

# EVISON & COMPANY

Chartered Surveyors & Chartered Town Planners  
Development Consultants

---

The Old Coach House, 3 Richardson Road, Hove, East Sussex, BN3 5RB Tel: 01273 204912

## **RUSPER NEIGHBOURHOOD PLAN**

### **SUBMISSION (REGULATION 16) DRAFT**

#### **REPRESENTATIONS ON BEHALF OF CHICHESTER DIOCESE**

#### **Covid – 19 Note**

These representations on behalf of my client Chichester Diocese, the owner of Rusper Glebe, are being prepared in lockdown abroad without full access to information. In particular, the Parish Council's website is currently unobtainable from my present location and I have no access to the slightly revised Local Green Spaces Report. The Horsham website, which I am able to access, contains only the earlier Reg 14 stage version of the report. I have seen the updated report but do not have a copy to refer to. While I make reference below to some of the alterations, these are according to my memory rather than immediate reference to the document.

Given these difficulties, I attach a copy of the Reg 14 stage representations on behalf of the Diocese. These still stand except as discussed in commentary below. The descriptive parts are not repeated. The supplementary representations below:

- Comment on new considerations, in particular the recent publication of the District Council's Regulation 18 consultation on the emerging Horsham District Local Plan 2019 – 2036; and
- Amendments and commentary to the attached Reg 14 representations dated 10 October 2019;

#### **Objection**

Strong objection is made to Policy RUS7ii which proposes designation of Rusper Glebe as Local Green Space. The reasons are set out in the Reg 14 representations attached and in those below.

#### **The Horsham District Local Plan 2019-2036 – Regulation 18 Consultation**

One of the principal requirements of the emerging Local Plan is to enable Horsham's housing need to be met as well as helping to contribute to the unmet need of neighbouring authorities. Three different levels of housing provision are being assessed at this stage of the plan but whichever level is adopted, many new housing allocations will be required.

---

David Evison MA MSc DipTP MRICS MRTPI

Consultants: Ian Goemans BSc FRICS DipTP MRTPI - Adrian Howse BSc MRICS

In order to assess potential housing allocations on a more rigorous and detailed basis than in earlier SHELAA assessments, the Council devised a set of Site Assessment Criteria to consider each potential site on a consistent basis.

The District Council undertook a Call for Sites and then assessed those against the Site Assessment Criteria. Those sites identified as having potential for housing development are set out in the Council's Site Assessment Report which has been published with the main consultation document.

Rusper Glebe is included as a site with potential for housing development with an estimated number of 12 dwellings.

The report makes clear that the identification of these sites does not amount to an allocation and that not all identified sites will be allocated. However, for the Rusper Neighbourhood Plan, the relevance is the identification of Rusper Glebe as *potentially* suitable for housing development. It follows that, after the application of the detailed site assessment criteria adopted by the District Council, the site cannot also fulfil the NPPF criteria for designation as LGS. If the site did fulfil the LGS criteria it would not have passed the rigorous site suitability assessment for housing and would not have been publically assessed as a suitable housing site. In any event, a site assessed as potentially suitable for housing by a higher tier authority should not be effectively excluded from further consideration for development until the housing requirement for the neighbourhood plan period is determined through the local plan review process. The site may be needed to meet the housing requirement. NPPF (paragraph 99) states that "Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period".

The Rusper Glebe assessment is contained on pages 91 and 92 of the District Council's Site Assessment Report. The report notes, inter alia:

- The site has no significant constraints to development.
- The site lies outside but adjoining the Rusper BUAB and wholly within the Rusper Conservation Area.
- The site has an existing access point from the High Street that also serves The Rectory (a modern replacement parsonage) and it is considered possible to upgrade that access for development purposes. If this requires cutting back hedgerows and trees, some landscape impact could result. (Highway consultancy advice commissioned by the Diocese indicates that neither cutting back the hedge nor the loss of trees will be required for the provision of satisfactory access.)
- The site is within easy walking distance of village services and facilities, including the primary school.
- The site does not lie within or near a protected landscape.
- The site is largely formed of scrubby grassland "which is most likely formerly agricultural grazing land".
- The site and surrounding land is not designated as important for nature conservation.
- The site does not lie in a flood risk area.

