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## **Warnham Neighbourhood Development Plan 2017-2031**

### **Submission Version**

### **Examination Report**

A Report to Horsham District Council into the Warnham Neighbourhood  
Development Plan

By Independent Examiner, Jeremy Edge BSc (Hons) FRICS MRTPI

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**9<sup>th</sup> March 2019**

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## Introduction and Role of the Independent Examiner

- 1.1 Neighbourhood Planning is an approach to planning introduced by the Localism Act 2011 which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Examination Report sets out the findings of the independent examination of the Warnham Neighbourhood Plan 2017-2031 Submission Version.
- 1.2 My role as an Independent Examiner, when considering the content of a neighbourhood plan is limited to testing whether a draft neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a neighbourhood development plan, or to examine other material considerations.
- 1.3 Paragraph 8 of Schedule 4B (2) to the Town & Country Planning Act 1990 (as amended), states that the Plan must meet the following “basic conditions”;
- it must have appropriate regard for national policy;
  - it must contribute towards the achievement of sustainable development;
  - it must be in general conformity with the strategic policies of the development plan for the local area;
  - it must be compatible with human rights requirements and
  - it must be compatible with EU obligations.
- 1.4 In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft plan containing recommendations and make one of the following three recommendations:
- (a) that the draft order is submitted to a referendum, or
  - (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
  - (c) that the proposal for the order is refused.
- 1.5 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the Warnham Neighbourhood Plan designated area to which the Plan relates. I make my recommendations at the end of this Report.

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- 1.6 I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.
- 1.7 I was appointed to undertake the independent examination of the Submission Version of the Warnham Neighbourhood Development Plan (WNDP) on 5th November 2018. The Regulation 16 Consultation ran from Friday 17 August to Friday 12 October 2018. The documents available to me for this examination and which I have taken into consideration include:
- The Warnham Neighbourhood Development Plan 2017-2031 (Submission Version), July 2018;
  - Warnham Neighbourhood Plan Basic Conditions Statement prepared by the Warnham Neighbourhood Development Plan Steering Group, June 2018;
  - Warnham Neighbourhood Plan Consultation Statement prepared by the Warnham Neighbourhood Development Plan Steering Group, June 2018;
  - Warnham Neighbourhood Development Plan - Sustainability Appraisal Incorporating Strategic Environmental Assessment, Warnham Parish Council, June 2018;
  - Warnham Neighbourhood Plan Habitats Regulations Assessment Screening Report June 2018;
  - Warnham Neighbourhood Development Plan, Evidence Base Documents, see Appendix 1.

### Warnham – Background

- 1.8 Section 2 of the Submission Version of the WNDP explains the local heritage and development of Warnham, the principal settlement and the surrounding hamlets and small rural communities Kingsfold, Winterfield, Northlands, Durfold, Station Road, Goosegreen and a part of Rowhook. The south-eastern boundary of the parish borders on the larger settlement of Horsham although Warnham has retained its separate identity, set in open countryside. The WNDP explains the nature of the topography and setting of the village of Warnham, which has developed in a gently sloping hollow bounded by steep slopes to the south (Bailing Hill); and to the north (Knob Hill).
- 1.9 The form of the village dates from the medieval period with eclectic building styles which have developed gradually over 6 centuries but with clusters of modern residential development, mainly constructed over the last 70 years. The parish currently has just over 900 housing units of which about 570 are located within the village built-up area boundary. I note that there are 91 listed buildings in the parish and that much of Warnham village is a Conservation Area.

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- 1.10 The WNDP describes the parish as a thriving community with the Parish Church of St Margaret; a primary school and Parish Room and Village Hall being venues for meetings. In addition, the WNDP explains that there are shops; four public houses, a social club; businesses, dance studio and health club; allotments; retirement accommodation, and affordable housing. The parish offers a range of activities for residents with over 20 clubs representing amenity and residents' groups, most popular sports and the interests of all age groups including children's play facilities and shelter, cricket grounds, football pitch and tennis courts. It is therefore unsurprising that with proximity to Horsham and an impressive range of local facilities Warnham is an attractive and desirable residential location.
- 1.11 The WNDP notes that the parish has an aging demographic structure, with a strong growth in residents of age 65+, but there has been a decline in those aged between 25- 44 and children under 16. Amongst the residents who are economically active, the majority drive to their employment with only a small percentage using the train. Commuting locally on foot, by bicycle, or by bus are below average. 9% of people work from home, which is higher than the district and national average.
- 1.12 The WNDP explains that the A24 Dorking to Horsham "arterial" road has a poor accident record due to having a tortuous and narrow carriageway, with many junctions and frontage accesses. The A24 exacerbates the high degree of severance between the village and housing and railway station on the eastern side of the A24, some 1.5 km to the east of the village and without adequate parking. The WNDP advises that the parish has an hourly bus service to Horsham and Dorking although the Horsham destinations do not include direct access to Horsham station or Horsham hospital.
- 1.13 Gatwick Airport is 10 km to the north-east of Warnham.
- 1.14 The following issues confronting parish residents, identified in the Local Context chapter to the WNDP;
- problems caused by the lack of off-street parking, increasing traffic flows and the nuisance caused by speeding traffic using the village roads and rural lanes as rat-runs.
  - Extension of 20 mph zones in Warnham with vehicle actuated speed warning signs and extended parking areas to cover Friday Street, School Hill and Bell Road.
  - Introduction of a 40-mph speed limit on a section of the A24 and improved pedestrian crossing facilities in Kingsfold and at Station Road, to be delivered by Community Infrastructure Levy or developer contributions.
  - Provision of a station car park.

- Introduction of cycle routes and safe roads on which to cycle to Horsham.
- Restrict long term village development to a historical growth rate of about 4.2 dwellings pa, within or adjacent to the village Built-Up Area Boundary.
- To provide housing which will be attractive to young families in which case the number of children from the parish attending the primary school could increase; and
- The needs of older people, in terms of the types of housing, design and access to local amenities should be considered.

### Warnham Neighbourhood Development Plan 2017-2031 – Geographic extent

1.15 The WNDP covers the whole of Warnham Parish, as shown on the map below.

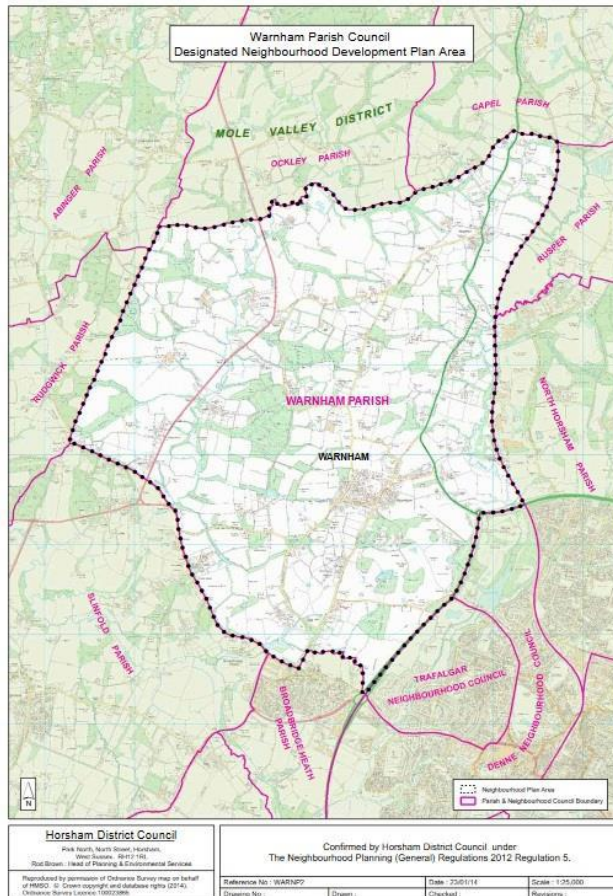


Figure 1 – Designated Area – Warnham Neighbourhood Development Plan 2017-2031 (not to scale)

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- 1.16 Horsham District Council officially designated the neighbourhood plan area on 25 February 2014.
- 1.17 The Neighbourhood Plan has been submitted by Warnham Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for the designated Plan Area.

### Warnham Neighbourhood Development Plan 2017-2031 – Plan Preparation and Consultation

- 1.18 The Consultation Statement confirms that it has prepared in accordance with regulation 15(2) of Neighbourhood Planning Regulations 2012, which requires that a consultation statement should:
- contain details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - explain how they were consulted;
  - summarise the main issues and concerns raised by the persons consulted; and
  - describe how these issues and concerns have been considered and where relevant addressed in the proposed neighbourhood development plan.
- 1.19 It is clear from the Consultation Statement that the policies in the Warnham Neighbourhood Development Plan (WNDP) have been developed through extensive interaction and consultation with the community from inception of the draft WNDP in December 2014 including village magazine articles, surveys, public exhibitions and presentations to community groups. The Consultation Statement explains that the Parish has built upon previous engagement activity that took place as part of the development of the Warnham Parish Plan (2007) and the Warnham Parish Design Statement (2008).
- 1.20 Following initial consultation, the Consultation Statement explains how the Vision and Objectives in Section 3 of the WNDP were crystallized and from these, how the preparation of the draft policies, set out in Sections 4 to 7 of the WNDP emerged. The Consultation Statement (CS) notes that from the initial public meeting, the Steering Group was established with 14 members, 7 of whom were Parish Councillors having a range of backgrounds and experience and 7 members of the public.



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- 1.21 The CS notes that after the initial public engagement the key themes for development of the plan emerged. Working Groups and Focus Groups were identified from these initial public meetings as follows:
- **Working Groups:** Housing, Roads & Transport, Countryside and Environment, Recreation and Amenities;
  - **Focus Groups:** Business, Seniors, Youth, Sports Clubs, Church, School, Clubs and Amenities.
- 1.22 It is evident from the CS that public engagement for this neighbourhood plan has been comprehensive. The CS notes for example, that the engagement strategy ensured that everyone in the community had opportunities to be involved in the Plan preparation if they wished. It also explains that the strategy for the preparation of the Plan considered the different groups of people in the area, and the types of channels and those most appropriate to reach them, either to deliver messages about the Plan, or to seek input. I note some 60 events and articles were provided to inform the public and obtain their views on the future of the parish over the life the neighbourhood plan, through;
- The Parish magazine (The Warnham Warbler);
  - Local press, to announce the concept of the WNDP, publicise community surveys, launch a Call for Sites for potential development and promote statutory consultations;
  - Leaflet drops to all properties within the parish at key points in the formulation of the WNDP. ☐ Public meetings and targeted engagement activities: Public meetings were held in Warnham Village Hall and also at the Owl in Kingsfold at key milestones to engage the local community and to capture their particular interests and concerns.
- 1.23 The CS explains the considerable lengths that the Steering Group went to in order to ensure that the entire community were adequately engaged and informed about the emerging WNDP including the business community, reached through a bespoke database of the businesses operating in Warnham, followed by a survey concerning business and employment issues. Children’s views were also canvassed by volunteers with a child-friendly version of the parish survey. The CS advises that the Church youth group was also invited to take part, as also were parent and toddler groups, to ensure that parents had a chance to input their opinions. Elderly people, unable to attend village events, were visited at their own group session, including the Warnham and Kingsfold Seniors meeting.
- 1.24 In order to ascertain the full range of planning and development issues from the community and to generate an adequate evidence base upon which policy identification and development was

generated, the CS explains that the following surveys and activities took place in advance of the preparation of the WNDP:

- *Community questionnaires/surveys*: to assess the views of the community at each public meeting and through questionnaires devised to capture views.
- *Parish Community Survey*. A fundamental input to the WNDP, and the basis of establishing the Vision Statement and Objectives, was this Survey comprising a 12-page booklet to ascertain the community's views on the key inputs to the WNDP, structured in the following sections: Housing, Economy, Roads and Transport, Community and Countryside and Environment. It also contained a Call for Sites.
- *Social media*: The WNDP had its own website ([www.warnhamplan.com](http://www.warnhamplan.com)) and exposure on the parish council's website ([www.warnham.org.uk](http://www.warnham.org.uk)) as well as Facebook ([www.facebook.com/warnhamparishcouncil](http://www.facebook.com/warnhamparishcouncil)). The CS advises that Survey Monkey was used as an alternative to completing questionnaire forms for the Parish Community Survey and for the Regulation 14 submission exhibition questionnaire.
- *Banners and poster*: The CS notes frequent use was made of banners and poster within the village and in Kingsfold prior to public meetings and the Parish Community Survey.
- *Liaison with District and County Councils*: The CS also notes that frequent meetings were held with the Planning Team at the Horsham District Council to ensure that the Plan methodology was correct and to discuss particular issues about sites and housing scale. In addition, the Steering Group has had contact with officers in the Environmental and Conservation Teams about specific aspects of the emerging policies. I further note that West Sussex County Council, as Highways Authority, was been regularly engaged with on transport and site access issues.

