

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

28 January 2021
Ref: RM/Let/P1495i

Dear Sir / Madam,

RE: Regulation 16 Consultation on Cowfold Neighbourhood Development Plan

This representation has been prepared by ECE Planning on behalf of **Hunter Group Ltd** regarding the above consultation, in support of the promotion of three sites within Cowfold:

- 1) **CNP06 Eastlands Farm West** (HDC Site Ref: Land East of Eastlands Wood/ SA052) (38 Dwellings)
- 2) **CNP09 Eastlands Farm East** (HDC Site Ref: Land East of Eastlands Lane SA791) (8-10 dwellings)
- 3) **CNP07 Eastlands Lane** (HDC Site Ref: Land South West of Eastland Lane SA747) (8-10 dwellings)



Figure 1 Site Locations

Directors

Chris Barker MATP MRTPI Managing Director
Huw James MRTPI
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Representations have been made previously on the Parish Council's Regulation 14 consultation and first Regulation 16 consultation for the Cowfold Neighbourhood Plan.

The following representation, made in relation to the second Regulation 16 Consultation, broadly aligns with the comments made under the two previous consultations.

Within these previous representations, concern was expressed that the two housing allocations proposed within the CNDP at sites known as *Brook Hill* and *Potters* would fail to deliver the necessary housing required for the Parish and District and that this approach to housing delivery was short-sighted.

This short-sighted approach comes into more focus, in particular light of the emerging evidence base in respect of the review of the HDPF. This evidence, based on Government guidance on housing delivery, is considering a substantially higher amount of housing across the district, as a whole, than currently set out within the existing HDPF and upon which the CNDP has been based.

We have separately made written representations to HDC in respect of the Regulation 18 consultation on the HDPF Review.

In our previous Regulation 14 comments, we noted that the CNDP may become out of date soon after being 'made' thereby undermining the work which has been prepared to date and failing to provide the necessary certainty that the local community require in order to make informed decisions. However, in light of the evolving HDPF Review, and the significant increase to housing provision, it is considered that the CNDP will be 'out of date' prior to being made as it fails to take into account the strategic objectives of the district, as present and through the emerging policy position.

This representation provides comment on whether the Submission CNDP satisfies the 'basic conditions' as required by Paragraph 8(2) of Schedule 4B of the Town & Country Planning Act 1990 (as amended). This legal frameworks states that:

"The examiner must consider the following—

- a) whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph (2)),*
- b) whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,*
- c) whether any period specified under section 61L(2)(b) or (5) is appropriate,*
- d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and*
- e) such other matters as may be prescribed".*

These basic conditions are considered to have been met if:

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- a) *having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*
- b) *having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*
- c) *having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,*
- d) *the making of the order contributes to the achievement of sustainable development,*
- e) *the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*
- f) *the making of the order does not breach, and is otherwise compatible with, EU obligations, and*
- g) *prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*

The Sites

CNP06 Eastlands Farm West (38 dwellings)

Whilst this site is located outside the existing built-up area boundary of Cowfold, the site does connect to the built-up area boundary in the north western corner. Additionally, the site forms a link connecting two existing small clusters of residential development to the east of Eastlands Lane with Holm Oak to the west. The site is bounded by existing residential dwellings to the south-east, north-east and north-west. Directly to the west of the site lies Eastlands Wood, a wooded area of land and to the east is an open area of land.

This site together with existing development along Eastlands Lane would create a logical and defensible edge to the settlement of Cowfold. This aligns fully with a key aim of the CNDP as set out on in the Forward to the Plan written by the Chair of Cowfold Neighbourhood Plan Working Group.

CNP07 Eastlands Lane (8-10 dwellings)

In respect of CNP07, it is our opinion that as a result of the proximity of the site to the existing settlement, with existing residential development surrounding to the north and west, the site represents a 'missing tooth' and an ideal opportunity for incremental and organic development and which would not adversely impact the setting and character of Cowfold within the wider landscape.

Furthermore, the site together with existing development along Eastlands Lane would create a logical and defensible edge to the settlement of Cowfold. This aligns fully with a key aim of the CNDP as set out on in the Forward to the Plan written by the Chair of Cowfold Neighbourhood Plan Working Group. Additionally, this site was ranked as third preferential site for future residential development by the local community.