- The site lies within a Conservation Area and has designated heritage assets nearby, including the Grade I parish church. The impact of development will need to be assessed accordingly.

The combined rating assessment is “Unfavourable Impacts (with potential for mitigation)”. The proximity to heritage assets are the impacts referred to. This rating is common with a large number of other sites listed as suitable for development. It will require a heritage report in due course and such sites would not have been assessed as suitable for development if there was no potential for mitigation nor if any impact on heritage assets was considered an overriding issue.

It should be noted that the District Council’s assessment makes no reference to the quality of tranquillity which is the Parish Council’s only remaining criterion for proposing designation of the site as LGS.

The Parish Council has stated its commitment to review the neighbourhood plan in 2021 when the revised housing requirements of the local plan review are known. Rusper Glebe has been identified in the local plan review as a site with potential for housing development. Until the housing requirements of the new district level plan are established it would be wholly inappropriate to designate as Local Green Space a site that has been identified as having potential for housing development. Moreover, as discussed above, the criteria for housing allocation and LGS designation are mutually contradictory.

### **Policy RUS 7 ii - Local Green Space**

Policy RUS7ii proposes designation of Rusper Glebe as Local Green Space.

The following comments are supplementary to those in the attached Reg 14 representations which concluded that both the process by which the proposed designation was arrived at and the justification for it are deeply flawed.

The Parish Council has made minor revisions to its Local Green Spaces Report. They were posted on the Parish Council’s website but that is now inaccessible to the writer a few days before the closing date for comments. The LGS Report on the District Council’s website, though marked as updated on 24 February 2020, is the original LGS Report of July 2019. As the District Council’s website is the medium through which Regulation 16 comments are to be submitted, the October 2019 representations of the Diocese commenting on the inaccuracies and flawed approach of the July 2019 LGS Review still stand as per the attached October 2019 document.

Moreover, the conclusions of that critique remain valid even if there were minor alterations to the LGS report and my recollection of them is correct. The revised report, from memory, corrected some but not all of the factual inaccuracies regarding the Glebe and reduced the criteria by which the Glebe is considered to be “demonstrably special” to a single criterion: tranquillity.

The Parish council has provided no supporting evidence for such a conclusion. It is a statement of opinion which, in my view, cannot be supported on the evidence of past use for grazing, the close proximity of neighbouring dwellings (the Rectory and the Old Rectory),

the frontage to the High Street, the hotel and houses opposite and the activities of the recreation ground to the north. The notion that this small horseshoe shaped field wrapped around the Rectory is a haven of special tranquillity is bizarrely misconceived.

If it is proposed as LGS to prevent the development potential identified in successive SHELAA assessments and the District Council's more recent and robust site assessments, it would be inconsistent with NPPF paragraph 99 and PPG which states:

*"Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making."*

The proposed designation of the glebe as Local Green Space meets neither the Parish Council's own criteria for selection nor those of national planning policy expressed in the NPPF and PPG and it is in conflict with the identification of the site by the District Council as having potential for housing development.

It is requested that Policy RUS7 (ii) is deleted accordingly.

