

Horsham Blueprint Business Neighbourhood Plan 2019-2036

Regulation 16 Consultation

Representations on behalf of West Sussex County Council Asset Management and Estates Department

October 2020



1 Introduction

- 1.1 Henry Adams LLP act on behalf of West Sussex County Council Asset Management and Estates Department (WSCC) in respect of Land off Athelstan Way, Horsham (the Site).
- 1.2 WSCC recognise the importance of localism and thus support the approach to drafting a Neighbourhood Plan. Whilst this is the case, we do feel, on behalf of our client, that there are a number of elements that should be considered further. Our primary concerns relate to the Forum's approach to housing allocations and Green Infrastructure designations.
- 1.3 We intend to set out our thoughts on these matters in further detail within the following sections.

2 Legal and Policy Context

- 2.1 It must be demonstrated that a Neighbourhood Plan conforms to the 'basic conditions' as identified in Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (TCPA 1990) and is legal in every other respect.
- 2.2 Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
 - a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
 - b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
 - c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
 - d) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
 - e) the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - f) the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

- g) prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

National Planning Policies and Guidance:

- 2.3 National Planning Policy Framework (Feb 2019) sets out the Government planning policies for England and how these are applied. The NPPF sets out the standards for neighbourhood plan steering groups when residents are preparing the plan. On examining the NPPF there are specific paragraphs relating to Neighbourhood and Sustainable Planning. Paragraphs 7, 8, 9, 10, 11, 15, 16, 18 and 29 for reference are copied below
- 2.4 A neighbourhood plan or Order must not constrain the delivery of important national policy objectives. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11). Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of the area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 2.5 Paragraph 13 of the National Planning Policy Framework is clear that neighbourhood plans should support the delivery of strategic policies contained in local plans and spatial development strategies. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies. More specifically paragraph 29 of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

- 2.6 Paragraph 16 goes on to confirm that Plans should:
- a) be prepared with the objective of contributing to the achievement of sustainable development;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).
- 2.7 Paragraph 29 states that Neighbourhood Plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.
- 2.8 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

3 Section 4 Spatial Strategy

- 3.1 This section of the plan determines that a significant number of sites have been identified and assessed within the Strategic Housing Economic Land Availability Assessment (SHELAA 2018) as having development potential and thus the Neighbourhood Plan does not need to make any housing allocations.
- 3.2 We would question whether this is the most efficient and effective approach when the Forum are still at the early stages of the Neighbourhood Plan process, still able to allocate small sustainable sites that are deliverable and that will meet local needs. Allocating sites for housing will provide benefits to the local community and the wider District including;
- Sites to be allocated will be chosen by the community, those most effected, and a public referendum will provide the chance for a final casting vote;

- Allocations will allow for the potential to accrue capital receipts from New Homes Bonus providing additional money to be spent on local projects to benefit the Rudgwick community.
- 3.3 Not allocating sites for housing development and focusing on design guidance and local green spaces also provides a clear disbenefit in respect of the NPPF para 11 and the '*presumption in favour of sustainable development*'. If the District fall behind on housing land supply within two years post adoption of the Neighbourhood Plan, housing policies within the Neighbourhood Plan will immediately be rendered out of date where housing allocations have not been made within it (NPPF para 14). This could then potentially lead to an influx of speculative applications.
- 4 The site and its suitability**
- 4.1 The site comprises approximately 4 ha of grazing land secured by stock proof fencing. It is located to the south of Athelstan Way, Kentwyns Drive is to the east, a triangular shaped field is located to the west with Chesworth Allotments beyond, and agricultural land associated with Chesworth Farm extends to the south and south west.
- 4.2 A Bridleway is located between the triangular field and allotments to the west, immediately abutting the site to the south west, but there are no Permissive Paths or Public Rights of Way that cross the site.
- 4.3 A planning application for 70 dwellings (40% affordable homes), and 1.5ha of open space with woodland planting (ref. CD/11/0224) was refused in May 2011 with a subsequent appeal submitted on non-determination and dismissed by the Inspectorate in January 2012. The appeal was dismissed on three main grounds; erosion of the gap between settlements, failure to enhance the landscape character, and erosion of the countryside setting of parts of the town. Both the application and appeal were determined in line with the intermediary Horsham FAD document and associated criteria, prior to the adoption of the National Planning Policy Framework.
- 4.4 The Neighbourhood Plan Site Identification and Assessment Report provided by AECOM to support the Neighbourhood Plan, states that the site (ref. HB27) appears to have adequate access, it is not in an unsustainable location, the principle of development was not rejected in a previous application for residential development, and it is possible that this site could be sensitively developed to an appropriate density to reduce impact on the countryside.
- 4.5 In terms of development potential, we have paid due consideration to the previous appeal decision and taken further landscape advice. We would suggest that approximately 2.6 ha of land be suitable for residential development of approximately

