Ministry of Housing, Communities & Local Government

Our ref: APP/D3830/V/16/3149575
APP/D3830/V/16/3161086

Mr Adam Ross
Executive Director
Nexus Planning Ltd
Suite A
3 Weybridge Business Park
Addlestone Road, Weybridge
Surrey
KT15 2UP

1st March 2018

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATIONS MADE BY GLEESON DEVELOPMENTS LIMITED
LAND SOUTH OF HAZEL CLOSE, CRAWLEY DOWN, WEST SUSSEX
APPLICATION REFS: DM/15/4094 and DM/16/2330

1. I am directed by the Secretary of State to say that consideration has been given to the report of David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI, who held a public local inquiry which opened on 31 January 2017 into your client's appeal against the decision of Mid Sussex District Council to refuse your client's applications for planning permission[1] for :

   Application B[2]: outline consent for up to 60 dwellings, of which up to 30% will be affordable, with only the principle means of access to be determined at this stage, along with associated landscaping, open space and car parking, in accordance with application ref: DM/15/4094, dated 9 October 2015; and

   Application C: outline consent for up to 30 dwellings, of which up to 30% will be affordable, with only the principle means of access to be determined at this stage, along with associated landscaping, open space and car parking, in accordance with application DM/16/2330, dated 27 May 2016.

2. In pursuance of Section 77 of the Town and Country Planning Act 1990, the Secretary of State directed on 27 April 2016 that Application B be referred to him instead of being dealt with by the local planning authority; and he similarly directed on 12 October 2016 that Application C be referred to him.

[1] Applications B and C relate to the same site. However, the Inspector also considered 2 schemes submitted by Wates Developments Limited (Application A: (APP/D3830/V/16/3149579) and an appeal (APP/D3830/W/16/3145499) at the same inquiry. These are in respect of a site at land west of Turners Hill Road, Crawley Down., and so are subject to a separate Decision Letter.

Ministry of Housing, Communities & Local Government
Jean Nowak, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

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Inspector's recommendation and summary of the decision

3. The Inspector recommended that both Application B and Application C be approved and planning permission granted subject to conditions.

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation He has decided to grant planning permission for both schemes. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

5. On 17 May 2017 the Secretary of State wrote to the main parties to afford them the opportunity to comment on the implications, if any, of:

   i: the Supreme Court judgment on the cases of Cheshire East BC v SSCLG and Suffolk DC v SSCLG, which was handed down on Wednesday 10 May 2017.

   ii: the High Court Judgment in the case of Wealden District Council v 1) Secretary of State for Communities and Local Government, 2) Lewes District Council and 3) South Downs National Park Authority and Natural England [2017] EWHC 351 (Admin).

   iii: recent information published by Wealden District Council in March 2017 about atmospheric pollution across the Ashdown Forest Special Area of Conservation.

6. On the 24 October 2017, the Secretary of State wrote to the main parties to afford them an opportunity to make representations on the implications, if any, of:

   i: the document titled 'Consideration of Options to Strengthen the Five Year Housing Supply' for the public consultation on the Main Modifications of the emerging Mid Sussex District Plan.

   ii: the Secretary of State's letter of 24 October 2017 to Natural England seeking their formal advice on the need for the Secretary of State to undertake an appropriate assessment.

7. On the 17 November 2017, the Secretary of State wrote to the main parties to afford them the opportunity to comment on the implications, if any, of the letter from Natural England (dated 17 November 2017) and further information received from parties.

8. A list of post-inquiry representations and representations received in response to these letters is set out at Annex A. Copies of these letters may be obtained on written request to the address at the foot at the first page of this letter.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

10. In this case the development plan consists of the saved policies of the Mid Sussex District Local Plan 2004 (MSLP) and the Crawley Downs Neighbourhood Plan (CDNP) made in

2016. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR26-33.

11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'.

Emerging plan

12. The submission version of the Mid Sussex District Local Plan 2014-2031 (MSDP) contains policies which are potentially relevant to the appeal, including policies relating to housing, the countryside, the Ashdown Forest Special Protection Area (SPA)/Special Area of Conservation (SAC), infrastructure and transport. It was submitted to the Secretary of State in August 2016, has been through Examination, and consultation on the Main Modifications document ended in November 2017. However, the Local Plan Inspector's key conclusion was that the minimum housing requirement for the Plan period should be uplifted from 800dpa to 1,026dpa. He therefore convened a further hearing on 5 February 2018 to consider the issues relating to a new site allocation on land north of Clayton Mills, Hassocks, intended to contribute to meeting the minimum housing requirement. Thus, having regard to all three of the parameters set out in paragraph 216 of the Framework[3], the Secretary of State concludes that great uncertainty remains so that the emerging DP should be given limited weight.

Main issues

Development Plan policies for the supply of housing

13. For the reasons given at IR294-298 and IR307, the Secretary of State agrees with the Inspector's conclusion that only limited weight can be given to MSLP Polices C1 and C2. He also agrees that, for the reasons given at IR299-301, the Council is at the current time unable to demonstrate a 5 year housing land supply, so that paragraph 49 of the Framework comes into play and the relevant policies for the supply of housing should not be considered up-to-date. Furthermore, the Secretary of State agrees with the Inspector's reasoning at IR301-305 and IR308 that CDNP policy CDNP05 should be given only moderate weight and CDNP08 given somewhat more than moderate weight.

Effect on the character and appearance of the area

14. Having carefully considered the Inspector's assessment of the effect of either of the two schemes on the character and appearance of the area at IR324-333, the Secretary of State agrees with his conclusions at IR332 and 333 that there would be no unacceptable conflict with the relevant development plan policies.

The effect on areas of ancient woodland

15. For the reasons given at IR334-340, the Secretary of State agrees with the Inspector's conclusion at IR341 that neither of the schemes would have any harmful impacts on the various areas of ancient woodland, so that there would be no conflict with development plan policies and the Framework guidance in that respect.

[3] that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework,

16. Following his receipt of the IR, the Secretary of State sought advice from Natural England (NE) to verify the Inspector's conclusion. They responded that they considered that the increased Annual Average Daily Traffic (AADT) expected from this proposal is significantly below the threshold for potential significance and is considered nugatory and indistinguishable from background variations. They therefore advised that the appeal scheme can be screened out as having no likely significant effect on the Ashdown Forest SAC and SPA, either alone or in combination with other plans or projects, and a full Appropriate Assessment is not required.

Potential coalescence with nearby settlements

17. For the reasons given at IR342-347, the Secretary of State agrees with the Inspector's conclusion at IR349 that neither of the schemes under consideration would result in any real or perceived coalescence of Crawley Down with any neighbouring settlement.

Housing mix

18. For the reasons given at IR350-360, the Secretary of State agrees with the Inspector's conclusion at IR361 that neither of the schemes under consideration would result in any real or perceived coalescence of Crawley Down with any neighbouring settlement.

Safety and convenience of users of adjacent highway network

19. Having carefully considered the Inspector's discussion on highways issues at IR365-373, the Secretary of State agrees with is conclusion at IR374 that, subject to the imposition of his proposed conditions and the provisions of the S106 Agreements, neither of the two schemes under consideration should have any unacceptable impacts on the safety or convenience of the user of the adjacent highway network and thus no material conflict with MSLP Policy T4 or CDNP Policy CDNP10.

Planning conditions

20. The Secretary of State has given consideration to the Inspector's analysis at IR282-285, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

21. Having had regard to the Inspector's analysis at IR287 andIR375-385, the signed planning obligations for each scheme dated 7 February 2017, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given at IR386 that the obligations comply with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework.

Planning balance and overall conclusion

22. For the reasons given above, the Secretary of State considers that neither application scheme is in accordance with MSLP Policies C1 and C2, nor fully in accordance with CDNP policies CDNP05 and CDNP08, and so is not in accordance with the development plan overall. However, he considers that MSLP Policies C1 and C2 are inconsistent with

the Framework and out of date and therefore carry limited weight; and that CDNP05 carries limited weight. The Secretary of State has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

23. In the absence of a 5-year supply of housing land, paragraph 14 of the Framework indicates that planning permission should be granted unless (a) any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against policies in the Framework as a whole; or (b) specific policies in the Framework indicate development should be restricted.

24. The Secretary of State considers that the housing benefits of the proposal carry substantial weight, and the economic, social and environmental benefits each carry moderate weight, including the fact that the proposals would not have any significantly harmful effects on biodiversity in the area.

25. Overall, therefore, the Secretary of State therefore concludes that material considerations indicate that, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be determined otherwise than in accordance with the development plan.

Formal decision

26. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations. He hereby grants planning permission subject to the conditions set out in Annex B of this decision letter for:

    Application B: outline consent for up to 60 dwellings, with only the principle means of access to be determined at this stage, of which up to 30% will be affordable, with associated landscaping, open space and car parking, in accordance with application ref: DM/15/4094, dated 9 October 2015; and

    Application C: outline consent for up to 30 dwellings, with only the principle means of access to be determined at this stage, of which up to 30% will be affordable, with associated landscaping, open space and car parking, in accordance with application DM/16/2330, dated 27 May 2016.

27. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

28. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

29. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

30. A copy of this letter has been sent to Mid Sussex District Council and Worth Parish Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex A - Schedule of representations – Land South of Hazel Close, Crawley Down, West Sussex

Representations received in response to Secretary of State's reference back letter of 17 May 2017

Party	Date
Mr Steven King, Mid Sussex District Council	23 May 2017
Marian Ashdown, Natural England	26 May 2017
Judith Ashton, Judith Ashton Associates	23 June 2017
Jennifer Nagy, Clerk to the Council, Worth Parish Council	23 June 2017
Jennifer Nagy, Clerk to the Council, Worth Parish Council	11 July 2017

Representations received by the Secretary of State following the close of the reference back exercise of 17 May 2017

Judith Ashton, Judith Ashton Associates	3 August 2017

Representations received in response to Secretary of State's reference back letter of 24 October 2017

Party	Date
Marian Ashdown, Natural England	14 November 2017
Sally Bloomfield, Mid Sussex District Council	13 November 2017
Judith Ashton, Judith Ashton Associates	13 November 2017
Jennifer Nagy, Clerk to the Council, Worth Parish Council	14 November 2017
Oliver Bell, Nexus Planning	14 November 2017

Representations received in response to Secretary of State's reference back letter of 17 November 2017

Party	Date
Marian Ashdown, Natural England	29 November 2017
Sally Bloomfield, Mid Sussex District Council	12 December 2017
Richard Barnby, East Grinstead Post Referendum Campaign	12 December 2017
Jennifer Nagy, Clerk to the Council, Worth Parish Council	12 December 2017
Judith Ashton, Judith Ashton Associates	12 December 2017
Oliver Bell, Nexus Planning	21 December 2017
Marian Ashdown, Natural England	12 January 2018

Further representations received by the Secretary of State

Kelvin Williams, Wealden District Council	26 January 2018
Jennifer Nagy, Clerk to the Council, Worth Parish Council	26 February 2018

Annex B – List of conditions Land South of Hazel Close, Crawley Down, West Sussex

Gleeson 60 (Application B) and Gleeson 30 (Application C) conditions applicable to both schemes

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority for any phase of development, prior to the commencement of development.

   Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

   The development hereby permitted must be begun before the expiration of 2 years from the date of approval of the last of the reserved matters.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   Gleeson 30 (Application C) Plan No 331.016.005 Rev A - Location plan;

   a) Plan No 331.016.004 Rev A - Parameters layout plan;
   b) Plan No 2015/2504/001 Rev F - Proposed access arrangement plan.

   Gleeson 60 (Application B)

   a) Plan No 303.015.004 - Location plan;
   b) Plan No 303.015.012 Rev B - Parameters layout plan;
   c) Plan No 2015/2504/001 Rev F - Proposed access arrangement plan.

3. The submission of details for approval under condition 1 shall be in general accordance with the following submitted documents and plans:

   Gleeson 30 (Application C) Design and Access Statement relating to the 30 dwelling scheme, produced by STA Associates Ltd, dated 27 May 2016;

   a) Plan No 331.016.001 Rev D - Illustrative masterplan layout;
   b) Plan No 331.016.002 – Illustrative street scenes.

   Gleeson 60 (Application B)

   a) Design and Access Statement relating to the 60 dwelling scheme, produced by STA Associates Ltd, dated 9 Oct 2015;
   b) Plan No 303.015.001 Rev J - Illustrative masterplan layout;
   c) Plan No 303.015.005 Rev A – Illustrative street scenes.

4. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter the approved CMP shall be implemented and adhered to throughout the entire construction period. The CMP shall provide details as appropriate but not necessarily be restricted to the following matters;

   a) the anticipated number, frequency and types of vehicles used during construction;
   b) the method of access and routing of vehicles during construction;
   c) the parking of vehicles by site operatives and visitors;
   d) the loading and unloading of plant, materials and waste;
   e) the storage of plant and materials used in construction of the development;

f) the erection and maintenance of security hoarding;
g) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
h) details of public engagement both prior to and during construction works, including contact details for members of the public;
i) a scheme to minimise dust emissions from the site;
j) proposed construction hours within the site.

5. No development shall commence until a wildlife/habitat protection and mitigation plan, setting out the practical measures to be taken to avoid impacts during site preparation and construction phases, has been submitted to, and approved in writing by, the local planning authority. These details may be incorporated into a Construction Environmental Management Plan (CEMP). The development shall then be carried out in accordance with the approved details.

6. No development shall take place until the following details have been submitted and approved in writing by the local planning authority.

a) a layout that achieves a buffer, with a minimum width of 15m, of enhanced/newly created wildlife habitat between any development, including gardens and formal opens space, and ancient semi-natural woodland boundaries;
b) full details of avoidance, mitigation and compensation measures in respect of protected species;
c) a lighting plan showing measures to be used to ensure dark flight routes for bats and to minimise light pollution of woodland and woodland buffers;
d) a wildlife habitat enhancement and management plan, including details for provision of funding, monitoring, updating and identification of the organisation or other body responsible for its delivery. The plan shall include proposals to compensate for increased isolation of woodland by improving hedgerows and hedgerow connectivity by new planting, gapping up and better management of existing stretches. It shall also include a monitoring programme and measures to tackle any dumping of rubbish or unauthorised encroachment into the adjacent ancient woodland and it shall include measures to limit deer access to Burleigh Wood through the site.

The submitted protected species avoidance, mitigation and compensation details shall be supported by an up-to-date badger survey and if, for any reason, there is a delay greater than 18 months between the date of this decision and the submission of the reserved matters application, the ecological details shall be supported by an up-to-date ecological impact assessment report.

The approved details shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

7. The development hereby permitted shall not proceed until details of the proposed foul water drainage and means of disposal have been submitted to and approved in writing by the local planning authority and no building shall be occupied until all approved drainage works have been carried out in accordance with such details.

8. The development hereby permitted shall not proceed until details of the proposed surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the local planning

authority. The details shall include a timetable for implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

9. No development shall take place until the applicant, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

10. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the local planning authority, details must comply with Advice Note 3, "Potential Bird Hazards from Amenity Landscaping & Building Design" (available from www.aoa.org.uk/policycampaigns/operations-safety/).

    These details shall include:

    a) Grassed areas;
    b) The species, number and spacing of trees and shrubs;
    c) Details of any water features;
    d) Drainage details including SuDS - Such schemes must comply with Advice Note 6 "Potential Bird Hazards from Sustainable urban Drainage Schemes (SuDS)". (available from www.aoa.org.uk/policy campaigns/operations- safety/)

    No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

11. No development shall take place until details of existing and proposed site levels have been submitted to and approved in writing by the local planning authority. Development shall not be implemented otherwise than in accordance with such details.

12. No development shall take place until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area has been submitted to and approved in writing by the local planning authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the local planning authority. In the event that the scheme approved by the local planning authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the local planning authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the local planning authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the local planning authority that the financial sum has been provided in accordance with the approved scheme.

13. Prior to the commencement of the development details showing the proposed locations of fire hydrants or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the local planning authority in consultation with West Sussex County Council's Fire and Rescue Services.

14. No burning of demolition or construction waste material shall take place on the site.

15. No part of the development shall be first occupied until the existing turning head, carriageways, and footways on Hazel Close have been altered in accordance with drawing number 2015/2504/001 Rev F.

16. No part of the development shall be first occupied until give-way markings and signage has been installed at the junction of Hazel Close and Hazel Way in accordance drawing number 2015/2504/001 Rev F.

17. No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving that part of the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved in writing by the local planning authority.

18. No dwelling shall be occupied until the car parking spaces serving the respective dwellings have been constructed in accordance with plans and details to be submitted to and approved in writing by the local planning authority. These spaces shall thereafter be kept available at all times for their designated use.

19. No part of the development shall be first occupied until covered and secure cycle parking spaces serving that part of the development have been provided in accordance with plans and details submitted to and approved in writing by the local planning authority.

20. Prior to the first occupation of any dwelling/unit forming part of the proposed development the fire hydrant/s shall be installed in the approved location to BS 750 standards or stored water supply, including arranging for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting.

    The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

21. No buildings shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The Travel Plan shall include arrangements for monitoring its implementation and effectiveness together with targets to reduce private car movements to and from the site. The implementation of such approved Travel Plan shall be within 3 months of the occupation of the development hereby permitted.

Gleeson 60 (Application B) condition applicable to this scheme only

22. No development shall commence until details of the Locally Equipped Area for Play (LEAP) have been submitted to and approved in writing by the local planning authority. The details shall include the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.

The Planning Inspectorate

Report to the Secretary of State for Communities and Local Government

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 3 April 2017

TOWN AND COUNTRY PLANNING ACT 1990

MID SUSSEX DISTRICT COUNCIL

APPEAL BY

WATES DEVELOPMENTS LTD

AND APPLICATIONS BY

WATES DEVELOPMENTS LTD & GLEESON DEVELOPMENTS LTD

Inquiry opened on 31 January 2017

Land west of Turners Hill Road, Crawley Down, West Sussex, RH10 4LZ, & land south of Hazel Close, Crawley Down, West Sussex, RH10 4BB

File Refs: APP/D3830/V/16/3149579; APP/D3830/W/16/3145499; APP/D3830/V/16/3149575 & APP/D3830/V/16/3161086

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Application A – "Wates 30" - File Ref: APP/D3830/V/16/3149579
Land west of Turners Hill Road, Crawley Down, West Sussex, RH10 4LZ

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 27 April 2016.
- The application is made by Wates Developments Ltd to Mid Sussex District Council.
- The application Ref DM/15/3979 is dated 5 October 2015.
- The development proposed is an outline application, with only access to be determined at this stage, for 30 dwellings, together with associated access road, car parking, landscaping and open space.
- The reason given for making the direction was in consideration of the Secretary of State's policy on calling in planning applications.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: (i) Its consistency with the development plan including the Neighbourhood Plan for the area; (ii) Policies in the National Planning Policy Framework on delivering a wide range of high quality homes, in particular those set out in paragraph 50 on delivering a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities; and (iii) Any other matters the Inspector considers relevant.

Summary of Recommendation: The application be approved, and planning permission granted, subject to conditions.

Appeal Proposal – "Wates 44" - File Ref: APP/D3830/W/16/3145499
Land west of Turners Hill Road, Crawley Down, West Sussex, RH10 4LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Wates Developments Ltd against the decision of Mid Sussex District Council.
- The application Ref DM/15/3614, dated 7 September 2015, was refused by notice dated 8 February 2016.
- The development proposed is an outline application, with only access to be determined at this stage, for 44 dwellings, together with associated access road, car parking, landscaping and open space.

Summary of Recommendation: The appeal be allowed, and planning permission granted, subject to conditions.

Application B – "Gleeson 60" - File Ref: APP/D3830/V/16/3149575
Land south of Hazel Close, Crawley Down, West Sussex, RH10 4BB

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 27 April 2016.
- The application is made by Gleeson Developments Ltd to Mid Sussex District Council.
- The application, Ref DM/15/4094, is dated 9 October 2015.
- The development proposed is an outline application, with only the principal means of access to be determined at this stage, for up to 60 dwellings, of which up to 30% will be affordable, with associated landscaping, open space and car parking.
- The reason given for making the direction was in consideration of the Secretary of State's policy on calling in planning applications.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: (i) Its consistency with the development plan including the Neighbourhood Plan for the area; (ii) Policies in the National Planning Policy Framework on delivering a wide range of high quality homes, in particular those set out in paragraph 50 on delivering a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities; and (iii) Any other matters the Inspector considers relevant.

Summary of Recommendation: The application be approved, and planning permission granted, subject to conditions.

Application C – "Gleeson 30" - File Ref: APP/D3830/V/16/3161086
Land south of Hazel Close, Crawley Down, West Sussex, RH10 4BB

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 12 October 2016.
- The application is made by Gleeson Developments Ltd to Mid Sussex District Council.
- The application, Ref DM/16/2330, is dated 27 May 2016.
- The development proposed is an outline application, with only the principal means of access to be determined at this stage, for up to 30 dwellings, of which up to 30% will be affordable, with associated landscaping, open space and car parking.
- The reason given for making the direction was in consideration of the Secretary of State's policy on calling in planning applications.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: (i) Its consistency with the development plan including the Neighbourhood Plan for the area; (ii) Policies in the National Planning Policy Framework on delivering a wide range of high quality homes, in particular those set out in paragraph 50 on delivering a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities; and (iii) Any other matters the Inspector considers relevant.
- The inquiry to consider Applications A, B and C and the Appeal Proposal sat for 7 days on 31 January to 3 February and 7 to 9 February 2017.

Summary of Recommendation: The application be approved, and planning permission granted, subject to conditions.

Procedural Matters

1. The inquiry considered a called-in application and a recovered appeal from Wates Developments Ltd ("Wates"); and 2 called-in applications from Gleeson Developments Ltd ("Gleeson"). For ease, I have referred to Wates and Gleeson as "applicants" throughout this report; have called all sites "application sites"; and have called all proposals "applications".

2. Both Wates' proposals are outline applications, with only the means of access to be determined at this stage, one being for 30 dwellings and the other for 44 dwellings. Both proposals relate to the same site, to the west of Turners Hill Road, Crawley Down, and both were considered by the District Planning Committee of Mid Sussex District Council ("the Council") in February 2016. The Council resolved to grant planning permission for the scheme for 30 dwellings ("Wates 30"), subject to the completion of a legal agreement to secure affordable housing and infrastructure contributions; but refused planning permission for the 44 dwelling scheme[1] ("Wates 44"), alleging a conflict with the development plan for the area, particularly with policy CDNP05 of the made Crawley Down Neighbourhood Plan[2] ("CDNP").

3. However, by a direction dated 27 April 2016 the Secretary of State for Communities and Local Government ("the SoS" or "SSCLG") called in the Wates 30 scheme for his own determination. The direction indicated that the matters on which the SoS particularly wished to be informed are:

[1] See Core Document (CD) 02 & CD03
[2] CD09: Crawley Down Neighbourhood Plan 2014-2031, made in January 2016

(i) The application's consistency with the development plan including the Neighbourhood Plan ("NP") for the area;
(ii) How the applications sit alongside policies in the National Planning Policy Framework[3] ("the Framework"), in particular those set out in paragraph 50 on delivering a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities; and
(iii) Any other matters the Inspector considers relevant. Having considered the parties' cases and representations made by interested persons, I identified these as:
- The effect of the proposed developments on the character and appearance of the surrounding area;
- The effect on areas of ecological or nature conservation interest, including ancient woodland;
- The effect on the safety and convenience of users of the adjacent highway network;
- The effect on the living conditions of nearby residents;
- Whether there would be any drainage and/or flood risk concerns;
- Whether the submitted planning obligations would satisfactorily address the impact of the proposed developments;
- The weight which should be given to policies for the supply of housing, in light of the Council's current Housing Land Supply ("HLS") position;
- Whether the proposals would represent sustainable development;
- Other points raised by interested persons, covering such matters as contamination; impact on strategic gaps; and pollution.

4. Wates had lodged an appeal in respect of the Wates 44 scheme on 29 February 2016, but this appeal was subsequently recovered for determination by the SoS by a direction dated 3 May 2016. The direction stated that the reasons for this are because the appeal involves a proposal for residential development of over 10 units in an area where a NP has been made; and because the appeal would be most effectively decided alongside other called-in applications (the Wates 30 proposal and the Gleeson proposals, as discussed below).

5. After the appeal had been recovered, the Council undertook a review of its decision relating to the Wates 44 scheme, in the light of recent case law[4], and indicated to the Planning Inspectorate by letter dated 9 June 2016 that it wished to withdraw its reason for refusal. The Council indicated that it would be unable to produce any robust planning evidence to support its reason for refusal, and that as a result it would not provide any evidence against the proposal at the forthcoming inquiry.

6. The 2 Gleeson proposals are also outline applications, with only the means of access to be determined at this stage, with one being for up to 30 dwellings ("Gleeson 30") and the other for up to 60 dwellings ("Gleeson 60"). Both proposals relate to open, undeveloped land south of Hazel Close, Crawley Down with the application site for the Gleeson 30 scheme also forming part of the larger Gleeson 60 scheme. The Gleeson 60 scheme was considered by the Council's District

[3] CD22
[4] CD 29: Suffolk Coastal DC v Hopkins Homes and SSCLG; Cheshire East BC v SSCLG and Richborough Estates [2016] EWCA Civ 168

Planning Committee on 7 April 2016 when a resolution to grant planning permission was made, again subject to the completion of a satisfactory planning obligation. The proposal was, however, called in by the SoS by a direction dated 27 April 2016, for the same reasons as for the Wates 30 scheme.

7. The Gleeson 30 scheme was considered by the Council's District Planning Committee on 27 May 2016 when a further resolution to grant planning permission, subject to the satisfactory completion of a planning obligation was made, but this proposal was also called in by the SoS, by a direction dated 12 October 2016. Again, the same reasons were given as for the Wates 30 and Gleeson 60 schemes.