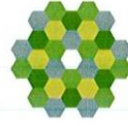
  
**On behalf of Chichester Diocese**

**9 April 2020**

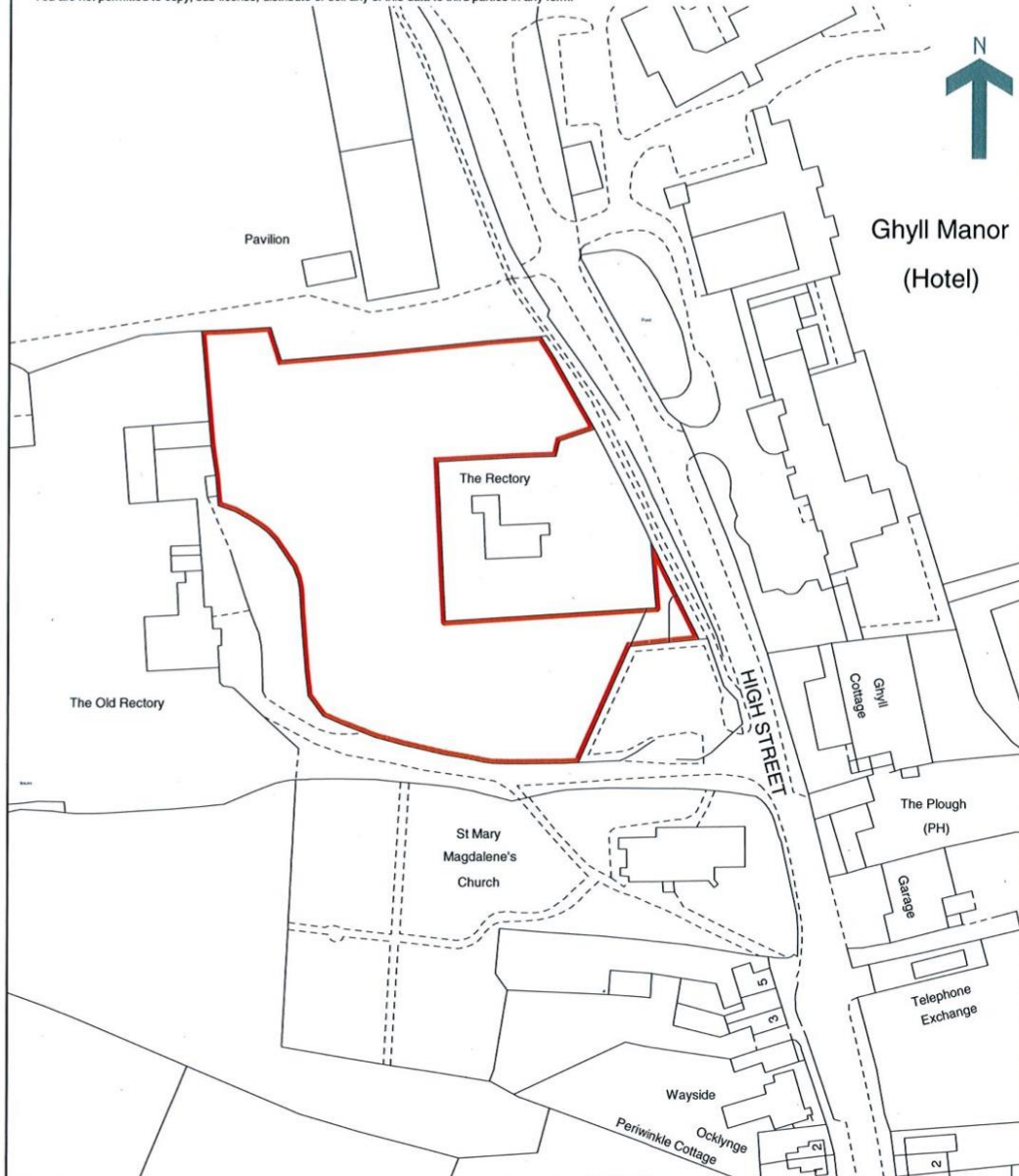
**APPENDIX 1 – TITLE PLAN - RUSPER GLEBE**

Land Registry  
Official copy of  
title plan

Title number **WSX354330**  
Ordnance Survey map reference **TQ2037SW**  
Scale **1:1250** enlarged from 1:2500  
Administrative area **West Sussex: Horsham**



