but the Barmarks allocation in Shermanbury is stated to be for between 10 and 20 dwellings which is a wide range. The actual provision made by the plan is, therefore, between 14 and 24 dwellings, not 20 to 29. I recognise that there is likely to be 'windfall' development in addition but, by definition, windfall development is off-plan. Evidence has been provided by the HDC that there have been 5 housing completions in the period 2011-15 and reference is made in the plan to 37 completions in the period 2001-2011. It would seem that virtually all of the additional housing has been through conversions and/or redevelopment. That form of development will undoubtedly continue through the exercise of permitted development rights, HDPF policy and WASP policy 10. However, the WASP policy does not 'facilitate' any particular number of conversions to dwellings.

3.16 Without clear evidence about the potential for the future supply of windfall sites, of all types, it is not good practice to include an allowance for it¹⁵. The figures included in the plan, in paragraphs 5.10 and 5.11, require adjustment to state only the number of dwellings to be delivered as a direct result of the implementation of the plan policies. In that respect, Policy 7 does not add anything to the plan. It is not

¹⁴ Meeting the tests for s106 obligations in paragraph 204 of the NPPF

¹⁵ Paragraph 48 of the NPPF provides policy on including an allowance in 5 year housing land supply calculations

a standalone policy in that it links directly to site allocation policies 11 and 12 and cross-references to HDPF Policy 16. The arrangements for off-site provision of financial contributions in lieu of on-site affordable housing are covered by a Horsham District Supplementary Planning Document (SPD)¹⁶ and need not be repeated within a 'policy' statement especially as it is also covered in paragraphs 5.12 and 5.13 of the plan text. I deal with policies 11 and 12 below, but in the interests of clarity and ease of interpretation of the plan I will recommend (at the end of this section) that the allocation section of the plan be brought forward and integrated with a modified Policy 7.

3.17 The two sites chosen for allocation derive from extensive public consultation, discussion at steering group meetings and a technical assessment of those sites put forward as the result of a 'call for sites' exercise. That has also provided input into the Sustainability Appraisal. There is criticism of the SA appraisal in terms of the scores against the various sustainability objectives in the comparative analysis of the site at Fortgate and Wychwood compared to that chosen at Barmarks on the basis that there is no difference in the site appraisal in terms of visual impact and that the accessibility of the Fortgate/Wychwood site to public transport and footpaths is superior to that of Barmarks where there are highway safety concerns. It is contended that the evidence used to justify the choices made is not robust or proportionate as required in national guidance.

3.18 I accept that the traffic light system used against the various criteria is somewhat crude and it is not always obvious how those criteria have been weighed against one another to lead to a final choice but as set out in paragraph 3.6 is not incompatible with EU obligations. However, I consider that the community were entitled to come to the view that they would not wish any individual development to be larger than 20 dwellings in order to protect the predominantly rural character of Shermanbury. It is in the essence of 'localism' that a community should be given the opportunity to shape the nature of any development which takes place within the neighbourhood area. Although performing well on accessibility grounds, a development of 35 dwellings as proposed at Fortgate would not meet the community's wishes, even though the provision of 13 affordable units and 0.2 ha. for

¹⁶ Section A7 in the 2007 SPD on Planning Obligations, to be updated (para. 4.5 of the Local Development Scheme)

open space would be a benefit¹⁷, I have already concluded that there is no strategic imperative which would require even as many as 20-29 dwellings to be provided in Shermanbury Parish.

3.19 That is not to say that the site chosen for allocation at Barmarks is an ideal site against the criteria set by HDPF Policy 4 as well as the criteria within WASP Policy 11 itself. Within the context set by the HDPF there should be a positive sustainability benefit to justify any housing development in this location. Meeting local housing need is one such benefit with the Housing Needs Survey identifying a need for 2 affordable houses in the first five years and a further two in the following five years.

3.20 There would be a benefit in sustainability terms if the viability of existing services was to be supported by the development but, as is recognised in the plan itself, the majority of the services relied upon by residents of Shermanbury, including schools and shops, are not within the parish. Obviously, development in Shermanbury would help to support those services but I do not have any information as to whether that might be achieved equally as effectively, and reducing the need to travel, by developments closer to the facilities in the adjoining towns. I do, however, accept that the half-hourly bus service along the A281 linking Horsham with Brighton via Partridge Green is good enough to provide an alternative to the use of the private car at least for day time journeys to schools and shops. Although the existing bus stops are not ideally located for the Barmarks site at present they can often be moved through negotiation with the bus company and/or transport authority.