8. I held a Pre-Inquiry Meeting ("PIM") at the Council Offices on 19 October 2016 to discuss the arrangements for the inquiry, and at the PIM the Council confirmed that it would not present any evidence against any of the proposals, but that Officers would attend the inquiry to provide an update regarding the progress with the emerging Mid Sussex District Plan[5] ("MSDP"), and to deal with matters relating to proposed conditions and planning obligations. It was also confirmed at the PIM that the main opposition to the proposals would be led by Worth Parish Council ("the Parish Council"), who would be appearing at the inquiry as a Rule 6 Party.

9. At the PIM a timetable was agreed for the production and submission of Statements of Common Ground ("SoCG"), between the applicants and the Council, and between the applicants and the Parish Council. Various SoCG between Wates and the Council[6] and Gleeson and the Council[7] were duly submitted, but it did not prove possible to agree SoCG between the applicants and the Parish Council.

10. Screening Opinions[8] confirm that the proposals are not Environmental Impact Assessment ("EIA") development and that Environmental Statements were therefore not required.

11. At the inquiry, both Wates and Gleeson submitted agreements made under Section 106 ("S106") of the Town and Country Planning Act 1990, as amended[9], which I discuss in more detail later in this report.

12. On 19 October 2016, after the PIM, I visited the locality of the application sites on an unaccompanied basis. I also visited both application sites and their surrounding areas on 8 February 2017, with these visits being in the company of representatives of the respective applicants, the Council, the Parish Council and a number of interested persons. In addition, I undertook further unaccompanied visits on 1 & 8 February to observe traffic conditions along Hazel Way during peak traffic periods.

The application sites and their surroundings

Wates site

13. A full description of the Wates site and the surrounding area is given in the Planning Statements[10] ("PS"), the Design and Access Statements[11] ("DAS") and the SoCG.

[5] CD13
[6] CD32A, CD32B, CD42 & Document (Doc) 5
[7] CD58 & Doc 5
[8] Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011
[9] See Docs 37 to 40, together with Docs 27 to 36

In summary, the site comprises 3 fields, extending to some 4.2 hectares ("ha"), located to the west of Turners Hill Road. The northern field (F1) is grassland, the central field (F2) is laid to pasture, whilst the southernmost field (F3) is overgrown with scrub and immature trees. The site lies just outside the settlement boundary for Crawley Down, within the Countryside Area of Development Restraint ("CADR") as defined by the Mid Sussex Local Plan[12] 2004 ("MSLP") and the CDNP.

14. Its eastern boundary does, however, adjoin existing built development fronting Turners Hill Road, in the form of a recently completed residential development at The Pheasantry (a rural exceptions site, also known as the "Hastoe" site), along with a row of long-standing residential properties. The site boundary to The Pheasantry is made up a number of mature trees that are subject to a Tree Preservation Order ("TPO"). Areas of ancient woodland border the application site, with Pescotts Wood to the north and Kiln Wood to the south, whilst the site's western boundary comprises a mature hedgerow interspersed with a few trees, with open countryside beyond. To the north, the application site also shares a boundary with the "Wychwood" housing development which was granted planning permission for the erection of 23 dwellings in 2014 and which is currently nearing completion.

15. The application site is not located within a conservation area or close to any heritage assets, and does not lie within any area of landscape designation. Moreover, it is not located within an area of archaeological interest, nor does it lie within the 7 kilometre ("km") Suitable Alternative Natural Green Space ("SANGS") Mitigation zone of the Ashdown Forest. No public rights of way cross the site. The surrounding area is predominately residential in character, comprising a variety of different house types, ages and styles, with the majority of buildings in the area being 2 storeys in height.

16. The Transport Statements[13] and the Transport SoCG[14] list a large number of facilities and services within the local area which are sited within acceptable walking and cycling distances of the application site. In addition, bus stops on Turners Hill Road provide regular services to nearby towns and villages, as well as to the nearest rail station, at Three Bridges, which provides regular services to London, Arundel and Brighton and the key calling points along these routes.

Gleeson sites

17. Both the Gleeson 30 and the Gleeson 60 sites relate to open, undeveloped land located immediately to the south of Hazel Close, Crawley Down, with the area of the Gleeson 30 scheme being common to both proposals and forming the northern part of the Gleeson 60 site. The sites lie outside but immediately adjacent to the defined settlement boundary of Crawley Down, within the CADR and within the CDNP Area. A full description of the sites and the surrounding area is given in the PS[15], the DAS[16] and the SoCG.

[10] CD04A.1 & CD04B.1
[11] CD04A.2 &CD04B.2
[12] CD05
[13] CD04A.4, CD04A.5, CD04B.4 & CD04B.5
[14] CD42
[15] CD50.12 & CD51.11
[16] CD50.13 &CD51.12

18. In summary, the Gleeson 30 site comprises some 1.38 ha and the Gleeson 60 site some 2.7 ha, with the land sloping gently upwards to the south. Both sites are bounded by the existing residential development in Hazel Close to the north, and by 2 designated ancient woodlands to east and west (Rushetts Wood to the east and Burleigh Wood to the west), with Burleigh Wood being subject to a TPO. Further vegetation lines the remaining eastern and western lengths of the Gleeson 60 site, along with the southern boundary, although the southern boundary of the Gleeson 30 site is not defined by any existing features.

19. Agricultural fields lie further to the south and south-east of the overall site, whilst a residential development off Woodlands Close, granted planning permission in 2015, lies immediately adjacent to the southern part of the site's western boundary. Like the aforementioned Wates' sites, the application sites are not located within a conservation area or close to any heritage assets, and do not lie within any area of landscape designation. Moreover, the sites are not located within an area of archaeological interest, although they do lie within the 7km SANGS Mitigation zone of the Ashdown Forest. There are no public rights of way across the sites.

20. The site is located some 650m from the centre of Crawley Down, which provides a range of services and facilities, and about 800m away from the Crawley Down Church of England Primary School. The local Secondary School, Imberhorne, is located about 3 miles away at East Grinstead, with a school bus already operating to Imberhorne from Crawley Down. The Crawley Down Health Centre is located approximately 1.6km from the Site.

21. Hazel Way, to which Hazel Close connects, is part of the Worth Way, which in turn is part of the Sustrans "National Cycle Route 21" linking Crawley and East Grinstead via Crawley Down. There are also a number of bus stops along nearby Burleigh Way, served by regular services to a number of nearby towns and villages, as well as to the rail stations at Three Bridges, Crawley and East Grinstead.

Planning Policy and Guidance

22. Section 38(6) of the Planning and Compulsory Purchase Act ("PCPA") 2004 requires that these applications be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which can override development plan policy if it is not consistent with the Framework's provisions. I therefore summarise the national planning policy context first, before turning to look at relevant development plan policies.

The Framework and other National Guidance

23. Paragraph 14 of the Framework explains that there is a presumption in favour of sustainable development at the heart of the Framework, and that this should be seen as a golden thread running through both plan-making and decision-taking. It goes on to indicate that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or unless specific policies in the Framework indicate that development should be restricted.

24. Of particular relevance are Framework paragraphs 49 and 215. Paragraph 49 indicates that relevant policies for the supply of housing should not be considered up-to-date if the Council is unable to demonstrate a 5 year supply of deliverable

housing sites. Paragraph 215 of the Framework explains that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given. The Planning Practice Guidance ("PPG"), initially published in 2014, is also a material consideration in the determination of these applications.

The Development Plan

25. The development plan comprises the saved policies of the MSLP (adopted in 2004) and the CDNP (made in 2016). The MSLP reflected the aims and objectives and sought to meet the housing requirement[17] set out in the West Sussex Structure Plan (1993), which had an end-date of 2006[18]. As such, the MSLP did not consider or address the West Sussex Structure Plan 2006 which established the HLS requirements for the period 2006-2016. This Structure Plan was subsequently superseded by the South East Plan (May 2009), which has itself now been revoked.

26. The respective SoCG detail the various MSLP policies considered to be relevant to each of the proposals[19], particularly policies C1, C2 and C3[20]. Policy C1 states that outside built-up area boundaries, the remainder of the plan area is classified as a CADR where the countryside will be protected for its own sake. It goes on to indicate that proposals for development in the countryside, particularly those which would extend the built-up area boundaries will be firmly resisted and restricted to a number of specific examples, none of which apply to the current applications.

27. Policy C2 defines a number of strategic gaps between various locations which will be safeguarded to prevent coalescence and to retain the separate identity and amenity of settlements. Of particular relevance in the current cases is the strategic gap between Crawley and East Grinstead. The policy further explains that development will not be permitted within these strategic gaps unless certain criteria are met. The first of these relates to development necessary for the purposes of agriculture; the second relates to development which makes a valuable contribution to the landscape and the amenity of the gap and enhances its value as open countryside; whilst the third relates to development which would not compromise individually or cumulatively the objectives and fundamental integrity of the gap.

28. Policy C3, which deals with a number of defined local gaps is also referred to by the parties, although as none of the application sites fall within any of these local gaps I consider that it is of little or no relevance to the current cases. Protection is offered to such gaps, with development prevented unless broadly similar criteria as are listed for the strategic gaps are met.

29. In addition, policy H4 indicates, amongst other things, that on all housing sites throughout the district where 15 or more dwellings are proposed, the Council will seek to secure a reasonable proportion of affordable housing, generally 30% of the total number of dwellings to be provided within the development. Also, policy T4 sets out a number of requirements concerning sustainability and traffic generation

[17] See paragraph 5.7 of CD05
[18] See Section 6.3 of CD32A, CD32B, and CD58
[19] See Section 6.0 of CD32A, CD32B, and CD58
[20] See CD05 for extracts

with which all new developments will be expected to accord, whilst policy G3 seeks to ensure that new development provides adequate and appropriate infrastructure.

30. For the CDNP, policies CDNP01, CDNP05, CDNP06, CDNP08, CDNP09 and CDNP10[21] are seen as having particular relevance. Policy CDNP01 states that development will be permitted where the necessary social, physical and green infrastructure needed to support the proposed development is in place, or can be provided in a timely manner through developer funded contributions.

31. The CDNP does not make any specific site allocations, but rather provides a permissive, criteria-based policy (CDNP05), which is used to assess the suitability of sites for development. Amongst other matters, this policy makes it clear that individual developments should not comprise more than 30 dwellings in total, with a maximum density of 25 dwellings per hectare ("dph") and spacing between buildings to reflect the character of the area. A footnote explains that this is to "ameliorate the impact of development on any single part of the village, control rate of growth and consequent impacts on community and infrastructure".

32. Policy CDNP06 requires new development proposals to demonstrate that they include adequate and satisfactory sustainable drainage systems ("SuDS") which, amongst other things, should protect the amenity and security of other properties and not adversely affect the water table and associated aquifers or ancient woodland. Policy CDNP08 seeks to prevent coalescence and states that development outside the village boundary will only be permitted if 3 listed criteria are met. In summary these are that the development does not detract significantly from the openness and character of the landscape; does not contribute to "ribbon development"; and does not significantly reduce the gaps between the village and neighbouring settlements.

33. Policy CDNP09 indicates that proposals for new development will be expected to protect and enhance biodiversity and wildlife, and will therefore be assessed against a number of criteria to achieve these aims. These include the safeguarding or protection of ancient woodlands. Finally, policy CDNP10 indicates that development which does not conflict with other policies in the CDNP will be permitted, provided that it promotes sustainable transport by meeting a number of listed criteria. Amongst other matters these criteria require developments to provide safely located vehicular and pedestrian access, with adequate visibility.

Supplementary Planning Guidance/Documents

34. The Council's Development and Infrastructure Supplementary Planning Document[22] published in 2006, is also relevant to these applications.

Emerging Policy – the MSDP

35. The MSDP was submitted to the SoS for examination in August 2016[23]. The examining Inspector wrote to the Council in mid-September 2016[24], setting out his initial questions, to which the Council responded in late September 2016[25]. The

[21] See CD09
[22] Doc 24
[23] see details contained in Section 6.0 of the SoCG, together with CD10 to CD13
[24] CD19
[25] CD20

parties agree that the emerging MSDP and the associated Sustainability Appraisal and associated evidence base are all relevant to these applications, although they consider that the weight to be attributed to them is limited as the Plan is still being examined, and is subject to objections. A list of the MSDP policies considered relevant to the applications is given in the respective SoCG[26].

Planning History

36. The Wates site was subject to a number of proposals for residential development in the 1970s and 1980s, all of which were refused. But given the subsequent changes in planning policy, Wates and the Council agree that these historic applications do not have any direct relevance in the determination of the current applications. For the Gleeson sites there are no previous planning applications that are material to the consideration of the current applications.

The Proposals

Wates 30 scheme

37. This is an outline proposal, with only approval of the means of access being sought at this time, for a development of 30 dwellings, of which 30% (9 dwellings) would be affordable. The application was supported by an illustrative layout which shows how the site could accommodate the proposed dwellings, and alternative layouts have also been submitted subsequently, to address the local housing need expressed in the CDNP. The proposed dwellings would be predominantly of 2 storeys, but some single-storey units would also be provided. All layouts show the provision of buffers to the areas of ancient woodland of at least 15m in depth, together with strengthened landscape buffers on the site's eastern and western boundaries, as discussed in an Outline Landscape Management Plan[27].

38. Vehicular access would be provided by extending the existing access road for the Wychwood development into the application site. As part of the scheme there would also be enhancements to pedestrian and cycle links to the village centre, including 2 signalised crossings on Turners Hill Road, together with a pedestrian link from the proposed development to Huntsland, a public right of way south of the site, which runs to the south-west from Turners Hill Road.

Wates 44 scheme

39. This proposal is for a broadly similar scheme to that described above, but for 44 dwellings, of which 30% (14 units) would be affordable. Alternative illustrative layouts have also been submitted for this proposal to address the local housing need expressed in the CDNP. Access arrangements and enhancements to the pedestrian and cycle networks would be the same as for the Wates 30 scheme.

Gleeson 60 scheme

40. As with the Wates' proposals, a fuller description of this scheme can be found in the relevant PS and DAS. A brief summary in the SoCG explains that only the approval of access is sought at this time for this outline proposal which seeks to provide a development of up to 60 dwellings, of which 30% (18 dwellings) would be

[26] See paragraph (para) 6.20 of CD32A; para 6.21 of CD32B; & para 6.20 of CD58
[27] CD04A.11 & CD04B.11

affordable. The application was supported by an illustrative layout which shows how the site could accommodate the proposed number of units. A submitted parameters plan indicates that the building heights would be limited to 2 storeys, with an average net density of 32 dph.

41. The illustrative layout shows that 15m wide buffers would be provided adjacent to the areas of ancient woodland, whilst the Landscape Strategy[28] indicates that existing vegetation would be strengthened on the site's eastern, western and southern boundaries. A central public open green space with a locally equipped area for play ("LEAP") would be provided and tree planting is proposed throughout the development. A new pond is also proposed and this, together with enhancement of the existing pond, would improve ecological diversity and assist with sustainable drainage. Vehicular access would be provided by making some modifications to the existing Hazel Close and extending it into the application site, with give-way markings to be provided at the junction with Hazel Way.

Gleeson 30 scheme

42. This proposal is for a broadly similar scheme to that described above, but just covering the northern part of the overall site with up to 30 dwellings, of which 30% (9 units) would be affordable. Again the application was supported by an illustrative layout and a parameters plan, which indicates that the building heights would be limited to 2 storeys, with an average net density of 37.5 dph. This is stated in the SoCG to be reflective of the densities approved for the 2 recent developments accessed from Woodlands Close, to the west of the application site.

43. The illustrative layout again shows that buffers of 15m in width would be provided adjacent to the areas of ancient woodland, and the Landscape Strategy[29] indicates that the landscape design would seek to link the ancient woodlands with a new tree belt which would enhance habitat connectivity and form a southern, contained edge to the site. No equipped area for play is proposed with this smaller scheme, although an area of public open green space is proposed at the southern end of the site, along with proposed swales as part of a sustainable drainage strategy and to encourage wildlife. Access arrangements would be broadly the same as for the Gleeson 60 proposal, with the same modifications to the existing Hazel Close and the provision of give-way markings at the junction with Hazel Way.

Agreed Facts, and Matters not Agreed

44. As referred to earlier, there are no matters of dispute between Wates and the Council, and Gleeson and the Council, concerning any of the applications. Rather, there are extensive areas of agreement between these respective parties, covering such topics as planning policy; general and locational matters; matters of principle; landscape; design and character; ecology; the density of development and the nature of the unit mix; the relationship to adjacent residents; parking and access; amenity space and spatial separation; flooding and drainage; deliverability; and the economic, social and environmental benefits of the proposals. These matters are set out in detail in the SoCG for each proposal, and are not repeated here. There is also agreement between the respective parties regarding the necessary infrastructure and service contributions, and these would be secured by the

[28] CD51.17
[29] CD50.18

aforementioned S106 agreements, prepared in accordance with the Council's Development and Infrastructure SPD, also referred to earlier.

45. That said, I consider it helpful to highlight a few matters which have a particularly important bearing on the consideration of these applications. Firstly, the Council, Wates and Gleeson all agree that having regard to paragraph 215 of the Framework, MSLP Policies C1, C2 and C3 should only be given limited weight as they conflict with the aims and objectives of the Framework and therefore have to be considered "out-of-date".

46. Secondly, the Council acknowledges that it is currently unable to demonstrate a 5 year HLS and this position is accepted by all parties, including the Parish Council. As such the Council, Wates and Gleeson take the view that as MSLP policies C1, C2 and C3 and criterion (b) of CDNP policy CDNP05 are all policies which seek to restrict the supply of housing, they are also rendered out-of-date by the operation of paragraph 49 of the Framework. Although not specifically mentioned as such in the SoCG, Gleeson witnesses argued that policy CDNP08 should also be considered out-of-date, as it is a policy which would have an impact on the supply of housing. The Parish Council recognises that these policies have to be regarded as out-of-date, but argues that they should still be afforded significant weight, as set out later in this report in the section which summarises the Parish Council's case.

47. Thirdly, as noted above, the parties agree that the emerging MSDP and the associated Sustainability Appraisal and the associated evidence base are all relevant to these applications, although they accept that the weight to be attributed to them is limited as the MSDP has yet to be independently examined.

48. Fourthly, the Council, Wates and Gleeson all consider that no unacceptable conflict arises with any of the MSLP or CDNP policies, and that there are no capacity constraints identified in the CDNP that would prevent the development of either the Wates or Gleeson sites, subject to the necessary contributions being provided for through planning obligations. In light of these points the Council, Wates and Gleeson agree that all of the application proposals accord with the Framework and represent sustainable development. However the Parish Council does not share these views, as is made clear in the following section, where the Parish Council's case is summarised.

The Case for Worth Parish Council[30]

49. The development plan in this case comprises the MSLP and the CDNP. If any of the proposals are found to comply with the provisions of the development plan then planning permission should be granted, but this is clearly not the case here as the proposals fail to comply with MSLP policy C1 and conflict with the development plan in a number of other respects, as set out below. The Framework does not change the statutory status of the development plan as the starting point for decision-making. Indeed, its first core principle is that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and NPs setting out a positive vision for the future of the area. The application proposals are contrary to that vision.

[30] See, amongst others, Docs 8 & 46

50. The fact that certain policies may be out-of-date does not mean that the breach of the development plan becomes a technical or nominal one. Such breaches remain potentially very significant and weighty matters. Indeed the Framework does not advocate that if policies are out-of-date then paragraph 14 stands alone as providing the decision-making framework. On the contrary it emphasises that the presumption in favour of the plan remains the proper starting point.

51. In conducting any balance under section38(6) of the PCPA 2004, or paragraph 14 of the Framework, proper consideration and weight therefore should be given to breaches of the development plan. This is made very clear in the PPG[31], which guides the approach to breaches of a NP where there is not a 5 year HLS:

> "In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision-makers should include within their assessment those policies in the Framework that deal with neighbourhood planning. This includes paragraphs 183-185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted".

52. In the East Staffordshire judgement[32], the Court confirmed that the starting point remains the presumption in favour of the development plan. Whilst paragraph 14 of the Framework may be a material consideration that would justify departing from the plan, this does not change the presumption that development inconsistent with the plan should not be approved. The paragraph 14 exercise, therefore, allows for breaches of the development plan to be weighed in the balance.

53. Other judgements[33] confirm this approach, and make it clear that paragraphs 14 and 49 of the Framework do not make "out-of-date" policies for the supply of housing irrelevant in the determination of the application, nor prescribe the appropriate weight. The weight to be given to the policies and their breach is a matter for the decision-maker, and whilst this is likely to be less than the full weight that an up-to-date plan would attract, it may still be significant. The weight will vary according to the circumstances, including, for example:

    (i) The extent to which relevant policies fall short of providing for the 5 year supply of housing land;
    (ii) The action being taken by the local planning authority to address it;
    (iii) The particular purpose of a restrictive policy, such as the protection of a green wedge or gap between settlements.

54. In November 2016 the Court of Appeal considered a decision in which the Inspector gave reduced weight to a restrictive countryside policy[34]. The High Court quashed the decision on the grounds that the Inspector had not assessed the extent to which the relevant policies were consistent with the Framework, and the Court of Appeal made a number of relevant points:

[31] PPG: ID 41-083-20160211

[32] CD66: East Staffordshire BC v SSCLG [2016] EWHC 2973 (Admin)

[33] CD29: SSCLG v Hopkins Homes Ltd [2016] 2 P & CR 1 ("Hopkins"); and Cheshire East Borough Council v SSCLG [2016] EWHC 571 (Admin) (referred to extensively in CD66)

[34] Gladman Developments Ltd v SSCLG and Daventry DC [2016] EWCA Civ 1146

(i) The fact that a plan policy may be chronologically old is in itself irrelevant for the purposes of assessing its consistency with the Framework;
(ii) An important set of policies in the Framework is to encourage plan-led decision-making; and significant weight should be given to the public interest in having plan-led decisions even if particular policies may be old. It may be significant that the SoS has saved local policies in the interests of continuity and coherence;
(iii) "...policies HS22 and 24 were saved in 2007 as part of a coherent set of Local Plan policies judged to be appropriate for the Council's area pending work to develop new and up-to-date policies. There was nothing odd or new-fangled in the inclusion of those policies in the Local Plan as originally adopted in 1997. It is a regular feature of development plans to seek to encourage residential development in appropriate centres and to preserve the openness of the countryside, and policies HS22 and HS24 were adopted to promote those objectives. Those objectives remained relevant and appropriate when the policies were saved in 2007 and in general terms one would expect that they remain relevant and appropriate today. ....As the judge observed, "some planning policies by their very nature continue and are not "time-limited", as they are re-stated in each iteration of planning policy at both national and local levels.""

55. The Parish Council considers that the analogy to the MSLP policies in issue regarding these applications is a close one. The policies have been saved and there is a clear public interest in applying the policies as a coherent expression of what is considered to be sustainable development within this district. Importantly, the particular purposes of policies C1 and C2 are consistent with the Framework.

District Housing Land Supply

56. The Parish Council accepts that the Council cannot demonstrate a 5 years HLS for the purposes of these applications. This issue will be debated further through the on-going examination process for the emerging MSDP where the Council will seek to demonstrate a 5 five year HLS in order to ensure the soundness of its plan, which has a timetable for adoption in 2017. As part of this process there is, however, a dispute as to the extent of the objectively assessed need ("OAN") for housing, with the Council's position being 800 dwellings per annum ("dpa") and a forum of developers arguing for 1,000 dpa. There is also a dispute regarding the current supply figure, with Wates and Gleeson arguing for 4,413 dwellings whilst the Council maintains the figure is 5,012 dwellings[35]. These figures give rise to a HLS range of 3.34 years to 5.09 years.

57. The applicants have referred to a recent appeal decision in the district at Birchen Lane, Haywards, Heath[36], arising from an inquiry held in February 2016, but it appears that this was not based on up-to-date information and was decided without any housing supply information from the Council[37]. A different situation exists with the current cases where there is, in effect, an agreed range based on up-to-date

[35] See Table on page 38 of Doc WD?8 & Appendix (App) 11 in Doc GD/5
[36] CD40
[37] See para 21 in the Inspector's report in CD40

information which not only confirms the improved supply position, but the improvement in recent delivery with 868 units delivered in the year to April 2016[38].

58. It is hard to see what more the Council could be doing to deliver its assessed housing needs. It is well down the road to adoption of a plan that will meet the district's needs in what it considers to be the most sustainable way. In light of the Hopkins judgement, this is significant. The Framework is very clear as to the importance of the plan-led system, and in this district the adopted plan provides that coherent and clear strategy, and has been saved. In no sense is there a housing crisis. The Council can claim a 5 year HLS and the saved policies should be applied and given significant weight pending the adoption of the MSDP, when those policies will take over.

Countryside and the character and identity of the village

59. The policies in issue here are all consistent with the core principles and policies of the Framework. Paragraph 17 of the Framework confirms that planning must take account of the different roles and character of different areas and that it should recognise the intrinsic character and beauty of the countryside. This includes the role and character of countryside in providing the rural setting for villages and maintaining the settlement pattern, whilst the "intrinsic character and beauty" of the countryside is that which gives it its essential and true characteristics. This is largely its openness, its agricultural use, and its rural character and appearance, with each application site clearly exhibiting these essential countryside characteristics. In addition, Framework paragraph 157 indicates that it is crucial that local plans should identify land where development would be inappropriate, for instance because of its environmental significance.

60. The purposes of the saved MSLP policies are clearly identified. In summary, policy C1[39] seeks to protect the countryside for its own sake from inappropriate development and to conserve its overall appearance and character, in order to enhance the countryside and the rural environment[40]. Whilst protection of the countryside for its own sake is not within the Framework, in recognising the intrinsic character and beauty of the countryside the Framework continues to emphasise the desirability of protecting its essential characteristics. Policy C1 is therefore broadly consistent with the Framework. Further, each application site is open, undeveloped rural and agricultural land and so exhibits precisely the intrinsic character and beauty that the Framework recognises.