CNP09 Eastlands Farm East (8-10 dwellings)

Similar to CNP06, whilst this site is located outside the existing built-up area boundary of Cowfold, the site does form a link connecting two existing small clusters of residential development to the east of the settlement. The site is bounded by existing residential dwellings to the south and north. The site represents an ideal opportunity for incremental and organic development, and which would not adversely impact the setting and character of Cowfold within the wider landscape. Furthermore, the site together with existing development along Eastlands Lane would create a logical and defensible edge to the settlement of Cowfold.

Policy Overview

Horsham District Planning Framework (HDPF)

The HDPF was adopted in 2015 and sets out the Council's spatial framework for delivering development and the Council's vision for development up to 2031. The Inspector was clear in their final statement on the HDPF that the housing policies would need to be subject to early review - within 3 years (2018) - to review the housing requirement to identify the areas for new housing development needed towards the end of the Plan period to meet the increased housing requirement.

The fact that Horsham District Council has not reviewed their housing delivery rate within the necessary three year period, and based on their current LDS trajectory, it is unlikely to have an adopted up to date position before Autumn 2022, their strategic housing policies therefore for the supply of housing must be considered out of date.

The following polices/paragraphs are most relevant to this representation:

Policy 3: Development Hierarchy

This policy identifies Cowfold as a 'medium village' which is characterised by moderate level of services and facilities and community networks, together with some access to public transport. These settlements provide some day to day needs for residents, but rely on small market towns and larger settlements to meet a number of their requirements.

Policy 4: Settlement Expansion

This policy is particularly relevant as it supports the expansion of settlements in order to meet identified local housing, employment and community needs.

Outside built-up area boundaries, this policy supports the expansion of settlements where a number of criteria are satisfied, including:

- The site is allocated in a Neighbourhood Plan and adjoins an existing settlement edge.
- The level of expansion is appropriate to the scale and function of the settlement type.
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development, in order not to conflict with the development strategy; and
- The development is contained within an existing defensible boundary and the landscape and townscape character features are maintained and enhanced.

Paragraph 4.9 enhances this policy by advising that *“In addition to built-up areas, it is recognised that in order for some communities to continue to be able to grow and develop it will be necessary for them to be able to expand beyond their current built form. By allocating sites in the Local Plan or in Neighbourhood Plans, it will be possible to meet the identified local needs of these settlements and provide an appropriate level of market and affordable housing [...] This policy will also ensure that the settlement function and pattern of the district is retained, retaining the rural character of the district beyond these settlements”*.

Housing Need

The Parish considered 10 potential sites for future housing allocations within the village. All 10 sites, including the three along Eastlands Lane, were put to the local community as part of a public consultation event. The Parish Council's preferred sites were displayed at Public Exhibition on 1 March 2019, with the view to take forward these as part of the draft CNDP.

The preferred sites within the Parish are set out below in order of preference:

- SA610 – Potters (35 dwellings)
- SA076 – Brook Hill (35 Dwellings)
- SA747 – Eastlands Lane (8 - 10 dwellings) (promoted as part of these representations)
- SA609 – Thorndean West (30 dwellings)

The community were clear that preference for new development should in the first instance be located at these sites and should not include SA366 located to the east of the recreational ground, prominent from the approach into Cowfold from the east.

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This aforementioned site has been presented as a probable location for new homes within the HDPF Regulation 18 consultation. This is entirely at odds to the local preferences expressed by the community. Were this site (and others) to be taken forward at District level, against the local community view, then this would undermine entirely the purpose of the CNDP and the evidence that has been prepared to date.

We feel that there is a genuine opportunity to consider the requirements of the village as part of both the emerging Neighbourhood Plan and HDPF Review, to take account of the local community preference as well as considering the wider sustainable development and landscape impacts presented by proposed site allocations.

Furthermore, Cowfold as a Medium Village, in terms of settlement hierarchy, should in light of the government's recommendation to increase the housing requirement for the district, take a greater increase to housing delivery as an organic growth to the settlement edge in place of large strategic allocations within unsustainable locations within the countryside and to the detriment of community cohesion, such as that proposed at Buck Barn (HDPF Regulation 18 site ref: SA716 for 3,500 new homes).

The amount of new homes proposed for the Parish within the draft CNDP, based on the supporting Housing Needs Assessment, is 70 new homes across two new sites (*Potters and Brook Hill*).

As set out within our previous Regulation 14 and 16 Representations, it should be noted that this housing 'need' is based on many of the 'commitments' having in fact already been completed, thereby meeting an extant housing need rather than a future housing need to 2031.