© Crown copyright and database rights 2012 Ordnance Survey 100026316.  
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



**This official copy issued on 12 December 2012 shows the state of this title plan on 12 December 2012 at 09:15:25. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).**

**This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.**

**This title is dealt with by Land Registry, Durham Office.**

# **EVISON & COMPANY**

Chartered Surveyors & Chartered Town Planners  
Development Consultants

---

The Old Coach House, 3 Richardson Road, Hove, East Sussex, BN3 5RB Tel: 01273 204912

## **RUSPER NEIGHBOURHOOD PLAN**

### **PRE-SUBMISSION (REGULATION 14) DRAFT**

#### **REPRESENTATIONS ON BEHALF OF CHICHESTER DIOCESE**

##### **Introduction**

Chichester Diocese is the owner of the Glebe Land shown by red verge on the attached plan. It lies with a frontage to the High Street wrapped around the rectory and situated between the Old Rectory to the west, St Mary Magdalene's Church to the south and the recreation ground to the north.

The BUAB of Rusper follows the boundary of the rectory. The house lies within it but it excludes the glebe. However, the glebe lies within the Conservation Area.

The glebe is currently vacant but has previously been used for grazing. It is enclosed by hedges, trees and fences and there is no public access.

The glebe was promoted through successive District SHLAA assessments and in the most recent 2018 iteration it was assessed as suitable, available and developable for 12 units "*taking into account its proximity to a built-up area boundary*".

The assessment of the glebe in the Neighbourhood Plan documents is inconsistent with these findings and the following comments and objections to the policies and background documents are made on behalf of the Diocese.

##### **Housing**

The plan makes no allocations housing but the parish council has committed to review the plan in 2021 to meet the requirements of the emerging Horsham Local Plan Review. While it is not unknown for plans to proceed with a commitment to early review, the very short period between plan and review in this case raises the question as to whether the plan is premature. It may comply with the letter of the Basic Conditions in this respect but it does not comply with the spirit of the principle that lower tier plans must comply with higher tier plans given that, at best, it will only do so for a matter of months. If this draft plan proceeds to adoption, it will not be until mid-2020 at the earliest which will then be less than a year from the intended date of review.

Two of the consequences that follow are, first, that much needed new housing development will be lost for this period and, secondly, that other allocations in this plan, for example Local Green Space, are made before knowing whether there is enough land for housing, employment and other services. I refer to this in more detail below.

The local plan review is in rapid progress and the District Council (and, if the neighbourhood plan proceeds to Regulation 16 stage, the Examiner) will need to consider whether it will be appropriate for this plan to proceed in circumstances where it will be subject to almost immediate review, in which case it might be better to delay the plan by a few months in order to consider the requirements emerging from the new district level plan and incorporate them into a single neighbourhood plan which would then remain in force for a longer period.

### **Local Green Space**

Policy RUS7 proposes designation of the Glebe as Local Green Space. Both the process by which the proposed designation was arrived at and the justification for it are deeply flawed.

It is also inconsistent with the parish council's own site assessment which states: *"The site has been identified as a possible site for future community facilities as a replacement for the aging Village Hall and the Sports Pavilion next door."* The site cannot be both necessary to protect from development as Local Green Space and suitable for development with a new village hall and sports pavilion. The two are incompatible.

### **Grounds of Objection to LGS Designation**

#### **1. Local Criteria for assessing Local Green Space**

The Local Green Spaces Report (Appendix D of the Pre-Submission Plan) states in paragraph 3.1 that the Conservation Area is excluded as a potential area of Local Green Space. The glebe lies wholly within the Conservation Area and should therefore be excluded according to the parish council's own criteria.