## Housing Need

- 1.25 In order to identify additional housing that might be required over the life of the WNDP, predominantly to meet local need, but also to contribute to the wider housing need of the district, Action in Rural Sussex was commissioned in February 2015, to undertake a Housing Needs Survey for the parish. The CS advises that there were 250 survey respondents of which 70% were in favour of small affordable housing developments in the parish. The CS noted that 37% were also in favour of additional open market housing, the demand for which being largely related to the need for smaller units to which older people might downsize.

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- 1.26 In December 2015, the CS confirms that a Local Call for Sites was launched, which invited local landowners, developers and others, to submit details of any land to be assessed for the purpose of residential development to be identified in the neighbourhood plan. The Call for Sites was also advertised online and in the local press and parish newsletter. The CS explains that 13 sites were brought forward and added to the list of 16 sites contained in the SHELAA that were located in Warnham Parish. Again, the CS notes that the Steering Group took advice from external consultants and Horsham District Council to develop a framework against which the long list of sites could be assessed.
- 1.27 I note that each site was also assessed against a Sustainability Framework as part of the Strategic Environmental Assessment. This was followed by three public events (two in the Warnham Village Hall and one in Kingsfold) to explain the process of how the sites had been assessed.
- 1.28 The main findings from the public engagement on sites were:
- 87% of attendees agreed with the basis of the plan
  - 67% felt that development should be focused in and around Warnham village
  - Of the shortlisted sites:
    - 75% felt that the church glebe land (WN19) was suitable for development (this site was later withdrawn as it was developed);
    - 83% felt that WN04 Bell Road south (WN04) was suitable for development (this site was ultimately not allocated as the vision of the developer was not in-keeping with the objectives of the neighbourhood plan);
    - 64% felt that Land north of Freeman Road (WN23) was suitable for development; and
    - 51% felt that Land north of Warnham School (WN24) was suitable for development.
  - There was support for very small-scale development in rural areas beyond Warnham village.
- 1.29 The CS explains that In October 2016, the initial draft WNDP was finalised and submitted to Horsham District Council for an independent Health Check. The CS notes that the Health Check report was completed in April 2017 and recommendations incorporated into the Regulation 14 document. Again, helpful comments and advice from Horsham District Council concerning the desirability for the inclusion of a robust housing needs assessment as part of the evidence base to support the Plan. The advice to the Steering Group was that Housing Needs Assessment prepared in 2015 provided only a ‘snapshot’ of housing need at that time and paid no regard to population projections, migration and work trends and the wider, strategic housing need for the

district. As a consequence, the Steering Group commissioned AECOM to prepare a comprehensive Housing Needs Assessment, conforming more rigorously to Planning Policy Guidance. This was completed November 2017, recommending exploring different growth options for the parish to underpin the Plan.

- 1.30 The CS summarises the Regulation 14 consultation process which ran from 17 March until 30 April 2018, explaining that the public were notified of the consultation by: a letter to all addresses in the parish, notification in the local press, an article in the parish magazine, and posters and banners throughout the village and at Kingsfold. Copies of the Regulation 14 Submission were available in shops and public houses. In addition, landowners and developers/agents were contacted directly about the draft Plan to receive their views.
- 1.31 Five public exhibitions were held to present the WNDP to the public at the Regulation 14 consultation stage. The CS records that over 190 people attended the exhibitions and 66 questionnaires were returned. In relation to these responses, the draft policies that excited most interest and controversy were those concerning:
- Policy W1 - Built-Up Area Boundary;
  - Policy W2 - Scale of housing provision; and the site-specific housing policy,
  - Policy W6 – Land to the North of Freeman Road in terms of traffic impact and proximity to objector’s dwellings.
- 1.32 The replies from West Sussex County Council and Horsham District Council were supportive, the County Council indicating it was not necessary to produce further transport evidence before allocating the site proposed in the Neighbourhood Plan and that Horsham District Council considered the proposed scale of development was appropriate for the village over the plan period.

## Strategic Environmental Assessment and Habitats Regulation Assessment

### Strategic Environmental Assessment

- 1.33 The Sustainability Appraisal incorporating Strategic Environmental Assessment Report dated June 2018, explains that The Warnham Sustainability Framework Scoping Report was published by Warnham Parish Council in March 2016 and was then the subject of a six-week consultation with Horsham District Council, the Environment Agency, Natural England and Historic England.

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The Scoping Report was updated to include the feedback in August 2017 and the draft Sustainability Appraisal was prepared in January 2018. The final version of the Sustainability Appraisal incorporating Strategic Environmental Assessment Report, June 2018, was amended following representations received at Pre-Submission (Regulation 14) Consultation stage and in light of amendments made subsequently to the Neighbourhood Plan, prior to Submission of the WNDP for pre – examination consultation (Regulation 16).

- 1.34 The Sustainability Framework against which the draft plan and its policies were examined included an appraisal of the approach to both scale and location of growth in the parish against reasonable alternatives. Site allocations were appraised as were the policies, including a ‘do nothing’ scenario for the sustainability implications if the plan were not in place. Where relevant, mitigation measures required to address any potential negative impacts were identified and reflected in the Plan. As normal, the cumulative impacts of the Plan were also considered.
- 1.35 The Sustainability Appraisal was published for consultation concurrently with the Pre-Submission draft of the Neighbourhood Plan under Regulation 14 of the Neighbourhood Planning Regulations 2012, between 17 March and 30 April 2018.
- 1.36 None of the comments required an additional sustainability appraisal of policies to be undertaken. For some of the policies that could have a negative impact on the environment, there were other aspects that would contribute positively to social or economic objectives. Moreover, the SA concluded that other policies in the WNDP and District Plan should mitigate negative environmental impacts. The report also concluded that overall the most sustainable policy options had been chosen for inclusion in the WNDP when considered against reasonable alternatives.

#### Cumulative effects of Neighbourhood Plan policies

- 1.37 Although the SEA report notes that cumulatively the WNDP is likely to make a positive contribution to housing, economic development and community, there are also likely to be some cumulative negative effects. The report identifies areas where policies are likely to have negative cumulative implications as follows:
- **Increased traffic** – However, West Sussex County Council and Highways England have suggested that the impact of the site selected for allocation is unlikely to be significant in this respect.

- **Impact on the countryside, landscape setting and biodiversity** - There is a potential effect on the landscape with both the extension of the BUAB and the site allocation giving rise to new development to the northern part of Warnham village. The assessment, combined with comments received from statutory bodies, including Natural England, revealed that any impact can be mitigated, including for example by retention and enhancement of hedgerows and trees, the incorporation of green space and the provision of buffers between existing properties. As Warnham village sits within a dip, I note that the Land North of Freeman Road, being the land assessed as a suitable allocation for housing would not be detrimental to this assessment.
- 1.38 Finally, the Sustainability Appraisal concluded that none of the policies are likely to have any significant adverse effects, giving confidence that the Neighbourhood Plan will contribute to delivering sustainable development.

#### Habitats Regulation Assessment Screening Report, June 2018

- 1.39 I note that the CS reviewed the HRA Screening outcome which concluded that no likely significant effects in respect of the European sites within 20km of Horsham district will occur as a result of the implementation of the Warnham Neighbourhood Plan. Consequently, the WNDP does not require a full HRA to be undertaken.

#### Consultation Summary

- 1.40 I acknowledge that the Steering Group went to considerable effort to ensure that everyone in the parish had an opportunity to input their views. It is also clear that the Steering Group has been provided with helpful advice from Horsham District Council to ensure that it has established a sound and robust evidence base, particularly following the call for sites for proposed residential development within the WNDP over the life of the Plan. Moreover, the Parish Council has acted on that advice in the preparation of the WNDP.
- 1.41 The consultation processes reviewed above appear acceptable in relation to meeting the Basic Conditions test and I am therefore satisfied that the WNDP Consultation Statement complies with Section 15(2) of part 5 of the Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.

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## Basic Conditions

2.1 The Basic Conditions Statement (BCS) has been clearly and systematically prepared. In setting out how the Plan meets the Basic Conditions. These are cited in the BCS as follows:

“Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five<sup>1</sup> basic conditions before it can proceed to a referendum. These are:

- i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- ii. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
- iii. The making of the neighbourhood development 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);
- iv. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
- v. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the ‘making’ of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) (either alone or in combination with other plans or projects).

2.2 The BCS confirms that the WNDP is supported by a Consultation Statement, a Strategic Environmental Assessment (incorporating Sustainability Appraisal), this Basic Conditions Statement and an extensive evidence base, justifying the Plan’s policies.

2.3 The BCS helpfully confirms in the Key Statements at the beginning of the BCS that:

- The WNDP has been prepared by the Warnham Neighbourhood Plan Steering Group comprising local volunteers and is submitted by Warnham Parish Council;
- The Plan sets out policies that relate to the development and use of land within only the Warnham Neighbourhood Plan Area, which was designated by Horsham District Council on

25 February 2014;

- The Plan does not relate to more than one designated neighbourhood plan area;
- There are no other adopted Neighbourhood Development Plans which cover the designated Warnham Neighbourhood Area; and
- The Plan does not contain any policies which relate to excluded development as defined by section 61K of the Town and Country Planning Act 1990.

2.4 In undertaking this examination, I am content that these statements are correct.

### Conformity with the National Planning Policy Framework (NPPF).

2.5 On 24<sup>th</sup> July 2018, at the end of the examination period, the Ministry of Housing, Communities and Local Government published the NPPF (2018). Annex 1 to the new NPPF states at paragraphs 212- 214:

*“212. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.*

*213. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

*214. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.....”*

2.6 Footnote 69 to paragraph 214 states:

*“69 For spatial development strategies, ‘submission’ in this context means the point at which the Mayor sends to the Panel copies of all representations made in accordance with regulation*



*8(1) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000, or equivalent. For neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.”*

- 2.7 I note that Mrs Ashley Brooks, Clerk to Warnham Parish Council, formerly submitted the Warnham Neighbourhood Development Plan and supporting documents to Horsham District Council for Regulation 16 consultation and subsequent examination on 26<sup>th</sup> July 2018. Therefore, in the light of the transitional arrangements outlined above it is not necessary to examine the WNDP against the revised national policy guidance issued on 24<sup>th</sup> July, but rather the NPPF (2012).
- 2.8 In section 2, the Basic Conditions Statement compares the 10 key objectives within the NPPF with those of the WNDP to demonstrate how the objectives of the WNDP will contribute to achieving the key objectives of the NPPF, in a tabular form (Table 2.1), alongside the NPPF goals that each objective seeks to address. For the purpose of this examination, the BCS sets out in Table 2.2, each policy of the WNDP alongside the relevant policies in the NPPF to which it has had regard and analyses how each Plan policy contributes to achieving the key objectives of the NPPF. In addition, alongside each policy within the Plan, the text in Table 2.2 of the BCS helpfully includes, ‘conformity references’ which identify specific NPPF policy paragraphs considered when each WNDP policy was drafted.