3.21 It is clear from the plan and responses to my questions that the provision of a new community centre or hall is regarded by the SPC as a benefit which would flow from development. It is mentioned in paragraph 5.33 of the plan although it is stated that the Parish Council is not able to support financially the erection of a community hall at present. Instead, it is stated in the text that 'it is considered appropriate for the housing allocation in Shermanbury to be required to deliver at least 0.2 hectares of land in a single block to be made available for use as a community facility, as either public open space and/or a building'. In Policy 11 it is stated that a development will be 'supported' which provides this facility. I have questioned how

¹⁷ Subject to meeting the tests for s106 obligations in paragraph 204 of the NPPF

such a facility would be secured and the response is that it would be by an agreement under s106 of the Town and Country Planning Act 1990. Furthermore, the SPC have stated in their response to me 'It is considered the development would not be acceptable without the requirement for land to be set aside for the community facility'.

3.22 I have drawn attention to paragraph 204 of the NPPF which sets out Government policy in respect of the use of s106 planning obligations. I think it worth re-producing for emphasis:-

Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

The development proposed for the Barmarks site is for a maximum of 20 dwellings although that is subject to a consideration of the other criteria in the policy as well as other policies of general applicability. The SPC have said that the setting aside of an area of land as open space would be 'appropriate', 'reasonable' and 'justified'. However, the second and third bullet points in paragraph 204 are critical in this regard. An obligation under s106 should not be sought unless what is being required is directly related to the development. It is very clear that a community hall would not be directly related to a development of only 20 houses nor would it be fairly and reasonably related to it. Even though the actual requirement is for 0.2 ha. of open space there is no evidence as to how the need for such an area would comply with the paragraph 204 tests. Also, if there was a directly related need for such an area of open space it would have to be replaced should the desired community hall eventually be built, perhaps funded from CIL contributions.

3.23 My conclusion on this point is that robust and proportionate evidence has not been supplied to justify a requirement (my emphasis) for 0.2 ha. of land to be set aside as open space. I am not satisfied that it is either directly related to, or fairly and reasonably related in scale and kind to, a development of 10 to 20 dwellings. As the paragraph 204 tests for seeking a s106 obligation are not met it cannot be made a policy requirement either and the fourth criterion in Policy 11 must be deleted. A similar note of caution applies to Policy 6 in the reference to open space being provided 'to meet local need'.

3.24 I am advised that the landowner has been in close discussion with the Parish Council and has indicated a willingness to set aside the land in question, but there is no legal agreement to such an effect. Even if, in association with a planning application, a unilateral undertaking under s106 was to be offered to the Local Planning Authority it could not be taken into account in the sense that it would tip the balance between planning permission being granted or not. The paragraph 204 tests are there as a safeguard against planning permissions effectively being bought through generous offers from developers unrelated to the development itself. Having said that, if an area were to be set aside for open space in a development scheme submitted for planning permission I find it difficult to envisage that its provision would be the basis for a refusal of permission even if such provision could not be conditioned under the paragraph 204 'rules'.

3.25 Policy 11 is expressed in terms that development will be 'supported' where several criteria are met. As stated in the NPPG¹⁸ 'A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.' The policies in a neighbourhood plan are for the purpose of actually determining applications, not to act as a guideline to the Parish Council as to whether or not to 'support' an application when consulted on it by the LPA. The criteria, as worded, are neither clear nor unambiguous such that I cannot conclude that adequate regard has been had to national practice guidance. The same applies to other similarly worded policies.

3.26 One way to make policies clearer and to avoid ambiguity is to avoid repeating policy wording which is found elsewhere. For example, the first criterion in policy 11 is a direct repeat of the first criterion in policy 9 which is of general applicability. The criterion can be deleted from policy 11 with no loss to the plan as a whole. The reference to a 'suitable mix' relates to the house sizes identified in the AiRS study as detailed in WASP paragraph 5.18. I understand that study of housing mix needs within the Norther West Sussex Housing Market Area (HMA) is underway and may be of some assistance. For the policy to be applied over time it will need to be

¹⁸ ID Ref. 41-041-20140306

based on regularly updated housing needs information and some re-wording would assist in making that clear for the purpose of decision-making.

3.27 The second criterion in policy 11 refers to 'the prevailing character of the immediate surrounding area'. I have questioned the meaning of the term given that, for Barmarks, it would encompass Woodlands Close which public consultation suggested was a form of development residents would not wish to see replicated. The SPC response is that it is a reference to the generally low density nature of existing development in the parish. If that is the case, the inclusion of the word 'immediate' introduces ambiguity and is best deleted. Furthermore, the self-same wording is included in policy 5 and repeating it in policy 11 is not only unnecessary but leads to a lack of clarity.