63 dwellings, with the remaining 1.4 being accessible to the general public as open space with additional native landscaping and tree planting. This would create a density of 23dph, commensurate with an edge of settlement location, whilst ensuring the built form is aligned with the extent of built form on Kentwyns Drive to the east.

5 Policy HB10: Green Infrastructure and Development

- 5.1 Policy HB10 designates the site as 'Green Infrastructure' as identified by the Horsham Society. WSCC support Section 8; Environment and Green Space in that Green Infrastructure should be promoted through all publicly accessible land and when proposing new developments. However, WSCC do not support the designation of specific sites as 'Green Infrastructure'; land to the rear of Athelstan Way is a grazed, open field with very little existing offer in terms of 'Green Infrastructure'.
- 5.2 Existing planting, including hedgerows, oaks trees and ash trees are confined to the field boundaries. Chesworth Farm is located to the south and identified as an area of important green infrastructure and whilst we recognise that connectivity is important, this can be dealt with via an overarching policy applicable to all sites that would be subject to any development in the future. As it stands, WSCC do not plan to improve the green infrastructure within this site whilst it is used as grazing land and thus we would question effective it is to allocate specific sites.
- 5.3 In addition to the above comments, it is not clear what this designation means and what supporting evidence justifies such a designation. The Horsham Society's *'Survey of Horsham's Green Spaces'* (2013) lists a number of sites that it feels are considered to be greenspaces, however there is no justification or explanation on a site-by-site basis for those not publicly accessible as to why they are even included. This document should not be relied upon or referenced without substantive explanation, especially considering it is now 7 years old and therefore not an up to date document.
- 5.4 In conclusion, the provision of Green Infrastructure should be promoted as an overarching policy for publicly accessible land such as parks and gardens and village greens used by the community, alongside the requirement to provide sufficient green infrastructure through new development proposals. The Policy should not designate specific sites that are not publicly accessible or that have limited offer in terms of 'Green Infrastructure', especially without any clear justification.

6 Summary

- 6.1 In summary, an appeal was dismissed on this site in 2012 primarily due to landscaping and townscape impacts. Proposals for the site have since been re-evaluated and we have concluded that the site would be capable of providing approximately 2.6ha of

development land to accommodate 60 dwellings. Development would not extend beyond existing residential development to the east and would provide a lower density proposal with improved areas of open space and green infrastructure. Development of this site would also allow for it to be publicly accessible, connecting into the wider footpath network and Chesworth Farm to the south; an important area of Green Infrastructure and potential Nature Reserve.

- 6.2 Unfortunately, relying on Horsham District Council to make allocations doesn't always mean that those allocations would be of preference to the local community or would account for the overarching aims of the Horsham Blueprint. The lack of allocations also would not protect the area should Horsham District Council fall behind on housing delivery and the presumption in favour of sustainable development apply. We would therefore urge the Forum to reconsider allocating residential development sites, especially where redevelopment could also promote other overarching policies and aspirations within the Neighbourhood Plan. We would also urge the Forum to consider the current Government consultation "Planning for the future" which seeks to drive the delivery of new homes.