#### Achieving sustainable development

- 2.9 The NPPF advises that all plans should be based upon the presumption in favour of sustainable development with clear policies that guide how the presumption should be applied locally. Paragraph 16 of the NPPF acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. In particular neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. The NPPF explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. The national guidance explains that Parishes and neighbourhood forums can use neighbourhood planning to:
- set planning policies through neighbourhood plans to determine decisions on planning

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- applications; and
  - grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.
- 2.10 Section 3 of the Basic Conditions Statement identifies how the WNDP has been positively prepared, reflecting the presumption in the NPPF in favour of sustainable development and that the Plan has been prepared with regard to this principle in seeking environmental, economic and social benefits. Table 3.1 in the BCS summarises how the objectives and policies in the Plan will contribute towards the three strands of sustainable development, noting that many of the objectives of the Plan overlap the three strands of sustainability.

#### General conformity with the strategic policies of the Local Planning Framework

- 2.11 Paragraph 184 of the NPPF requires that neighbourhood planning policy should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them.
- 2.12 The BCS for the Warnham NDP, explains that Horsham District Council adopted the Horsham District Planning Framework (excluding South Downs National Park), (HDPF) on 27 November 2015. With the exception of land within the South Downs National Park, the HDPF replaces the policies contained in the Horsham District Core Strategy and General Development Control Policies which were both adopted in 2007. I note that the HDPF sets out the planning strategy for the years up to 2031. The Strategic Policies within the HDPF are clearly labelled as such throughout the Planning Framework document. Table 4.1 in the BCS demonstrates how the WNDP draft policies are in general conformity with the strategic policies in the HDPF. A number of the HDPF identified as relevant to the WNDP identified in the BCS are written in the context of major strategic housing extensions to Horsham and are of limited applicability, if at all to likely development envisaged and anticipated in Warnham, identified as a “Medium” village in the rural settlement hierarchy. The BCS advises that HDPF policies that are not identified in Table 4.1 are not considered to be relevant to the WNDP. For the purposes of this examination, I have indicated the NPPF and strategic HDPF policies that I consider relevant in assessing the conformity of the WNDP planning policies to district and national planning guidance.
- 2.13 I agree that the general thrust of the draft policies in the Neighbourhood Plan will contribute to achieving sustainable development by seeking positive improvements to the quality of the

natural, built and historic environment, as well as in people’s quality of life as outlined in the Basic Conditions Statement. I am also content that the WNDP subject to the recommended policy alterations, is in general conformity with national and adopted local planning policies and that the WNDP does not promote less development than set out in the Local Plan or undermine its strategic policies. The WNDP if made, subject to the recommendations in this examination report and a successful referendum, would effectively shape and direct sustainable development in the Warnham Parish designated area. I am content that the WNDP complies with the provisions of paragraph 185 of the NPPF which seeks to avoid duplication of adopted planning policies covering the same geographic area, at the neighbourhood spatial scale.

## EU obligations

### Strategic Environmental Assessment (SEA)

- 2.14 In relation to Strategic Environmental Assessment and Habitats Regulation Assessment, I have already commented on these issues earlier in this section of my report in relation to the work undertaken in preparing the WNDP by reference to the Consultation Strategy. At this stage it is sufficient to re-state the overall conclusion of the Sustainability Appraisal that none of the policies are likely to have any significant adverse effects, giving confidence that the Neighbourhood Plan will contribute to sustainable development.

### Habitats Directive

- 2.15 In April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta* (“People over Wind”), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. This judgment led to uncertainty for those working on neighbourhood plans and rendered a range of other planning tools inoperable where a case is determined likely to have significant effects on a protected habitats site as explained in the Chief Planning Officer’s letter to planning officers dated 15<sup>th</sup> January 2019, informing them that consequential changes to the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force on 28 December 2018. The regulations now allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an ‘Appropriate Assessment’ to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.
- 2.16 It is sufficient to re-state the HRA Screening outcome which concluded that significant effects in respect of the European sites within 20km of Horsham district are unlikely to occur as a result

of the implementation of the Warnham Neighbourhood Plan and its policies. Consequently, the WNDP does not require a full HRA to be undertaken.

- 2.17 It may therefore be concluded that following the changes referred to above to the *Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* that the following basic condition prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act the making of the WNDP would not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

#### Convention on Human Rights

- 2.18 The Basic Conditions Statement confirms that the WNDP has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. This statement is justified through the extensive engagement with the community and stakeholders as indicated in the Statement of Consultation. I agree that considerable care has been exercised throughout the preparation and drafting of the Plan to ensure that the views of the whole community were considered to avoid unintentional negative impacts on particular groups.

#### Basic Conditions – Interim Conclusion

- 2.19 The Neighbourhood Plan contains policies relating to the development and use of land within the Neighbourhood Plan area and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
- 2.20 The Neighbourhood Plan states that the period to which it relates is from 2017 until 2031 to align with the adopted Horsham District Planning Framework (excluding South Downs National Park).
- 2.21 I am content that the WNDP policies do not relate to excluded development, being county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.22 I also concur that there was extensive consultation and engagement with the community on the emerging draft Neighbourhood Plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Indeed, a health check of the Plan was provided by

Horsham District Council and feedback from the Regulation 14 consultation has enabled the Plan to be shaped into its final version, to submit to Horsham District Council. I agree that the Consultation Statement meets the requirements set out in Paragraph 15 (2) of the Regulations.

- 2.23 Subject to the recommended policy modifications in this examination report, the Plan has appropriate regard to national policy and will contribute towards the achievement of sustainable development. The Basic Conditions Statement notes that the WNDP is in general conformity with the strategic policies of the adopted Horsham District Planning Framework (excluding South Downs National Park). In evaluating the WNDP submission draft policies in this examination report, I have assessed the extent to which these policies are consistent with the strategic planning policies in the adopted HDPF in considering each policy and the Plan as a whole. I make my comments in respect of specific draft policies in Section 4 and more generally in the Conclusions section of this report below.

## Background Documents

- 3.1 The background documents referred to in this examination report are listed in Appendix 1.

## Warnham Neighbourhood Development Plan 2017-2031 – Planning Policies

- 4.1 The submission draft WNDP sets out a vision for the designated area which is expressly aspirational and positive, seeking to build on the uniqueness of the settlement to meet the needs of residents of the Parish over the life of the Plan. This has been distilled into a series of town planning objectives to deliver the Plan’s vision. These are:

### **Residential Development**

*Objective 1:* To ensure that future development is consistent with protecting and maintaining

the largely rural character of the parish.

*Objective 2:* To promote a balance of social mix and age distributions within the parish.

*Objective 3:* To safeguard the parish character and heritage with particular regard to design

and development in the Conservation Area.

Objective 4: To avoid housing development in areas prone to flooding.

#### **Countryside and Environment**

Objective 5: To protect and enhance the natural environment and tranquility of the parish.

*Objective 6:* To conserve and enhance areas of natural habitat.

#### **Local Economy**

*Objective 7:* To encourage appropriate businesses within the parish.

Transport and Movement

*Objective 8:* To encourage cycling, walking and public transport services.

Objective 9: To address traffic and parking issues in the parish.

#### **Community Cohesion**

*Objective 10:* To maintain and foster Warnham’s community spirit

- 4.2 These objectives have in turn set the framework for the neighbourhood plan policies.
- 4.3 I now consider each of the WNDP draft planning policies and the related explanatory text within the Plan. In accordance with paragraph 184 of the NPPF, neighbourhood must be in general conformity with the strategic policies of the Local Plan.
- 4.4 Where, in my opinion, the explanatory text to the WNDP requires some alteration those changes suggested in this report are advisory and for clarification, they are not mandatory in order to meet the Basic Conditions test. If the WNDP is to proceed to referendum, the recommended alterations to the policies must be accepted by the Parish Council in order that the Plan may move forward to that stage. Where I have recommended changes to the draft policies, the recommended revisions are shown as tracked changes in Appendix 2 with “clean” copies of the policies in Appendix 3. Where policy revisions are recommended, the explanatory text relating to those policies subject to alteration may require some modification to reflect the recommended modified policies. Such changes will be a matter for the Parish Council to prepare, doubtless in conjunction with the Planning Department of the District Council.
- 4.5 The WNDP includes a number of Aims and Objectives. These are generally used as markers to help justify the direction taken in developing neighbourhood planning policies. It is the policies

which are examined, since if the Plan is made, it is the policies that will assist in decision making over the life of the Plan. The aims and objectives have therefore not been assessed as part of this examination as it is not a requirement in terms of determining whether the Plan meets the Basic Conditions test.

### Policy W1: Built-Up Area Boundary

- 1. New development in Warnham parish shall be focused within the Built-up Area Boundary of Warnham village identified on the Policies Map.**
  - a) Development proposals outside the Built-Up Area Boundary will not be permitted unless they conform to the policies of the Horsham District Planning Framework;**
- 2. Development in overly visually-intrusive locations will not be supported unless it can be appropriately mitigated with landscape screening.**

- 4.6 As indicated by the conformity reference in the draft WNDP, Policy 1 is supported by the NPPF (2012) paragraph 17, by actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. Furthermore, paragraph 55 of the NPPF, which explicitly encourages sustainable housing development in rural areas should enhance the vitality of this rural community. In relation to the HDPF policies, the proposed Policy W1 conforms to and is consistent with HDPF Policy 4, Strategic Policy: Settlement Expansion.
- 4.7 Regulation 16 replies to this Policy W1, which identifies a northern extension to the built-up boundary of Warnham were received from Gladman, Southern Water and Natural England. Natural England supported the policy on the basis that focusing new development within the built-up area boundary will minimise development pressure to release further greenbelt and green-field land for development. Gladman’s response sought greater policy flexibility. On Policy W1 the respondent argues that focusing on development within the Built-Up Areas Boundary is a negative approach, leading to settlement limits that would not allow sustainable development to come forward. This is an argument with which I have little sympathy, as the site selection process has identified the land to the north of the existing village developed boundary as appropriate extension to the built-up area for residential development. The land identified would represent an appropriate allocation having regard to Housing Need, identified in the Housing Needs Assessment, February 2018, allowing for development of a minimum of 50 dwellings over the Plan period. Over the life of the WNDP and reflecting other development commitments and housing built since 2011 will provide an annualised growth rate to 2031 of approximately 4.1 units per year.

4.8 The use of a settlement boundary approach to defining the limits to settlement growth is used extensively in West Sussex as a growth management mechanism and would appear to be entirely appropriate in the context of defining the limit of settlement expansion during the period of the WNDP and consistent with HDPF, Strategic Policy 27 which seeks to prevent coalescence of settlements.