3.28 I am particularly concerned that the third criterion requiring the retention of existing mature trees and hedgerows is incompatible with the sixth criterion which requires the formation of a safe access to the A281. The frontage of the site to the A281 is presently formed by a rather fine hedgerow, some 3 m. high, which almost completely screens the site from outside views except from the driveway on the southern boundary leading to the Wymarks cottages and the field gate at the start of that drive.

3.29 The site assessment identifies that there have been some vehicular accidents in the vicinity of the proposed site access which is on a slight bend. Road safety is identified as a concern in Aim 6 which refers to the need for site lines. It was with that in mind that I asked the County Highway Authority to clarify what would be their requirements for visibility splays to afford safe ingress and egress from any access road to the A281 at Barmarks. Although the detail would be subject to discussion at application stage it is clear that the normal requirement would be for a 2.4 by 120 m. visibility splay. In my assessment that would require the removal of virtually the whole of the existing frontage hedge. As well as opening up the site to view from the road it would significantly alter the rural character of this part of the village.

3.30 The SPC state that this was always recognised although the sketch scheme for the development of the site which was shown at the public exhibitions does not show any obvious visibility splay. Nevertheless, I accept that provided a strong planting belt is established to the rear of any required visibility splay, it would, in time,

re-establish a high degree of screening and, with careful design of the dwellings on the site might mean they were not immediately visible in passing along the A281, thus protecting the rural character of the area in accordance with plan objectives. This needs to be a requirement of the policy if the development of the site is to be regarded as sustainable in environmental terms. The wording of the third bulleted criterion requires re-wording for clarity in interpretation and implementation.

3.31 The fourth criterion requiring 'adequate' parking is vague. There is no indication as to how a decision-maker should judge what is regarded as adequate, but it is repeated in policy 14. As with other criteria duplicated elsewhere in the plan it should be deleted for clarity.

3.32 The final, seventh, criterion has been clarified by the SPC and the Highway Authority have stated 'that this would consist of a small stretch of footway extending from the site access with crossing provision'. I am satisfied, therefore, that it is likely to be deliverable.

3.33 In terms of HDPF Policy 4 the site is contained within a defensible boundary, loosely adjoining a settlement edge and, limited to around 20 dwellings, might reasonably be regarded as appropriate in scale and function to the settlement.

3.34 I have explored with the SPC by way of written questions whether, in the light of the Government policy on seeking affordable housing provision on sites of 10 dwellings or fewer, the stated lower threshold for this site should remain as 10 dwellings. I consider it to be an important aspect in the sustainability of this proposal that the identified need for 4 affordable houses during the first 10 years of the plan should be met, despite my reservations about the adequacy of the housing needs survey. The provision of affordable housing is, without a doubt, the most effective way to retain younger people within rural communities so that they do not have to move elsewhere to obtain good housing. The SPC have agreed that the minimum development should be amended to 11 dwellings which, in accordance with HDPF policy 16, would give a requirement for 20% to be affordable, that is 2 dwellings, although it is to be noted that criterion 3a of HDPF Policy 16 states that for development of 15 or more dwellings or on sites over 0.5 hectares (my emphasis), which this site is, the requirement is 35%. That would mean that 3.85 (4) affordable homes would be required on a development of 11 dwellings and 7 for a full

development of 20 dwellings. That would be for negotiation at planning application stage.

3.35 In conclusion on Policy 11 in terms of the degree to which the plan meets the basic conditions with the inclusion of the allocation, it may be regarded as being in general conformity with the development plan and, in so far as it would provide additional rural housing it would accord with national policy for development in smaller rural settlements. However, modifications are required to the policy criteria by the deletion of those which unnecessarily duplicate free-standing general policies and to clarify those relating to the retention of trees and hedges and for access. Most significantly, the requirement for setting aside of land for a community facility cannot be delivered through the use of an s106 obligation and has to be deleted from the policy.

3.36 It is the contribution to the provision of affordable housing which is an identified need. Although the evidence does not firmly establish that such need might only be met by housing in the parish rather than in nearby settlements there would be sustainability benefits on retaining younger people who are usually the ones in most need of such housing. In that sense I am satisfied that allocation of the site would contribute to sustainable development in terms of social benefit and provided that the environmental impact of opening up the site frontage was mitigated over time by new hedgerow planting. There would also be some economic benefit in terms of supporting local services which are not too far away in Partridge Green, Cowfold and Henfield to which there is a good bus service along the A281.