61. Policy C2 seeks to protect the setting of towns and villages which are an important contributor to the character and identity of villages[41]. In part, this is achieved by preventing coalescence, with the areas included in the strategic gaps being those the Council considers should be generally kept free from development to secure the objectives of strategic gaps. The gaps between the villages are "vital components" of the overall strategic gap[42]. Such purposes are entirely consistent with the Framework.

[38] See App 11 in Doc GD/5
[39] See CD05
[40] Para 3.23 of CD05
[41] Para 3.26 of CD05
[42] Para 3.28 of CD05

62. Policies in the emerging MSDP are intended to carry forward these same objectives and purposes. Under policy DP10 the countryside will be protected in recognition of its intrinsic character and beauty. The objective of policy DP11 is to retain the villages' separate identity and character and prevent coalescence[43]. The settlement pattern makes an important contribution to the distinctive character of the area, and development should retain that separate identity and character.

63. The Council considers the emerging MSDP is sound to meet its development needs, and forms the basis of the application of its countryside policy. The settlement boundary for Crawley Down in this emerging plan is effectively unchanged from the MSLP, insofar as the application sites are concerned. The Council must therefore regard this defined settlement boundary as consistent with national policies to meet development needs, including its full OAN for housing, in balance with recognising the intrinsic character and beauty of the countryside.

64. Turning to the CDNP, this is framed explicitly to identify the relevant issues and objectives, and to provide the policies for ensuring the protection of identified positive contributors to village character and the needs and aspirations of the community. Criterion (a) of policy CDNP05 requires the scale, height and form of proposed development to fit unobtrusively with the character of the area. Criterion (a) of policy CDNP08 prevents development beyond the settlement boundary unless it is shown that the development does not detract significantly from the openness and character of the landscape; whilst criterion (c) requires that development does not significantly reduce the gaps between the village and the neighbouring settlements, including Copthorne and Crawley. Each policy specifically identifies as its purpose the protection of those environmental features identified in paragraphs 52 to 55 of the CDNP, and objectives 8a and 8m[44].

65. The Examiner endorsed criterion (a) of policy CDNP05 and criteria (a) and (c) of CDNP08 as worded in the made plan, and began his assessment of this latter policy by noting that the preservation of the rural setting of the village is particularly important to the villagers and this policy aims to meet that objective[45]. He discounted the suggestion that gap protection could be omitted because "that would leave the vulnerable gaps between settlements without protection"[46]. It is common ground with each applicant that the CDNP is entirely consistent with the Framework, and up-to-date in relation to these policies and their purposes. The only concerns are with the delivery of housing supply at a district level.

66. With the above points in mind, it is important to identify what role each application site plays in contributing to the character and appearance of the area, the landscape character of the area, the character of the village and the character and identity of the village as a separate settlement. Once this has been assessed, the impacts of the development of the respective sites can be established.

Wates Site

67. There are no documents which suggest this site is suitable for development of the scale proposed, with all versions of the Council's Strategic Housing Land Availability

[43] See italics at beginning of policy, and first para under DP11 on p48
[44] See pages 18 & 20 of CD09
[45] See para 4.12.1 of CD07
[46] See para 4.12.7 of CD07

Assessment[47] ("SHLAA") showing the site to be unsuitable for development. Indeed, these objective assessments confirm, firstly, that the site is entirely characteristic of the wider countryside landscape to the west of the village; and secondly that the site is sensitive to residential development as a result of its particular role as village setting. This is precisely the role that the CDNP seeks critically to protect.

68. In the 2007 Mid-Sussex Landscape Study[48] the relevant area is 03 Crawley Down Northern Fringe, which covers the countryside to the west, north and east of the village. Overall the area is assessed as having a low-medium capacity for development[49], and scores very positively for landscape sensitivity[50]. The description of the area confirms that the application site is characteristic of and consistent with this wider area: "mostly small scale fields sloping away from Crawley Down, significant woodland and hedgerow structure provides well-defined settlement boundary"[51].

69. The 2015 SHLAA[52] considered site 688, a wider area of land that included the application site, and concluded that it had a low-medium landscape capacity for development and a high landscape sensitivity[53]. The assessment concludes that the site has a low suitability for strategic development, noting in particular its rural character, blocks of ancient woodland and its importance as a buffer to settlement. The assessment does go on to identify an area (basically the middle field of the application site) which may have a low-medium suitability for development, with development very likely to give rise to adverse landscape and/or visual effects, but where these may not reach an unacceptable level. A site with low-medium suitability is considered able to accommodate a range of about 7 to 20 units.

70. Along with the 2007 study, this study is clear in identifying the primary sensitivities of development of this area, being the rural character of the village and the settlement identity, form and separation. A further Landscape Capacity Study in 2014[54] reached similar conclusions, finding that the wider area has a medium landscape capacity with the potential for limited small-scale development to be located in some parts of the character area, so long as there is regard for existing features and sensitivities within the landscape.

71. The SHLAAs undertaken in August 2015 and April 2016[55] focus on site suitability in the context of the Framework tests. The wider site, 688, is consistently assessed as having low suitability for development, being rural in character, incorporating blocks of woodland, and being an important buffer to the settlement. Site 271, (essentially the application site) is first assessed entirely consistently with this[56],

[47] CD15A & CD15B
[48] CD23
[49] Page 46 of CD23
[50] CD23, Table 1 on page 17
[51] Page 52 of CD23
[52] CD17
[53] App 6 to CD04A.8
[54] CD21
[55] CD15A & CD15B
[56] CD15A

and although the later version of the SHLAA[57] offers a slightly different assessment, the conclusion remains that the site is unsuitable for development.

72. The consistent message is that the application site has a rural character; that the existing settlement has a defensible linear boundary along Turners Hill Road but that the application site has weak boundaries to south and west; that the site plays a valuable role in providing a distinct and contrasting rural character to the adjacent settlement and providing a buffer and setting to the village, which contributes to its character and separate identity and the settlement pattern. The valued character of this setting is encapsulated in the CDNP where it is described as a patchwork of open fields, shaws (narrow woodlands) and woodland.

73. The material before the inquiry and information from the site visit confirm the role of the site and how it sits in the wider landscape. The Landscape and Visual Impact Assessment[58] ("LVIA") shows the application site as a series of small scale fields of pasture, bounded by pockets of ancient woodland, forming an integral part of the wider countryside to the west and north, separating Crawley Down from Crawley and Copthorne. This is endorsed by the fact that the site exhibits key characteristics of the High Weald Landscape Character Area[59] ("LCA"), particularly the pattern of small, irregular shaped assart fields; some larger fields; significant woodland cover, including ancient woodland and a dense network of shaws, hedgerows and woodland trees; and the dispersed historic settlement pattern.

74. Once the proper role and character of the site is understood, the impacts of its development are seen as unacceptable. Ms Shelton's assessment, however, fails to recognise that proper role and character. In addition, Ms Shelton provides no express consideration of the likely magnitude of change in context. The landscape sensitivity is assessed by Ms Shelton as "moderate/low", but this is influenced by her conclusion that the landscape condition is "ordinary/ poor" and the value "poor"[60]. These assessments sit uncomfortably with the objective analyses above.

75. Mr Hodgetts considers that the LVIA has given too much emphasis to the quality of the landscape, with magnitude of change not being addressed before the conclusion is reached that the significance of the effect of residential development of 44 units on the site would be "low/insignificant". An insignificant effect would be, on the LVIA definitions, one where the proposals would affect minor landscape features which have no or limited value[61]. A low one would be where the proposals "will not quite fit in with the landform and scale of the landscape". These assessments fail a common-sense test, and it is clear that the initial assessment of role and sensitivity, and then magnitude, has gone wrong. Mr Hodgetts' own assessment is that the magnitude of effect on the landscape character of the SHLAA 688 area would be "moderate" and that this, coupled with a landscape sensitivity assessment of "moderate", would lead to an overall effect of "moderate" significance.

76. There would also be visual effects, even though the Parish Council accepts that the application site is relatively visually contained to the west, north and south. Clear views towards the site can be gained from Viewpoint 3, at the edge of Bushy Wood.

[57] CD15B
[58] See Figure 2 of CD04.8
[59] App C to Doc WPC/2
[60] Paras 3.19 and 3.20 of CD04B.8
[61] App 1 Table 4 to CD04B.8

These would be sensitive views because the location is used by the public engaged in recreation[62], and whilst this is not part of the definitive footpath network there is no suggestion that its use is likely to be brought to an end. Further, as seen at the site visit, there are views of the application site from public and private viewpoints within the settlement (along Turners Hill Road and within the Hastoe and Wychwood developments) where the openness and rurality of the site is apparent.

77. Mr Hodgetts concludes that there would be significant adverse landscape and visual effects on the area as a result of the proposed development, which would lead to an actual physical narrowing of the gap as well as perceived coalescence[63]. The proposals seek to introduce an inappropriate scale and type of development on the site which would result in inappropriate and harmful urbanising effects[64]. When considered in the context of the identity of the village the impacts are significant, albeit that the gap designation is not, itself, a landscape designation.

78. The proposals fail to take proper account of the role and character of the application site within its landscape context, and fail to recognise the intrinsic character and beauty of the countryside as required by paragraph 17 of the Framework. They would also breach policy C1 of the MSLP and would fail to meet its purpose to protect the countryside for its overall character and appearance, and would breach MSLP policy C2 and fail to prevent coalescence and retain the separate identity of settlements.

79. Moreover, the proposals would breach criterion (a) of policy CDNP05 of the CDNP as the development would not fit unobtrusively with the character of the area; breach criterion (a) of policy CDNP08 as the development would detract significantly from the openness and character of the landscape; and breach criterion (c) of policy CDNP08 because it would significantly reduce the gaps between the village and Crawley. In each case the development would have a significantly detrimental impact on the rural setting of the village, which is highly valued by village residents as confirmed in the CDNP.

Gleeson Site

80. In the Council's SHLAAs, the site has consistently been assessed as unsuitable for residential development and this remains the position in the most recent April 2016 SHLAA[65] prepared for the emerging MSDP. In summary, the site has a distinct rural character and there is a lack of a defensible boundary to its east and south, such that any development would form an unacceptable and illogical incursion into the countryside. Photographs contained in the LVIA[66] show the clear rural character of the site, especially as viewed from Hazel Close[67], with no residential development in view as one looks south across the site.

81. The LVIA confirms that in terms of landscape cover the site and its immediate setting is typical of this local landscape character, and emphasises the small/medium scale fields mostly laid to pasture, with notable blocks of ancient

[62] See paras 6.31-32 of CD24
[63] Para 6.8 in Doc WPC/1
[64] Para 6.9 in Doc WPC/1
[65] CD15B
[66] CD50.17 & CD51.16
[67] See in particular Viewpoint 4 in CD50.17 & CD51.16

woodland[68]. Accordingly, landscape sensitivity is assessed as "high" and the land cover, being undeveloped pasture land, is also assessed as "high". This restricts the ability of the site and the immediate setting to accept residential development, as is reflected in the impact assessment.

82. At the operational stage, in terms of land cover and use, there would be a "high" degree of change at site level on a site which is highly sensitive; and at the study area level there would be a "medium" effect on a highly sensitive element. This would amount to a "major adverse" and permanent effect at site level, and a "minor adverse" effect to the study area. For landscape character there would again be a "major adverse" effect in terms of significance on the site, and a "minor adverse" effect on the study area[69].

83. On the applicant's own evidence this confirms that there would be substantial adverse and permanent effects from the development on a site that is highly sensitive in landscape terms, and which is entirely typical of the countryside in this character area. The site forms a valued part of the rural setting to the village and contributes to the village character, exactly as prized and protected in the CDNP. The Council Officer's report to Committee confirms that there would be a significant change at the local level, which many people would regard as a significant adverse impact on the landscape[70].

84. In visual terms the views of concern are those from public locations within Hazel Close, and the nearby residences, which provide a clear appreciation of the rural character and appearance of the site. Although relatively localised these are still important views as they look out from the village into the gaps and rural setting that contribute to the character and identity of the village.

85. The applicant's argument that developing a field for housing would inevitably cause a fundamental change to its character is no answer to the Parish Council's case that this field should not be developed. The impacts which would flow from its development must be weighed carefully in the balance, and as the SHLAA and LVIA confirm, these would be significantly adverse. There would also be wider landscape impacts as well as visual impacts. The site makes a positive contribution to the character of the village and to its identity, and its development is not acceptable.

86. The proposals fail to take proper account of the role and character of the application site within its landscape context, and fail to recognise the intrinsic character and beauty of the countryside as is required by paragraph 17 of the Framework. The proposals would also breach MSLP policy C1 and would fail to meet its purpose to protect the countryside for its overall character and appearance, and would breach MSLP policy C2 by failing to retain the separate identity of settlements.

87. The proposals would also breach criterion (a) of policy CDNP05 of the CDNP as the development would not fit unobtrusively with the character of the area; and breach criterion (a) of policy CDNP08 as the development would detract significantly from the openness and character of the landscape. In each case the development would

[68] See para 4.4.6 of CD50.17 & CD51.16
[69] See page 36 of CD50.17 & CD51.16
[70] CD52

have a significantly detrimental impact on the rural setting of the village, which is highly valued by village residents as confirmed in the CDNP.

Housing

88. Paragraph 50 of the Framework seeks the delivery of a wide choice of high quality homes, to widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To do so, planning authorities should, amongst other things, identify the size, type and tenure of housing that is required in particular locations, reflecting local demand. They should also seek a mix of housing that is based on demographic trends, market trends and the needs of different groups in the community, including older people and families with children[71].

89. Framework paragraph 184 states that neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. Paragraph 185 confirms that provided it is not in conflict with strategic policies of the Local Plan, policies in a NP take precedence over non-strategic policies in the Local Plan for that neighbourhood. The importance of the NP is confirmed in unequivocal terms by Framework paragraph 198.

90. The CDNP engages directly with the paragraphs 50 and 184 tasks of identifying the type of housing required in its village. This need for housing is not only set out in the CDNP at paragraphs 43 to 45, but was spoken to and updated by Dr Gibson at the inquiry, and his evidence on local need was not challenged.

91. In summary, a detailed survey undertaken as part of the CDNP preparation identified the need for 64 1 or 2 bed units in the next 10 years (109 units over the plan period on a pro rata basis)[72], to support older residents and allow them to downsize and, in turn, make the larger units available for families. The survey identified over 2,000 unused bedrooms in the village – highlighting the advantages of making more effective use of the existing housing stock to meet local demands and needs[73]. To achieve this new, smaller units, including bungalows, are required. Unfortunately, recent development in the village had, at the date the CDNP was made, continued to focus on delivering 3+ bed units.

92. An update to the housing study shows that since the previous survey, 238[74] units have been completed or approved in the village. If it is relevant to consider general housing need, as opposed to that differentiated by local demand, the 64 unit need figure has been met by more than 2.5 times by market housing alone in the past 2 years. However, the 170 market units will only deliver 2 x 1 bed units and 22 x 2 bed units, amounting to 14% of the total. The current performance, as approved by the Council, is not meeting local demand, and is not meeting the requirements of paragraphs 50 or 184 of the Framework.

93. It is equally plain that the applicants do not intend to reflect and meet this local need. The 2 mixes put forward by Wates both show 10% of the units being 1 or 2 bed (combined)[75] and 90% 3 bed+. The mix put forward by Gleeson shows a total of 1 and 2 bed market units of 28%, with over 70% 3 bed+. The notion that

[71] See bullets 1 and 2 of CD22
[72] See para 44 of CD09
[73] See para 10 of Dr Gibson's statement at App 4 to Doc WPC/5
[74] 170 of the 238 units are market housing – see table at para 16 of App 4 to Doc WPC/5
[75] See paras 8.53 to 8.55 of Doc WD/8

criterion (p) of policy CDNP05 requires such a mix is nonsense. Criterion (p) provides flexibility and is not inconsistent with the local need and demand assessment. The application proposals do not reflect the housing needed in this location, and in relation to paragraph 184 of the Framework they would not deliver the right type of development for this community.

94. The particular local need and demand is established in the CDNP, with criterion (j) of policy CDNP05 requiring that housing need is justified. The text to the policy is explicit that this policy addresses the local concerns set out in paragraphs 43 to 45. There is therefore a very direct connection between the required justification and the needs and demands of the community, precisely as Framework paragraphs 50 and 184 seek. The task for the development industry is to reflect this.

95. The argument that housing is justified simply by a district inability to demonstrate a 5 year HLS has no support in the CDNP and the Examiner, in effect, dismissed the argument now made by the applicants. Objectors argued that housing need is justified at the district level as the Council has a responsibility to meet district housing requirements. However, whilst the Examiner noted that this may be so, he explicitly referred to Framework paragraph 184, indicating that he considered it appropriate that there be a specific requirement for a justification for housing proposed in the CDNP area[76]. This would make no sense if what he was in fact saying was that the justification could or should be a district one.

96. Instead, he endorsed criterion (j) because of paragraph 184 of the Framework, and because it ensures that local people get the right types of development for their community. He was right that this does not mean all housing in the CDNP area must meet a purely local need, and the CDNP does not require this. Rather, it requires that the housing proposed is justified in light of local needs and demands. Otherwise, the proposals would not accord with the CDNP and would not be justified. Indeed, he said, "without this type of policy it is hard to see how the Parish Council could ensure that the requirement for smaller dwellings could be met" [77]. The argument that all this can be dealt with at reserved matters' stage is a refuge from the CDNP and Framework paragraph 50, rather than an answer to it. The matter can and should be addressed now.

97. Criterion (b) of policy CDNP05 is also breached by the Wates 44 and Gleeson 60 proposals. It limits individual developments to a scale of 30 units, with the aim of controlling the pace of development and preventing large scale developments coming forward. It reflects the aspirations of the village as to quantum and pace of development in one location, and their concerns as to strains on infrastructure[78]. The Examiner recognised the validity of the concerns and saw the policy criterion as setting limits in line with the vision of the local community and so was happy to endorse it. There is no doubt the criterion is breached by the Gleeson 60 and the Wates 44 scheme. This should be viewed as being of significant weight.

[76] Para 4.9.28 of CD07
[77] Para 4.9.30 of CD07
[78] See footnote 11 to policy CDNP05 in CD09

Affordable Housing

98. In the Affordable Housing Addendum SoCG[79], the Council identifies 56 households on the housing register with "a local connection" to Crawley Down[80]. However, the Parish Council's position is that if reliance is placed on this figure to justify new buildings, contrary to the development plan, then it must be considered carefully.

99. Firstly, the Council's Housing Allocation Scheme[81] distinguishes between categories of need, with Band D reflecting people on the housing register who have no specific identified need which places them in categories A to C[82]. The CDNP definition of "need" does not include Band D as a "need" or a "justification for additional housing"[83], and it should therefore not contribute to a specific justification for additional housing to meet local need.

100. Secondly, the actual figure for those on the register who have Crawley Down as their first preference is 45, with none of these being in Bands A and B, and only 11 in Band C. Thirdly, the submitted evidence[84] confirms that there are 19 units in Crawley Down currently under construction – more than the 11 in Band C or above. Fourthly, since the 2014 Housing Study was concluded a further 68 affordable units have been delivered or approved[85]. Accordingly, this is a village where there has been reasonable delivery of affordable housing recently. This is consistent with the fact that the most recently constructed rural exception site in the village (the Hastoe site) accommodated 10 persons in Band D[86].

101. Finally, matters of district-wide need will be addressed through the emerging MSDP as part of the overall housing requirement. The Council's Housing and Economic Development Needs Assessment ("HEDNA") range of 127-230 dpa, considered to represent affordable housing need within the district, would be met by an OAN of 800, assuming delivery in line with the 30% policy threshold[87]. Also, the Council's "Sustainability Appraisal/SHLAA - Housing Provision – Implications" document[88] ("MSDC5a") notes future completions for the Worth parish area as commitments, and additional housing as 774 units. These will all deliver affordable housing. For these reasons, the delivery of affordable housing should not constitute a local justification so as to meet criterion (j) of policy CDNP05, and it should not attract such weight as to permit additional housing that is not otherwise acceptable.

Conclusion on Housing

102. The application proposals therefore fit badly with paragraph 50 of the Framework, and also fail to fit with the Framework's paragraph 184. The Wates 44 and Gleeson 60 schemes fail to accord with criteria (b) and (j) of policy CDNP05, and the CDNP read as a whole. They also fail to reflect the reasoning of the CDNP Examiner.

[79] Doc 5
[80] Para 2.7 in Doc 5
[81] Doc 12
[82] Page 17 of Doc 12
[83] Page 59 of CD09
[84] Para 7.26 of Doc WD/8
[85] Para 16 to App 4 in Doc WPC/5
[86] Page 74 to App 4 in Doc WPC/5
[87] See CD16 and para 7.20 of Doc WD/8
[88] Doc 13

103. Document MSDC5a reviews the impact of different housing scenarios on the district's settlement hierarchy and its environmental and infrastructure constraints. This work concludes that the educational capacity of Worth parish is over capacity[89]. Assessing the range of 26-245[90] units that various increased scenarios may direct towards the settlement the Council concludes, on the basis of work done to date, that further growth is not deliverable and is unsustainable.

104. There is therefore no local justification for these proposed developments and no district justification that suggests Crawley Down should take this additional development in light of the district need. Rather, there is a general inability to demonstrate a 5 year HLS (although in fact the Council's position at the ongoing MSDC examination is that it can demonstrate a 5.09 year's supply).

105. The Framework is very clear on the benefits of the plan-led system, and the public interest in applying adopted policies coherently and consistently to uphold the plan system. Here, the MSDP is seeking to deliver the required housing consistently with the CDNP, and this need not result in a conflict as the CDNP is permissive, subject to specific criteria and policies being met. It is up-to-date and robust in terms of its strategies and does not seek to meet a fixed housing requirement, or allocate sites. Therefore a generalized shortfall, pending adoption of the MSDP cannot and should not justify a departure from the CDNP. Any housing with a district justification should comply with the CDNP, rather than conflict with it.

Infrastructure and Services

106. Policy CDNP01 allows for development where the necessary infrastructure to support it is in place or can be provided in a timely manner through developer contributions. The position in relation to health and education is that the applicants accept the existing infrastructure is inadequate and they therefore propose contributions through the S106 agreements[91]. The issue that arises is whether these obligations would provide the necessary infrastructure in a timely manner.

Education

107. The evidence of Mr Brooks[92] establishes that the Crawley Down primary school has permanent buildings that support a 1.5 form entry (a capacity of 315 pupils), but the projected roll for 2018 is 378 – considerably over capacity. The West Sussex County Council ("WSCC") Community Infrastructure Levy ("CIL") justification[93] confirms that 111% of the local capacity is forecast to be occupied (WSCC considers a school to be full at 95% occupancy).

108. Mr Brooks' unchallenged evidence also shows that there are currently 2 temporary classrooms in use at the school, but these only increase capacity to 420, which would be exceeded by 2018/19[94]. There are no identified plans for this temporary provision to be replaced by a permanent, capital project which realistically may cost £1.6m-3.3m, depending on the extent of the capacity increase sought[95]. The

[89] See para 82 of Doc 13
[90] See Table 10 in Doc 13
[91] Doc 37 to Doc 40
[92] See App 5 in Doc WPC/5
[93] See, for example, para 2.4 in Doc 30
[94] See paras 12 to 15 in App 5 in Doc WPC/5
[95] See para 27 in App 5 in Doc WPC/5

scheme justifications provided by the applicants are entirely silent on the detail of what expansion works would be undertaken, when, or at what cost. Moreover, the planning obligations themselves do not identify the particular capital project with any specificity, referring simply to the extension of the school.

109. WSCC does not address whether the proposed funding would be sufficient to deliver any required extension and it is not enough simply to say that a contribution would be made. The school is full, and permitting further development would mean that children could not be educated in the village, contrary to the CDNP. This situation already occurs[96], and if it was exacerbated by further development it would result in unsustainable transport and would not promote inclusive communities, as required by paragraph 69 of the Framework.

110. Wates and Gleeson would be doing no more than paying funds based on a standard formula. An intention to expand capacity cannot deliver policy compliance, or remove the land-use consequence from a failure to provide that capacity at the right time. Document MSDC5a is clear that the infrastructure constraints in terms of primary education are a reason why further expansion of Crawley Down is not deliverable or sustainable[97]. As such, policy CDNP01 is not complied with.

Healthcare

111. Similar issues arise with regards to healthcare. Mr Hitchcock provides evidence that the surgery in the village is operating above capacity, and explains in detail the local circumstances giving rise to these capacity issues[98]. The only other evidence bearing on this issue is a letter from the Horsham and Mid Sussex Commissioning Group (H&MSCG) which states that the General Practitioner (GP) surgery should be able to cope with additional new patients[99], although this clearly does not address the evidence from the surgery itself. During the inquiry a further email from the H&MSCG was provided[100], but this appears to respond to a request from the Council to explain how any contribution would be sought, and provides no evidence of a planned expansion of capacity of the surgery.

112. Again the situation is that there is a capacity issue within local community services that the application proposals would exacerbate, but neither Wates nor Gleeson explain how the necessary infrastructure would be provided in a timely manner. Again, there is conflict with policy CDNP01.

Ancient Woodland

113. The Parish Council raises concerns in relation to the degree of protection being afforded to ancient woodland at both sites. It does not produce ecological evidence, but seeks to place the concerns of the Woodland Trust (WT) within the proper policy framework. Amongst other matters, paragraph 118 of the Framework indicates that planning permission should be refused for development resulting in the deterioration of ancient woodland, whilst criteria (a) and (b) of policy CDNP09 seek to safeguard ancient woodlands and provide appropriate buffers. Buffer zones

[96] See App A to App 5 in Doc WPC/5
[97] Para 82 in Doc 13
[98] See App 6 to Doc WPC/5, and email at page 177 of this document
[99] Doc 15
[100] Doc 25

are defined in the CDNP[101], and include a requirement that due regard should be had to the advice of the WT on this matter.