4.9 The objection by Southern Water to this policy relates to the need for utility providers to be able to undertake development, notably engineering operations, to facilitate the supply of services through rural areas to support existing settlements and to facilitate reinforcement to services where new development is planned. Southern Water’s case as I understand matters is that the current wording of Policy W1 is unacceptable as it could create a barrier to statutory utility providers, such as Southern Water, from delivering essential infrastructure required to serve existing and planned development. Southern Water’s objection to Policy W1, makes reference to HDPF policies 3,4 and 27. However in Chapter 9 of the HDPF, which covers development associated with conserving and enhancing the natural and built environment, at paragraphs 9.16 and 9.17 concerning District Character and the Natural Environment, the explanatory text states:

“9.16 Neighbourhood Plans and development proposals will also need to demonstrate that proposals contribute to the multi-functional network of green spaces, water and other environmental features in urban and rural areas known as Green Infrastructure. It includes trees, parks, road verges, allotments, cemeteries, woodlands, rivers and wetlands. The Council's Green Infrastructure Strategy identifies current and potential future provision of Green Infrastructure. This includes the opportunity to enhance existing biodiversity in identified opportunity areas or any subsequent updates. Neighbourhood Plans and development proposals will also be required to demonstrate that existing biodiversity is protected and enhanced, including the hierarchy of designated sites indicated on the proposals maps and where necessary, demonstrate the requirements of the Habitats Regulations have been met.

9.17 Whilst it is recognised that the undeveloped nature of rural areas must be protected, it is acknowledged that there may be circumstances where development is necessary to ensure the continued sustainable development of rural areas. **This might include development which is required to sustain social and economic needs of rural communities, such as subsidised housing, business uses, community, leisure, cultural**



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**and tourism facilities, and necessary upgrades to infrastructure, such as water supplies, or high-speed broadband and renewable energy.”<sup>1</sup>**

4.10 Moreover, HDPF Strategic Policy 39 indicates that in relation to Infrastructure and infrastructure capacity to serve new development, the HDPF acknowledges that infrastructure reinforcement to enhance services will be necessary on a timely basis to meet anticipated need throughout the District. I consider that Southern Water’s concerns are covered by the HDPF’s explanatory text and related Policy 39 which states:

**“Infrastructure Provision - Policy 39**

11.3 This policy is fundamental to the delivery of sustainable development in the District. Developers working in conjunction with the Council and service providers should demonstrate that there is adequate capacity both on site and off site to serve the development and that it would not lead to problems for existing users. Studies to determine whether the proposed development will lead to overloading of existing infrastructure may be required to support planning applications.

**Policy 39**

**Strategic Policy: Infrastructure Provision**

- 1. The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development, or suitable necessary mitigation arrangements for the improvement of the infrastructure, services and community facilities caused by the development being provided.**
- 2. Where there is a need for extra capacity, this will need to be provided in time to serve the development or the relevant phase of the development, in order to ensure that the environment and amenities of existing or new local residents is not adversely affected.**
- 3. To ensure required standards are met, arrangements for new or improved infrastructure provision, will be secured by planning obligation / Community Infrastructure Levy, or in some cases conditions attached to a planning permission, so that the appropriate improvement can be completed prior to occupation of the development, or the relevant phase of the development.”**

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<sup>1</sup> My emphasis.

4.11 Accordingly, I conclude that it is unnecessary to alter the draft policy to facilitate infrastructure enhancement, as such provision is already adequately covered by strategic policy within the HDPF. Therefore, if the WNDP were to be “made”, development concerning utility infrastructure proposals would be considered within the designated WNDP area by reference to WNDP Policy 1a and Strategic HDPF Policy 39.

4.12 For greater clarity, I recommend that the second criterion of the draft policy be amended as follows:

**Policy W1: Built-Up Area Boundary**

**1. New development in Warnham parish shall be focused within the Built-up Area Boundary of Warnham village identified on the Policies Map.**

**a) Development proposals outside the Built-Up Area Boundary will not be permitted unless they conform to the policies of the Horsham District Planning Framework;**

**2. Development in visually-intrusive locations will not be supported unless mitigated with appropriate landscape screening.**

4.13 The recommended policy amendments are also shown in Appendix 2 by way of tracked changes.

**Policy W2: Scale of Housing Provision**

**1. Over the plan period to 2031, around 50 new residential dwellings will be provided within Warnham parish. The figure will be achieved through the following site allocation:**

**2. Policy W6: North of Freeman Road – minimum 50 dwellings**

**3. The maximum density of development in the WNDP shall be to a maximum of 20 units per hectare**

4.14 As drafted WNDP Policy W2 is inextricably linked with Policy W6, the site allocation for residential development on land north of Freeman Road. In order to consider the scale of housing provision appropriate within Warnham Parish over the design life of the WNDP, it is not necessary to consider Policy W6, the proposed site allocation as part of the assessment of need in relation to Policy W2. Furthermore, draft Policy W2 simply announces the minimum number of dwellings appropriate for the site allocation being “*minimum 50 dwellings*”, but this is potentially at odds with “*around 50 new residential dwellings*” in criterion 1a of draft Policy W6.

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In the light of this imprecision, repetition and possible confusion, I recommend that Policy W2 should simply relate to the scale of planned housing provision over the life of the WNDP, which as I understand matters is a minimum of 50 dwellings as indicated by Horsham DC.

- 4.15 As to conformity with the National Planning Guidance in the NPPF (2012) the Basic Conditions Statement refers to paragraphs 50 and 54 of the NPPF. The scale of the housing proposed in draft Policy W2 is limited to housing numbers and density of development. By contrast, dwelling mix is considered in draft Policy W3. Inevitably the housing mix will influence housing density. To consider housing mix and overall housing density in separate policies is not ideal; it is preferable that housing mix and density be considered together, particularly where as in this case, the entire housing allocation for the WNDP is essentially to be provided on a single site. Criterion 3 announces that the residential site development density should be a maximum of 20 dwellings per hectare. This reflects an equivalent development density of about 8 dwellings per acre.
- 4.16 The supporting text at paragraph 4.20 of the WNDP notes that the *“Community Survey and comments at public meetings demonstrated that there was support to avoid over intensification of housing development which many consider to be an unattractive characteristic of recent developments in the district. It is also an objective of the WNDP to safeguard the character of the parish – Objective 3. To this end a survey was undertaken of current and planned village housing densities. These data are provided in the WNDP Evidence base and reveal an average build rate of 20 units per hectare. This density is adopted as a maximum in the WNDP.”* Turning to the evidence base and in particular, the Parish Community Survey, August/September 2015, Question 7 asked; of the more recent developments in the parish, which most closely meets your future housing needs? The most favoured development cited was Wyvern Place, an open-market housing development by Gleeson Homes, permitted in 2004. Permission was granted for the erection of 36 dwellings, garaging and access at Warnham Court Farm under reference WN/84/02. The Parish Council’s evidence on density in *“Warnham Neighbourhood Plan – Existing & planned housing densities”*<sup>2</sup> notes the development area as being 1.4 ha, which I believe to be the gross development area. On the Parish Council’s evidence this demonstrates a housing density of 26 dwellings per hectare, significantly in excess of the proposed WNDP

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<sup>2</sup> Warnham Parish Council’s evidence base, <https://www.warnhamplan.com/our-evidence.html>

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maximum of 20 dph. The site plan shown below extends to approximately 1.2 ha (net), representing a housing density of 31 dwellings per ha (rounded).

- 4.17 As a comparator, Mid Sussex District Council undertook work on rural housing densities in 2016<sup>3</sup> and concluded that residential densities varied generally between 30-50 dwellings per hectare. Similar densities are applicable in Lewes District Council’s administrative area<sup>4</sup>, whilst Chichester District Council’s adopted Chichester Local Plan Key Policies 2014-2029, advises at page 158, paragraph 17.6:

*“Densities of 35 dwellings per hectare are broadly considered appropriate by the Council on most greenfield and brownfield development across the District. However, higher densities may be sought in urban areas where sites are better served by public transport and have access to a range of services and facilities.”*

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<sup>3</sup> Density Topic Paper, Mid Sussex District Council, June 2016  
[https://www.midsussex.gov.uk/media/3073/tp3\\_density-topic-paper.pdf](https://www.midsussex.gov.uk/media/3073/tp3_density-topic-paper.pdf)

<sup>4</sup> Lewes District Local Plan 2003 saved policies, Chapter 5, Density of Residential Development

**Policy RES4. All residential development (both large and small) must make an efficient use of land, and development will not be permitted at a density of less than 30 units per hectare unless there are significant site constraints or character considerations that make this figure unattainable.**

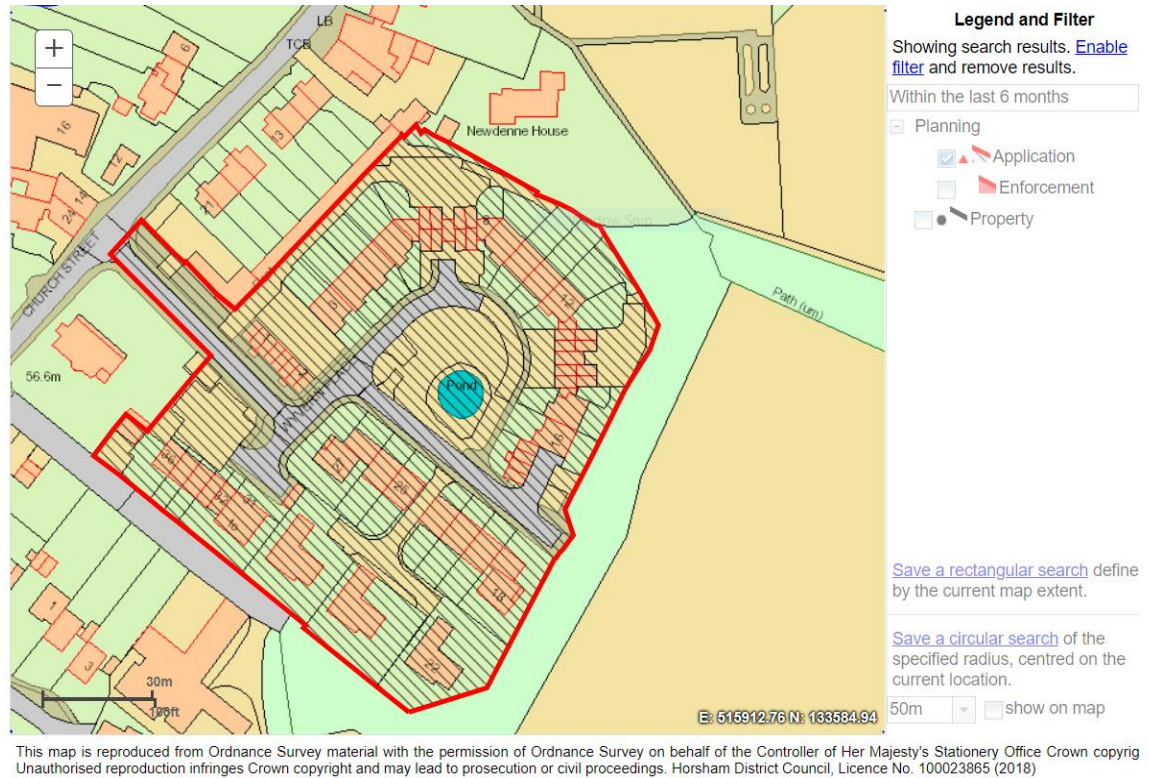


Fig 1 - Wyvern Place, Warnham Site Plan WM/84/02 - Indicative density 31 dph (net).