3.37 In my written questions I explored the possibility of the development being limited, at least initially, to 11 dwellings because the 2014 housing survey does not demonstrate any more than a need for 4 affordable homes. It is not valid to extrapolate that over the full plan period. It is information which has to be kept up-to-date by re-survey at regular intervals, perhaps linked to plan review. It is likely, given the nature of the housing market in this part of the world, that should planning permission be granted for around 20 dwellings on this site it will be developed quite quickly. Also, I wished to obtain information from the Highway Authority whether a smaller number of dwellings would reduce the requirement for visibility splays thus reducing the environmental impact. It transpires that it would not. There is,

therefore, no justification for any size limitation on the development other than the figure derived from community aspiration. Indeed, it could be regarded as unduly prescriptive when the primary concern is that the development should be in keeping with the surroundings; flexibility would be introduced by the insertion of 'around'.

3.38 Subject to all of the above considerations, my conclusion is that the plan meets the basic conditions with the inclusion of the allocated site at Barmarks but subject to modifications as outlined above.

3.39 I now turn to the justification for the inclusion in the plan of Policy 12 allocating a site at Wyndham Pool, Wineham, particularly in relation to the sustainability of the proposal. Very little is said in the plan by way of justification for this proposal. There is no expansion on the simple statement in paragraph 5.53 that 'it is ... considered appropriate to enable modest growth in and around Wineham to meet its needs.' I have underlined those words because nowhere is there any analysis of what the needs arising from the very small and scattered hamlet of Wineham might be. The Housing Needs Survey does not assist. As it happens, virtually all, if not all, of the existing social housing in the parish is in the small row of semi-detached former council houses directly opposite this site on Frylands Lane. It may well be that much of the need for future affordable housing derives from the occupants of those houses but a development of 4 houses only is too small for there to be any requirement under Government or HDPF policy for there to be any affordable housing. There is no evidence at all of the need for private housing here.

3.40 There would be no difficulty in ensuring that a development of 4 houses would be in keeping with the overall character of Wineham. However, there are clearly other physical constraints including the access arrangements and proximity to the Wineham Wastewater Treatment Works. Southern Water have expressed particular concern about odours from the works and a criterion is included in the policy that the scheme should provide sufficient distance from the works for adequate odour dispersal but there is no indication as to what that actually involves; whether it would rule out development on any or all of the site.

3.41 Most significantly, however, Wineham is a small hamlet with no facilities at all. It is a good deal further than Shermanbury from the nearest primary school in Partridge Green and from the shops in the higher order centres around the parish.

There is no bus service and so the occupants of the proposed houses would be likely to use cars to travel anywhere at all. The site attracts two reds in the SA. My conclusion is that development of the site would not contribute to sustainable development and, accordingly, its inclusion in the plan means it does not meet that basic condition. However, that can be rectified by deletion of Policy 12 from the plan. It is not critical to the plan as whole.

Recommendation 2

- 1. In the plan text paragraphs 5.10 and 5.11, and in Policy 7, replace references to '20-29 dwellings' by 'at least 11 dwellings up to around 20 dwellings';**
- 2. Delete the last paragraph in Policy 7 relating to affordable housing;**
- 3. Delete Policy 11 and integrate it, as modified, with Policy 7 as set out in the box below;**
- 4. Bring forward the text associated with Policy 11 to follow that for Policy 7;**
- 5. Delete Policy 12 and the associated text, paragraphs 5.37 and 5.38 and delete the site plan from section 8.**

Policy 7: Housing development

The WASP provides for housing development to meet local needs, including affordable housing, by the allocation of a site for development at Barmarks, Shermanbury, as identified in Section 8, Maps, Figure C.

Any proposal for the residential development of the Barmarks site should be for at least 11 dwellings up to around 20 dwellings and should meet the following criteria:-

The layout should provide for the retention of as many existing mature trees and hedgerows as possible;

Access to the A281 should incorporate visibility splays to ensure safe egress and ingress for all vehicles, the splays to incorporate footways and provide for safe pedestrian crossing to the existing footway on the eastern side of the main road;

The layout should provide for the re-planting of the existing frontage hedgerow to the rear of the visibility splays.

Issue 2: Whether according priority in the occupation of affordable housing to those meeting local connection criteria is a land use matter which can be included in a statutory development plan.

3.43 A Neighbourhood Plan is part of the statutory development plan and, as such, can only deal with land use matters¹⁹. Its policies are delivered by decisions on planning applications. Planning decisions should not turn on matters which implemented through non-planning legislation.