114. In addition, policy CDNP06 makes it clear that SuDS should not adversely affect the water table and associated aquifers and ancient woodland, with a footnote to this policy explaining that storage lagoons and basins should not be located in the vicinity of ancient woodland.

115. The WT's concerns are set out in a number of representations, the most recent being a bespoke objection to the Wates' proposals, including the potential impacts to Pescotts Wood[102]. As well as the activity generated by the site, it is particularly relevant that the proposals include a detention basin within the buffer zone, and that the surface water drainage strategy includes exceedance flows from the Hastoe site. Surface water would be collected in proximity to the ancient woodland and would discharge into a water source that runs alongside it.

116. Surprisingly, neither applicant has sought to engage with the ecologist from the Woodland Trust, choosing instead to simply refer to the Natural England ("NORTH-EAST") standing advice[103], which has a reference to a 15m buffer. However, the NE advice is actually that "development must be kept as far as possible from ancient woodland, with a buffer zone maintained between the ancient woodland and any development boundary". The ecologist for Wates, Mr Goodwin, confirmed that there is no reason why greater buffer zones could not be provided. In the north-east corner of the site, where the detention basin is proposed, the buffer is intended to be 16.8m. Whilst the standing advice is only that 15m may be considered as a minimum, this will vary from case to case and the Parish Council asks that careful consideration be given to the WT's points on this matter.

Site/Development Integration

117. Criterion (i) of policy CDNP05 requires that new development is arranged so as to integrate with the village. Whilst this may be a matter of judgment, in light of the site characteristics and location, the Parish Council raises a number of concerns. With regards to the Wates proposals, the utility of the footpath connection to the south of the site via Huntsland is questioned. Realistically, the development would be at the western edge of the village and served only by one access.

118. Furthermore, the Gleeson proposals read as a "bolt-on" to the village, rather than being integrated with it. The SHLAA commented that the site was an "illogical incursion" into the countryside and the Council's Urban Design Officer commented that failure to connect to Woodlands Close was a missed opportunity, with the schemes amounting to poorly-connected and inward-looking culs-de-sac that would be more car reliant than would otherwise be the case[104]. The Officer's report to Committee was written without the benefit of these comments[105]. Paragraph 64 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and

[101] Page 55 of CD098
[102] From December 2016 – see page 257 in Doc WPC/5
[103] CD56
[104] CD51.41
[105] See CD52

quality of the area and the way it functions and the Parish Council contends that this is a relevant consideration here.

Highway Considerations – Gleeson Schemes

119. The Parish Council has general concerns about the Transport Assessment[106] ("TA") undertaken for the Gleeson schemes, which it maintains has not been carried out in accordance with WSCC requirements[107]. Amongst other points, it argues that using trip information from the existing Kings Acre development to predict likely traffic from the proposed development is not appropriate, as the location and implications of the location of Kings Acre are significantly different to the Hazel Close area. Kings Acre is not on a cycle route, and its proximity to the village centre means that many journeys are likely to be made on foot.

120. It also has safety concerns about the intensification of use of the existing Hazel Way/Hazel Close junction, which is described in the Road Safety Audit ("RSA") as being of low standard[108]. Hazel Way has been identified through the CDNP as a road which requires speed calming measures[109]. It also serves as part of the Worth Way, a Sustrans national cycle route from London to Eastbourne, which is well-used by recreational riders, commuters and school children.

121. The local evidence shows that typically there is significant parking on Hazel Way in the vicinity of the junction with Hazel Close. This includes within the visibility splays drawn by the Gleeson traffic witness, Mr Russell, to reflect "x" and "y" distances from Manual for Streets ("MfS") and was confirmed in various submitted photographs[110]. This parking is unrestricted and has the potential to significantly reduce visibility, depending on the height and locations of the parked vehicles. Sustrans' guidance indicates a "Sight Distance in Motion" (that is when a cyclist feels comfortable) of 50m for local routes and 80m on commuter routes[111]. A car moving into the line of a bike or car will create a conflict.

122. This safety concern was specifically raised by the Auditor at the Stage 1 RSA. Mr Russell explained that RSAs were undertaken at this early stage because it was so important to identify fundamental safety issues. In this case the Auditor recommended junction control upgrades and waiting restrictions in view of the low standard of design of the junction; junction mouth parking; and the absence of definition at the end of Hazel Close which could heighten the risk of road users pulling into the path of other road users[112].

123. However, the applicant rejected these recommendations, arguing that drivers would proceed with caution and that waiting restrictions would be ineffective. But as Mr Brooks explained, the safety concerns have nothing to do with incautious drivers, rather that the visibility is such that drivers have no option other than to edge into the road to obtain better visibility. This would not be addressed by give-way markings. Nevertheless, the applicant has continued to promote the schemes

[106] CD50.14
[107] See Doc 21
[108] See para 3.1 in App G to Doc GD/3
[109] Proposal 2 on p39 of CD09
[110] See App 9 to Doc WPC/5
[111] See para 8.1.8 to Doc GD/3 and footnote 7 on page 268 in Doc WPC/5
[112] See para 3.1 to App G in Doc GD/3

without any junction improvement and without pursuing waiting restrictions. The Parish Council submits this is unsafe and unacceptable.

124. The Applicant relies on correspondence with the highway authority[113], but this shows that the highway authority sought either more detail of why the Hazel Close/ Hazel Way junction could not be improved, or an offer to improve it. However, no improvement was subsequently proposed. The applicant also indicated that the highway authority should prepare an exceptions report explaining, that they agree that the Auditor's recommendations need not be implemented, but no such report was ever produced, or explanation given.

125. Furthermore, the highway authority referred to the Hazel Close/Hazel Way junction as an outstanding matter[114] and suggested that give-way markings would reduce the risk of overshooting, noting that the Auditor did not make reference to any observations of parking taking place in close vicinity of the junction. It goes on to recommend that the junction be revisited as part of a Stage 3 RSA, and that waiting restrictions should be promoted if issues are identified.

126. The upshot of these points is that a problem was identified by the Auditors, but which the applicant rejects. The proposed give-way markings would not address the problem. The highway authority appears to have changed its position that an improvement of the junction was required for 2 reasons. Firstly, because the Auditors did not evidence local parking issues, and secondly because waiting restrictions should be reconsidered at a Stage 3 RSA. But current parking problems have now been evidenced, and Mr Russell's position is that waiting restrictions would be ineffective. In any case, Mr Russell's evidence is that fundamental safety issues should be addressed prior to permission being granted. In view of all the above points, there are good reasons why permission should be refused on safety grounds, and a new access scheme promoted.

Balance and Conclusions

127. The Parish Council agrees that if the application proposals are found to accord with the development plan, they should be granted planning permission. However, it considers that a number of development plan policies would be breached by these proposals, with an issue of particular significance being the weight to be given to the CDNP. As set out above, no party suggests it is anything other than an up-to-date and Framework compliant plan. The only issues of weight arise as a result of the application of paragraph 49 of the Framework. In relation to this, the PPG guidance is clear. Paragraphs 184, 185 and 198 of the Framework remain a critical part of the paragraph 14 balancing exercise.

128. The Written Ministerial Statement (WMS) of 16 December 2016[115] also strongly endorses the principle that development that fails to accord with an up-to-date and made NP should be refused, even where the Council is unable to identify a 5 year HLS at the district level. The WMS makes clear that where a planning application conflicts with a NP that has been brought into force, planning permission should not normally be granted; and that where communities plan for housing in their area in

[113] See Apps to Mr Brook's Statement, in App 9 in Doc WPC/5
[114] See App A in Doc GD/3
[115] CD46

a NP, those plans should not be deemed out-of-date unless there is a significant lack of land supply for housing in the wider local authority area.

129. The WMS contains an operative part which disapplies paragraph 49 where 3 bullets are met. This does not apply to the CDNP because it does not allocate sites, but the preamble is up-to-date Government planning policy relating to NPs, and the WMS is therefore consistent with Framework paragraphs 184, 185 and 198, and endorses the giving of significant weight to breaches of a NP. It is also endorsed in the recent Housing White Paper[116], as discussed below.

130. Unsurprisingly, recent SoS decisions are entirely consistent with the WMS and the PPG. Of particular note is the Sayers Common decision in this district, in which the SoS considered the Hurstpierpoint NP[117]. This NP contained policies that addressed the existing settlement pattern and the fact that the village would accommodate 30-40 dwellings in the plan period, even though there was no cap on the numbers in the plan. However, these figures represented the local vision, and although there was no 5 year HLS the SoS still gave substantial weight to the conflict with policy C1 of the MSLP and to the conflict with the recently made NP.

131. Furthermore, in a SoS appeal decision at Great Horwood in Buckinghamshire[118], the relevant NP policy prevented development outside the built-up area[119]. The SoS gave substantial weight to the breach of the NP and to paragraph 198 of the Framework[120]. He also gave weight to the provision of market housing, but he explicitly reduced this because the NP met its identified needs, while the appeal proposal did not meet the identified needs for homes for older people to downsize into, and for starter homes in the market sector. He concluded that permission should not be granted.

132. In a further SoS appeal decision at Yapton[121], there was another settlement boundary policy which was out-of-date in the context of Framework paragraph 49, but where the SoS considered that NPs, once made part of the development plan, should be upheld as an effective means to shape and direct development in the neighbourhood planning area in question. Consequently, in view of Framework paragraphs 185 and 198, and his guidance on neighbourhood planning, the SoS placed very substantial negative weight on the conflict between the proposal and this settlement boundary policy, even in the absence of a 5 year HLS.

133. The message is clear and consistent. The above decisions reflect countryside policies and the vision for local housing delivery. In all cases the breaches of the NP are given very substantial and indeed determinative weight, against the acknowledged benefits of the provision of market and affordable housing. This reflects the WMS and also is distinctly at odds with the applicants' submissions that in the circumstances that applies in these cases, the development plan policies should be given significantly reduced weight as a result of the operation of Framework paragraph 49 or for any other reason.

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[116] Housing White Paper – "Fixing our broken housing market" – published 7 February 2017

[117] Paras 13 & 14 of CD62: APP/D3830/A/12/2189451 – but note that the decision was quashed on the ground that inadequate reasons were given for the weight given to policy C1

[118] CD63

[119] Para 8 of the decision letter and paras 22 and 120 of the Inspector's report

[120] See para 16 of the decision letter

[121] CD64

134. The Housing White Paper was published shortly before the inquiry closed, and whilst it was not the subject of evidence at the inquiry it is nevertheless a material consideration. However, there remain a number of stages before it can generate substantive changes to national policy or the law, including consultation, and the weight accorded to it must reflect this. That said, certain themes are apparent, including that the Government is looking to boost housing supply, consistent with the Framework, by seeking the building of the right homes in the right places. The plan-led system remains central, and there will be increased action to ensure local planning authorities have up-to-date plans.

135. The role of local communities in planning for their areas is endorsed, and there will be greater certainty for authorities that have planned for new homes, and reduced scope for local plans and NPs to be undermined, by changing the way that land supply for housing is assessed. Infrastructure must be provided at the right time and in the right place, and housing that meets the needs of the future population will be encouraged, with the benefits of using the market to facilitate downsizing being recognised. In short, although the weight to be afforded to the Housing White Paper is limited at this time, it confirms the existing WMS, and the Framework importance given to NPs. In the Parish Council's submission it is entirely consistent with the approach adopted in the CDNP.

136. For all of the reasons given above the Parish Council submits that the application proposals are contrary to identified policies within the MSLP, and identified policies within the CDNP. The proposals would undermine and conflict with the clear vision and aspirations of the local community, as properly expressed through an up-to-date and made NP. Applying the Framework, the PPG, and the WMS, these applications should be refused.

137. Also for the reasons given above, the policies referred to should still attract significant weight. Paragraph 49 is triggered because the Council cannot deliver a 5 year HLS at the district level. The range is 3.34 years to 5.09 years, and this is being addressed through the emerging MSDP. The emerging policies identify the same core purposes as the existing MSLP and CDNP. The weight to be given to these policies should not be significantly reduced in these circumstances, particularly as later this year, it is hoped, there will be a new MSDP which will protect those same purposes with full statutory force.

138. In the language of the WMS and the Framework, the local community has done exactly what it should and made a NP which provides its vision for the area, and which identifies the right types of development for their community. The shortfall at district level is not significant and should not in any event frustrate the proper use of NPs as a powerful tool in the decision-making process.

139. When the balance is properly addressed it is clear that the 4 proposals before the inquiry are contrary to the development plan, including an up-to-date NP, and the material considerations in support of the proposals put forward by the applicants do not indicate that permission should be granted. Furthermore, as a result of those breaches of the development plan, and the harm caused, the proposals do not amount to sustainable development but rather, when balanced in full, the harm significantly and demonstrably outweighs the benefits. For these reasons, the Parish Council requests that the applications are refused by the SoS.

The Case for Gleeson Developments Ltd

140. These applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Such material considerations include whether the plan period which the policies relate to has expired; the consistency of the relevant policies with the Framework; and whether there is a 5 year supply of deliverable housing sites.

141. As the Framework makes clear, reduced weight should be given to development plan policies where they are inconsistent with the Framework. Such policies are also to be considered "out-of-date" and provide a further "entry point" or "trigger" for applying the second bullet point to the decision-taking section of paragraph 14 of the Framework, in addition to Framework paragraph 49. Thus, where the relevant policies in the development plan are out-of-date because (a) they are inconsistent with the Framework; and/or (b) the local planning authority cannot demonstrate a 5 year HLS, the correct approach to be taken is that mandated by paragraph 14 of the Framework, namely that planning permission should be granted unless any harm from the proposed development would significantly and demonstrably outweigh the benefits of the proposed development.

142. Reliance on the East Staffordshire[122] case by the Parish Council for its proposition that one arrives at paragraph 14 of the Framework with the statutory presumption that these developments should be refused, is misplaced. In this East Staffordshire case the development was contrary to up-to-date policies in a recently adopted local plan and there was a 5 year supply of housing land. That plainly is not the position here, where it is disputed that the relevant development plan policies are up-to-date and all parties accept that the Council cannot demonstrate a 5 year HLS.

143. In the current cases, the MSLP was adopted in 2004, but it only planned for housing provision up to 2006 and is therefore clearly time-expired. Moreover, as well as being time-expired, the MSLP pre-dates the Framework and does not seek to establish the OAN, contrary to the requirements of Framework paragraphs 14 and 47. The primary MSLP policies relevant to the principle of the Gleeson 60 and Gleeson 30 schemes are policies C1 (Countryside) and C2 (Strategic Gaps). Policy C1 states that development in the countryside will only be permitted in specific and defined circumstances, none of which apply to these schemes. In this regard it is accepted that the application schemes are contrary to policy C1.

144. However, policies C1 and C2 were formulated in the context of a plan which was then seeking to accommodate a much lower level of housing (8,400 units for the whole period 1989 – 2006) based on the 1993 Approved West Sussex Structure Plan[123], and which drew its spatial strategy and settlement boundaries accordingly. Not only has the housing requirement increased significantly (now at least 800 dpa) but policies C1 and C2 predate the Framework's emphasis to boost substantially the supply of housing, an exhortation reiterated in the Housing White Paper[124].

145. A further reason why policy C1 is inconsistent with the Framework is that it seeks to protect the countryside for its own sake, whereas the Framework adopts a more nuanced approach and seeks to take account of the different roles and character of

[122] CD66: East Staffordshire BC v SSCLG [2016] EWHC 2973 (Admin)

[123] See paras 1.13 and 5.8 of CD05

[124] It is agreed that the White Paper is a material consideration but should be given limited weight at this time

different areas, seeking to protect and enhance "valued" landscapes[125]. In addition, this policy must also carry significantly reduced weight having regard to paragraph 215 of the Framework. Moreover, the agreed lack of a 5 year HLS means that having regard to paragraph 49 of the Framework, housing policies should not be considered up-to-date, as agreed with the Council in the SoCG[126].

146. These points are reinforced by the Independent Examiner who examined the CDNP. He commented that:

> "Policy C1 of the MSLP protects the countryside for its own sake, and resists development beyond the built-up area boundaries ("BUAB") defined by the plan. Policy C2 defines strategic gaps within which development is strictly controlled, in order to prevent coalescence and retain the separate identity and amenity of settlements. Clearly these policies are out-of-date to the extent that the BUAB are so tightly drawn that there is little land available outside them to allow development for housing (a conclusion supported by a recent planning decision…).[127]"

147. The Parish Council's position, set out in Mr Carpenter's written evidence is that policies C1 and C2 are consistent with the Framework[128]. However, under cross-examination he accepted that to keep to the spatial policies (including policies C1 and C2) in the MSLP would not allow the Council to deliver the housing proposed in the emerging MSDP, and these policies are therefore inconsistent with the Framework. Moreover, policy C1, which seeks to restrict development outside the defined settlement boundary of Crawley Down, is not consistent with CDNP policy CDNP05, which permits development outside the settlement boundary but within the NP Area.

148. CDNP policies CDNP05 and CDNP08 are also out-of-date because they are both relevant to the supply of housing and, in the agreed absence of a 5 year HLS, are out-of-date by virtue of paragraph 49 of the Framework. These policies are not saved from being out-of-date by the WMS on Neighbourhood Planning of December 2016[129]. For the WMS to apply, all 3 of the conditions it identifies have to be met, but as the CDNP does not allocate housing sites, the second condition in the WMS is not met. The WMS is therefore not applicable to the Gleeson 30 and Gleeson 60 schemes, and as a matter of law it cannot be regarded as a material consideration and cannot be given any weight in the determination of these applications.

149. The upshot of the points detailed above is that because the Council cannot demonstrate a 5 year HLS, and/or because policies C1 and C2 are inconsistent with the Framework, the result is the same. Paragraph 14 of the Framework is engaged, with the tilted balance in favour of the grant of planning permission.

Policies

150. MSLP policy C1 seeks to protect the countryside for its own sake and is a restrictive policy preventing most development in the countryside, whilst policy C2 restricts development in defined Strategic Gaps, a designation no longer supported in the

[125] Para 109 of CD22
[126] See paras 6.3 and 6.4 of CD58
[127] Para 3.4.6 in CD07
[128] See paras 4.38 and 5.3 of Doc WPC/4
[129] CD46

Framework and not carried forward in policy DP11 of the emerging MSDP. Moreover, the purpose of policy C2 is to prevent the coalescence of settlements. It is not a policy intended to protect the countryside for the quality of the landscape.

151. As submitted above, policies C1 and C2 are out-of-date and should be given little weight in determining the Gleeson applications. Furthermore, the Parish Council has not attempted to make out a case that the Gleeson sites would conflict with policy C2 by causing the coalescence of Crawley Down with any other settlement. Indeed, Mr Carpenter accepted that the Gleeson schemes would not cause coalescence of the identified settlements as the Gleeson site is not located in any of the "gaps" identified by Mr Hodgetts[130].

152. CDNP policy CDNP05 is a permissive policy which, subject to criteria, allows residential development within the CDNP area which is drawn widely and is not restricted to the village built-up boundary[131]. In including this policy in the made CDNP, the Parish Council accepted that the CDNP would have to provide for additional housing in Worth parish because at the time it was being promoted the Council had identified a need for 656 new homes per year in the district[132]. On a pro-rata basis this gave an indicative figure for Worth parish of 804 new dwellings in the emerging MSDP period[133].

153. It is accepted by the Parish Council that any new housing will inevitably be on greenfield sites on the urban edge of the existing settlement. Indeed, as the CDNP Examiner stated in his Report:-

> "there is no evidence to suggest that there are undiscovered potential housing sites of any great significance within the built up area of the village. None came forward from the "call for sites", and, apart from the green spaces which the plan seeks to protect, there are no obvious undeveloped areas within the village[134]."

and,

> "all the land identified by the "call for sites", and by the additional sites suggested in the representations which are before me, lies outside the built-up area[135]."

154. Policy CDNP05 is therefore deliberately framed to permit residential development between the existing built up area boundary and the NP Area boundary because "otherwise it would be ineffective as a means of ensuring future housing"[136]. It is, therefore, inevitable that the housing which the Parish Council originally considered Crawley Down would need to provide to meet its own needs, and to help meet the district's housing requirements, will be by way of extensions to the existing urban edges of the village. In making a deliberate choice not to allocate specific sites within the CDNP Area the Parish Council accepted that new housing would be brought forward by developers on an ad hoc basis on greenfield sites.

[130] Figure RJH3 in App F in Doc WPC/2
[131] Figures 5 and 8 of CD09
[132] Para 28 of CD09
[133] Para 29 of CD09
[134] Para 4.9.4 of CD07
[135] Para 4.9.8 of CD07
[136] Para 4.9.5 of CD07

155. Again, as the NP Examiner said:-

> "the Parish Council decided that the CDNP should not identify any specific sites for housing, but should rely on policies which encourage windfall sites to be brought forward on a regular basis[137]".

156. The Inspector holding the examination into the emerging MSDP had raised a number of questions[138] covering, amongst other matters, the level of the OAN. At a hearing held following the Council's response[139] to this letter the Inspector indicated that it was likely that the OAN would have to increase above the 800 dpa figure currently assumed by the Council. This position was verified by Mr Ross and Ms Ashton who had both attended the same hearing, and who both consider that the likely figure would be in excess of 900 dpa.

157. A consequence of the increase in the OAN since the CDNP was made in January 2016, and the likely further increase above 800 dpa referred to above, is that Crawley Down as a Category 2 settlement is likely have to take more housing than the CDNP was based on[140]. It is, therefore, also inevitable that this additional housing will also have to be accommodated on green field sites outside of the existing built up area of Crawley Down and within the CDNP Area.

158. The Parish Council argues that the Gleeson schemes would be contrary to a number of the criteria of policy CDNP05. Criterion (b) seeks to limit individual developments to not more than 30 dwellings in total and impose a maximum density of 25 dph, with a footnote to that criterion defining the purposes of setting a 30 unit limit as to "ameliorate the impact of development on any single part of the village, control rate of growth and consequent impacts on community and infrastructure". Mr Carpenter accepted that if a development did not conflict with the purposes for this cap, then the fact that a scheme might be for more than 30 dwellings would not be a reason for refusing planning permission.

159. In any case, the CDNP Examiner had his doubts about the efficacy of this criterion in controlling the rate of growth, recognizing that there would be nothing to prevent several smaller schemes coming forward in the same locality at the same time, and that if there was not a 5 year HLS, this would not be a reason to refuse planning permission for an individual scheme[141].

160. The Gleeson schemes exceed 25 dph but the Parish Council has not sought to make out any case that in doing so they would cause any harm. The proposed densities are very similar to the density on the Woodlands Close scheme under construction immediately to the west of the site, and applying the density limit of 25 dph would simply result in smaller homes in over-sized plots, contrary to criterion (d), and amount to an inefficient use of land. In any case, Council Officers, in their report to Committee, indicate that there is no reason why schemes of the density proposed could not be satisfactorily designed to fit well onto the sites[142].

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[137] Para 4.9.8 of CD07
[138] CD19
[139] CD20
[140] This proposition was not accepted by Dr Gibson when it was put to him in cross-examination at the inquiry
[141] Paras 4.9.21 and 4.9.22 of CD07
[142] CD52

161. Not granting permission for the Gleeson 60 scheme just because it exceeds the limit of 30 units in an individual development would be poor planning. 60 dwellings would have no materially greater impact than 30, but a 30 dwelling scheme would not deliver the same scale of benefits in terms of housing generally or even locally. For example, the LEAP to be provided as part of the Gleeson 60 scheme is not part of the Gleeson 30 scheme, and would not be required if 2 schemes for 30 units each were brought forward separately.

162. The alleged conflict with criterion (i), which requires development to be arranged such that it integrates with the village, is not supported by any evidence from the Parish Council. Although Mr Carpenter suggests[143] that the Gleeson 60 scheme would be "somewhat remote from local facilities" he does not explain why. On the contrary, the village centre, shops and services are all within easy walking/cycling distance[144].

163. Criterion (j) requires housing need to be justified, but in light of the Inspector's decision arising from an appeal hearing relating to the Woodlands Close development to the west of the site[145], there is no merit in the Parish Council's argument that new affordable housing must be justified by a local need for it. Criterion (k) requires new development to not impact unacceptably on the local highway network, and this is addressed below.

164. Criterion (m) requires a range of dwelling sizes suited to young families and older residents, whilst criterion (n) seeks the inclusion of affordable housing in accordance with district policy. Criterion (p) specifies that at least 75% market and 80% affordable housing should be 2-3 bedroom, whilst making allowance for other sizes (which might include 1 bedroom dwellings).

165. However, contrary to the Parish Council's case, criterion (p) does not require a minimum number of 1 bedroom market or affordable dwellings. Nor is there any support in the supporting text of the CDNP for 1 bedroom dwellings. CDNP's own surveys identified a need for "1 or 2 bed units"[146]. In any event, the mix of dwellings is better determined at the reserved matters stage and Mr Ross confirmed that the proposed schemes have the flexibility to provide a range of dwelling sizes able to meet criterion (p), should that be considered appropriate at that time.

166. Policy CDNP08 has an objective of preventing coalescence to ensure that Crawley Down retains its identity as a separate village[147]. However, the Gleeson site is not in a gap between Crawley Down and the other villages of Copthorne, Felbridge, Turners Hill and Crawley, referred to in criterion (c). Nor would the Gleeson schemes contribute towards ribbon development (criterion (b)). The only criterion that the Parish Council seeks to argue the Gleeson schemes are contrary to is criterion (a), which permits development outside the village boundary unless it detracts significantly from the openness and character of the landscape.

[143] Para 32 of Doc WPC/4
[144] See Section 4 of CD58 and the table at para 2.2.3 of Doc GD/3
[145] Paras 21 to 23 of Doc 23 - APP/D3830/A/14/2217310
[146] Para 44 of CD09
[147] Paras 52, 55 and 88 of CD09

167. Again the development of policy CDNP08[148] through the examination of the CDNP is important. The policy is clearly not intended to prevent development which may be perceived as detracting from the openness and character of a development site. It seeks to protect the wider landscape from significant harm. It is inevitable that there would be a significant landscape impact on a development site where it is transformed from a green field to residential development. However, if that was the test, the combination of the BUAB being drawn tightly around the village and the fact that any new development would be likely to be outside this BUAB would effectively prohibit new housing development, contrary to policy CDNP05 and national policy[149].