4.18 I accept that the residential densities of *windfall* sites may be lower in rural areas, reflecting unusual and less efficient site shapes, but for planned residential allocations of the scale of the land north of Freeman Road, (3.59 ha) and where economy and efficiency of land use is likely to be an important consideration, a minimum target housing density of 30 dwellings per hectare would appear a more reasonable expectation, particularly as the evidence base reflecting housing need at Warnham highlights a housing need for downsizing, requiring a supply of a greater proportion of smaller dwellings within the local community. I note that in relation to pre-application discussion in 2017, agents Savills presented housing development proposals on behalf of the landowner for a development of 59 dwellings on the site extending to a net area of 1.96 ha, (3.58 ha (gross)) reflecting an average density of 30 dwellings per hectare (net) as part of pre-application discussions. An extract from the Parish Council’s evidence on housing densities is shown in Fig 2 below.

### Warnham Neighbourhood Plan – Existing & planned housing densities

No.	Location	Status	Area	Units	Density	Note
1.	North of Freeman Road and North of School	Planned – developer’s preliminary scheme	Gross 3.59ha Net 1.96 ha	59 59	16/ha. 30/ha.	Savills for land owner (2017)

4.19 From the Regulation 16 responses, I note Gladman’s assertion regarding Policy W2, that delivering additional development above 50 dwellings over the Plan period would still be in general conformity with the HDPF, supporting the Council’s position in the delivery of 1500 dwellings through neighbourhood plans, where there is currently a significant shortfall.

4.20 By way of a letter of 5<sup>th</sup> November 2018 Horsham District Council clarified its position in relation to the proposed WNDP policies in the Regulation 16 version of the Plan concerning draft Policy W2 as follows:

“.....The delivery of a minimum of 50 dwellings and accompanying infrastructure along with recent permissions within the village is considered to be in proportion to the scale and size of the village in accordance with Policy 3: Settlement Hierarchy and meet local needs taking account of constraints to delivery that affect this particular parish.

2. The wider strategic housing issue should be an issue for the District Council and the Local Plan review is the appropriate mechanism which can take in to account of wider housing needs of the district. It is not for Neighbourhood Plans to deal with complex strategic issues, nor are they required to do so in statute or government policy. The wider strategic issue of housing distribution across the district as the plan rolls forward will be considered to be a matter for the local plan review next year. The development of an appropriate spatial strategy which will also have the added benefit of being taken through a robust SEA/SA process.

3. Officers considered the plan to be positive however there is a degree of inconsistency in the document as to the proposed level of development in Warnham Parish where for example Policy W2 (1) states ‘around 50’ units whilst Policy W2 (2) states a ‘minimum 50 dwellings’ over the plan period. Taking account of the need to ensure that sufficient homes are delivered in Horsham district, including Warnham parish, together with the provisions in the recently updated NPPF, which are already a material consideration for

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the determination of planning applications, HDC is of the view that the plan should set out that the 50 is a minimum number.”

- 4.21 In assessing housing need, it is also necessary to have regard to market signals as indicated in the AECOM Housing Need Assessment. The weighting to be applied to the market signals is to a significant degree subjective. The signals from the Housing Need Assessment, as acknowledged by AECOM appear to be indicating an increasing demand trend and there may well be a need to undertake an early review to reflect housing need. AECOM’s Housing Need Assessment, Table 1, reflects a potential wide range of need, the conclusions of which, reflecting the weightings afforded to the individual assessments and the market indicators, point to a need to provide a **minimum of 50 new dwellings** between 2016 and 2031.
- 4.22 Drawing these strands together, I consider that in determining the appropriate scale of housing provision in the Warnham NDP over the period to 2031, Policy W2 should seek a **minimum** of 50 dwellings through planned housing allocation. Having regard to housing density expectations elsewhere in development plans adopted by other planning authorities in Sussex encompassing rural development, based on evidence, I am not convinced that for planned housing development, the maximum density of development should be restricted to only 20 units per ha. This would not appear to be supported by the Parish Council’s own evidence as indicated by reference to the Wyvern Court example assessed in this report. It would not reflect a practical residential development for small dwellings for which there is a recognised need and would not assist, “affordability” for either market or affordable dwellings. There is also a measurement issue as to whether gross or net development areas are being considered as well as consistency of measurement. For these reasons, I recommend that Policy W2 be amended as indicated by the tracked changes below and as carried forward to Appendix 2.

### **Policy W2: Scale of Housing Provision**

**1. Over the plan period to 2031, a minimum of 50 new residential dwellings will be provided within Warnham parish.**

- 4.23 If the proposed modification recommended above is accepted, the explanatory text in paragraphs 4.9 – 4.21 inclusive of the Regulation 16 version of the WNDP will similarly need some alteration.

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### Policy W3: Housing mix – meeting local needs

- 1. Housing development must contribute to meeting the existing and future needs of Warnham parish.**
- 2. Developments should seek to provide a mix of dwelling sizes based on the following distributions:**
  - i. 1-bed dwellings: 15% to 20%**
  - ii. 2-bed dwellings: 40% to 45%**
  - iii. 3-bed dwellings: 35% to 40%**
  - iv. 4+-bed dwellings: 5 to 10%**
- 2. An alternative dwelling mix will only be permitted where new evidence is brought forward with an application which clearly demonstrates the need for a different mix.**
- 4. A fundamental element of such provision is the provision of affordable housing to address local needs.**

4.24 This policy conforms to the national planning guidance at paragraph 50, as indicated in the Basic Conditions Statement. The policy also conforms to HDPF Policy 16 Strategic Policy: Meeting Local Housing Needs, reflecting the need to provide a mix of housing sizes, types and tenures to meet the needs of the Parish district’s communities as evidenced in the latest Warnham Housing Needs Assessment and earlier survey comprised in the evidence base to support the WNDP, reflecting the established character and appropriate densities to deliver viable housing development including an appropriate policy based percentage of affordable housing.

4.25 As stated in the explanatory text, Policy W3 sets the expected housing mix for new housing development in Warnham, based on the premise of securing a greater number of small to medium sized homes. The Regulation 16 consultation gave rise to no comments as to the proposed housing mix and ranges.

4.26 I propose a minor alteration to the first criterion in the policy to the extent that proposals for housing development should contribute to meeting *identified* needs of Warnham parish, reflecting the need to be able to justify the appropriate housing mix having regard to objectively assessed need. The recommended alteration is set out below and in Appendix 2,

### **Policy W3: Housing mix – meeting local needs**



- 1. The housing mix for development proposals must contribute to meeting identified housing needs of Warnham parish.**
- 2. Developments should seek to provide a mix of dwelling sizes based on the following distributions:**
  - i. 1-bed dwellings: 15% to 20%**
  - ii. 2-bed dwellings: 40% to 45%**
  - iii. 3-bed dwellings: 35% to 40%**
  - iv. 4+-bed dwellings: 5 to 10%**
- 3. An alternative dwelling mix will only be permitted where new evidence is brought forward with an application which clearly demonstrates the need for a different mix.**
- 4. A fundamental element of such provision is the provision of affordable housing to address local needs.**

#### **Policy W4: Dwellings appropriate for the needs of older people**

**In order to provide for the needs of older people in Warnham, developments that provide 25% of dwellings to Lifetime Homes standards will be strongly supported provided the proposal is compliant with other policies in the WNDP.**

- 4.27 Policy W4 seeks to ensure adequate housing provision is made through new housing development to meet the needs of an aging local community. The policy conforms to NPPF national guidance at paragraph 50 by planning for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as, elderly people. It again conforms to strategic planning guidance in HDPF Policy 16, meeting housing needs.
- 4.28 This policy attracted little attention during the Regulation 16 consultation and I believe it will make a positive contribution towards achieving sustainable development and meeting local need in Warnham, if the WNDP proceeds to referendum and the Plan is subsequently made. I consider that no modification to the policy is necessary.

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## Policy W5: Design of residential development

- 1. New residential development must demonstrate that the scale and character of the proposals respect the landscape and its features, valued views into and out of the settlement, the local streetscape and heritage assets.**
- 2. Proposals for residential development, including redevelopments, will be supported subject to all of the following criteria being met:**
  - a) they demonstrate high quality design that is in keeping with the scale and existing character of buildings and layout in the area;**
  - b) they provide adequate off-road parking for residents, visitors and service vehicles, in accordance with Policy W10 (Parking standards for new residential development);**
  - c) they provide high quality boundary treatment including the retention and enhancement, where possible, of established hedgerows;**
  - d) they protect and preserve priority habitats;**
  - e) they respect and protect the buildings and environment of the Conservation Area, listed buildings and the other heritage assets of the parish;**
  - f) they provide good pedestrian and cycle connections to the main services, bus stops and the train station;**
  - g) they provide adequate storage for waste recycling containers;**
  - h) they provide storage for cycles;**
  - i) the maximum height does not exceed two storeys plus pitched roof unless clear justification can be made as to why such heights – which are generally considered to be out of keeping with the prevailing height of buildings in Warnham – are required and how they address the objectives of the Warnham Neighbourhood Development Plan;**
  - they contain a proportion of single storey dwellings;**
  - j) traffic generation and parking does not adversely affect vehicular and pedestrian safety;**
  - and**
  - k) they do not result in an unacceptable loss of amenity for neighbouring uses through the loss of privacy, loss of light or visual intrusion.**

4.29 The design criteria in draft Policy WNDP W5 conforms to national planning policy in NPPF paragraph 58. In addition, this policy conforms to HDPF strategic Policy 32, “The Quality of New Development.”

4.30 In relation to Regulation 16 consultation, Horsham DC helpfully pointed out that Policy W5 criterion 2 (b) should be amended to read as follows:

*“...in accordance with Policy ~~W10~~ W9 (Parking standards for new residential development);”*

There were no other Regulation 16 comments raised concerning this policy.

- 4.31 Criterion 2 of the draft policy requires each of 12 design sub-criteria to be satisfied for planning proposals for residential development to be met. In considering each sub-criterion there are a number which may not always be relevant to all residential development proposals and to allow some flexibility to the policy, I recommend the following amendments to the policy to assist development management and decision making for new housing proposals as identified below and carried forward to Appendix 2.

### Policy W5: Design of residential development

#### 1. Proposals for residential development will be supported where:

- a) The scale and character of the proposals respect the landscape and its features, valued views into and out of the settlement, the local streetscape and heritage assets;
- b) There will be no unacceptable loss of amenity for neighbouring uses through the loss of privacy, loss of light or visual intrusion;
- c) they demonstrate high quality design that is in keeping with the scale and existing character of buildings and layout in the area; and
- d) they protect and preserve priority habitats;

#### 2. Proposals for residential development, including redevelopments, will be supported subject to the following criteria being met, where appropriate:

- a) they provide adequate off-road parking for residents, visitors and service vehicles, in accordance with Policy W10 (Parking standards for new residential development);
- b) they provide high quality boundary treatment including the retention and enhancement, of established hedgerows;
- c) they respect and protect the buildings and environment of the Conservation Area, listed buildings and the other heritage assets of the parish;
- d) they provide good pedestrian and cycle connections to the main services, bus stops and the train station;
- e) they provide adequate storage for waste recycling containers;
- f) they provide storage for cycles;
- g) the maximum height does not exceed two storeys plus pitched roof unless clear justification can be made as to why such heights are required and how they address the objectives of the Warnham Neighbourhood Development Plan;
- h) they contain a proportion of single storey dwellings; and

**i) traffic generation and parking does not adversely affect vehicular and pedestrian safety**

- 4.32 In criterion 2h above, it would be preferable to include the justification for this criterion in the supporting text rather than the policy itself.
- 4.33 If these recommended modifications are accepted, the supporting policy text will require some modification.