3.44 The desire of the community to ensure that any affordable housing which is developed goes to those living locally who are in need of such housing but it is not within the locus of the planning system to deliver this. The 'policy' seeks to vet the residency qualifications of applicants for the occupation of affordable housing, that is who is to be permitted to be tenants of such properties. However, housing allocations policy is governed by the provisions of the Housing Act 1996, as amended, and administered by the Local Housing Authority. It is not a land-use matter and, as such should not be included as a statutory plan policy. In including such a policy regard has not been had to Government policy and guidance on such matters, indeed it is a matter of law. The plan fails a basic condition in that regard.

3.45 Nevertheless, as a legitimate community aspiration there is no reason why there should not be a non-statutory annex in which this is set out.²⁰

3.46 Also in connection with affordable housing, it is stated in the second sentence of paragraph 5.13 that the Parish Council will 'ring-fence' any financial contribution towards the provision of affordable housing off-site for future use in the parish. HDC have confirmed that there is no agreement to such an arrangement and the SPC have since stated that it is not their intention to do this. The sentence is in error and should be deleted.

Recommendation 3

- 1. Delete Policy 8 and the accompanying text in paragraphs 5.16 and 5.17 and, if desired, move to a non-statutory annex;**
- 2. Delete the second sentence of paragraph 5.13.**

¹⁹ NPPG Ref ID: 41-004-20140306

²⁰ Ditto

Issue 3: The extent to which the content and layout of the plan has had regard to national practice guidance on the need for land-use policies to be clearly distinguishable from other matters and to provide a basis for consistency in the determination of planning applications.

3.47 A difficulty with this plan is that the vision and objectives as well as various 'aims' and the policies themselves are all contained within the same type of box with the same shape and colours and they are mixed within the document and not clearly identifiable as required in the NPPG²¹. This could easily be remedied by using different coloured borders for the boxes or omitting the boxes for anything but policy.

3.48 My main concern is that the aims are numbered and worded in a very similar way to the policies themselves, including an indication that certain things will be 'supported', presumably by the Parish Council. These are found in the Chapter 4: Community Facilities and Chapter 7: Transport, perhaps in recognition of the fact that the aspirations mentioned cannot be delivered through the planning system. If they are not placed in an annex they must be clearly distinguished from policy in some way.

3.49 There is a particular difficulty with Policy 6 which is within Chapter 4. The thinking behind it appears to be very similar to that for the fourth criterion in Policy 11 which I consider in detail in paragraphs 3.21 to 3.23 above. As there is highly unlikely to be any development which would be large enough to justify the provision of open space and meet the requirements of paragraph 204 of the NPPG, Policy 6 cannot be implemented. Developments cannot be required to provide open space to meet existing needs. The policy is more akin to an aspiration or aim and could be added to the others with the whole chapter moved to an annex. I recommend accordingly.

Recommendation 4

- 1. Place the vision and objective statements in different colour or style of box to make them clearly distinguishable from policy;**
- 2. Delete Policy 6 and convert it to an aim to be included with aims 1 – 4 and the whole of Chapter 4 as a non-statutory annex to the plan);**

²¹ Ref. ID; 41-004-20140306

3. Split Aims 5, 6 and 7 from Policy 14 in Chapter 7 to make them clearly distinguishable from the policy.

3.49 I now return to the clarity of policy wording. The SPC are incorrect in their assumption that repeating the same wording in different policies, especially when covered by a general policy, in some way strengthens the message. It is not good practice and can cause confusion. I will now deal with more detailed aspects of the remaining policies in turn.

3.50 Policy 1. The third part of this policy together with the general policy within the HDPF appears to meet Southern Water's concerns. Where there is a general policy in the local plan it need not be repeated in individual neighbourhood plans. Some re-wording is needed to avoid the 'support' terminology.

3.51 Policies 2, 3, 4, 5, 10 and 13. All of these policies should be re-worded to avoid 'support'. Recommended re-wording is given at the end of this section.

3.52 Policy 5. For the reason given in paragraph 3.27 above the word 'immediate' in the policy could cause difficulties in interpretation and application of the policy.

3.52 Policy 9. The HDC have drawn attention to the fact that if the allocated site(s) are excluded from the density requirement of 16 dwellings per hectare the third criterion in Policy 9 would be to little or no effect. I agree. In view of the nature of the area there is likely to be very little scope for 'windfall' development of any size other than, possibly, under Policy 10. Plot size would be the more directly relevant measure but the numerical measure of density is not so important to character and appearance as the quality of design. The significant point is that any development should be in keeping with that existing within the surrounding area, which is the second criterion in the policy but which is adequately covered by Policy 5. For clarity, duplication may be avoided by the deletion of that criterion. As it is unclear how the third criterion would assist the LPA in decision-making it should be deleted also as not having adequate regard to national policy or guidance, along with the last part of the policy. The result is a much shortened policy.