168. Finally, criterion (a) of policy CDNP10 makes provision for safe vehicular and pedestrian access to new development and criterion (c) requires appropriate measures to be undertaken to address any transport infrastructure inadequacies. This policy is addressed further, below.

Benefits

169. The Gleeson schemes would result in considerable benefits under the 3 dimensions of sustainable development as set out in paragraph 7 of the Framework. These are detailed in Mr Ross's evidence[150], and summarised in the SoCG[151]. They would comprise:

Economic benefits

- the direct creation of construction jobs, amounting to some 90 jobs for the Gleeson 60 scheme and about 45 for the Gleeson 30 scheme;
- the creation of other jobs in construction-related activities such as brick manufacturing, amounting to about 30 jobs for the Gleeson 60 scheme and 15 for Gleeson 30;
- additional household expenditure in the local area of about £1.66 million per annum ("pa") for Gleeson 60 and about half this for Gleeson 30; and
- A New Homes Bonus of about £79,000 pa for a 6 year period for Gleeson 60 and about half this for Gleeson 30, together with ongoing Council Tax receipts for both the Council and WSCC.

Social benefits

- the delivery of high quality housing in a sustainable location, comprising up to 30 or 60 new homes, all of which would be delivered in the next 5 years, with 30% being affordable;
- the schemes would be provided close to local services and facilities and would support the existing and future communities' health, social and cultural wellbeing;
- the Gleeson 60 scheme would additionally provide a new LEAP on-site, which would be accessible not only to new residents but also to existing residents.

Environmental Benefits

- a range of measures to improve and provide net gains to biodiversity, including the following:

[148] Policy CDNP11 in the draft CDNP – see Section 4.12 of CD07
[149] Para 4.12.2 of CD07
[150] Paras 3.3 to 3.21 of Doc GD/4
[151] Paras 7.17 to 7.19 of CD58

- ◊ new planting with a mix of species that would provide additional value to birds, bats and invertebrates;
- ◊ the provision of a new pond for great crested newts and/or reptiles;
- ◊ new bird nesting boxes installed into the fabric of houses and other bird boxes placed around the sites; and
- ◊ provision of bat boxes around the edges of the sites.

- environmental benefits arising from SuDS, which would also reduce the flow of water to the existing pond and downstream features, thereby reducing the surface flooding risk for the site and downstream properties.

170. It is agreed with the Council[152] that the contribution these schemes would make towards housing provision locally and in the district would be a significant benefit. That is unsurprising in a situation where the Council has had to revise its OAN upwards from 650 dpa to 800 dpa over the period from June 2015 to August 2016 in the course of progressing the emerging MSDP, with the prospect of that figure increasing further still as noted above. The Council also accepts that it has persistently under-delivered against its housing targets and that it is unable to demonstrate a 5 year HLS or even a 3 year supply of deliverable housing sites[153].

171. Mr Ross's evidence[154] is that at best the Council can demonstrate a 3.3 year HLS, and this is likely to be less when the OAN in the emerging MSDP is resolved. In this regard it is of note that within the last 12 months the unchallenged evidence before the SoS in an appeal at Birchen Lane, Haywards Heath[155] was that the housing supply was between 1.91 and 2.36 years; with this being close to the range of 1.97 to 2.43 years found by the Inspector in a decision at Penland Farm, Haywards Heath[156], and described as being "woeful". This is a significant shortfall which the Gleeson schemes would go some way towards addressing.

172. In addition to the substantial contribution towards the district's ever increasing market housing needs, the Gleeson schemes would also make a real and important contribution towards the district's affordable housing needs, on a deliverable site. On the Council's own case, the affordable housing need is at least 230 dpa and, if the Developers Forum's evidence to the MSDP examination is accepted, this rises to 474 dpa. With a policy requirement of 30% affordable housing, that translates into around 1,500 dpa, a figure far in excess of what the Council is ever likely to be able to provide, resulting in the real possibility that the affordable housing need would never be met.

173. There are currently 1,541 households on MSDC's Housing Register of which 56 households have a local connection to Crawley Down, and a further 37 households have a local connection to Worth parish[157]. Arguments by the Parish Council that those in Band D should be ignored are misconceived, but revealing. They may not be in the same urgent need as those in Bands A-C, but they do reflect concealed households where adults continue to live with their parents because they cannot afford to buy their own homes, or live in private rented accommodation which is too

[152] Para 7.18 of CD58
[153] CD74
[154] Paras 5.22 to 5.23 in Doc GD/4 and App 11 in Doc WD/5
[155] Para 21 in the Inspector's Report in CD40 - APP/D3830/W/15/3137838
[156] Paras 14 and 15 in CD57
[157] Para 2.7 of the Doc 5

expensive for them. As the Housing White Paper identifies, "the loss of a private sector tenancy is now the most common cause of homelessness", a situation it seeks to address by, amongst other things, seeking to deliver between 225,000 and 275,000 new dwellings a year.

174. Criteria (j) and (n) of CDNP policy CDNP05 are not concerned with meeting only a local housing need. The CDNP is based on the then identified district need for 656 dpa and an indicative allocation to Worth parish of 804 dwellings over the plan period[158]. The CDNP Examiner made clear in relation to the housing need that there was a difference between it being reasonable for the CDNP to require a justification for housing and that all housing must meet a purely local need[159]. Criterion (n) expressly refers to the district's affordable housing need. As noted above, the Inspector hearing the Woodlands Close appeal and facing the same arguments from the Parish Council said that there was "no convincing reason why Crawley Down should not contribute" to the district's housing needs for further market and affordable housing[160].

175. There was a clear desire by the residents who spoke at the inquiry, and by the Parish Council's witnesses, to restrict the amount of new housing in Crawley Down. Notwithstanding the permissive nature of CDNP05, the reality is that the Parish Council has objected to all new housing development inside the CDNP Area but outside the settlement boundary, including to the Gleeson 30 scheme which accords with the 30 unit development limit. It claims to do so in order to preserve the identity of the village and surrounding countryside for future generations, but perhaps those future generations may prefer to own or rent their own homes, as previous generations have had the chance to do. The Housing White Paper makes the effects of increasing unaffordability over the years clear in its introduction, where it says:-

> "The Council of Mortgage Lenders predicts that by 2020 only a quarter of 30-year-olds will own their own home. In contrast, more than half the generation currently approaching retirement were homeowners by their 30th birthday. This is not because young people are not trying hard enough, it's because it is much harder for them to get a foot on the property ladder than their parents and grandparents.
>
> As recently as the 1990s, a first-time buyer couple on a low-to-middle income saving 5 per cent of their wages each month would have enough for an average-sized deposit after just 3 years. Today it would take them 24 years. It's no surprise that home ownership among 25- to 34-year-olds has fallen from 59 per cent just over a decade ago to just 37 per cent today".

Harm

176. It is submitted that the Gleeson 60 scheme would cause little or no harm and that the Gleeson 30 scheme would cause even less. In neither case are the substantial benefits significantly and demonstrably outweighed by any harm.

[158] Paras 28 and 29 of CD09
[159] Para 4.9.28 of CD07
[160] Paras 21 to 23 of Doc 23 - APP/D3830/A/14/2217310

Highways

177. On highways matters, the Parish Council's objection relates both to the amount of traffic the Gleeson developments are likely to generate; and the RSA undertaken as part of the TA. The Parish Council alleges that inadequacies on these points call into question the TA and the safety of the Hazel Close/Hazel Way junction and along Hazel Way.

178. Trip Rates. However, as Mr Russell explained in his evidence, the scope of the TA and the trip rates were agreed with WSCC and the TA was prepared by reference to MfS[161] and WSCC's Transport Assessment Methodology[162]. The trip rates were derived from the Grange Crescent development off Grange Road, previously agreed with WSCC and used to assess the highway impacts for the Woodlands Close scheme now under construction, notwithstanding that Grange Crescent is a smaller development comprising larger detached houses. Applying the trip rates from Grange Crescent shows that the Gleeson 60 scheme would generate 36 and 44 vehicles in the weekday morning and evening peak hours respectively[163].

179. However, WSCC also requested that a traffic survey should be done of the Kings Acre development because it was considered to be more comparable to the proposed Gleeson 60 development. The survey for Kings Acre showed lower trip rates than the Grange Crescent development and, applying those trip rates to the Gleeson 60 scheme, it would generate 25 and 23 vehicles in the weekday morning and evening peaks respectively - substantially lower that the traffic generation using the Grange Crescent trip rates[164]. Notwithstanding the greater comparability between Kings Acre and the Gleeson 60 scheme, the higher traffic generation figures were used for the purposes of assessing the impact on the highway network, including the junctions[165].

180. The Transport Statement prepared for the Gleeson 30 scheme[166] uses the same trip rates as for the Gleeson 60 scheme and, understandably, shows even less traffic generation because of the scheme being smaller. Applying the Grange Crescent trip rates results in traffic generation of 18 and 22 vehicles in the weekday morning and evening peak hours; and using the Kings Acre trip rates results in 12 and 11 vehicles in the same periods[167].

181. RSA. The junction between Hazel Close and Hazel Way is not a new junction and the issues raised in the RSA have to be viewed in the context of how it operates now. There is no evidence of this junction being dangerous at the present time. The personal injury accident ("PIA") data for a recent 5 year period does not show any injury accidents at the junction of Hazel Close and Hazel Way or along Hazel Way itself[168].

182. Worth Way/Hazel Way is a route well-used by commuters and school children and if there had been accidents to vulnerable users such as pedestrians and cyclists, they

[161] See extracts at Doc 22 and para 1.1.6 of CD51.13
[162] Doc 21 and para 1.1.6 of CD51.13
[163] Paras 5.3.1 – 5.3.4 and Figure 5.1 of CD51.13
[164] Paras 5.3.5 – 5.3.6 and Figure 5.2 of CD51.13
[165] Para 5.3.7 of CD51.13
[166] CD50.14
[167] Paras 5.3.1 – 5.3.6 and Figures 5.1 and 5.2 of CD50.14
[168] Paras 3.8.1 – 3.8.10 of CD51.13

would have been likely to result in injury and would have been recorded. The fact that no PIAs have been recorded cannot, therefore, be put down to accidents happening but going unrecorded. There may be accidents in the area that go unrecorded but there is nothing but limited anecdotal evidence before the inquiry of the number or nature of them. There is no evidence, not even anecdotal accounts, of there being any accidents involving pedestrians or cyclists or of accidents at the Hazel Close/Hazel Way junction.

183. The State of the Village Report[169], identified in the Index of Evidence of the CDNP as forming part of the evidence base for the CDNP (but dismissed by Mr Brookes as not being fit for purposes), does not identify a problem with speeding or parking anywhere except in the village centre. Indeed, Mr Russell's experience from his site visits to Hazel Way and Hazel Close is that vehicle speeds are low on Hazel Way and that it functions no differently from many other residential collector roads. The current cul-de-sac arrangement and that with the proposed Gleeson schemes are typical of highway layouts that already exist in the local area[170].

184. There is considerable misunderstanding about the RSA process. A request to undertake a Stage 1 RSA at the planning application stage is entirely normal and does not indicate that there is either an existing problem or even likely to be one with the development. In accordance with normal practice an RSA was undertaken as part of the Gleeson 60 application by independent auditors. This identified 2 potential issues, one of which related to the junction and the "risk of general vehicular conflict", with an increase in traffic potentially leading to overshoot type collisions[171]. The response, which has been accepted by WSCC as addressing the concern, is to provide give-way markings at the junction[172]. Contrary to the view expressed by Mr Brooks, no exceptions report was required by WSCC or prepared.

185. There is no reason why the junction with the proposed give-way markings would not operate safely for the Gleeson 60 scheme. The level of generated traffic would be low with this scheme, and even lower with the Gleeson 30 scheme. The junction is designed to the standards in MfS and is appropriate for a residential collector road. Users of the junction, as is the case now, would largely be residents of Hazel Close who would be fully aware of the need to take care when emerging from the junction. The give-way markings would help to ensure that care is taken.

186. Some residents may park around the junction (contrary to the Highway Code) but that is typical of many roads of this nature and MfS makes allowance for the need for vehicles to edge out to see and be seen[173]. As Mr Russell said, it is impossible to design junctions to cater for people who do not act in accordance with the rules of the road. Cyclists and equestrians have greater height and visibility and can see at least 80m along Hazel Way over parked cars and through the bend to the east of the junction. Provided motorists take ordinary care in pulling out from the junction there is no reason to think that accidents with the proposed developments would be any more likely than they are now.

[169] CD26
[170] See Figure 2.1 in Doc WD/13
[171] See App G in Doc GD/3
[172] See WSCC consultation response dated 26th January 2016 at App B in Doc GD/3
[173] See extracts at Doc 22

Landscape impact

187. Both Gleeson schemes would result in adverse impacts on the landscape character of the site itself. These are summarised in the LVIAs as being a permanent change to residential land use, with associated infrastructure and open space; and a permanent loss of existing grassland and agricultural land use. This loss would, however, be mitigated through the implementation of the ancient woodland buffer and improved habitat creation with an additional pond, wildflower meadows and native shrub planting. In addition, there would be the retention of existing boundary trees, hedgerows and ancient woodland edge and the pond habitat. There would also be an improvement to the vegetation on site with the introduction of additional planting to the southern, south-western and south-eastern boundaries, plus the introduction of internal trees, meadow and shrub planting, thereby improving biodiversity and bolstering connectivity between the blocks of woodland.

188. In summary there would be a "minor adverse" effect on landscape receptors and landscape character at the study area[174] level, and a "major adverse" effect at the local level. But, as already noted, that is an inevitable consequence of developing any greenfield site, and any housing development within the CDNP Area but outside the BUAB is likely to be on a green field.

189. The Parish Council has presented no evidence that the proposals would have any adverse effect on the openness and character of the wider landscape, let alone one which would "significantly detract" from the openness and character of that wider landscape. Indeed it only presented limited evidence on this issue from Mr Carpenter[175] but, as he accepted, he has no landscape qualifications and his concern would not, in itself, be a reason for refusing planning permission. There is no basis to conclude that either the Gleeson 60 or Gleeson 30 scheme would have an effect of any significance except on the landscape character of the site itself.

190. Furthermore, the Parish Council makes no case on the Gleeson schemes having any material visual impact. In this regard the LVIAs point out that views of the proposed development would be limited to those receptors within the immediate local area, most noticeably from Hazel Close and Hazel Way. Indeed the only viewpoint on any public right of way from which the development could be seen is the limited and transitory view from the junction of Hazel Close and Hazel Way. From there, the site is seen in the context of the houses on Hazel Close itself and views of the wider countryside are limited by the blocks of woodland.

191. The magnitude of change resulting from the landscape proposals and built form of the development would be "neutral" at the study wide level and "high" at the local level. This would result in no change to the residual effect on viewpoints at the distant and middle distant scale. At the local level, it is anticipated that viewpoints would have a "moderate adverse" significance as the character and amenity of these local views would change from that of pasture land set within a treed and hedged boundary, to that of residential dwellings set within a treed and hedged boundary. Some residents would lose their private views of the site, and if planning permission is granted, the residents of the new dwellings would benefit. That is to be expected where any residential development is likely to be on the urban edge of the existing settlement.

[174] See para 4.1 and Figure 4.1 in CD50.17 and CD51.16

[175] Paras 5.31 – 5.33 of Doc WPC/4

192. In summary the proposed developments would wholly replace the existing character of the application site, but would retain the landscape receptors of highest value, namely the ancient woodland edge and the vegetated boundaries, and would seek to create a landscape character which is in keeping with the adjacent residential street scenes. Overall, whilst adverse effects would occur during the construction and operational phase, the landscape and visual effects at the operational phase would be minimised through high quality design which would be appropriate and reflective of the village setting, whilst being sensitive to the location of the ancient woodland.

193. On this latter matter, the Parish Council's concerns about the impact of these schemes on Burleigh Wood and Rushetts Wood are wholly reliant on the WT's consultation response[176]. However, those concerns would be fully addressed by the provision of 15m buffers between the houses and those woodland blocks, in accordance with NE's standing advice[177]. There are no trees on the site itself and there would be no unacceptable impacts on the trees in the woodland areas[178].

Infrastructure

194. The Parish Council has expressed concerns that infrastructure, particularly education and health care, would be unable to cope with the additional demands put on them by the new residents of the proposed housing. However, that is not a concern shared by WSCC as the education authority or the National Health Service's (NHS's) Clinical Commissioning Group[179]. They are both satisfied that, with the agreed S106 contributions proposed to be made, those services can be expanded as necessary to accommodate the increase in demand.

Other matters

195. With regards to the further matters upon which the Inspector indicated that he wished to hear evidence, the Gleeson schemes would give rise to no unacceptable impact on the amenity of existing residents, and no complaint is made in relation to matters such as loss of privacy, noise, daylight or sunlight. Some existing residents in Hazel Close would lose their private views of the application site as a field, but the loss of a private view is not generally considered to be a material planning consideration and, in any event, would be limited to a small number of residents.

196. Concerns from interested persons that the application proposals would be at odds with CDNP policy CDNP09, which seeks to protect and enhance biodiversity, are addressed by the detailed Ecology Statement appended to Mr Ross's evidence. This explains that the sites have been subject to significant levels of surveying effort, to ensure that their ecology has been understood. It states that the ancient woodland to the east and west and the hedgerows are considered the most ecologically important habitats, and confirms that the proposals would not result in the loss of any ancient woodland habitats, nor the loss of any trees or woodland. Indeed, these features would largely be enhanced as part of the proposals.

[176] CD51.40
[177] See Ms Tamblyn's statement at App 1 in Doc GD/5
[178] See Mr Richardson's statement at App 3 in Doc GD/5
[179] See Docs 15 & 25

197. 15m buffer zones to the east and west of the site, in accordance with the NE Standing Advice, would be enhanced with species-rich grassland, and shrub planting. There would also be the creation of hibernacula. Details of these enhancements could be conditioned as part of any planning permission. A long-term management plan for the buffer zones and hedgerows would be developed, focusing on the management for nature conservation, specifically aimed at bats, reptiles and great crested newts (GCNs) and their long-term provision on site.

198. For the Gleeson 60 scheme the illustrative masterplan also proposes a green space between the 2 woodland areas, supporting a swale as well as a LEAP. This would provide a green link between the 2 woodlands and would be maintained as a dark, central corridor which species could use to move across the landscape. Similar linkages between the woodland areas would be achieved for the Gleeson 30 scheme by additional tree and hedgerow planting along the site's southern boundary.

199. The sites are known to support GCN and grass snakes, as well as several species of bat. Common species such as roe deer and badgers are also known to use the sites. The surveys identified a number of bats using the site, but with the proposed landscape enhancements and an appropriate lighting strategy these developments would not impact the ability for bats to move across the site or forage on the site, nor would they impact any of the bats' long-term survival.

200. The GCN surveys identified that a low population of GCNs are present in the pond to the north-eastern corner of the site, but the developments would not impact on any breeding habitats of GCNs. The proposals for enhancing hedgerow edges, creation of new ponds, and maintaining green corridors and buffers would provide new breeding opportunities for GCNs, and maintain terrestrial habitat and linkages across the site and into the wider landscape. As such, the proposals would not impact the GCNs' ability to survive in the long-term and would not affect the GCNs' favourable conservation status;

201. The design of the site and the mitigation proposed would ensure that other species present on site, including reptiles, badgers, invertebrates and bird species would be able to maintain their presence on site in the long-term, with enough space in the retained habitat to support such species, and for them to expand in the future. In light of these points the Statement concludes that there are no valid reasons to object to these proposals on ecology grounds.

202. Issues relating to flooding, drainage and contamination[180] are addressed in the evidence, with no unacceptable impacts being identified regarding any of these matters. In summary the application sites are not at risk of flooding from any known or usual sources, and the proposals would not increase the risk of flooding to downstream or surrounding properties. The schemes propose to use a range of SuDS techniques which would ensure that there would be no detriment to the water courses and features receiving run-off from the site, and a sewer upgrade in the vicinity of the sites would accommodate the development flow and provide "no detriment" to current levels of service. Finally, on the basis of assessments which have been undertaken on the sites it is not considered that any risks due to site contamination issues would preclude either of the proposed development schemes.

[180] See Apps 2 and 4 in Doc GD/5

SoS's Issues

203. The SoS in his call-in letter wished to be informed as to the consistency of the Gleeson schemes with the development plan including the CDNP. For the reasons submitted above, although the schemes are contrary to policy C1 of the MSLP, that policy is plainly out-of-date and should be given little or no weight. The schemes would not cause coalescence of settlements and the schemes are not therefore contrary to the purpose of policy C2 of the MSLP.

204. The schemes are consistent with the policies in the CDNP, with just a breach of the 30 dwelling limit set out in policy CDNP05, by the Gleeson 60 scheme. But no unacceptable harm would arise from this breach. Indeed the schemes would not impact on the purposes of policy CDNP05, but would deliver residential housing on the edge of Crawley Down as contemplated by that policy. They would not detract significantly from the openness and character of the wider countryside, nor contribute to ribbon development, nor reduce the gaps between Crawley Down and neighbouring settlements and would be in accordance with policy CDNP08. Safe access with adequate visibility could be provided and the junction of Hazel Close/ Hazel Way could be improved to address any concerns about its operation, in accordance with policy CDNP10.

205. The SoS also wished to be informed as to policies in the Framework on delivering a wide choice of high quality homes, in particular those set out in paragraph 50. It is submitted that the schemes comprise sustainable development, offering significant benefits by way of the contribution they would make towards the need for market and affordable housing locally, and in the district, thereby widening opportunities for home ownership in a location which is sustainable and where people want to live. Although something more appropriate for the reserved matters stage, the schemes are able to deliver a range of house sizes, types and tenures to meet the needs of different groups and are fully consistent with the housing policies in the Framework.

Conclusion

206. The Gleeson schemes comprise sustainable development, and it would be hard to find a more suitable site on the edge of Crawley Down. In the absence of a development plan policy framework which is consistent with the Framework, and where there is a significant shortfall in the 5 year HLS, the application schemes should be granted planning permission unless the benefits are significantly and demonstrably outweighed by any harm. Neither development would give rise to significant harm sufficient to outweigh the accepted and substantial benefits, and planning permission ought therefore to be granted without delay.

The Case for Wates Development Ltd

207. Wates 30 is a proposal for 30 dwellings, for which the Council resolved to grant planning permission[181], but which was called-in by the SoS. Wates 44 is a scheme for 44 dwellings, which was refused planning permission by the Council, contrary to its Officers' recommendation[182] and was appealed by Wates. The Council subsequently resolved to withdraw its opposition and now supports that scheme

[181] CD01
[182] CD02

also[183]. However, both of these proposals are before the SoS and are considered alongside the 2 Gleeson applications. While the Council, as local planning authority, supports the grant of planning permission for all 4 schemes, considering them to be sustainable development, the Parish Council opposes them[184]. That said, at the opening of the inquiry the Parish Council indicated that in light of recent information from the applicant's highways witness, and the highway authority[185], it no longer pursues any objection to the Wates' proposals on highways grounds.

208. The site lies outside but adjacent to the urban edge of Crawley Down. The settlement boundary adopted in 2004 runs along Turners Hill Road, along which lie the recently permitted developments of the Hastoe scheme and the Wychwood scheme. There is no dispute that the site is accessibly located for services and facilities and that Crawley Down is a sustainable settlement for housing growth, being a "Category 2" settlement in the district's settlement hierarchy[186] and a "Local Service Centre" within the Settlement Sustainability Review[187].

209. MSLP policies C1 and C2 are relevant to these applications, as are CDNP policies CDNP05 and CDNP08 and draft policies DP10 and DP11 of the emerging MSDP. Paragraph 215 of the Framework applies to the adopted development plan, and it is agreed[188] that the spatial application of policies C1 and C2 are out-of-date and inconsistent with the Framework, being directed as they were to development needs assessed in a pre-Framework world, and for a period which ended more than 10 years ago[189]. Paragraph 216 of the Framework applies to the emerging development plan, and it is agreed that although the MSDP is relatively well advanced, it can only be given limited weight at present given the nature of the outstanding objections and the fact that they are still being considered.

210. All the above policies are agreed to be relevant policies for the supply of housing to which paragraph 49 of the Framework applies. The Council cannot demonstrate a 5 year HLS[190] and so all the policies are deemed out-of-date and must be reduced in weight accordingly, although the extent of any reduction is not agreed.

211. Although the CDNP is made, it is not one that allocates housing sites[191] and the Council cannot demonstrate a 3 year HLS[192]. It is, therefore, not a neighbourhood plan to which the recent WMS applies and the normal operation of paragraph 49 of the Framework is unaffected.

212. In this case, therefore, in the event of an identified conflict with the development plan, the decision-maker is taken by both paragraphs 215 and 49 of the Framework to the "tilted balance" in the second bullet point of the decision-taking section of paragraph 14 of the Framework. In these circumstances planning permission should be granted unless the adverse impacts significantly and demonstrably

[183] Para 2.13 of CD32A
[184] CD31
[185] Doc 3
[186] CD05 & CD13
[187] CD43
[188] See para 7.2(iii) of CD32A
[189] Page 3 of CD05
[190] Para 7.2(iii) of CD32A
[191] See policy CDNP05 in CD09
[192] See CD74

outweigh the benefits. The Parish Council accepts that if the conclusion is that there is compliance with the development plan, taken as a whole, it does not seek to argue that permission should be nonetheless refused.

213. Of the main considerations identified by the Inspector, there are no claims of any unacceptable impact on living conditions in relation to the Wates' schemes, and although the Parish Council initially raised objections on highway grounds, these were abandoned at the start of the inquiry[193]. Furthermore, no concerns regarding contamination or pollution have been raised in respect of the Wates' proposals. All other considerations highlighted by the Inspector are, however, dealt with in the following paragraphs, along with the matters raised by the SoS.