**Policy W6: North of Freeman Road**

**1. Development will be supported on approximately 3.55 hectares of Land to the North of Freeman Road subject to all of the following criteria being met:**

- a) the provision of around 50 dwellings;**
- b) the provision of affordable housing which meets the requirements of Horsham District Planning Framework Policy 16, with the expectation that all affordable housing provision shall be made on-site;**
- c) the provision of a range of house types in accordance with Policies W3, W4 and W5 of this plan;**
- d) the provision of accessible public green space within the site commensurate with the scale of development;**
- e) the provision of space within the road system or by means of a car park to permit occasional parking of up to ten vehicles in proximity to the football pitch;**
- f) the provision of appropriate access into the site for vehicles, and segregated access to the site by cyclists and pedestrians from Threestile Road and Church Street;**
- g) the retention and enhancement of trees and hedgerows on the western boundary of the site (except where required to provide access to the site);**
- h) the provision by landscaping of a buffer on the southern edge of the site adjacent to the housing in Freeman Road to minimise intrusion to existing properties;**
- i) the provision of a buffer zone to the north of the football pitch to accommodate visitors and spectators to football matches;**
- j) the retention and enhancement of the established hedge along the northern boundary of the site;**
- k) provision for a footpath link to the existing footpath network: paths 1428 and 1429 and 1430, adjacent to the established hedgerows, and Tilletts Lane;**
- l) the provision of a footpath link from the south-west corner of the site to Tilletts Lane; and**
- m) the development shall respect and protect neighbouring properties, the buildings and**

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**environment of the Conservation Area, and the heritage assets of the parish.**

**2. Occupation of the site shall be phased to align with the delivery of service infrastructure, in liaison with the service provider.**

**Proposals for new and improved utilities infrastructure will be encouraged and supported in order to meet the identified needs of the community.**

- 4.34 This policy conforms to the NPPF, paragraph 55, to the extent that the policy promotes sustainable development in rural areas as the proposed allocation is located where it is reasonably accessible to the village core and main facilities and particularly the village school. The policy also conforms to HDPF Strategic Policy 16, by meeting housing need.
- 4.35 WNDP Policy W6 generated the most concern from Warnham residents during the Regulation 16 consultation. The representations of Mrs Sarah Bullard, a village resident, explained that the preferred site, as far as the villagers are concerned is the site at Bell Road (reference WM04, HDC SHELAA site reference: SA071). Concerns over traffic safety remained a concern in her opinion. These sentiments were expressed by village resident Mrs I Valentine, who also cited proximity to the railway station being a further benefit in relation to the Bell Road site in preference to the land to the north of Freeman Road, for housing development. Mrs Ann Barclay similarly opposed the proposed housing allocation on the grounds of poor highway access and traffic safety concerns. Local resident, Mr Alex Whitmore expressed dismay in the allocation to the land north of Freeman Road for residential development due to the dis-amenity that will be caused to villagers due principally to traffic impact and likely congestion. Mr Bullard also objected to the proposal to allocate land to the north of Freeman Road for housing development again on the grounds of likely traffic impact and an assertion that the Bell Road site would not result in the loss of agricultural land since unlike the land north of Freeman Road, the potential housing land at Bell Road has not been used for growing crops for some years.
- 4.36 Mrs Williams, resident of Knob Hill explained her opposition to Policy W6 on the grounds of traffic safety, citing traffic accidents due to speeding traffic would be exacerbated if additional traffic resulting from new housing were loaded on to the local road network. She voiced a further concern that the development density and number of houses to be developed on this site would lead to town cramming and cause an unacceptable loss of amenity.

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- 4.37 Mr Francis similar expressed concern regarding the proposed housing allocation on land north of Freeman Road on the grounds of traffic impact, planning harm that would not result, he claimed, if development were to take place on land south of Bell Road.
- 4.38 Mrs Hodgson of Knob Hill objected to the housing allocation in W6 as the site has an entrance off of Tilletts Lane, a single track road up. She complained that Threestile Road, is heavily used by pedestrians, walking their dogs and with pushchairs with children and is a popular cycling and horse-riding route. She noted that Threestile Road is already used as a “rat run” with cars entering and exiting the village at speed. Mrs Hodgson’s objection indicated that this will be exacerbated by increased traffic created by a housing development of the size proposed; a further hazard being construction traffic movements.
- 4.39 Mrs P J Colverson opposed Policy W6 on the grounds of traffic impact and harm, preferring housing need to be meet on Station Road closer to the A24.
- 4.40 An objection was raised regarding access to the proposed Freeman Road site by Mrs Woodason. Her objection related to traffic access to the site, if this were from Tillett’s Lane, however her representation noted that access to and from Threestile Road would be less harmful and could be acceptable, although her preference would be not to develop this site for housing.
- 4.41 Mrs. Stanway’s Regulation 16 comments similarly expressed concern over traffic impact if land north of Freeman Road were selected as the housing allocation as identified in Policy W6. Her preference was for development of the land south of Bell Road, using powers of compulsory purchase if necessary, to bring the land forward for development. Mr Stanway opposed development of the land north of Freeman Road, preferring the development of the site south of Bell Road, together with traffic improvements, funded by the development, in the form of an underpass beneath the A24 to provide safe access to the station plus traffic calming measures in the village, funded by the development. Similar comments were made by Mr Barker regarding traffic problems which would result from the development of the proposed allocation and preference for bringing forward land for development on land to the south of Bell Road. Similar sentiments were also expressed by Mrs Clark.
- 4.42 Traffic objection was raised by Mr Colverson, warning that the housing development in the village would harm the character of the settlement. He suggested the housing development should take place elsewhere, not in Warnham.

4.43 By contrast, express support for the proposed allocation was voiced by the Kingsfold Residents' Association and the overall content of the WNDP.

4.44 The Regulation 16 response from West Sussex County Council made on 22<sup>nd</sup> October 2018 referred back to the earlier Regulation 14 consultation comments made by WSCC concerning the proposed allocation of the land north of Freeman Road for housing. In relation to the size and location of the proposed site allocation, WSCC advised that these factors had been taken into account when considering if further transport evidence were required at that stage. WSCC commented that the overall level of development proposed in the Warnham Neighbourhood Plan is in accordance with the forecast estimate of background traffic growth assumed in the Strategic Transport Assessment. The comment further advised that;

*“The Strategic Transport Assessment indicates that there will be no severe impacts on the transport network that cannot be mitigated to a satisfactory level. The County Council considers that this provides sufficient evidence to justify the overall level of development proposed in the Warnham Neighbourhood Plan. Therefore, it is not necessary to produce further transport evidence before allocating the site proposed in the Neighbourhood Plan for Warnham.”*

4.45 The Regulation 16 comments from WSCC queried, *“the change of previous policy W8 to an Aim (Aim 5), particularly following the recent approval of the footpath diversion proposal supported by Warnham Parish Council and set out in Aim 5. It is considered that the plan could further support the delivery of this and other footpath improvements in the parish by this being policy rather than an Aim of the plan.”* I note however the earlier comment and advice to Warnham Parish Council by Horsham DC on this point in: *“Appendix 4 - Regulation 14 responses, Questionnaire, Comments form, E-mails and letters”*, relating to the *“Overall Summary of responses to W6 – Site Allocation”*. This advice at page 13, and noted by the Parish Council, suggested that former policy W8 should be converted to an Aim, to ensure that the plan policies are solely related to land-use planning, since footpath and pedestrian upgrades do not necessarily fall within the remit of land-use planning matters.

4.46 Finally, in relation to representations concerning Policy W6, in note that Natural England supports the proposed allocation, particularly in relation to the green infrastructure elements which will help maintain bio-diversity through maintenance and protection of hedgerows.

4.47 It is clear that this policy has generated the most pre-submission consultation interest. Similar concerns were raised during the Regulation 14 consultation. Of the consultation replies

opposing the development of the land north of Freeman Road, the majority were generated by residents of Freeman Road, Knob Hill and Threestile Road living in close proximity to the site. It is also clear that the majority of objections raised related to traffic safety. By contrast, WSCC, the highway authority does not consider a development of 50 dwellings would cause a traffic impact that could not be sufficiently mitigated by highway improvements and the allocation of the site for a development of a minimum of 50 dwellings is supported by Horsham District Council. During my site inspection, my initial impression was that it might prove difficult to deliver an acceptable access to the site from Tillett's Lane, although I now understand that due to the land ownership arrangements, it would be practical to secure land for appropriate highway widening and footways to facilitate a safe access to the site. The precise details would be a matter for detailed consideration at the planning application stage.

- 4.48 The WNDP promotes only a single site for housing development over the Plan period. The land north of Freeman Road and other potential housing land has been the subject of careful and critical assessment, of a standard not commonly found in the evidence base for neighbourhood plans. The Parish Council supported by clear advice from the District Council deserve praise for the consideration given to appropriate site selection. It is clear that the land to the south of Bell Road is likely to prove a suitable residential site, but due to ownership constraints which I understand would preclude the development of a housing mix and development density that might reasonably expected of planned development in Warnham where a clear need for smaller dwellings has been demonstrated, there is inevitably uncertainty whether housing development adequate to meet identified need would be promoted on the land to the south of Bell Road were this to be allocated. I note that the gross development area is a little less than half the size of the land north of Freeman Road, at 1.46 Ha (gross). It is not clear what the net developable area might be were this land to be developed, but the site assessment considered in the region of only 16 dwellings, which would amount to about 30% of the minimum assessed need over the life of the WNDP to 2031.
- 4.49 In relation to phasing, whilst the HDPF makes reference to phased residential development, this is in the context of strategic housing development where development of several thousand dwellings is anticipated. In relation to a development of a minimum of 50 dwellings on the site north of Freeman Road, there is unlikely to be a need to consider phased development. It would be reasonable to anticipate that the infrastructure needs of a housing development of this scale, comprising a policy-based mix of affordable and market housing would be constructed in a single phase, although this might take place over several years, reflecting market demand at the time of implementation. There is no commentary in the explanatory text in the WNDP seeking



to justify the second criterion of Policy W6. Furthermore, the policy lacks clarity as there would be no realistic prospect of the site being occupied in advance of the delivery of services infrastructure.

4.50 For these reasons I recommend:

- 1) That the residential site allocation should be for a **minimum** of 50 dwellings on the proposed site comprising land north of Freeman Road;
- 2) Sub-paragraphs 1h and 1m be amended as indicated for greater clarity; and
- 3) The first sentence of criterion 2 should be deleted for the reasons explained above.

4.51 The recommended revisions to Policy W6 are shown below and in Appendix 2.

#### **Policy W6: North of Freeman Road**

**1. Development will be supported on approximately 3.55 hectares of Land to the North of Freeman Road subject to all of the following criteria being met:**

- a) the provision of a minimum of 50 dwellings;**
- b) the provision of affordable housing which meets the requirements of Horsham District Planning Framework Policy 16, with the expectation that all affordable housing provision shall be made on-site;**
- c) the provision of a range of house types in accordance with Policies W3, W4 and W5 of this plan;**
- d) the provision of accessible public green space within the site commensurate with the scale of development;**
- e) the provision of space within the road system or by means of a car park to permit occasional parking of up to ten vehicles in proximity to the football pitch;**
- f) the provision of appropriate access into the site for vehicles, and segregated access to the site by cyclists and pedestrians from Threestile Road and Church Street;**
- g) the retention and enhancement of trees and hedgerows on the western boundary of the site (except where required to provide access to the site);**
- h) the provision by landscaping of a buffer on the southern edge of the site adjacent to the housing in Freeman Road to minimise visual intrusion to existing properties;**
- i) the provision of a buffer zone to the north of the football pitch to accommodate visitors and spectators to football matches;**
- j) the retention and enhancement of the established hedge along the northern boundary of**

the site;

k) provision for a footpath link to the existing footpath network: paths 1428 and 1429 and 1430, adjacent to the established hedgerows, and Tilletts Lane;

l) the provision of a footpath link from the south-west corner of the site to Tilletts Lane; and

m) the development shall respect **the amenity of** neighbouring properties, **conserve heritage assets in the Conservation Area and the setting of relevant listed buildings.** .