3.53 Furthermore, the meaning of the phrase, in the first criterion 'to meet the needs of current and future residents' is far from clear. The Housing Needs Survey identifies the future needs of existing resident households. For the plan to be kept up to date what is needed is a regular review of the evidence base identifying the

needs of resident households as they evolve. That can be linked to plan review but to provide flexibility and ease of application of policy it is preferable that the policy should refer to needs as identified in the most recent Housing Needs Survey. I recommend re-wording of the first criterion to that effect.

3.54 Policy 10. This policy is not locally distinctive. In essence it is saying that national or local plan policy should apply to proposals for the conversion of redundant buildings or to their redevelopment. However, there is no specific reference in the HDPF to the conversion of existing buildings and the only reference in the NPPF is in the third bullet point of paragraph 55. It would appear from paragraph 5.26 that the desire is to permit redevelopment rather than just re-use or conversion where it would result in visual or environmental enhancement. That is broadly in line with paragraph 55 of the NPPF. National policy is clear in relation to changes of use or conversion and, consequently, that aspect need not be repeated. A revised policy, drawing largely on paragraph 5.26, is recommended.

3.55 Policy 13. This is the policy which was omitted in error from the submitted plan and, therefore, required further consultation. It need only be re-worded to avoid the support terminology.

3.56 Policy 14. The policy does not specify what criteria might be used to decide whether parking provision is 'adequate'. It would appear that the community concern is that new development should provide sufficient parking within the curtilage to avoid or obviate the need for on-street parking which might give rise to highway safety problems. The policy would need to be read alongside HDPF Policy 33(8). It would not be appropriate to cross-reference to West Sussex County Council parking standards as there is no evidence that such an approach would accord with the Ministerial Statement of 25 March 2015 and the amendment to paragraph 39 of the NPPF which was made at that time. I recommend a revised general wording.

Recommendation 5

- 1. In Policy 1, first part, replace the words 'which does' by 'should' and delete the words 'will be supported' and, in the second part, second line, replace 'supported' by 'permitted';**
- 2. In Policy 2, delete the words 'will be supported which;' and replace by 'should:'**

3. In Policy 3, first line, delete the words ‘will be supported where it protects and does’ and replace by ‘should protect and’ and, in the second part, first line, delete the words ‘will not be supported’ and on the third line delete the words ‘where it is’ and replace by ‘shall not be’;

4. In Policy 4, first line, replace the words ‘will be supported where it;’ by ‘should:’ and then re-word the first criterion to start ‘be designed’ and all subsequent criteria to start with the command form of the verb, e.g. ‘respect’ rather than ‘respects’;

5. Re-word Policy 5 to read ‘Development proposals should ensure that the design is in keeping with the prevailing character of the surrounding area.’;

6. Delete Policy 9 and replace it by the following re-worded policy:

Proposals for residential development should include a mix of dwelling types and sizes to meet local needs as indicated in the most recent Housing Needs Survey;

7. Delete Policy 10 and replace it by the following policy:

Proposals for the re-development of redundant buildings will be permitted where the redevelopment would result in visual and environmental enhancement compared to the change of use and/or conversion of the existing building(s);

8. In Policy 13, first line, replace ‘supported’ by ‘permitted’;

9. Re-word Policy 14 to read as follows:-

Development proposals should demonstrate that car parking can be accommodated on site to reduce to a minimum any likely on-street parking.

FORMAL CONCLUSION, RECOMMENDATIONS AND CONSIDERATION OF REFERENDUM AREA

Conclusion

4.01 I conclude that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in Schedule 4B to the Town and Country Act 1990 (as amended), does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights. Subject to those modifications it would be appropriate to make the plan subject to a successful referendum.

Overall Recommendation 1.

I recommend that the modifications specified in section 3 of this report be made to the draft Wineham and Shermanbury Plan (W.A.S.P) 2014 - 2031 and that the draft plan as modified be submitted to a referendum.

4.02 As I have recommended that the draft plan as modified be submitted to a referendum I am also required under s10(5)(a) of Schedule 4B to the Town and Country Planning Act 1990 to recommend as to whether the area for the referendum should extend beyond the neighbourhood area.

4.03 There have been no representations seeking an extension of the referendum area. Furthermore, although the boundaries of Shermanbury parish lie quite close to larger settlements, the issues arising in the plan are of a predominantly of a rural nature which are unlikely to affect the residents of adjoining parishes. I do not, therefore, consider it necessary to recommend any extension of the referendum area.

Overall Recommendation 2.