In this regard, it is asserted that the proposed housing allocations are clearly not seeking to meet an appropriate and proportionate future housing need for the Parish. This, in combination with the increased housing requirement for the district, to be confirmed through the emerging HDPF Review, therefore puts into question the accordance of the CNDP with the strategic objectives for the district and therefore the CNDP would be out of date prior to being made.

Additionally, and as previously advised within Regulation 14 and 16 comments, there appears to be a number of discrepancies within the Housing Needs Assessment which have not been remedied during the evaluation of Regulation 14 comments. These discrepancies relate to the 'commitment and completion' data which draw into question the validity of this evidence base.

Appendix 1 of the Housing Needs Assessment lists the 'commitments' and 'completions'. In total 34 commitments are listed with 3 completions. This does not tally with the 56 stated within the document or the 'total' at table 1 of Appendix 1.

The table below reproduces the '*commitments*' at Appendix 1 of the Housing Needs Assessment and includes commentary against each planning permission. This clearly illustrates that a number of 'commitments' have in fact been *implemented, double counted or expired*.

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Reference	Address	Net Additional dwellings	ECE Commentary
DC/15/0957	Church Farm Henfield Road	1	Implemented - conditioned to agricultural worker
DC/15/0909	North Farm Long House Lane	1	Expired 22/09/2019 No evidence to support the permission has been implemented
DC/15/0081	The Coach House Horsham Road	8	Implemented
DC/14/2162	Furzefield House Horsham Road	1	Implemented
DC/14/1746	Viscount House The Street	3	Implemented
DC/14/1478	Land East of 14 and 15 Alley Groves	20	Implemented
DC/12/0913	New Barn Farm Bolney Road	0	The relates to removal of agricultural occupancy condition This is also included as completion
DC/12/0139	Mockford Cottages Henfield Road	0	Loss of one dwelling
DC/15/0793	Coopers Christmas Tree Nursery Picts Lane	Prior Approval Required and PERMITTED - 1 dwelling	This is also included as completion
DC/15/0142	Palmerston House The Street	Prior Approval GRANTED- 2 dwellings	Expired 18/03/2018 No evidence to support the permission has been implemented

Figure 2 Housing Completions

The emerging evidence base indicates a clear and significant increase in the housing requirement for the district, of which Cowfold should seek to accommodate a reasonable and proportionate level commensurate with the likely growth of the village.

Having regard to the anticipated growth together with the apparent discrepancies within the Housing Needs Assessment, it is asserted that a reasonable and proportionate level of growth for Cowfold, and as expressed in previous representations, should be in the region of 225 new homes, based on average occupancy rates, over the plan period which equates to 15 dwellings per annum 2016-2031.

Therefore, the CNDP which seeks to deliver a bare minimum of housing within the Parish, based on a questionable and short-sighted evidence base, must equally be considered unsound in respect of compliance with the 'basic condition' requirements. In this regard, it is contended that the Cowfold Neighbourhood Development Plan is not compliant against paragraph 8(2)(e) of Schedule 4B to the Town and Country Planning Act 1990.

Conclusion

The Sites promoted are each on the edge of the Built Up Area Boundary of Cowfold, and it is considered that the delivery of a high quality residential development of market and affordable homes would assist with meeting the local housing need whilst not adversely affecting the landscape or settlement character.

The Cowfold Neighbourhood Development Plan must align with the strategic needs and priorities of the wider local area, as stated at paragraph 29 of the NPPF, and the overall objectives of the HDPF, and the emerging Review. It is asserted that the CNDP fails in this regard and will be out of date before being made.

The emerging HDPF Review is targeting a minimum of 1,200 new homes per annum, a significantly higher number of new homes compared to that against which the Submission CNDP has been based upon.

Therefore, we assert that the CNDP should include additional sites within sustainable locations for housing allocation, to reflect the significantly higher housing need identified in Cowfold. Any such sites should be based on the expressed community preference.

The three promoted sites should be considered favourably for future residential development opportunity in preference to those additional sites presented within the emerging HDPF Review, which scored lower in community preference and which would have greater impact on the countryside and settlement edge.

The Submission CNDP does not satisfy paragraph 8(2)(e) of Schedule 4B to the Town and Country Planning Act 1990 and therefore fails to meet the basic conditions tests.

Please note that we would like to attend the Neighbourhood Plan examination to put these points directly to the Independent Examiner.

If you have any further queries or require further information, please contact me on [REDACTED]

Yours sincerely
ECE Planning

[REDACTED]
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Managing Director