



Neighbourhood Planning Officer
Horsham District Council
Parkside
Chart Way
North Street
Horsham
RH12 1RL

Sent via email: neighbourhood.planning@horsham.gov.uk

Date 18 May 2020
Your ref
Our ref 0547

Dear

BRAMBER PARISH COUNCIL – RESPONSE TO REGULATION 16 CONSULTATION

Introduction

DMH Stallard act on behalf of the land owner of approximately 7.9 hectares of land lying on the edge of Steyning. The site lies within the Bramber Parish Council (BPC) area, and is known as Clay's Field. DMH Stallard on behalf of the owner has been in dialogue with the Neighbourhood Plan Steering Group throughout the process leading to the submission of the Regulation 16 Submission Draft Neighbourhood Plan. The landowner has sought to work with the Parish Council in order to bring about necessary sustainable development of the site providing for some of the local housing need whilst ensuring the retention of approximately 80% of the area as publicly accessible open space in perpetuity. Unfortunately, the Regulation 16 document seeks to designate the site as Local Green Space and makes no housing allocations whatsoever.

In preparing this Consultation Response we have sought expert advice on the following matters:

1. Heritage - from 'The Heritage Collective'.
2. Wildlife/ecology - from ecologist consultancy Phlorum.
3. Visual impact/natural beauty from – Harper Landscape Architecture.
4. Legal from – Sasha White QC of Landmark Chambers.

Griffin House 135 High Street Crawley West Sussex RH10 1DQ DX DX 57102 Crawley
Main line 01293 605000 Direct line 01293 605160 Fax 01293 663520 Email Peter.Rainier@dmhstallard.com

Offices in London, Gatwick, Guildford, Brighton and Horsham. Website www.dmhstallard.com

DMH Stallard LLP is a limited liability partnership registered in England (registered number OC338287). Its registered office is Griffin House, 135 High Street, Crawley, West Sussex, RH10 1DQ and it is authorised and regulated by the Solicitors Regulation Authority. The term partner is used to refer to a member of DMH Stallard LLP. A list of members may be inspected at the registered office. The firm is part of Law Europe and is represented around the world through its international network.



Reports and opinions from those listed above are appended to this Response.

Nothing will be gained by repeating the comments made on behalf of the owner of Clay's Field in response to the Regulation 14 Consultation in this submission. Rather we direct the reader to those representations which are enclosed again here for ease of reference and which should be considered to be fully repeated for the purposes of the consultation.

Crucially, the background papers to the production of the NP emphasise the lack of/ need for, additional recreational open space and the need for circa 62 dwellings.

The proposed development of a small portion (20%) of the Clay's Field site, would go a long way towards securing those aims. It could provide much needed housing and ensure the retention, public accessibility and environmental enhancement of the remaining (80%) part of the site. The designation of the site as LGS will fail to bring about either of those aims.

The NP sets out a 'Vision for Bramber to 2031' which states (inter alia);

"...Accessibility to and connectivity between facilities, amenities, green space and recreational areas, both within Bramber and with neighbouring settlements, will have been improved. This will include maintaining and expanding, where necessary, the existing network of footpaths, bridleways, and cycle routes, thus encouraging more people to find more sustainable ways to access local facilities rather than using their cars, helping to cut down on congestion and pollution.

There will have been a modest growth in housing numbers across the parish through the provision of new homes, designed to meet local needs including elderly downsizers and those starting out on the housing ladder, including families. This will help to provide a balance of dwelling types to serve the community over the long term, enabling those connected with Bramber to live here if they wish while also encouraging new residents. New homes will have been provided in areas that do not detract from the character and setting of the parish and will, where possible, encourage sustainable living..."

Without the allocation of the Clay's Field site the NP would fail to meet the housing needs of the locality and therefore, make no contribution to the achievement of sustainable development.

Conclusions

We have significant concerns in respect of the compliance of the draft BNP with the “basic conditions”, due to the LGS designation of the Site. In particular, we consider the proposed LGS designation to be significantly flawed because:

- (1) The LGS designation is inappropriate having regard to national policy;
- (2) The BNP – by not allocating any housing and instead designating the Site as LGS – is not contributing to the achievement of sustainable development;
- (3) In the light of Policies 4 and 15 of the HDPF, the BNP’s failure to allocate housing and the decision to designate the Site as LGS cause the BNP to not be in general conformity with the HDPF.

A much more detailed analysis is set out in the attached Legal Opinion by Sasha White QC. which I will not repeat here.

These representations and the supporting reports, in addition to the above conclude that, in relation to Para 100(b) of the NPPF the site does not meet the high bar of LGS designation, in relation to ‘particular local significance due to ; beauty, recreational value, tranquillity, richness of wildlife or historic significance.

Furthermore, as to size (NPPF Para 100 (c)) there was a previous indication from BPC (in a document prepared for the public exhibition on 24 November 2018) that “the whole field is probably too large for a LGS but, depending on the proposed development, the southern section meets all the necessary criteria”. We agree with the conclusion the site is ‘an extensive tract of land’ an, therefore fails to meet this LGS designation requirement.

For the reasons set out, we object to policies B1, B7 and B9 on the BNP.

Yours sincerely

DMH Stallard LLP

Peter Rainier
Principal Director of Planning
For and on behalf of DMH Stallard LLP