The area for the referendum should be not be extended beyond the designated neighbourhood area of Shermanbury parish.

Signed:

John R Mattocks

JOHN R MATTOCKS BSc DipTP MRTPI FRGS

9 January 2017

APPENDIX 1.

Initial Conclusions on housing need and provision issued 14 October 2016

1. In view of the delay, for procedural reasons, in my examination of this plan, I set out below some initial conclusions on the issue of housing provision. I do this as a background to a request for supplementary information relating to the allocation of land at Barmarks, Shermanbury, under Policy 11, for residential development of between 10 and 20 units. These conclusions are not open for discussion and will be included in my final report.

2. In their response to my initial set of questions the Shermanbury Parish Council (SPC) have detailed the background to the choice of a figure of 20-29 dwellings for housing provision over the plan period of 2014-2031. This is seen as making a positive contribution towards meeting local needs as well as those of the District in line with the National Planning Policy Network.

3. Horsham District Council (HDC) have stated that the 'vast majority' of the 1500 houses indicated in HDPF Policy 15 to come forward from Neighbourhood Plans would be from those parishes containing larger settlements and that an allocations policy has not been required in Woodmancote which, like Shermanbury, has no Policy 3 'classified' settlements. That is in line with the provision in Policy 15 that the distribution of the 1500 is to be 'in accordance with the settlement hierarchy'. Furthermore, at an early stage, the HDC indicated that there was no 'SHLAA based' need for housing development in Shermanbury parish, although that is a 'supply side' factor rather than identifying 'need' as such. Nevertheless, it is not a correct interpretation of the strategic policies of the HDPF, to state that there is any 'expectation' that a rural parish such as Shermanbury should make any contribution to the wider housing needs of Horsham District. Housing development outside the Built-Up Area Boundaries of the settlements classified under HDPF Policy 3 (the development hierarchy) would need to satisfy the criteria in Policy 4. Criterion 3 in that policy is that the development is demonstrated to meet identified local housing and/or employment needs or (that it) would assist in the retention and enhancement of community facilities and services. The approach to development in rural areas not inflexible as amplified in HDPF paragraph 4.9. The important point is that any proposed development should maintain the settlement function and pattern.

Affordable Housing Need

4. I acknowledge that much work has been undertaken in preparing the WASP in an effort to establish what might constitute 'local need'. The 2014 AiRS Housing Needs Study identified a need from 4 households for affordable housing

for those seeking to move within the first 5 years of the plan period but there is no clear-cut basis for 'extrapolating' or rolling forward such a figure over the whole plan period and URS advised against doing so²². The survey is acknowledged to be a 'snapshot' and will need to be repeated at regular intervals as housing needs change.

5. Furthermore, the AiRS survey did not establish whether any element of the identified need might only be satisfied by the provision of affordable housing within Shermanbury parish itself, for example because of the need for easy access to work nearby or through close family ties. At my request, the HDC have provided information on the developments for affordable housing in Henfield, Partridge Green and Cowfold. That provision is significant with 100 additional units approved for Henfield and 20 in Cowfold. As HDC's housing allocations policy is district-wide, account would have to be taken of wider availability, certainly to include the adjoining larger settlements, both now and to the future, before it could be concluded with any degree of certainty what the affordable housing need actually is or might be over the whole plan period. It follows that there is no firm evidential basis for seeking to deliver at least 7 affordable homes over the plan period as stated in WASP paragraph 5.10. The need identified in the AiRS survey is not, therefore, a determinant of the overall number of houses to be provided in the plan area, desirable though it undoubtedly is to meet any need which can only be satisfied within the parish itself.

6. It might be expected that given the rural nature of Shermanbury parish and its position within the HDPF settlement hierarchy that the most effective option for meeting a low level of need for affordable housing would be to identify a rural exception site under HDPF policy 17. It appears that the option was dismissed at an early stage partly because there were 'no offers of land from landowners to deliver a site of 100% affordable'²³ My experience is that such a situation is not unusual when a 'call for sites' exercise provides hope for landowners that open-market housing might be permitted, especially where development plan policies have, for many years, applied 'open countryside' policies to the whole area. Nevertheless, the plan does not fail to meet any basic condition because this option has not been pursued.