Effect of the proposals on the character and appearance of the area

214. There are 3 matters to consider: visual impact, landscape character impact and coalescence. The Council has no objections in these terms; indeed, there is recognition by the Council's landscape consultant that there are opportunities for landscape enhancement as a result of the scheme[194].

215. Visual Impact. Mr Hodgetts, for the Parish Council, readily accepted that the visual impact would be limited to the immediate surroundings of the area[195]. The site can be viewed from the immediately adjacent urban edge, through and from the existing areas of housing. The context of those views is the existing settlement and although the proposed developments would inevitably change the existing views, this would be the same for any greenfield extension to a sustainable urban area[196]. There are no visual impacts from the countryside to the south or north, and in particular no views from footpaths 33W/32W (Huntsland) or footpath 35W[197]. The site and the proposals are agreed to exert no visual influence on any land west of Bushy Wood.

216. Views of the proposed developments from an informal and unauthorised path at the edge of Bushy Wood in the west (Viewpoint 3)[198], would be seen against the existing backdrop of housing, through the existing mature hedgerow and trees and through the substantial proposed planting on the western boundary of the site. The magnitude of change was agreed between the experts, but while Mr Hodgetts' written text accorded a "high" sensitivity, he acknowledged in cross-examination that the creation of paths by trespass through an ancient woodland was not something that was to be protected in the public interest. Ms Shelton accorded the receptor a "moderate/low" sensitivity and correctly, therefore, scored the resultant impact at "low adverse" by Year 15, when the new planting on the western boundary would provide an effective buffer or screen[199].

217. There is no reason by reference to visual impact to raise objection to the scheme. This is agreed by the Council's landscape consultant[200].

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[193] Para 11 of Doc 8
[194] CD01 & CD02 under the heading "Consultant Landscapes"
[195] See Figure 1 in CD04A.8
[196] Apps E & F in Doc WPC/2
[197] See Figure 1 in CD04A.8
[198] See Figure 1 in CD04A.8
[199] App 7 of CD04A.8
[200] CD01 & CD02

218. Landscape Character. The geographic extent of the influence of the proposals on the landscape character of the area is also agreed to be limited to the site itself and its immediate surroundings. The zone of visual influence ("ZVI") is bounded by the adjacent urban edge to the east, by the adjacent woodland (Kiln Wood and Pescotts Wood) to the south and north respectively, and beyond one field to the west, by the block of woodland (Bushy Wood) along the western edge of that field[201]. Again, it is agreed that there would be no impact on the landscape character of the wider landscape, beyond the ZVI of the site, and specifically no influence of the site or the application proposals west of Bushy Wood.

219. The landscape elements of the site itself, comprising the treed edges, the western boundary hedge and the internal hedge between fields F1 and F2, would be preserved and enhanced by the proposals, with significant additional planting including buffers to the ancient woodland. Field F3 would remain undeveloped and be provided with public access, whilst a significant "green corridor" would be created along the western boundary to link the ancient woodlands north and south. The illustrative site layouts and indicative landscape strategies for both schemes demonstrate significant green infrastructure and a balance between developed and undeveloped areas, which accords with the village edge location, and would provide a new, defensible and more sympathetic western boundary to Crawley Down.

220. The landscape is not designated and, while perfectly pleasant, is recognised to be influenced in character terms by the adjacent urban edge and road[202]. It is agreed to not be a "valued" landscape in the sense of paragraph 109 of the Framework[203], having nothing about it to distinguish it from the "ordinary"[204]. Mr Hodgetts had sought to criticise methodological aspects of Ms Shelton's work, but these were explained as being based on a misreading of her documents as she had followed the guidelines published in Guidelines for Landscape and Visual Impact Assessment[205] ("GLVIA3"), using a transparent and objective methodology[206]; these criticisms were not seriously pursued.

221. In fact, when Mr Hodgetts came to his own assessment, while scoring the impact slightly higher based on his own methodology, the overall outcome was the same - both witnesses concluded that there would not be a significant impact on landscape character, with Mr Hodgetts acknowledging that most of the important physical characteristics would be left intact[207]. Ms Shelton followed the published work undertaken in the Hankinson Duckett Associates (HDA) Landscape Capacity Study 2007[208] and the Land Use Consultants (LUC) "Capacity to Accommodate Development" study 2014[209] and accorded a "moderate/low" landscape sensitivity to change[210] which, given the limited extent and nature of the landscape character change amounted to a "low/insignificant" significance of impact[211].

[201] Figure 1 of CD04A.8
[202] Paras 5.22 and 5.23 in Doc WPC/1; also CD01
[203] Para 3.12 in Doc WPC/1
[204] Paras 6.8 to 6.19 in Doc WD/5
[205] CD24
[206] Doc 2
[207] Para 5.30 of Doc WPC/1
[208] CD23
[209] CD21 (updated in 2015 – see CD17)
[210] Para 3.21 of CD04A.8
[211] Para 5.11 of CD04A.8

222. As with visual impact, the change which the schemes would bring to the landscape character is no more than is inevitable for a greenfield site being developed and, hence, axiomatic for any such urban extension. By contrast, as acknowledged by the Council's landscape consultation, there is significant scope for landscape character improvements as part of the scheme. Indeed, as noted above, all the significant landscape elements that go up to make the character of the area would be materially enhanced[212]. As this is not a valued landscape as referred to in paragraph 109 of the Framework, nor the subject of any designation as referred to in paragraph 113 of the Framework, there is no justification for objection to these schemes by reference to landscape character[213].

223. Coalescence. The Parish Council asserted that there would be a conflict with criterion (c) of CDNP policy CDNP08, by reference to an alleged "gap" between Crawley Down and Crawley, some 3 or more kilometres to the west[214]. However, its evidence did not substantiate that assertion. Mr Hodgetts' written evidence had a single paragraph[215] asserting "gap" harm, and indeed he accepted that the site and development on it would have no influence west of Bushy Wood[216]. Because of this he indicated orally that questions on coalescence should be answered by the planning witness, Mr Carpenter.

224. In turn, Mr Carpenter was obliged to recognise that the MSLP strategic gap policy C2 (relating to Crawley to East Grinstead, not Crawley Down to Crawley) had been formulated along with the settlement boundaries in policy C1 in a pre-Framework world and, as such, is subject to paragraphs 215 and 49 of the Framework. Further, it is not being taken forward under the MSDP, and would be replaced by a new policy approach contained in emerging policy DP11, which will protect separate identities of settlements with a series of tests but has no spatial application[217]; rather it allows NPs to designate "local gaps" if there is "robust evidence" to justify such designations.

225. However, as is made clear by the supporting text[218], it is to the emerging policy DP11 that policy CDNP08 is directed. Mr Carpenter was obliged to acknowledge that policy CDNP08, which the Parish Council relied upon, had been explicitly amended through the examination process so as to remove any reference to "local gaps", precisely because the CDNP had provided neither a designated gap area, nor the "robust evidence" that would be required to justify a gap designation under emerging policy DP11[219].

226. This was agreed to have left the CDNP without any gap designation and obliges the decision-maker to test compliance with policy CDNP08 by reference to the tests in the first 2 paragraphs of emerging policy DP11. It is notable, in this regard, that the 2 assessment documents recorded as being part of the evidential foundation of policy DP11 both recognised the capacity of the application site and its vicinity for

[212] Paras 6.20 to 6.22 in Doc WD/5
[213] CD32A & CD32B
[214] See Figure 7 in Doc WD/6
[215] Para 5.31 in Doc WPC/1
[216] See para 5.11 in Doc WPC/1
[217] CD14, which has no reference to policy DP11
[218] Para 88 in CD09
[219] See paras 4.12.1 to 4.12.10 in CD07

housing development[220]. Thus the whole structure of the policy DP11 consideration is predicated on the area of the application site having capacity for development – in other words, not being necessary to prevent coalescence or the loss of separate identity. Moreover, development could occur there without "unacceptably urbanising" the land between settlements.

227. Mr Carpenter acknowledged that with or without development on the application site, Crawley and Crawley Down would retain their separate identifies and would have their "amenities" left unchanged. Indeed, the CDNP Examiner was explicit that his changes to draft policy CDNP08 were of a piece with his changes to policy CDNP05, precisely in order to open the door to development outside the existing settlement boundary, which the draft CDNP seems to have been formulated to prevent[221]. There would be no impact on coalescence which justifies objection to the application schemes.

Effect of the proposals on drainage and ancient woodlands

228. The Parish Council provided no ecological evidence and the vast majority of Mr Goodwin's evidence was accepted, unchallenged. The only issue taken up was drainage, and the adequacy of the buffer to the ancient woodland. It should be noted that neither of the schemes, themselves, would directly affect the ancient woodland, and no veteran trees would be removed. Indeed, the application proposals, although in outline, show a buffer area to the ancient woodland in excess of the 15m minimum set out in the NE Standing Advice[222]. The Council, the County Ecologist and NE are all content that these measures would guard against adverse impact on the adjacent ancient woodland[223].

229. The Parish Council relies on correspondence from the WT to the effect that a wider buffer is needed. The WT eventually settles on 20m (which in fact would often be exceeded by the proposals[224]), but without any site specific justification for these demands. The WT's stance is no more than its recognised policy position as an organisation, and is at odds with NE, the SoS's statutory adviser. There is no reason why the approach in this case should depart from the Standing Advice[225], especially as it forms part of the evidence base for the CDNP[226].

230. A concern was raised as to the potential impact of the proposed SuDS regime on the Pescotts Wood ancient woodland, by reason of placing a detention basin in the 15m buffer, and using the existing ditch alongside the wood for drainage flow. As has now been clarified[227], there is actually no need to place a detention basin in that location, although to do so would be physically outside the root protection areas ("RPAs") of the trees concerned and would not affect the hydrology of the soils within those RPAs or the woodland itself[228]. As such, there is no objection from the statutory bodies to either proposal. As to the flow down the existing

[220] CD23 & CD21; also see page 48 of CD13
[221] See section 4.12 in CD07; also section 4.9 regarding what became policy CDNP05
[222] CD56. Also see CD04A.12 & CD04B.12, together with App 4 in Doc WD/3 and Apps 8 & 9 in Doc WD/6
[223] CD01 and CD02
[224] See App 4 in Doc WD/3 – shows distances of up to 33m
[225] CD56. Also see Paras 8.40 to 8.41 in Doc WD/2
[226] Page 43 of CD09
[227] Doc 1
[228] See para 3.2.3 & Figs 2 & 3 in App 2 in Doc WD/3; and Diagram 3 in App 3 in Doc WD/3

ditch, this would be regulated at not more than existing greenfield run-off rate, and so the hydrological regime of the adjacent woodland would be unaltered[229].

231. Mr Dobson, a local resident, had a separate concern about over-land flow from the ditch adjacent to the Hastoe scheme and localised sewer and foul water capacity, but the information before the inquiry has made it clear that this is accommodated in the design of the application proposals, with some potential for betterment[230].

232. There is no drainage or ecological objection to the proposed developments. Both matters are predicted to be improved. In particular, for the ancient woodland, a planted and managed buffer-zone, well in excess of 15m, and a linked swathe of planted and managed "green corridor" linking the 2 north/south woodland areas would see a net biodiversity gain. Ecological and drainage impacts therefore fall onto the positive side of the scales in the determination of these applications.

Housing Mix

233. The Parish Council has confirmed that it takes no issue with the affordable housing mix set out in the S106 agreements[231], and had also confirmed that the market housing indicatively shown in the masterplans accords with the range in criterion (p) of policy CDNP05. This mix has been agreed with the Council as suitable for the site[232]. There is, therefore, no conflict with any development plan policy as regards housing mix. That said, the Parish Council would prefer to see a different mix by reference to its own local housing needs survey[233]. However, the Parish Council conflates mix, by reference to criterion (p), with housing need, by reference to criterion (j), despite the CDNP Examiner being clear that the question of need is one judged against the district position and the 5 year HLS in particular – rather than a local assessment of need arising from within the parish itself[234].

234. But in any event, the actual housing mix would come forward through reserve matters applications and may well differ from the indicative layout. Its acceptability would be judged by the Council at that stage by reference to the circumstances and policy prevailing at that time. It is neither necessary nor appropriate to fix it at this stage.

235. What is clear, however, is that there is a pressing need for housing of all types and tenures[235]. By reference to paragraph 50 of the Framework, these are applications which should be welcomed as providing "a wide choice of high quality homes [widening] opportunities for home ownership and [creating] sustainable, inclusive and mixed communities". Provision of mixed housing types and tenures in an accessible and sustainable location like this is a matter which weighs positively in the planning balance.

[229] Diagram 3 in App 3 in Doc WD/3
[230] Para 8.20 in Doc WD/8 & CD04A.7 & CD04B.7
[231] As discussed at the Conditions/S106 session at the inquiry
[232] CD32A & CD32B
[233] See App 4 in Doc WPC/5
[234] Paras 4.9.28 & 4.9.22 in CD07
[235] See, for example, Doc 5

Delivery of infrastructure

236. The Parish Council raises just 2 issues on infrastructure relating to the Wates proposals - education provision and health provision. As regards both, the responsible statutory bodies have confirmed that they are satisfied with the provision to be made through the S106 agreements[236]. Whilst acknowledging the concerns of the Parish Council, it is for these statutory bodies, the infrastructure providers, to both determine the amount required and the way in which they consider it would be best spent. There is no justifiable objection on the basis of impact on infrastructure.

Compliance with the development plan

237. MSLP policy C1 would preclude development outside the 2004 settlement boundary in all but a series of specified exclusions, none of which directly applies to these applications. There is, therefore, a technical breach of the terms of that policy[237], but it must now be read alongside CDNP policy CDNP05 which, as it emerged from the examination, is permissive of development outwith the C1 exceptions, provided its own criteria are met. In the event of a conflict, the later policy supersedes the earlier, but in any event, through its criterion (e) policy C1 opens the door to development which would be "essential to meet the needs of local communities which cannot be accommodated in the built up area". Development compliant with policy CDNP05 could be said to meet this requirement. There is, thus, only a technical breach of MSLP policy C1.

238. Furthermore, the settlement boundaries to which this policy is directed are not consistent with the Framework as they do not provide for a Framework-complaint assessment of development needs; were only intended to apply to 2006[238]; and are therefore subject to Framework paragraph 215. Lastly, policy C1 is subject to Framework paragraph 49 and cannot be considered up-to-date. It is not a policy to stand in the way of sustainable housing development to meet today's needs.

239. MSLP policy C2, dealing with strategic gaps, provides that development within the designated gap areas meets 3 criteria. Criterion (a) would be met as it is accepted that the district needs housing development in areas designated as "countryside" by the 2004 proposals map - that is what CDNP policy CDNP05 provides for. Criterion (b) would be met by the enhancement to the landscape of the area as a result of the proposals. Criterion (c) would be met as the objectives and fundamental integrity of no strategic gap would be compromised by the application proposals. There would be no conflict with MSLP policy C2.

240. Furthermore, as with policy C1, C2 is subject to paragraph 215 of the Framework. Its boundaries are not being taken forward by emerging policy DP11, which will replace policy C2, nor are they replicated or otherwise provided for by CDNP policy CDNP08. Lastly, policy C2 is also subject to paragraph 49 of the Framework. Even were there to be a conflict, it is not a policy to stand in the way of sustainable development to meet today's needs. However there is, in fact, compliance.

[236] See Docs 4, 30, 31, 35 & 36
[237] Para 11.5 in Doc WD/8
[238] Page 3 of CD05

241. It is convenient to deal with emerging MSDP policies DP10 and DP11 next, as the CDNP has had regard to them and they more neatly dovetail with the CDNP than do the old MSLP policies C1 and C2. Policy DP10 will replace policy C1 and will allow development outside the 2004 settlement boundaries if supported by NP policies[239]. In the CDNP this is done by having a permissive policy (CDNP05), allowing for development outside the settlement boundary. The policy itself references the supporting evidential base to which "regard" will be had when judging compliance with its terms, these being the documents which recognise the capacity of the area for residential development[240]. By this, and by compliance with the CDNP, policy DP10 would not, therefore, be contravened by the application proposals.

242. In this regard it should be noted that "Area A" within the study area called SHLAA site 688 is in fact part of the Wates application site (Field F2), and is given a capacity of 7-20 dwellings. Field F1 to the north was criticised in the SHLAA[241] (although not for landscape reasons), by reference to an open boundary to the south. Plainly, once the acceptability of up to 20 units is recognised on Field F2, the development of Field F1 becomes entirely unobjectionable – indeed logical.

243. Policy DP11, which will replace but not replicate old policies C2 and C3, does not identify any land for development control purposes. However, the third part of the policy allows NPs to designate "local gaps" and apply protective provisions to those areas, but the CDNP has not chosen to do that. The first and second parts of the policy set certain tests in respect of coalescence, settlement character and amenity, indicating that when travelling between settlements, a person should be able to feel that they have left one settlement before arriving at another.

244. On the basis of the submitted evidence, the Wates schemes do not offend against those tests. Indeed, the policy's evidence base[242] supports the identification of the application site as suitable for development. In any case, if policy DP11 was offended, it is also a policy subject to paragraph 49 of the Framework, and therefore would have to be considered out-of-date at the present time.

245. The CDNP is notably different in its terms from the draft submitted to the NP Examiner[243]. The reasons for these changes, without which it would not have passed the "basic conditions" and not have been able to have been "made", are set out in the Examiner's report[244]. It is not unfair to say that the draft CDNP may have been put together with a rather different attitude to providing for development than the NP Examiner felt was consistent with national policy. As such, he significantly altered the terms and effect of policies CDNP05 and CDNP08.

246. Because of this, and as the CDNP decided not to allocate housing sites, CDNP05 became a permissive policy for housing development both inside and outside the 2004 settlement boundaries, subject to criteria which are clearly intended to be able to be met[245]. This is important when seeing how the Parish Council would like

[239] Page 47 of CD13: second bullet of policy DP10
[240] Namely the 2007 HDA Capacity Study [CD23] and the 2014 LUC Capacity Study [CD21] – the latter being updated by the 2015 LUC capacity Study [CD17]
[241] CD15A and CD15B
[242] CD21 and CD23
[243] CD06
[244] CD07
[245] Section 4.9 of CD07

to construe and apply criterion (a). Given that policy CDNP05 is expressly intended to allow greenfield sites outside the settlement boundary to come forward[246], it cannot be that criterion (a) is offended by the development of a greenfield site, and the axiomatic change in character and visual qualities of the site and its immediate surroundings. Criterion (a) is not, therefore, offended in this case.

247. Similarly, criterion (j) cannot just relate to an assessment of parish-derived need, but as the Examiner made clear, it is a matter to be judged at a district level, particularly by reference to the 5 year HLS situation[247]. Lastly, the per-application "cap" of 30 dwellings in criterion (b) was subject to illuminating comment by the Examiner. He recognised that such a cap would not take the NP outside the basic conditions, and he was unable to remove it. But he equally recognised that it could not prevent the grant of subsequent applications in the same vicinity each under the 30 unit limit[248].

248. Thus, an application for 30 units could have been made and granted on Field F2, and another made and granted on Field F1 without any conflict with this criterion. It is difficult to see in what way it could be said to be objectionable to have 44 in one application, when this would not offend any of the 5 reasons for the criterion in footnote 11 to this policy, but would bring the benefits of a more comprehensive approach to the development. Equally, given that the Wates 30 scheme occupies the same site and very largely the same footprint as the Wates 44 scheme[249], and has the same lack of impact on matters such as landscape and ecology, it is difficult to see by what measure the additional 14 units could be said to be objectionable. Both schemes would satisfy the 25 dph density figure set in criterion (b).

249. All other criteria are accepted to be met and/or are matters for the reserved matters stage[250]. As such, policy CDNP05 is complied with by the Wates 30 scheme. In any case, read with its footnote 11, policy CDNP05 is not even offended by the Wates 44 scheme or, if offended, would only be in a numerical matter that does not, of itself, manifest in demonstrable harm. Again, this is a policy to which paragraph 49 of the Framework applies if there is conflict but, properly approached, there is no more than a technical conflict.

250. CDNP policy CDNP08 is alleged to be offended as regards criteria (a) and (c), but neither case is made out. Again, the Examiner carefully altered CDNP08 to make it work with his amended CDNP05, and to enable sites to come forward outside the settlement boundaries[251]. For criterion (a), the Examiner inserted the threshold of "significantly"[252], and amended the policy such that it is the "landscape" whose character and appearance must be significantly harmed, not the site. On the shared conclusion of both landscape witnesses, Mr Hodgetts and Ms Shelton, that would not happen as a result of these proposals.

[246] See paras 4.9.3 & 4.9.4 of CD07
[247] Section 4.9.28 & 4.9.22 of CD07
[248] Section 4.9.22 of CD07
[249] App 1 in Doc WD/6
[250] See "NP Compliance Table" in App 1 in Doc WD/9
[251] Section 4.12 – particularly para 4.12.2 in CD07,
[252] Para 4.12.8 in CD07

251. Similarly, for criterion (c), the Examiner removed any designation as he had no "robust evidence" that would justify a gap designation under policy DP11[253]. Thus the CDNP has no "local gaps" in policy DP11 terms, and all policy references to them have been removed[254]. There is no simple development control exclusion of development within a defined zone. Rather, the land and scheme in question need to be looked at in terms of their function in preserving the separate identities of the settlements and the sense of having left one before arriving at the other. It is agreed that the application site and the development on it would have no such functional impact, physically or by perception. As such, criteria (a) and (c) of policy CDNP08 are complied with. Once more this is a policy subject to Framework paragraph 49, but it is not offended.

252. Properly understood, there is compliance with the statutory development plan taken as a whole. There is no breach of the CDNP by the Wates 30 scheme, and only a technical breach of criterion (b) of CDNP policy CDNP05 by the Wates 44 scheme, although no harm would arise to the 5 factors referenced in the footnote to that policy which are said to justify that criterion. Hence, there would be no harm to the policy intention. By operation of the first part of the decision-taking section of paragraph 14 of the Framework, development in accordance with the development plan should be permitted without delay. The Parish Council has confirmed that it would not oppose permission given such a finding.

253. Insofar as MSLP policy C1 is technically offended by reference to the 2004 settlement boundaries, consideration of the schemes falls within the second part of this paragraph 14 section, by reason of the operation of paragraph 215 of the Framework. If there is a breach of criterion (b) of policy CDNP05 by the Wates 44 scheme, it is not a breach which can be said to attract any significant weight, given that no harm arises from those extra 14 units. Furthermore, all the above policies are subject to paragraph 49 of the Framework, as has already been noted, and as is reinforced in the following sections.

Housing land supply and weight to be given to relevant policies

254. The Council acknowledges that it cannot demonstrate a 5 year HLS. Indeed, it acknowledges that it cannot demonstrate any HLS as it is not in a position to establish the requirement figure to measure the potential supply against. As such, it is equally unable to establish a 3 year supply, however it is measured[255]. Consequently, paragraph 49 of the Framework is engaged and applies to both the adopted MSLP policies C1 and C2 and the made CDNP policies CDNP05 and CDNP08. Given the land supply position and the fact that the CDNP does not allocate sites, the WMS of December 2016[256] is agreed not to apply to the CDNP.

255. Furthermore, as confirmed by the judgement in the Woodcock Holdings case[257], paragraph 49 of the Framework also applies to the emerging MSDP policies DP10 and DP11. The Hopkins Homes case[258] confirms that policies deemed out-of-date by reason of paragraph 49 of the Framework do not cease to exist, but that the

[253] Paras 4.12.3 to 4.12.7 in CD07
[254] Para 4.12.8 in CD07
[255] See CD74
[256] CD46
[257] Not a Core Document, but referenced in the Hopkins Homes judgement (CD29)
[258] CD29

weight which they can be given would normally be reduced[259]. The overarching point is that if restrictive policies are allowed to continue to be determinative, in the absence of a 5 year HLS, the Government's aim of achieving the dwellings needed may be undermined.

256. That is the case here. No justification has been shown to depart from that "normal" expectation. The hope that shortly there will be a 5 year HLS following the adoption of the emerging MSDP is not only of uncertain timescale, it is also of no assistance to the policies in the MSLP, as on that premise the likes of policies C1 and C2 will cease to exist. Although paragraph 198 of the Framework indicates that planning permission should not normally be granted for a proposal that conflicts with a made NP, the absence of a 5 year HLS takes the current situation away from the "norm". Indeed, the Woodcock Holdings judgement already referred to confirmed that paragraph 198 does not elevate a NP above any other part of the statutory development plan.

257. The Parish Council seeks to use policies C1, C2, CDNP05 and CDNP08 to restrict development outside the 2004 settlement boundary, but by so doing they undermine the pressing need to deliver housing at Crawley Down and the district as a whole. In light of the absence of a 5 year HLS these policies should be only given limited weight, and any conflict with them should similarly only carry limited weight in the planning balance. As this is the "tilted" balance under the second bullet point of the decision-taking section of Framework paragraph 14, the Parish Council must assert that this limited weight to any policy conflict must significantly and demonstrably outweigh the positive side of the balance. This is considered in the following sections.

Whether the proposals amount to sustainable development

258. Insofar as there is conflict with the development plan, it is agreed that the second bullet point of the decision-taking section of Framework paragraph 14 is the applicable test, and that the second "dagger"[260] of that policy is not engaged. The 3 dimensions of sustainable development referred to in paragraph 7 of the Framework are dealt with in detail in Ms Ashton's proof of evidence[261].

259. For the economic role, there is no dispute by the Parish Council of either the relevance or quantification of the economic contribution of the application proposals. For the Wates 30 scheme, these are agreed to be 30 new full-time equivalent ("FTE") jobs in construction and 15 elsewhere plus £800,000+ pa in residential expenditure plus public sector revenue. For the Wates 44 scheme the figures are 66 FTE construction jobs and 33 elsewhere, £1.2 million+ pa in residential spend and more public sector revenue[262]. By reference to paragraphs 18 and 19 of the Framework, this is a matter to which the Government expects, as a matter of policy, significant weight be given.