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**Proposals for new and improved utilities infrastructure will be encouraged and supported in order to meet the identified needs of the community.**

#### **Policy W7: Protection of existing commercial premises or land**

**1. There will be a strong presumption against the loss of commercial premises or land which provides employment. Applications for a change of use of existing commercial premises to an activity that does not provide employment opportunities will be resisted unless it can be demonstrated that both of the following criteria are met:**

**a) the commercial premises or land in question has not been in active use for at least 12 months; and**

**b) the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least six months.**

**2. The continued expansion of appropriate employment in the parish is encouraged in the WNDP provided that the uses and premises are compatible with the rural nature of the parish, neighbouring properties and land use, and supporting infrastructure.**

4.52 The Basic Conditions Statement advises that Policy WNDP W7 conforms to NPPF paragraph 28, in supporting a prosperous rural economy through sustainable planning policy, including the retention of commercial premises and employment uses. HDPF, Strategic Policy 7 promotes economic growth in the district by encouraging sustainable local employment growth through neighbourhood development plans.

4.53 DBA Estates, on behalf of Wienerberger Ltd for its land holdings at Station Road, Warnham, argues that there is a contradiction within the employment policy. Whilst Policy W7 supports expansion of appropriate employment in the parish subject to the uses being compatible with

the rural nature of the parish and neighbouring land use, there is however an absence of employment allocations in the Plan.

- 4.54 The results and assessment of the Station Road site and its suitability for development in the Parish Council's Site Assessment<sup>5</sup>, reference WM30, Land at Warnham Railway Station are however clear. This assessment shows that the site is a long-term prospect, there being access matters to the A24 to be resolved together with possible flood risk issues. I also note that this land has also been identified as a potential car park site to improve the use and attractiveness of the rail station where parking is limited and plainly inadequate as identified in evidence in support of the WNDP. It is unsurprising under these circumstances that the Parish Council has not elected to promote this site in the WNDP for employment development.
- 4.55 DBA Estates on behalf of Wienerberger Ltd, support the initiative in the WNDP in the first criterion of Policy W7. This tests whether there would be demand for employment use where alternative uses are proposed for land and buildings considered redundant for employment use, prior to planning applications being advanced for non-employment land uses.
- 4.56 The time periods covering vacancy and marketing proposed in Policy W7 appear reasonable. I therefore recommend that the following minor amendments to the draft policy as outlined below, should be made to assist in assessing relevant proposals for development, where the retention of commercial land use is a consideration or where there are proposals for commercial employment generating development where planning permission is required.

#### **Policy W7: Protection of existing commercial premises or land**

**1. There will be a presumption against the loss of commercial premises or land which provides employment. Applications for a change of use of existing commercial premises to an activity that does not provide employment opportunities will be resisted unless it can be demonstrated that **the commercial premises or land****

**a) has not been in active use for at least 12 months; and**

**b) has no potential for either reoccupation or redevelopment for employment generating uses as demonstrated through the results of:**

**i) a marketing campaign lasting for a continuous period of**

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<sup>5</sup> 4.1 Warnham Neighbourhood Development Plan, Site Assessments, Revision 17, 22-Jan-18

- at least six months and a supplemental report evidencing the marketing undertaken and the market response: and**
- ii) a detailed valuation report assessing the viability of the land and buildings for employment use.**

**2. Development proposals which will provide employment in the parish will be encouraged subject to such uses and premises being compatible with the rural nature of the parish, neighbouring land uses, and the capacity of supporting infrastructure.**

#### **POLICY W8: Public car parking**

**1. There will be a presumption against the loss of publicly accessible car parking in Warnham parish.**

**Any proposals that would result in the loss of existing publicly available car parking spaces must provide at least the same number of spaces in an equivalent location.**

**2. Proposals to provide car parking to serve users of Warnham Station, as shown on the Policies Map, with vehicular access provided from Station Road and landscape mitigation measures as appropriate will be strongly supported.**

**3. Alongside any new public car parking provision, appropriate levels of bicycle parking facilities will also be required.**

4.57 Policy W8 conforms in part to the NPPF paragraph 35 which encouraged Development Plans to protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people and to provide access to high quality public transport facilities.

4.58 No Regulation 16 comments were submitted from consultees in relation to Policy W8.

4.59 The first criterion of Policy W8 essentially replicates the HDPF Policy 41 Parking, paragraph 3. This states:

*“3. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for the development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.”*

4.60 It will be noted that the HDPF policy is broader than Policy W8, allowing where circumstances arise, the ability of the decision-taker to weigh-up the possibility that the benefit to be attained in planning terms from not replacing lost publicly accessible parking spaces, may from time to time out-weigh the benefits of replacing them with suitable alternative parking provision. This possibility would not apply in relation to a possible reduction in public parking spaces that might arise from development proposals in Warnham in the event that Policy W8 was approved in the form of the submission version. This could amount to a policy contradiction in certain circumstances. Whilst it might be argued that Policy 41 is not a strategic policy within the HDPF, I consider the first criterion of Policy W8 should be deleted as this would offer less flexibility in Warnham, than may apply elsewhere in the District.

4.61 Accordingly, I recommend that the following alterations are made to Policy W8:

#### **Policy W8: Public car parking**

**1. Proposals to provide car parking to serve users of Warnham Station, as shown on the Policies Map [1] with vehicular access provided from Station Road and landscape mitigation measures as appropriate will be strongly supported.**

**2. Proposals including appropriate bicycle parking facilities in conjunction with proposals for public car parking to promote sustainable transport development will be supported.,.**

4.62 Within the supporting text, reference to the relevant Policies Map should be improved and both maps should be clearly labelled. Reference to the relevant map should be included in Policy W8 where indicated.

#### **Policy W9: Parking standards for new residential development**

**1. For all new residential developments, including redevelopments, the minimum number of car parking spaces to be provided will be in accordance with the West Sussex Residential Parking Demand Calculator, unless it can be satisfactorily demonstrated that an alternative provision would be appropriate on a specific site. Parking spaces can take the form of spaces or garaging/car port facilities but must be permanently available for parking use.**

- 2. Additionally, appropriate levels of parking shall be provided for visitors and service vehicles.**
- 3. Appropriate provision shall be made for the parking of cycles in developments and at car parks.**

- 4.63 This policy is in general conformity with the advice in paragraphs 39 of the NPPF and Policy 41 of the HDPF in connection with setting parking standards for residential development.
- 4.64 I note that West Sussex County Council’s Guidance for Parking in New Residential Developments, September 2010, is still current although it predates the NPPF (2012), which itself has been superseded, and the HDPF, adopted in 2015. Policy 41 of the HDPF advises that adequate parking and facilities must be provided within developments to meet the needs of anticipated users. However, this policy, unlike WNDP Policy W9 is not limited to new residential development.
- 4.65 No Regulation 16 comments were submitted from consultees in relation to Policy W9.
- 4.66 I recommend no alterations to this policy are necessary to assist in delivering sustainable parking standards for new development within the Parish of Warnham, if the Plan is taken forward to referendum and subsequently “made”.

## Summary

- 5.0 I set out the summary of my findings below.
- 5.1 In accordance with the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 5, I am satisfied that the submission plan proposal is not a ‘repeat’ proposal (i.e. the District Council has not refused a submission under paragraph 12 or Section 61E and it has not failed a referendum).
- 5.2 I am satisfied that Warnham Parish Council is the body who submitted the Plan and is a qualifying body for the purposes of making a neighbourhood development plan. The Designation of Warnham Neighbourhood Area was approved in accordance with the Neighbourhood Planning (General) Regulations 2012 and with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning. It was formally designated by Horsham District Council on 25 February 2014.

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- 5.3 Concerning the requirement to comply with the requirements of the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2) (c) and the Neighbourhood Planning (General) Regulations (as amended) – Regulation 15, I confirm that Horsham District Council has submitted the following in a satisfactory form:
- (i) A map identifying the area to which the Plan relates;
  - (ii) A consultation statement (which contains details of those consulted, how they were consulted, summarises the main issues or concerns raised and how these have been considered and where relevant addressed in the proposed neighbourhood development plan under Regulation 15 (2) (a);
  - (iii) The proposed neighbourhood development plan; and
  - (iv) A statement explaining how the neighbourhood development plan meets the ‘Basic Conditions’ requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act;
- 5.4 As to public consultation, the process and management of the community consultation has been satisfactory and I am confident that the Consultation Statement outlining the terms of reference and actions of Warnham Parish Council, the supporting evidence from the workshops, drop-in, consultation correspondence and feedback leading to the formulation of draft policies and subsequent pre-submission and submission plan consultation on the Plan policies adequately fulfils Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012 and Section 16 of these Regulation in relation to publicising the consultation opportunities during the preparation of the WNDP.
- 5.5 The Plan has been examined against national policies in the NPPF (2012) and adopted planning policy of Horsham District Council. A Basic Conditions Statement in a satisfactory form has been prepared which meets the ‘Basic Conditions’ requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act;
- 5.6 The WNDP meets the definition of a ‘Neighbourhood Development Plan’ in that it sets out policies in relation to the development and use of land in the neighbourhood area and therefore complies with the requirement of the Planning and Compulsory Purchase Act 2005, Section 38A (2).
- 5.7 The ‘Neighbourhood Development Plan’ (as defined under Section 38A), specifies the time period for which it is to have effect in section 1.4 of the Introduction to the Plan, as being from

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2017 to 2031 thereby satisfying the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (a).

- 5.8 I confirm that the WNDP does not include any policies relating to excluded development, including minerals, waste or nationally significant infrastructure projects, as defined s61K of the Town & Country Planning Act 1990 (as amended). Thus, the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (b) is also satisfied.
- 5.9 As required by the Planning and Compulsory Purchase Act 2005, Section 38B (1) (c), I am also satisfied that the WNDP does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

## EU OBLIGATIONS

### Strategic Environmental Assessment

- 5.10 As explained in section 1 of this examination report, a Sustainability Appraisal incorporating Strategic Environmental Assessment Report dated June 2018, explains that The Warnham Sustainability Framework Scoping Report was published by Warnham Parish Council in March 2016 and was then the subject of a six-week consultation with Horsham District Council, the Environment Agency, Natural England and Historic England. The Scoping Report was updated to include the feedback in August 2017 and the draft Sustainability Appraisal was prepared in January 2018. The final version of the Sustainability Appraisal incorporating Strategic Environmental Assessment Report, June 2018, was amended following representations received at Pre-Submission (Regulation 14) Consultation stage and considering amendments made subsequently to the Neighbourhood Plan, prior to Submission of the WNDP for pre – examination consultation (Regulation 16). The Sustainability Appraisal concluded that none of the policies are likely to have any significant adverse effects, giving confidence that the Neighbourhood Plan will contribute to delivering sustainable development if the WNDP is made following a successful referendum.

### Habitats Regulation Assessment Screening Report, June 2018

- 5.11 The Consultation Statement confirms that HRA Screening concluded that no likely significant effects in respect of the European sites within 20km of Horsham district will occur as a result of



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the implementation of the Warnham Neighbourhood Plan. Consequently, in preparing the WNDP a full HRA was not necessary.