The provision of open-market housing

7. I have taken account of the SBC response to my questions about the provision of open-market housing in Shermanbury parish: that this is not

²² URS Housing Needs Advice for Neighbourhood Plan, November 2014, paragraph 3.1, page 6

²³ SPC reply to my question 1h.

justified solely on the basis of the desire to provide affordable housing as a proportion of new housing development in accordance with HDPF Policy 16. Indeed, I note the initial intention was to take a pro-active approach 'to secure additional community infrastructure and support the vitality of Shermanbury parish.'²⁴ In this context, regard has clearly been had to national planning policy for rural areas as contained in paragraphs 54 and 55 of the National Planning Policy Framework ('the NPPF') and to paragraph 184 which indicates that Neighbourhood Plans should not promote less development than provided for in the Local Plan. National Planning Policy Guidance²⁵ is also relevant. Whether the plan would undermine the strategic policies of the Local Plan depends upon the nature and scale of the housing provision.

8. The URS appraisal of housing need puts forward a comprehensive review of possible approaches to a calculation of overall housing needs in the parish, later distilled in the Housing Needs Considerations report²⁶. These are then summarised in Appendix 2 of the submission plan. In response to my question 1c. the SBC have stated that in reviewing the various methodologies used in the consultants' reports the Parish Council 'did not select one preferred methodology but considered a blending of the methodologies in the context of the impact of development on the rural nature of the Parish and public feedback on how to meet housing need in the Parish.'

9. I take the view that any local need estimates which are based on past development rates (which is mainly a product of 'windfall' opportunities and conversions); apportionment related to the district-wide need or even on local household formation rates are, as URS put it, 'unconstrained' by policy considerations – in other words, they are 'policy off' options. Estimating needs at a very local level is an inexact science. Also, when considering needs arising within the private sector it is not reasonable or practicable to ignore the options for needs to be met within a wider market area, very few 'needs' are so localised that they can only be met within a geographical area as small as an individual rural parish, especially one such as Shermanbury where there are larger settlements close-by.

Housing provision overall

10. The requirement for Neighbourhood Plans is that the choices made should be supported by 'appropriate evidence'²⁷. In this case, the plan makers have

²⁴ Quote from paragraph 1.2.2 of the URS site appraisal report

²⁵ In particular, ref. ID 50-001-20160519

²⁶ Report by Dowsettmayhew Planning Partnership, June 2015

²⁷ NPPG, ref. ID 41-041-20140306

been faced with a difficult choice, in many ways with too much evidence. It is right that those options which suggest higher levels of housing provision, over 30 dwellings, have been discounted not only because they are not favoured by the community but because that number of houses, compared to what exists, would begin to alter the nature of the place and do not find favour in the sustainability options. Furthermore, there is no quantification of any gain in sustainability terms which might arise from the provision of any particular number of dwellings in the parish, only a general reference to support for the bus service. There is no analysis of the scale of any development which, in itself, would be needed to justify the provision of a new community facility, either as open space or a building (village hall). The setting aside of land for this, as matter of policy, would have to meet the tests for planning obligations in paragraph 204 of the NPPF.

Conclusion

11. On balance, given the evidence available and taking account of community preference I consider that the Parish Council have made a reasonably pragmatic choice in identifying the 20-29 dwelling range taking account of the limited range of community facilities in the parish itself (the church and burial grounds and a public house). It is not such a large number of houses compared to those which already exist that it raises a question of general conformity with the HDPF in the sense that it would affect the settlement function. It is to be noted, however, that the plan only identifies sites for up to 24 dwellings in total with a minimum of 10 at Barmarks and 4 at Wyndham Pool, Wineham. If there is to be any affordable housing at all (as there are no exception sites) the minimum site size should be 11 dwellings, or greater than 1000 sq.m.²⁸

12. My main concern is whether the submitted plan, given the overall approach to housing provision, but in particular the choice of the main allocation at Barmarks, can reasonably be regarded as 'contributing to the achievement of sustainable development' (a basic condition). This will depend on site-specific factors which might affect the environmental impact of the proposal. I am not at this stage considering the sustainability of the Wineham (Wyndham Pool) site or indeed any of the other 'contenders' put forward in representations to the plan.

²⁸ To reflect the Written Ministerial Statement of 28 November 2014

APPENDIX 2.

Abbreviations used in this report.

Act (The)	The Town and Country Planning Act 1990 (as amended)
CIL	Community Infrastructure Levy
EU	European Union
HDC	Horsham District Council
HDPF	Horsham District Planning Framework
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LPA	Local Planning Authority
NPPF ('the Framework')	The National Planning Policy Framework
NPPG	National Planning Practice Guidance
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment
SHLAA	Strategic Housing Land Availability Assessment
SPC	Shermanbury Parish Council ('the Parish Council')
SPD	Supplementary Planning Document
WASP	Wineham And Shermanbury Plan 2014 - 2031 (<i>'the Plan'</i>)
2012 Regulations (The)	The Neighbourhood Plans (General) Regulations 2012 and as amended 2015