260. For the social role, there is no question that the provision of new housing is a positive factor of substantial weight in its own right. As well as either 30 or 44 market units, the schemes would also deliver either 9 or 14 affordable units.

[259] See para 47 of CD29
[260] Relating to specific policies in the Framework which indicate that development should be restricted
[261] See Section 10 of Doc WD/8
[262] See corrected Table at para 10.3 of Doc WD/8

Additional weight must be given because of the fact that this authority is failing to deliver its housing requirement and cannot demonstrate a 5 year HLS. Further substantial positive weight is to be given to the provision of affordable housing in a situation where the need, when properly calculated, lies within a range of 371-474 dpa, but where the actual delivery has been a woeful 129 dpa[263].

261. Illuminatingly, the Parish Council seeks to play down the issue of affordable housing. It has adopted its own definition of what that term means and simply leaves out of account all those to whom there is not a priority duty under the Housing Acts. That does nothing to assist those who fall into affordable housing need in a planning sense, but may be thought to speak volumes about the attitude of those who formulated the CDNP, to accommodating housing need.

262. Further under the social aspect, there is no dispute that the schemes would be, through reserve matters applications, high quality living environments, accessible to the services and facilities needed by residential occupiers. As such, the social role should attract substantial positive weight.

263. Lastly, for the environmental role, the schemes would have no unacceptable impact on visual amenities or landscape character; no impact on settlement identity or coalescence; and a positive score in terms of biodiversity and landscape character through the positive landscape strategy which would be secured by the Landscape Management Plan, required by condition[264]. Being sustainably located for additional housing growth, it favours the factors of prudent use of resources, minimising pollution and moving to a low carbon economy.

264. Although it is not necessary that they do so, in this case, all 3 dimensions score positively in favour of the proposals. For permission to be refused, as the Parish Council seeks, the sum of these substantial positive factors must be significantly outweighed by the alleged negatives. For the Wates 44 scheme this comes down to an observation that 44 units is more than 30. For the Wates 30 scheme, even that allegation cannot be made. That lone policy breach cannot rationally be alleged to be significantly more weighty than the sum of the substantial positive weights recorded above. No concomitant harm was identified by being 14 dwellings more than 30, on a site and footprint essentially unchanged from the 30 dwelling scheme. Rather, there would be additional social and economic benefits from providing 14 further households with a home.

265. The paragraph 14 balance firmly, therefore, falls in favour of permission being granted; the schemes amount to sustainable development within the terms of the Framework and Government policy is that they should be allowed. If and to the extent that there is a breach of development plan policies, that breach should not prevent planning permission being granted in these cases.

Housing White Paper

266. This was published on 7 February 2017 after the close of evidence. The parties are agreed that only limited weight can currently be accorded to it by virtue of the expected stages of further consultation and legislation envisaged in the White Paper itself, and by the timescale for any substantive change in policy or law. As such,

[263] Paras 7.21-7.23 in Doc WD/8

[264] Including management of and public access to field F3, which is otherwise undeveloped

there is no direct implication for these applications, or for the evidence heard at this inquiry, save to note the understandable reiteration of the Government's commitment to build the houses the nation needs, as well as its recognition that this has not been happening for some decades. This situation has profound social and economic consequences and cannot be allowed to continue.

267. These schemes are just such as should be allowed in order to meet that imperative: a sustainable location for growth, with no more impact than is axiomatic for any greenfield development, free from any landscape or other designations or restrictions, and in accordance with the permissive criteria of the development plan.

Conclusion

268. This is a sustainable site for additional housing growth, which is recognised to be needed and needed urgently in the context of the continued and continuing failure of the Council to be able to demonstrate a 5 year HLS. The land in question has no landscape or other restrictive designation. It is subject to a positive, permissive NP regime which allows development outside the settlement boundaries of the village. The schemes would manifest no harm to any interests of acknowledged importance other than a localised and inevitable change to the site itself, which is provided for by supportive CDNP policy.

269. By contrast, they would bring significant positive benefits across all 3 dimensions of sustainable development: economic, social and environmental. They amount to sustainable development within the meaning of the Framework and precisely the sort of housing schemes which the Government in the Framework, and its Housing White Paper, are firmly wedded to seeing built in the public interest. For all of the above reasons, both of these applications should be granted planning permission.

The Cases for Interested Persons Opposing the Proposals

270. Some of the interested persons who spoke at the inquiry raised similar topics. In the interests of clarity and efficiency I have not repeated all such matters for each objector in the summaries of their cases, below, but instead have concentrated on the main matters unique to each objector. That said, full details of all matters raised can be seen in the appropriate inquiry document, referenced to each individual speaker. The material points were:

271. Mr Geoffrey Dobson[265]. Mr Dobson is a local resident, living at a property on Turner's Hill Road which backs onto the Wates site. He did not raise a specific objection to any of the application proposals, but recounted drainage problems, including a complete blockage of the sewerage system for his and adjacent properties, arising from the Hastoe development and the Wychwood development. He comments that if developers cannot be prevented from constantly diverting water into his and adjacent properties, the only solution would be for Thames Water to build an entirely new, larger sewer.

272. Mrs Deborah Ward[266]. Mrs Ward has been a resident of Crawley Down for over 20 years, and currently lives at a property in Hazel Close which lies adjacent to the Gleeson sites. She states that the proposed development of these sites would have a significant detrimental impact on the residents of Hazel Close and a huge impact

[265] Full details of this objector's case can be found in Doc 9
[266] Full details of this objector's case can be found in Doc 10

on the village as a whole. The local primary school is full to capacity and some of the village children or their siblings cannot get a place there. The school has to use temporary accommodation, with no plans to provide any more permanent accommodation. It is also very difficult at present to get a GP appointment.

273. Access through Hazel Close to the new developments would be dangerous with the amount of extra cars using it and the fact that the new road layout would have no pedestrian access on one side. This would impact on parking in Hazel Way. Drivers exiting from Hazel Close currently have visibility issues because of vehicles parking on Hazel Way, speeding vehicles and a lack of visibility to the left, especially, because of the bend and the dip in Hazel Way. Mrs Ward has had 2 near misses when exiting from Hazel Close because of drivers not seeing her trying to edge out, and she has seen many other near misses. These problems would be made worse with extra traffic from the proposed developments, particularly as Hazel Way is part of the national cycle route No 21 and is well-used by walkers, joggers, horse riders, dog walkers and school children.

274. The new developments would have an impact on the ancient woodlands which would lead to their deterioration, as identified by the WT. If houses were built on the field the buffer zones would be too small to provide the wildlife corridors which the deer, foxes and badgers need, and these would not provide environmental protection or preserve the trees. The Gleeson ecology statement says there is an abundance of wildlife using the field night and day, but then claims that the proposed developments would not have an impact on the wildlife. This does not add up. There are trees at the access point which are a part of the local landscape, and building works would impact on their root systems, which could lead to them falling or dying. In addition there are 2 badger setts in the ancient woodland which would be surrounded by housing. This would have a detrimental effect on the badgers as their nocturnal walkways would be blocked or driven on.

275. There is flooding currently from the field into Hazel Close and this would be made worse if further development is allowed. Mrs Ward's back garden, and the gardens of neighbours become quagmires every winter. Villagers have had to live with the noise, mud, dust, traffic, temporary traffic lights and inconsiderate large lorries of developers 6 days a week for years. The villagers should be listened to. This village is now at capacity and these developments should not be allowed to happen.

276. Finally, in her written representations, Mrs Ward makes reference to Article 1[267] and Article 8 of the First Protocol of the European Convention on Human Rights ("ECHR"), as incorporated by the Human Rights Act ("HRA") 1998, although she does not directly claim that her human rights would be violated or interfered with.

277. Mrs Christine Latter[268]. Mrs Latter is also a local resident who lives in Hazel Close. She states that like many other families in Crawley Down, she came to the village to get away from a built-up area with traffic, noise and pollution, and to enjoy some peace and quiet. However, the whole character of the village is changing. Habitats are being destroyed and the roads are taking over. Hazel Way has already become a nightmare. With added lorries and 50+ extra cars it would be gridlocked. The Highways report should be revisited during busy periods.

[267] Article 1 relates to the protection of property rights; Article 8 deals with respect for home and family life

[268] Full details of this objector's case can be found in Doc 11

278. This field should not be built on because it is an important part of the rural setting, and a greenfield site which supports fast declining species including bees, birds, hedgehogs and GCN. It is a place where people can connect with nature. People walk or cycle off the Worth Way and come into Hazel Close to watch the deer, and there are bats and barn owls too, with the field being a vital corridor between 2 stands of ancient woodland, allowing wildlife to roam. The countryside and the heart of the village both need protecting as they cannot be replaced. The UK is one of the least wooded areas in Europe. The WT opposes this development, as it would fragment the mosaic of woods, green fields and hedgerows.

279. The field is outside the village boundary and these developments would set a dangerous precedent. Each past phase of building in the village has polluted the local pond and stream with mud and clay, and flooding has been a big problem. There is inadequate capacity in the South West Water pumping stations to cope. The developments are not sustainable as the village is at capacity and the countryside should be preserved. We should not go down in history as the generation that tarmacked it over.

Written Representations

280. A large number of letters opposing the various application proposals have been submitted, but many points have been repeated and, in the main, they raise no materially different matters to those raised by the interested persons who spoke at the inquiry, and by the Parish Council. I therefore do not repeat those points here. Moreover, many of the matters raised relate to topics upon which the Council and the applicants have reached agreement in the various SOCG[269], with other areas of concern capable of being addressed either by the obligations in the S106 agreements or by the suggested conditions, referred to below. These include such matters as problems which could arise during any future construction period. Again, I do not consider it necessary to deal separately with such matters here.

281. Some points were, however, only raised in the written representations and not specifically raised elsewhere, so I briefly list them here and cover them in more detail in my conclusions:

- The Council should have requested full applications;
- Existing housing developments should be built out before any new housing is permitted;
- There is Japanese Knotweed on and adjacent to the southern part of the site (raised by Mrs Gibson and seen at my site visit).

Conditions

282. Schedules of conditions for each of the 4 schemes, to be imposed should planning permission be granted, are set out at Appendix C to this Report together with stated reasons why each condition is considered necessary. These were all discussed at the inquiry, with the conditions for each scheme being largely agreed between the respective applicant and the Council. The Parish Council requested amendments to some conditions[270], and I have incorporated those which I consider are justified and meet the tests for conditions set out in Framework paragraph 206.

[269] CD32A, CD32B, CD42, CD58 & Doc 5
[270] Docs 19 & 20

283. On specific matters, the schedules define the approved application plans, to provide clarity, and would also require the schemes, if approved, to be implemented in general accordance with the submitted illustrative material. I have removed suggested conditions from the schedules where they refer purely to matters which can and should more properly be dealt with at reserved matters stage, such as the materials to be used in the construction of the buildings, and general landscaping.

284. Whilst recognising the need to carefully manage and/or control Japanese Knotweed, which is present in some small areas of the Wates site, I consider that the suggested condition requiring the approval of a Landscape Management Plan (LMP) would adequately address this matter, such that there is no need for a specific condition, as suggested by the Parish Council. A further request from the Parish Council (via Mrs Gibson), that the ancient woodland buffer zones should be protected by post and rail fencing, would also be addressed by this LMP.

285. Although not included on the list of suggested conditions for the Wates schemes submitted to the inquiry[271], I have also included conditions aimed at securing the provision of fire hydrants, as requested by the West Sussex Fire and Rescue Service[272], and as discussed and agreed at the inquiry. I have also made some minor wording amendments to the suggested conditions, where appropriate, aimed at ensuring consistency between the various schemes.

Planning Obligations

286. As noted above, both Wates and Gleeson submitted S106 agreements with the Council and with WSCC[273], providing various obligations considered necessary to make the developments acceptable and to meet the requirements of paragraph 204 of the Framework, and Regulations 122 and 123 of the CIL Regulations 2010. I deal with these S106 agreements in my conclusions but, in brief, the Wates' agreements cover the following obligations to the Council[274]:

a) **A Community Building Contribution**;
b) **A Leisure Contribution**;
c) **A Health Contribution**;
d) **A Local Community Infrastructure Contribution** (the level of all the above contributions to be calculated following the grant of Reserved Matters Approval, in accordance with set formulae contained in the S106 agreement); and
e) Obligations relating to Affordable Housing (22% 1 bed units and 78% 2-3 bed units for the 30 dwelling scheme, and 21%-29% 1 bed units and 71%-79% 2-3 bed units for the 44 dwelling scheme)

Together with the following obligations to WSCC:

f) **An Education Contribution**;
g) **A Libraries Contribution**; and
h) **A Total Access Demand ("TAD") Contribution** (the level of all the above contributions to be calculated following the grant of

[271] Doc 42
[272] Doc 45
[273] Docs 37, 38, 39 & 40
[274] See Doc 32

Reserved Matters Approval, in accordance with set formulae contained in the S106 agreement).

287. The Gleeson agreements cover the following obligations to the Council[275]:

a) **A Children's Play Space Contribution** (about £29,500 for the 30 dwelling scheme only);
b) **A Community Building Contribution** (about £12,400 for the 30 dwelling scheme and about £25,000 for the 60 dwelling scheme);
c) **A Formal Sport Contribution** (about £28,600 for the 30 dwelling scheme and about £57,600 for the 60 dwelling scheme);
d) **A Health Contribution** (about £18,700 for the 30 dwelling scheme and about £37,500 for the 60 dwelling scheme);
e) **A Local Community Infrastructure Contribution** (about £16,200 for the 30 dwelling scheme and about £32,600 for the 60 dwelling scheme);
f) **A Strategic Access Management and Monitoring ("SAMM") Contribution** (about £65,600 for the 30 dwelling scheme and about £133,200 for the 60 dwelling scheme); and
g) **Obligations relating to Affordable Housing** (22% 1 bed units and 78% 2-3 bed units for the 30 dwelling scheme, and 35% 1 bed units and 65% 2-3 bed units for the 60 dwelling scheme).

Together with the following obligations to WSCC:

h) **An Education Contribution** (about £206,400 for the 30 dwelling scheme and about £386,300 for the 60 dwelling scheme);
i) **A Libraries Contribution** (about £8,000 for the 30 dwelling scheme and about £15,200 for the 60 dwelling scheme); and
j) **A TAD Contribution** (about £78,800 for the 30 dwelling scheme and about £154,000 for the 60 dwelling scheme).

My conclusions begin on the next page

[275] See Doc 27

Conclusions

288. I have reached my conclusions on the basis of the evidence before me, the written representations, and my inspection of the application sites and their surroundings. References in superscript square brackets are to preceding paragraphs in this Report, upon which my conclusions draw.

289. The sequence of events relating to the submission of these applications by Wates and Gleeson, and their consideration by the District Planning Committee, explains why the Council withdrew its reason for refusal in respect of the recovered appeal for the Wates 44 scheme, and presented no evidence against any of the 4 applications at the inquiry[2-7]. Indeed, in light of the current circumstances where it cannot demonstrate a 5 year supply of deliverable housing land the Council offered its support to all of the proposals and considered that they should all be granted planning permission[8,207]. The various SoCG between the Council and the applicants, together with the Affordable Housing Addendum SoCG[9,98], set out clearly the wide-ranging areas of agreement between these parties[44-48].

290. All 4 schemes were, however, strongly opposed by Worth Parish Council, who provided the main opposition to these applications at the inquiry, together with a small number of interested persons[49-139, 271-279]. Unfortunately, although it undertook to do so at the PIM, the Parish Council did not agree SoCG with either applicant, which meant that some aspects of the Parish Council's case were not made clear until evidence was presented at the inquiry.

291. The SoS's call-in letters and recovery letter set out the particular matters upon which the SoS wishes to be informed regarding these proposals, and I have identified further matters in light of the cases put forward by the 2 applicants and the Parish Council, and the representations made by interested persons[3]. Having had regard to these points and the various matters raised in evidence and discussed at the inquiry I have concluded that the main considerations for these called-in applications and the recovered appeal (all of which I shall refer to as "applications", for ease) can best be expressed as:

    a) The weight which should be given to development plan policies, particularly policies for the supply of housing, in light of the Council's position regarding its 5 year HLS;
    b) The effect of the proposed developments on the character and appearance of the surrounding area;
    c) The effect of the proposed developments on areas of ancient woodland;
    d) Whether the proposed developments would result in coalescence of Crawley Down with nearby settlements;
    e) Whether the proposed developments would deliver an appropriate and acceptable mix of market and affordable housing;
    f) The effect of the proposed developments on the safety and convenience of users of the adjacent highway network;
    g) Whether the submitted planning obligations would satisfactorily address the impact of the proposed developments; and
    h) Whether the proposals would represent sustainable development, in the terms of the Framework.

292. Most of these main considerations are common to both the Wates and Gleeson applications. However, where necessary and appropriate I distinguish between the 2 applicants' proposals and sites in these conclusions.

293. Other matters which I had highlighted as possible considerations at the PIM, and when I opened the inquiry[3], were not pursued to any meaningful extent by either the Parish Council or others who spoke at the inquiry, and therefore whilst I do make some reference to them in these conclusions, I do not regard them as main considerations in these cases.

The weight to be given to development plan policies, particularly policies for the supply of housing

294. The Framework reaffirms that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise; and that the Framework does not change the statutory status of the development plan as the starting point for decision making[22,49,52]. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless material considerations indicate otherwise. The Framework can constitute one such material consideration[22].

295. For these applications, there is agreement between the Parish Council and the applicants that the main development plan policies of relevance are saved MSLP policies C1 and C2, and CDNP policies CDNP05 and CDNP08[26,31,32]. However, whilst the CDNP is an up-to-date plan, having been made in January 2016, the MSLP was adopted back in 2004 and contains housing policies which were explicitly drawn up to reflect the housing requirement to 2006, set out in the 1993 West Sussex Structure Plan[25,144]. Housing needs within the district will inevitably have changed markedly since 2006, and a new housing requirement to accord with an up-to-date assessment of objectively assessed housing need, in line with the terms of the Framework, is currently being discussed and debated at the on-going examination of the emerging MSDP[35,56,147,156].

296. The fact that a development plan (or part thereof) may be time-expired does not automatically mean that its policies are out-of-date in Framework terms. This has to be assessed on a case by case basis, by considering the policies in question against the policies in the Framework, as detailed in paragraph 215 of the Framework[24,45]. However, in this case it is clear that at the time the MSLP was adopted, the national planning policy context was significantly different to that which exists today. MSLP policy C1 places a great deal of weight on the existing built-up area boundaries, and these same boundaries are carried forward into policy C2, which designates strategic gaps, but no party has seriously suggested that future housing needs to accord with the emerging MSDP could be met within the existing 2004 settlement boundaries.

297. Indeed this matter was expressly covered by the Examiner who considered the CDNP, and it is apparent from his conclusions and recommendations that the CDNP is clearly envisaging and indeed expecting some future development to be outside the existing settlement boundary, as is discussed later in this section[144,146,153]. So, even though some elements of policy C1 are consistent with the Framework, the fact remains that the main thrust of this policy, and policy C2, is to severely restrict development outside the 2004 settlement boundaries.

298. However, there is now no requirement in national planning guidance for the countryside to be protected for its own sake, as policy C1 seeks to do[60,145,146]. Furthermore, the Framework does not contain any support for gap policies, whether of a strategic or a local level[150]. Whilst one of the core planning principles set out

in Framework paragraph 17 requires the intrinsic character and beauty of the countryside to be recognised, this is quite a different matter to the blanket protection effectively accorded to areas of the countryside by the aforementioned MSLP policies. With these points in mind, it is my conclusion that only limited weight can be given to MSLP policies C1 and C2.

299. Importantly, there is also a further matter which has a bearing on the weight to be given to these policies, reinforcing the conclusion I have just reached. This is the Council's inability to demonstrate a 5 year supply of deliverable housing land, a position I understand that the Council has been in for some time. The submitted evidence indicates that at an inquiry in the district held in February 2016 the Council declined to submit its own assessment of HLS, but did not challenge the range of 1.91 years to 2.36 years put forward by the appellant in that case[171]. I note that this was very similar to the range of 1.97 years to 2.43 years accepted in the case of a previous appeal decision in the district issued in early 2015[171]. I consider this to be a significant shortfall compared to the required 5 years supply.

300. Although the Council's position at the on-going MSDP examination is that it has a 5.09 year HLS, based on an assumed OAN of 800 dpa and a current housing supply figure of 5,012 dwellings, both the OAN and the supply figure are disputed by other parties to the examination[56]. Indeed, the evidence before me is that the Inspector conducting the MSDP examination has indicated that the finally agreed OAN may rise above this 800 dpa figure[156,157,170]. The applicants here argue that, at best, the Council can demonstrate a HLS of about 3.3 years[170] which, again, is likely to change, depending on the finally agreed OAN figure. But even at 3.3 years, I regard this as a significant shortfall. The upshot of these points is that notwithstanding the differing figures detailed above, all parties to the inquiry accept that at the present time the Council is unable to demonstrate a 5 year HLS[46,56].

301. In all the circumstances I view this as the correct and appropriate stance to take in the consideration of these applications, and it means that paragraph 49 of the Framework comes into play, such that relevant policies for the supply of housing should not be considered up-to-date. This applies to MSLP policies C1 and C2, but it also applies to relevant policies in the made CDNP, and it is to those that I now turn. In doing so I have had regard to paragraphs 184 and 185 of the Framework which make it clear that NPs must be in general conformity with the strategic policies of the Local Plan, and that policies in a NP take precedence over existing non-strategic policies in the Local Plan for that neighbourhood[51,89]. In addition, I have been mindful of paragraph 198 of the Framework which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted[51,89].

302. CDNP policy CDNP05, entitled "Control of New Developments", is a permissive policy which indicates that subject to the other policies of the NP, and subject to a number of listed criteria, residential development will be permitted within the CDNP Area[31,64]. This does not limit development to within any defined settlement boundaries, and the Independent Examiner who examined the CDNP made it clear that there was no evidence to suggest that there were undiscovered potential housing sites of any great significance within the built-up area of the village[146,153,167]. Indeed the Examiner accepted this policy on the basis that it expressly allows for residential development between the existing built up area boundary and the NP Area boundary because, otherwise, it would be ineffective as a means of ensuring future housing[154].

303. Many of the criteria in this policy relate to generally accepted matters of good planning, such as the need to ensure that the living conditions of adjoining residents are safeguarded (criterion (c)), and that appropriate construction materials are used (criterion (d)), and there is no suggestion that such parts of this policy should be given any other than full weight. However, criterion (b) seeks to control the supply of housing, by restricting the size of individual developments to no more than 30 dwellings in total[31], and in light of the Council's inability to demonstrate a 5 year HLS, this part of the policy also has to be rendered out-of-date in accordance with paragraph 49 of the Framework.

304. As the Parish Council rightly point out, this does not mean that criterion (b) of policy CDNP05 carries no weight at all[50,53,54]. Indeed, it seems to me that the reasons for this limit, given as the need to ameliorate the impact of development on any single part of the village to control the rate of growth and consequent impacts on community and infrastructure, as set out in footnote 11 to the policy, remain understandable and legitimate concerns[31,158,248]. However, because of the current HLS situation in the district, this criterion cannot be a determinative matter in the consideration of new housing proposals, and I therefore consider that it should carry only moderate weight.

305. CDNP policy CDNP08, entitled "Prevention of Coalescence", seeks to prevent development outside the village boundary unless certain criteria are met[32,64]. In brief, it requires that any such development should not detract significantly from the openness and character of the landscape; should not contribute to ribbon development; and should not significantly reduce the gaps between the village and neighbouring settlements. To the extent that this policy seeks to control the supply of housing, it also has to be considered out-of-date, in accordance with Framework paragraph 49, in the absence of a 5 year HLS.

306. However, it is a permissive policy, and now that it contains the word "significantly" in criteria (a) and (c), as recommended by the Independent Examiner, it is not totally at odds with guidance in the Framework[32,64,250]. Because of this, and because the policy also has spatial objectives seeking to prevent coalescence generally, not solely related to housing, I consider that it can be accorded somewhat more than moderate weight.

307. In conclusion on this matter, MSLP policies C1 and C2 are out-of-date because they are not consistent with the policies in the Framework and its aim of seeking to boost significantly the supply of housing, a theme which is carried forward in the Housing White Paper[134,144]. The fact that the Council cannot demonstrate a 5 year HLS is a further reason why these policies cannot be considered up-to-date. I acknowledge that the Council is taking steps to remedy this, through the emerging MSDP, but there are still some significant objections to the Council's position at the MSDP examination[56,156,209]. In light of all of these factors, it is my assessment that MSLP policies C1 and C2 should only carry limited weight in the determination of these applications.

308. Furthermore, the absence of a demonstrable 5 year HLS for the district means that CDNP policy CDNP05 cannot be considered up-to-date, insofar as its criterion (b) is concerned. This aspect of this policy therefore can only be given moderate weight, but I see no reason why the other parts of this policy not concerned with the supply of housing should not be given full weight. The absence of a 5 year HLS also

affects the weight which can be given to policy CDNP08, and for the reasons just detailed above, I give this policy somewhat more than moderate weight.

309. The above points mean that in light of Framework guidance, these applications should be determined in accordance with the procedure set out in the second bullet point of the decision-taking section of Framework paragraph 14. This makes it clear that in the current circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I assess the various application proposals against these points and in the context of the other main considerations, in the following sections.

310. For completeness under this development plan consideration, I confirm that I share the view of the applicants and the Council that policies in the emerging MSDP can only be given limited weight at this stage, as this plan is subject to a number of objections and its independent examination has yet to be concluded.