### Compatibility with human rights requirements

- 5.12 It is apparent that the WNDP has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups. The Basic conditions Statement confirms that the Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights.
- 5.13 The WNDP does not infringe human rights as set out in the European Convention on Human Rights or the Human Rights Act 1998, having regard to the draft policies and recommended amendments as a consequence of this examination and I am of the opinion that there are unlikely to be any prejudicial effects on Human Rights and the related Equality Act 2010 if the Plan were to be made in accordance with my recommendations in this examination report.

## Conclusions and Recommendations

- 6.0 I conclude that the WNDP policies, subject to my recommended alterations as set out in this examination report, will contribute to the attainment of sustainable development within the Designated Area comprising the Parish of Warnham’s administrative area. I also conclude that, subject to the recommendations in this report being accepted, the Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.
- 6.1 I am satisfied that subject to the recommended policy revisions being accepted, that the draft WNDP has given adequate regard to the policies in the National Planning Policy Framework (NPPF 2012) and other relevant national planning guidance and would be in conformity with the strategic policies of the Horsham District Council’s Planning Framework, adopted on 27 November 2015 and sets out the planning strategy up to 2031 to deliver the social, economic and environmental needs for the district (outside the South Downs National Park).

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6.2 If the changes to the WNDP policies recommended in this examination report are accepted, I believe that the Plan will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the designated area and meet the neighbourhood planning, “basic conditions” in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plans for the local area;
- being compatible with human rights requirements; and
- being compatible with European Union obligations.

6.3 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this examination report are made to the submission draft WNDP and that the Plan as modified is submitted to a referendum.

### Referendum Area

6.4 It is the independent examiner’s role to consider the referendum area appropriate if the Qualifying Body wishes to proceed to the referendum stage. If Warnham Parish Council wishes to proceed to a referendum with this Plan, I consider that the referendum area should extend to those persons entitled to vote who are resident in the Designated Plan Area.

**Jeremy Edge BSc FRICS MRTPI**  
**9<sup>th</sup> March 2019**

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## Appendix 1

### Background Documents

In examining the WNDP I have had regard to the following documents:

1. Town and Country Planning Act 1990 (as amended)
2. The Planning and Compulsory Purchase Act 2004 (as amended)
3. Planning (Listed Buildings and Conservation Areas) Act 1990
4. The Community Infrastructure Levy Regulations 2010
5. Localism Act 2011
6. Self-build and Custom Housebuilding Act 2015
7. Housing and Planning Act 2016
8. Neighbourhood Planning (General) Regulations 2012
9. National Planning Policy Framework 2012
10. Planning practice guidance - GOV.UK  
<https://www.gov.uk/government/collections/planning-practice-guidance>
11. National Planning Policy Framework, Ministry of Housing, Communities and Local Government, published 24th July 2018. NPPF (2018)
12. Regulation 16 consultation responses
13. Hedgerows Regulations 1997 (SI 1997 No. 1160).

### **Warnham Parish Council's Evidence Base Documents:**

14. Warnham Parish Council Housing Needs Assessment, AECOM, November 2017;
15. Warnham Neighbourhood Plan Steering Group's Response to the Housing Needs Assessment, 2018,
16. Warnham Neighbourhood Development Plan Site Assessment Report, Warnham PC, January 2018,
17. Warnham Neighbourhood Development Plan Site Assessment Matrix Rev 17, 22<sup>nd</sup> January 2018;
18. Warnham Neighbourhood Development Plan - Sustainability Appraisal Incorporating Strategic Environmental Assessment, Warnham Parish Council, June 2018;
19. Warnham Neighbourhood Plan Habitats Regulations Assessment Screening Report June 2018;
20. Horsham District Planning Framework, 2015
21. West Sussex Cycle and Walking Strategy, West Sussex County Council, 2016-2016
22. Housing densities
23. Community Infrastructure Levy Charging Schedule, Horsham District Council, 2017

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24. Housing Need in Horsham District, Horsham District Council, 2015
  25. Horsham District Landscape Character Assessment, 2003
  26. Northern West Sussex Strategic Housing Market Assessment, 2009
  27. Northern West Sussex – Horsham Strategic Housing Market Assessment Update, 2012
  28. The Horsham District Sport, Open Space and Recreation Assessment, 2014
  29. Horsham District Landscape Capacity Assessment, 2014
  30. Strategic Housing Market Assessment Update 2014
  31. Housing Needs Survey for Warnham parish, Action in Rural Sussex, 2015
  32. Housing Needs Assessment, AECOM, 2017
  33. Site Assessment Report, 2017
  34. Crawley and Horsham Market Housing Mix Report, 2016
  35. Warnham Parish Design Statement, 2008
  36. West Sussex County Council Guidance for Car Parking in New Residential Developments, 2010
  37. Strategic Housing and Economic Land Availability Assessment (SHELAA)
  38. The Warnham Parish Plan, 2007
  39. The Chief Planning Officer's letter of 15<sup>th</sup> January 2019 to Chief Planning Officers relating to Habitats Regulations Assessments and the making of Neighbourhood Plans.

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## Appendix 2

### Recommended Revised Policies (Tracked changes)

#### Policy W1: Built-Up Area Boundary

1. New development in Warnham parish shall be focused within the Built-up Area Boundary of Warnham village identified on the Policies Map.
  - a) Development proposals outside the Built-Up Area Boundary will not be permitted unless they conform to the policies of the Horsham District Planning Framework;
2. Development in visually-intrusive locations will not be supported unless mitigated with **appropriate** landscape screening.

#### Policy W2: Scale of Housing Provision

1. Over the plan period to 2031, **a minimum of 50** new residential dwellings will be provided within Warnham parish.

#### Policy W3: Housing mix – meeting local needs

1. **The housing mix for** development **proposals** must contribute to meeting **identified housing** needs of Warnham parish.
2. Developments should seek to provide a mix of dwelling sizes based on the following distributions:
  - i. 1-bed dwellings: 15% to 20%
  - ii. 2-bed dwellings: 40% to 45%
  - iii. 3-bed dwellings: 35% to 40%
  - iv. 4+-bed dwellings: 5 to 10%
3. An alternative dwelling mix will only be permitted where new evidence is brought forward with an application which clearly demonstrates the need for a different mix.
4. A fundamental element of such provision is the provision of affordable housing to address local needs.

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#### **Policy W4: Dwellings appropriate for the needs of older people**

In order to provide for the needs of older people in Warnham, developments that provide 25% of dwellings to Lifetime Homes standards will be strongly supported provided the proposal is compliant with other policies in the WNDP.

#### **Policy W5: Design of residential development**

**1. Proposals for residential development will be supported where:**

- a) The scale and character of the proposals respect the landscape and its features, valued views into and out of the settlement, the local streetscape and heritage assets;
- b) There will be no unacceptable loss of amenity for neighbouring uses through the loss of privacy, loss of light or visual intrusion;**
- c) they demonstrate high quality design that is in keeping with the scale and existing character of buildings and layout in the area; and**
- d) they protect and preserve priority habitats;**

**2. Proposals for residential development, including redevelopments, will be supported subject to the following criteria being met, where appropriate:**

- a) they provide adequate off-road parking for residents, visitors and service vehicles, in accordance with Policy W10 (Parking standards for new residential development);
- b) they provide high quality boundary treatment including the retention and enhancement, of established hedgerows;
  
- c) they respect and protect the buildings and environment of the Conservation Area, listed buildings and the other heritage assets of the parish;
- d) they provide good pedestrian and cycle connections to the main services, bus stops and the train station;
- e) they provide adequate storage for waste recycling containers;
- f) they provide storage for cycles;
- g) the maximum height does not exceed two storeys plus pitched roof unless clear justification can be made as to why such heights are required and how they address the objectives of the Warnham Neighbourhood Development Plan;
- h) they contain a proportion of single storey dwellings; **and**
- i) traffic generation and parking does not adversely affect vehicular and pedestrian safety,

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## Policy W6: North of Freeman Road

1. Development will be supported on approximately 3.55 hectares of Land to the North of Freeman Road subject to all of the following criteria being met:

- a) the provision of a minimum of 50 dwellings;
- b) the provision of affordable housing which meets the requirements of Horsham District Planning Framework Policy 16, with the expectation that all affordable housing provision shall be made on-site;
- c) the provision of a range of house types in accordance with Policies W3, W4 and W5 of this plan;
- d) the provision of accessible public green space within the site commensurate with the scale of development;
- e) the provision of space within the road system or by means of a car park to permit occasional parking of up to ten vehicles in proximity to the football pitch;
- f) the provision of appropriate access into the site for vehicles, and segregated access to the site by cyclists and pedestrians from Threestile Road and Church Street;
- g) the retention and enhancement of trees and hedgerows on the western boundary of the site (except where required to provide access to the site);
- h) the provision by landscaping of a buffer on the southern edge of the site adjacent to the housing in Freeman Road to minimise visual intrusion to existing properties;
- i) the provision of a buffer zone to the north of the football pitch to accommodate visitors and spectators to football matches;
- j) the retention and enhancement of the established hedge along the northern boundary of the site;
- k) provision for a footpath link to the existing footpath network: paths 1428 and 1429 and 1430, adjacent to the established hedgerows, and Tilletts Lane;
- l) the provision of a footpath link from the south-west corner of the site to Tilletts Lane; and
- m) the development shall respect the amenity of neighbouring properties, conserve heritage assets in the Conservation Area and the setting of relevant listed buildings. .

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Proposals for new and improved utilities infrastructure will be encouraged and supported in order to meet the identified needs of the community.

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### Policy W7: Protection of existing commercial premises or land

1. There will be a presumption against the loss of commercial premises or land which provides employment. Applications for a change of use of existing commercial premises to an activity that does not provide employment opportunities will be resisted unless it can be demonstrated that **the commercial premises or land;**
  - a) **has not been in active use for at least 12 months; and**
  - b) **has no potential for either reoccupation or redevelopment for employment generating uses as demonstrated through the results of:**
    - i) **a marketing campaign lasting for a continuous period of at least six months and a supplemental report evidencing the marketing undertaken and the market response; and**
    - ii) **a detailed valuation report assessing the viability of the land and buildings for employment use.**
2. **Development proposals which will provide employment in the parish will be encouraged subject to such** uses and premises being compatible with the rural nature of the parish, neighbouring land uses, and the capacity of supporting infrastructure.

### Policy W8: Public car parking

1. Proposals to provide car parking to serve users of Warnham Station, as shown on the Policies Map [1] with vehicular access provided from Station Road and landscape mitigation measures as appropriate will be strongly supported.
2. **Proposals including appropriate bicycle parking facilities in conjunction with proposals for public car parking to promote sustainable transport development will be supported.,.**

### Policy W9: Parking standards for new residential development

1. For all new residential developments, including redevelopments, the minimum number of car parking spaces to be provided will be in accordance with the West Sussex Residential Parking Demand Calculator, unless it can be satisfactorily demonstrated that an alternative provision would be appropriate on a specific site. Parking spaces can take



**the form of spaces or garaging/car port facilities but must be permanently available for parking use.**

- 2. Additionally, appropriate levels of parking shall be provided for visitors and service vehicles.**
- 3. Appropriate provision shall be made for the parking of cycles in developments and at car parks.**

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## Appendix 3

### Recommended Revised Policies (Clean)

#### **Policy W1: Built-Up Area Boundary**

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**2. Proposals for residential development, including redevelopments, will be supported subject to the following criteria being met, where appropriate:**

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