#### **2. Factual Inaccuracies in the Assessment**

- a. The Local Green Spaces Report states that the current use is "recreational open space". This is not so. The land has no public access and has been used for grazing (the current use is in fact correctly stated as agricultural in the "Designation" column of the assessment).
- b. The Test 4 column refers to the site as *"area of land behind the church"*. This is not correct. The same description is given to RUS7iii described as Church Field. The glebe is land adjoining the Rectory. The church lies on the other side of a driveway to the south. Nor is the glebe *"accessed via footpaths adjacent to and through the church"* (again identical wording to Church Field). The two sites appear to have been confused.

#### **3. Failure to comply with NPPG Criteria**

- i. Paragraph 100 of the NPPG states that the Local Green Space designation should be used only where the green space complies with three criteria. The designation of the glebe fails to comply with the second criterion that it is: *"demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife"*

The criteria applicable to the glebe identified in the background report are tranquillity and recreational value.

Tranquillity: The glebe has no special qualities of tranquillity. It wraps around an existing dwelling, the Rectory, and backs on to another, The Old Rectory, while having frontages to the High Street and a boundary to the well-used car park opposite the church.

Recreational Value: the glebe is not used for recreational purposes and would not be so used if the proposed designation is confirmed.

Nor is the glebe known to hold any particular local significance because of its beauty or historical significance.

- ii. The NPPF states in para. 99 that designation as a Local Green Space “...*should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*”

The designation of LGS before considering the housing requirements under the local plan review fails this requirement. Designating the land as LGS before knowing whether there is enough land for housing, jobs and other services makes the process incomplete. The fact the parish council has already committed to an early review shows that the allocation cannot be guaranteed to endure beyond the plan period which is stated as being to 2031.

The Appendix D Local Green Space Report and the Pre-Submission Plan fail to make a credible case that the glebe field is demonstrably special to the local community nor that it holds any particular local significance. The designation would provide no public benefit as the land would remain in private ownership without any public access.

National planning policy allows for the designation of Local Green Spaces only where they are demonstrably special to a local community. They are not to be used primarily as a method of preventing development.

The proposed designation of the glebe as Local Green Space is wholly misconceived. It meets neither the council’s own criteria for selection nor those of national planning policy expressed in the NPPF and PPG.

Policy RUS7 (ii) should be deleted accordingly.

### **The Glebe**

The glebe has been assessed in the most recent SHLAA document (dated 2018 but published in 2019) as developable. The neighbourhood plan assessment disagrees but there are the following inaccuracies in the parish council’s assessment of Site 6 Rusper Glebe.

- “no existing infrastructure”... “not close to main drainage”... “no mains drainage or other services to the site”. The site adjoins the rectory which has main services and those services are available in the High Street to serve development on the glebe.



- *“not adjacent to the built up area boundary”*. The site is adjacent to the BUAB as defined in the adopted Horsham District Planning Framework and in the Policy Inset Map 1 of the Pre-Submission Plan.
- *“fails virtually all sustainability issues”*. This is inconsistent with the SHLAA assessment of the site as developable. The SHLAA is a high level assessment but it does not assess sites favourably if they fail on sustainability criteria.
- *“It is on an undesignated country lane”*. It is on the village High Street.

In addition to the factual inaccuracies there are other statements that at best may be considered unproven or misconceived, for example:

- The reference to identification as a site for a replacement village hall and the (irrelevant) reference to the SHLAA not considering the need for community facilities.
- *“access onto the High Street would be a problem”*. Highway consultancy advice confirms that satisfactory access for the development of the glebe for housing can be achieved from the High Street.

The Site Assessment report has not been included as one of the appendices of the plan and has clearly not received the scrutiny that would be required if it were to form the basis for site selection. This plan could and should have taken to opportunity to allocate additional sites to meet the housing need that is known to exist. A more robust assessment of the glebe land should support the SHLAA conclusion on suitability, sustainability and developability of the glebe, its unsuitability for designation as Local Green Space and its potential to make a modest but well located contribution to meeting housing needs.



**On behalf of Chichester Diocese**

**10 October 2019**