The effect on the character and appearance of the surrounding area

Wates proposals

311. General. The application site, which is the same for both the Wates 30 and Wates 44 proposals, is a pleasant area of generally open pastureland, with an area of developing woodland at its south-eastern corner. It lies immediately to the west of existing residential development on Turners Hill Road, comprising a row of older, detached dwellings and more recently constructed residential units on the Hastoe site. In addition, the eastern part of the site's northern boundary also abuts the new Wychwood residential area, currently under construction[14,38]. There is, however, limited vegetation and screening along parts of the eastern boundary such that despite the site's open and undeveloped nature, the proximity of this existing residential development does give the site an urban fringe or urban edge feel and appearance.

312. Clearly, with either of the proposed developments the character and appearance of the site itself would change significantly from open fields to an extension of the built-up area. However, viewed in the context of out-of-date housing policies and the Government's requirement that local planning authorities should boost significantly the supply of housing, it does not automatically follow that such a change would be unacceptably harmful. Indeed it seems to me that the nature of any development site is very likely to change significantly as a result of the application of CDNP policy CDNP05 which allows for, and in fact envisages, new residential development outside the existing settlement boundary.

313. Landscape and Visual Impact. The key question, therefore, is whether or not the application site could satisfactorily accommodate the proposed developments without any unacceptable impact to the character and appearance of the wider area. This is what the LVIAs undertaken by Ms Shelton and submitted by the applicant have sought to assess[73,220-222]. The site does not lie within an Area of Outstanding Natural Beauty, nor within a Special Landscape Area designation. Indeed the site is not covered by any landscape or other designations, and no firm evidence has been placed before me to cause me to consider the site to represent a "valued landscape" in the terms of paragraph 109 of the Framework[145,220]. The LVIAs assess the landscape sensitivity of the site as "moderate/low", and assess the significance of the impact of the proposed developments on the landscape to be

"low/insignificant" adverse, arguing that the proposals would not affect a landscape of recognised quality and would be fairly limited and localised in extent[215,218].

314. These conclusions take account of the fact that the ZVI in this case is very limited because of the enclosure provided to the application site by its boundary woodland to the north and south, and by vegetation in the surrounding landscape further to the west[218]. They also take account of the proposed landscape mitigation measures which would include the positive management of the developing woodland in the southern part of the site and a robust buffer of woodland thicket, hedgerow and tree planting along the western boundary to reinforce the existing trees and hedgerow[218].

315. Mr Hodgetts for the Parish Council was critical of the methodology employed by Ms Shelton, and argued that by his assessment methodology the sensitivity of the landscape is "moderate", and the effect of the proposed developments on landscape character would also be "moderate", leading to an overall effect of "moderate" significance[75]. That said, he acknowledges that this would only be at the border of significance, and that any effects would not be weighted towards the higher end of this "moderate" category because of the restricted area over which the effects would be perceived, and because most of the important physical characteristics of the landscape would be left intact[221].

316. The fact that 2 qualified landscape professionals have produced 2 slightly different assessments of landscape impact is not altogether surprising, as professionals often work to their own particular methodologies, within the general guidance provided by GLVIA3. This document makes it clear that it does not provide a detailed or formulaic "recipe" for undertaking assessments which can be followed in every situation, and that it remains the responsibility of the professional to ensure that the approach and methodology adopted are appropriate to the task in hand. Importantly, however, and notwithstanding these differences, there is general agreement between these 2 professionals that the development proposals would not result in a significant impact on landscape character[221].

317. From my own observations made at my site visit I, too, consider that the impact of either the Wates 30 or the Wates 44 proposal on the character of the wider landscape would not be significant, if accompanied by the proposed package of landscape mitigation measures. Whilst accepting that the extent of built development at this location would be increased, the landscape at this western side of the village would still primarily consist of significant woodland cover (much of it ancient), a dense network of shaws, hedgerows and hedgerow trees, together with fields of various sizes, all generally noted as being typical of the High Weald LCA[73]. In this regard, whilst acknowledging that criterion (b) of CDNP policy CDNP05 seeks to limit individual developments to no more than 30 dwellings, with a maximum density of 25 dph, I see no reason in character and appearance terms why the Wates 44 scheme would be unacceptable here.

318. The fairly restricted ZVI means that the likely visual impacts of the proposals would also be fairly limited[218]. At my site visit I viewed the site from all the viewpoints suggested by the 2 landscape witnesses, and saw that public views of the proposed development would be limited to locations immediately surrounding the site, such as from the access road of the Wychwood development and from the roads within the Hastoe development. From these locations any new buildings would be seen

and experienced in the context of existing residential development, and would therefore not be incongruous or out of keeping with their surroundings.

319. There are no public viewpoints to the north from where the proposed development could be seen, and whilst the Huntsland public right of way does run generally to the south of the site, extending as footpaths 33W and 32W (Worth Way Walk 2), it would not provide any meaningful views of the proposed development[38,215]. Views towards the site are possible from a location at the eastern side of Bushy Wood (reached by diverting off the public right of way and passing through ancient woodland), but I am not persuaded that any such distant views would be harmfully impacted upon by the proposed development to any material extent, especially once the proposed buffer planting on the western boundary has matured. In any case I share the applicant's view that use of informal paths through ancient woodlands should not be encouraged[216].

320. SHLAA site considerations. It is appropriate to refer, at this stage, to SHLAAs undertaken by the Council in 2015 and 2016 as these have considered the acceptability for development of site 688, which is a larger area of land that includes much of the application site (but not the northernmost field); and site 271 which comprises essentially the application site[69,71,75]. In the various versions of the SHLAAs the overall summaries for these 2 sites is that they are not considered suitable for housing development, although a note was attached to Site 271 in the April 2016 version, explaining that 2 planning applications for the site had been called in by SoS, and that the site assessment will be updated to reflect the outcome in due course.

321. Importantly, however, the review of the SHLAA sites undertaken by LUC for the Council in January 2015 identified a sub-area of Site 688 as having a low-medium landscape suitability to strategic development. It referred to this area, which amounted to most of the middle field of the application site, as "Area A". The study went on to state that Area A could potentially accommodate a low-medium yield, which it defined as 7-20 dwellings[242]. It further indicated that if the site was developed, proposals would need to consider the relationship with the adjacent ancient woodland; that an appropriate landscape strategy should be designed to incorporate suitable open space, links with habitats and connectivity with recent development, walking routes and the town centre; and that development should be of high quality and respond to the surrounding landscape.

322. To my mind this assessment, by landscape consultants commissioned by the Council, clearly indicates the acceptability of Area A for limited high quality development, provided it is accompanied by an appropriate landscape strategy. With this in mind, I see no good reason why the northern field of the application site would not similarly be suitable for the same type of high quality, well-landscaped development.

323. Summary. It is clear that the Wates 30 and Wates 44 proposals would both result in significant adverse changes to the character and appearance of the application site itself, and would be in conflict with saved MSLP policies C1 and C2 by seeking to develop outside the existing settlement boundary. However, when the proposals are viewed in the context of the wider, surrounding area it is my conclusion that a well-designed, high quality and well-landscaped development, such as could be achieved by either application scheme, would not have an unacceptably adverse impact in character or appearance terms, especially as open, undeveloped land

would still exist to the west. As such I find no conflict with the first criterion of CDNP policy CDNP08, which requires development outside the village boundary to not detract significantly from the openness and character of the landscape.

Gleeson proposals

324. The Gleeson 60 application site is an area of open, undeveloped land, sloping gently upwards to the south, located to the south of the Hazel Close cul-de-sac, from where access to the proposed development would be gained. The northern boundary is defined by existing residential development in Hazel Close, while the northern parts of both eastern and western boundaries abut large blocks of ancient woodland. The southern lengths of these eastern and western boundaries and the site's southern boundary are formed by trees and hedgerows, with further open land to the south and east. The southern part of the site lies adjacent to a new area of residential development, currently under construction, at Woodlands Close. The Gleeson 30 site comprises just the northern part of this larger site, with its southern boundary not being clearly defined by any physical feature[18,187].

325. As well as dealing with the application sites, the LVIAs for both schemes refer to a quite extensive study area[188]. This does not appear to be defined precisely on a map, although in general terms it is described as being located to the east of Crawley and the west of East Grinstead, and extending to at least Furnace Wood and Felbridge in the north, and Gravetye Manor in the south. The reason for defining this larger study area appears to be so as to allow the impacts of the proposals to be assessed in the wider context, as well as in terms of the application sites themselves.

326. Like the Wates proposals, both Gleeson schemes would introduce residential development onto what is currently an open, undeveloped area, and this would clearly result in a significant change to the character and appearance of the application sites. The impact would be greater with the Gleeson 60 proposal than for the Gleeson 60 scheme, as the area of land affected by the 60 dwelling scheme is roughly twice that of the 30 dwelling scheme. The LVIAs describe these changes as giving rise to "major adverse" impacts on the landscape character of the site itself[188], and I share that view as there would be a permanent loss of existing grassland and agricultural land use and a permanent change to a residential land use. But I also accept the applicant's point that this is an inevitable consequence of developing any greenfield site[157,167], and need not always be unacceptable in the overall planning balance.

327. In this case it is also apparent that when viewed in the wider context, the overall impact of the proposed developments would diminish. Housing would not be completely out of keeping or out of character at this location, as the proposed development areas would abut existing areas of housing to the north and, in the case of the Gleeson 60 scheme, to the west also[18,19]. Furthermore, and notwithstanding the outline nature of both proposals, the illustrative layouts show a clear intention to respect and respond to the existing features on and adjacent to the sites, not least by siting development within the centre of the site and providing 15m wide buffer zones adjacent to the areas of ancient woodland[41,43].

328. The submitted evidence indicates that these buffer zones would remain undeveloped and that the existing grassland within them would be retained and enhanced. Existing boundary trees would also be retained and new planting would be introduced to reinforce the existing landscape structure. In addition, the

existing pond would be retained and enhanced for water attenuation purposes and to enrich biodiversity; an additional pond would be created; and other existing wildlife features would be retained and enhanced, and additional wildlife features would be introduced[41,169,187]. These proposals indicate to me that the intention is to ensure that any development on these sites would be of a high quality, attuned to and responsive to its overall surroundings.

329. In visual terms, there are no public rights of way on or adjacent to the sites, and views of the proposed developments would be limited to those receptors within the immediate local area, most noticeably from Hazel Close and Hazel Way[190]. From these locations, development on the sites would be seen in the context of the houses on Hazel Close itself, with views of the wider countryside limited by the blocks of ancient woodland. The character and amenity of these local views would change from that of pasture land set within a treed and hedged boundary, to that of residential dwellings set within a treed and hedged boundary[191].

330. Some residents living in Hazel Close, such as Mrs Ward, would lose their private views of the site, but there is no suggestion that privacy or other aspects of the living conditions of these residents would be directly impacted upon. Such changes to private views are not uncommon when new residential development takes place on the urban edge of an existing settlement, and do not amount to reasons in themselves to consider proposed development unacceptable.

331. Having regard to the points detailed above, there is no dispute that the application proposal would have an adverse impact on the character and appearance of the application sites themselves. However, the Parish Council presented no expert landscape evidence against the proposals, but relied on fairly general and limited criticisms from its planning witness, Mr Carpenter[189]. It put forward no firm evidence to demonstrate that development on the Gleeson sites would have any adverse effect on the openness and character of the wider landscape, and indeed it is my assessment that these aspects of the wider landscape would be largely unaffected by the application proposals. Because of this, and as open, undeveloped land would still exist generally to the south and south-east, I do not share the Parish Council's view that the proposals would have a significantly detrimental impact on the rural setting of the village.

332. In policy terms, as with the Wates schemes, these proposals would be in conflict with saved MSLP policies C1 and C2 by seeking to develop outside the existing settlement boundary. Furthermore, with proposed housing densities of some 32 to 37.5 dph, both Gleeson schemes would be at odds with criterion (b) of CDNP policy CDNP05[40,42], whilst the Gleeson 60 scheme would also conflict with the limit of 30 new dwellings at an individual location sought by this policy. However, I understand that the densities proposed would not be dissimilar to those recently approved on the Woodlands Close developments, and have noted the Council's view that schemes of the density proposed could be designed to fit well on the site[42,160]. I share that view, and in purely character and appearance terms I see no reason why the proposed densities would be unacceptable, or why a 60 dwelling scheme would be unacceptable here. Certainly, no firm, specific evidence was put before me to demonstrate what harm would arise from the Gleeson 60 scheme.

333. With these points in mind I find no unacceptable conflict with criteria (a) or (b) of CDNP policy CDNP05. Furthermore, in light of the points set out above, when viewed in the context of the wider area I find no unacceptable conflict with the first

criterion of CDNP policy CDNP08, which requires development outside the village boundary to not detract significantly from the openness and character of the landscape.

The effect on areas of ancient woodland

334. As has already been made clear, both the Wates and the Gleeson sites adjoin areas of ancient woodland. In the case of the Wates site, Pescotts Wood lies to the north and Kiln Wood to the south; and for the Gleeson sites, Burleigh Wood lies to the west and Rushetts Wood to the east. Both applicants have had regard to the presence of these blocks of ancient woodland, and have sought to safeguard them through the designs shown on the illustrative layout plans, and by the inclusion of buffer zones of at least 15m in width. With such buffers, and other appropriate planning conditions, all proposals have satisfied the Council, its Consultant Ecologist and NE, the Government's statutory advisor for the natural environment[193,197,228].

335. However, the WT has objected to the proposals, arguing that buffer zones at least 20m wide should be included in the Wates schemes, or 30m if the buffer is also to include a SuDS detention basin; and that the design and layout for the Gleeson proposals should provide for 30m wide buffers and should also include green corridors so as to provide a means of movement between the 2 ancient woodlands for woodland species, thereby alleviating any impacts of fragmentation[115,193]. The Parish Council does not produce its own evidence on this matter, but adopts the concerns of the WT and "seeks to place them within the proper policy framework"[113].

336. In this regard, paragraph 118 of the Framework indicates, amongst other matters, that planning permission should be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland unless the need for, and benefits of, the development at that location clearly outweigh the loss.

337. In addition, the CDNP has 2 policy references to ancient woodland. Firstly, policy CDNP06 indicates that sustainable drainage systems should not adversely affect ancient woodland[32]; and secondly, policy CDNP09 requires proposals for new residential development to, amongst other things, safeguard or protect ancient woodland, and to provide appropriate buffer zones around designated sites or features[33,113]. In this regard I also note that the Standing Advice for Ancient Woodland and Veteran Trees, issued by NE and the Forestry Commission in 2014 forms part of the evidence base for the CDNP[229]. This Standing Advice states that development must be kept as far as possible from ancient woodland, and that an appropriate buffer area will depend on the local circumstances and the type of development. It does not give a definitive figure, although it does indicate that the SoS supported arguments for a 15m buffer in a planning case in West Sussex.

338. In the case of the Wates proposals no ancient woodland would be directly affected, and no veteran trees would be removed[228]. Furthermore, submitted evidence shows the intention to have buffer zones ranging in width from about 16.9m to 33.0m[229] and that the SuDS detention basin now no longer needs to be sited within the ancient woodland buffer area[230]. I note that in a specific objection to the Wates proposals, the WT argues for a 20m buffer, which it says is based on the development's size, scale and layout[229]. However, it provides no clear reasoning or evidence to support this figure, and in these circumstances, having regard to the

matters set out above, I see no good reason to consider the proposed buffers inadequate.

339. In the case of the Gleeson schemes, a detailed Ecology Statement was submitted as part of Mr Ross's evidence[196]. This confirms that the proposals would not result in the loss of any ancient woodland habitats, nor the loss of any trees or woodland[196]. It considers that 15m wide buffer zones would be appropriate, and would accord with the NE Standing Advice. It also comments that for the Gleeson 60 scheme, in addition to the 15m buffer zones the illustrative masterplan also proposes a green space area (which would support a swale as well as a LEAP), between the 2 woodland areas. It is intended that this central green would support mature tree planting along the edges of the green space, providing a green link between the 2 woodlands at the pinch point. It would be maintained as a dark, central corridor which species could use to move across the landscape, thereby ensuring that linkages between the woodland areas are maintained[198].

340. In a similar way, linkages between the woodland areas would be achieved for the Gleeson 30 scheme by additional tree and hedgerow planting which is proposed along a significant length of the site's southern boundary[187,198]. Again, in the absence of firm evidence from the WT justifying its requested 30m wide buffers in the specific circumstances of these proposals, I see no good reason to regard the Gleeson proposals unacceptable.

341. Overall for this consideration, I conclude that neither the Wates proposals nor the Gleeson proposals would have any harmful impacts on the various areas of ancient woodland. Accordingly, I find no conflict with the development plan polices and Framework guidance referred to above.

Whether the proposed developments would result in coalescence of Crawley Down with nearby settlements

342. For this consideration, I consider it appropriate at the outset to review the relevant policy framework. As already noted, MSLP policy C2 explains that a number of strategic gaps have been defined on the Proposals Map, and that these will be safeguarded from development. In the case of the current application proposals, there is no doubt, as a matter of fact, that both the Wates and Gleeson sites fall within the strategic gap defined between Crawley Down and East Grinstead[27,61].

343. Clearly, none of the application proposals are for the purposes of agriculture or for some other use which has to be located in the countryside, and they therefore do not meet the requirements of criterion (a) of this policy. Furthermore, even though all proposals would provide additional planting and landscaping of their respective sites and site boundaries, I am not persuaded that any of the schemes could be said to accord with criterion (b), as the presence of new housing on each of the sites could not be said to enhance their value as open countryside.

344. That said, I do not consider that any of the application proposals would conflict with criterion (c), which requires development to not compromise the objectives and fundamental integrity of the gap, either individually or cumulatively. Both the Wates and Gleeson sites are generally well-contained by the surrounding vegetation which, as noted above, would be reinforced through the proposed schemes. Moreover, there is acceptance from the Parish Council that development on the Wates site would not be seen from publicly accessible locations to the west of Bushy Wood, a point I was able to confirm at my site visit[215,218,223].

345. I also noted at my site visit that the southern part of the eastern boundary of the Gleeson 60 site is a little more open, and adjoins further open land, but no public rights of way from where the proposed developments could be viewed were brought to my attention in this area. Moreover, I saw that the broad extent of Rushetts Wood lies generally between the Gleeson site and East Grinstead. In these circumstances I am not persuaded that any of the proposed developments would result in any lessening of the separate identity and amenity of Crawley Down, nor lead to any significant perception of coalescence with nearby built-up areas. I therefore find no conflict with policy C2.

346. To some extent I consider that this conclusion is reinforced by draft policy DP11 in the emerging MSDP, even though this can only be given limited weight at this time in view of the current stage of preparation of the MSDP[35]. Policy DP11 is entitled "Preventing Coalescence" and is currently intended to replace saved policy C2. It seeks to ensure that the individual towns and villages in the district have their separate identity maintained, with one test of this being that when travelling between settlements people should have a sense that they have left one before arriving at the next[243,251]. In view of the location of the Wates and Gleeson sites it is clear that development on them would not be at odds with this test of policy DP11, and I therefore do not believe that this draft policy would be offended by these schemes.

347. Turning to the CDNP, policy CDNP08 seeks to prevent coalescence by not permitting development outside the village boundary unless 3 criteria are met[32,64]. I have already considered the first of these, namely that such development should not detract significantly from the openness and character of the landscape under an earlier main consideration, and have concluded that none of the application proposals would be in conflict with this criterion. Furthermore, there is no suggestion that any of the proposals would breach criterion (b), which requires such development to not contribute to "ribbon development" along the roads or paths linking Crawley Down to other named settlements.

348. The Parish Council does, however, allege a breach of criterion (c), with regards to the Wates proposals[79]. This requires that development should not significantly reduce the gaps between the village and the neighbouring settlements of Copthorne, Felbridge, Turners Hill and Crawley. This policy is noted as addressing the local concerns and objectives of preserving the rural setting of Crawley Down and protecting and enhancing its identity; and preventing sprawl and coalescence by protecting and enhancing the gaps around the village. The Parish Council alleges no such breach in respect of the Gleeson proposals.

349. This policy adds nothing material to the points I have already discussed under MSLP policy C2 above. I repeat that there is general agreement that development on the Wates site would not be visible from locations west of Bushy Wood, and because of this, and the other points set out above, I conclude that none of the application proposals would result in any real or perceived coalescence of Crawley down with any neighbouring settlement. I therefore find no conflict with the policies mentioned above.

Whether the proposed developments would deliver an appropriate and acceptable mix of market and affordable housing

350. The SoS has particularly asked to be informed how the application proposals perform against the requirements of paragraph 50 of the Framework. This sets out

a number of actions which local planning authorities should take, in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To help achieve these aims the Council, through MSLP policy H4, requires new housing proposals to provide 30% of the dwellings as affordable housing units[29], with this point being reinforced by criterion (n) of CDNP policy CDNP05. All the application proposals accord with this requirement.

351. CDNP policy CDNP05 also contains other criteria which are relevant to this consideration, in particular criterion (j), which requires housing need to be justified; criterion (m) which requires new development to provide a range of dwelling sizes; and criterion (p), which sets out ranges of dwelling sizes (both market and affordable) that the Parish Council would wish to see achieved on developments of 6 or more dwellings[93,164]. With regard to the first of these criteria the Parish Council's case, put simply, is that housing proposed for the village should be justified in light of local needs and demands[96]. In this case it argues that there is no local justification for these proposed developments, and no district justification that suggests that Crawley Down should take this additional development, in light of the district need[104].

352. In support of this stance, and also to address matters concerning criteria (m) and (p), the Parish Council draws attention to the detailed housing survey which it undertook to assist with the preparation of the CDNP, and a more recent update to this survey[91,92]. It highlights the fact that these surveys indicate a clear need for smaller 1 and 2 bed properties (including bungalows) to support older residents, allowing them to downsize and free up larger properties for family use, but maintains that this need would not be met by the application proposals[93]. It also comments that recent housing delivery in the village has focussed on delivering 3+ bed units, and that the current performance of housing delivery is not meeting local demand[91].

353. With regard to affordable housing, whilst acknowledging that the Council's Housing Register showed 56 households with a local connection to Crawley Down as at the end of 2016, the Parish Council argues that this figure has to be considered carefully[98-101]. It points out that of these 56 households, none are in the Band A or B category of need, and that only 11 are in Band C. It follows therefore that 45 households are in Band D, which the Parish Council does not recognise as representing a need, in housing terms[99]. It also points out that there are 19 affordable units currently under construction in Crawley Down, more than enough to accommodate these 11 Band C households[100].

354. In addition it maintains that Crawley Down is a village where there has been a reasonable delivery of affordable housing in recent years, with 68 affordable units having been delivered or approved since the 2014 Housing Study was concluded[100]. Finally, it makes the point that district-wide need will be addressed through the emerging MSDP, and that the HEDNA range of 127-230 affordable housing units per annum would be provided for by the 30% policy figure being applied to the assumed OAN of 800 dpa being promoted by the Council[101].

355. For all these reasons the Parish Council argues that the delivery of affordable housing from the application proposals should not be considered as constituting a local justification of need so as to accord with criterion (j); nor should the delivery

of affordable housing be accorded so much weight that it can be used to justify the provision of additional housing that is not otherwise acceptable[101].

356. I understand and appreciate the Parish Council's position, but having had regard to the comments of the Examiner who considered the CDNP, I am not persuaded that the housing need referred to in criterion (j) of policy CDNP05 can relate purely to a local housing need within Crawley Down[163,164,233,247]. The Examiner accepted that it may be the case that housing need is justified at the district rather than the parish level, but he nevertheless considered it reasonable for the CDNP to require that there be a justification - however it has been determined - for housing which is proposed within the NP area. He then expressly said that this is not the same thing as saying that all housing must meet a purely local need[96,174].

357. As already noted, at the present time the Council is unable to demonstrate a 5 year supply of deliverable housing land as required by the Framework, and there is therefore a clear need for further housing provision within the district as a whole. Moreover, if the finally agreed OAN does rise above the 800 dpa figure used in the Council's HEDNA, the provision of much needed affordable housing would not be achieved as easily as the Parish Council maintains[101]. In these circumstances there can be no doubt that the new housing which is proposed in the CDNP area through these applications is justified. In my assessment criterion (j) is therefore clearly satisfied.

358. In terms of the mix of housing types proposed I have noted the Parish Council's references to the need for 1 and 2 bed properties[91,92], but the fact remains that there is no specific requirement, within criterion (p) of policy CDNP05, for any particular percentage of 1 bed properties. All that is said is that for market housing, at least 75% should be 2-3 bedroom houses, with up to 25% "other sizes"; whilst for affordable housing the policy states that at least 80% should be 2-3 bedroom houses, with up to 20% "other sizes" [164].

359. The affordable housing mix being offered for each scheme is set out in the respective S106 agreements, and whilst all do fall a little short of the 80% figure for 2-3 bedroom units, in my assessment they are all acceptably close[286,287]. This view is also taken by the Council's Housing Officer, and the overall provision of affordable housing is evidently acceptable to the Council as the respective S106 agreements have all been signed and executed.

360. For the market housing, it again seems to me that the currently suggested mix of dwelling types and sizes, set out on the illustrative material which accompanied the applications, would largely accord with the criterion (p) requirement for at least 75% of the units to have 2-3 bedrooms. That said, and notwithstanding the protestations on this point from the Parish Council, issues of housing type, mix and layout are not being put forward for approval at this stage, but would fall to be considered through future applications for approval of reserved matters, if outline planning permission is granted for any or all of these proposals. The Council would retain full control over the determination of such matters, and would be able to take the most up-to-date information on housing need into account when considering whether or not to approve such applications.

361. Taking all the above points into account I conclude that all of the application proposals would perform satisfactorily when assessed against the requirements of paragraph 50 of the Framework, and all would be capable of delivering an appropriate and acceptable mix of market and affordable housing.

The effect on the safety and convenience of users of the adjacent highway network

Wates proposals

362. The Parish Council had originally raised highway safety concerns regarding the Wates 30 and Wates 44 proposals, arguing that these schemes would increase the number of people wishing to cross Turners Hill Road, a manoeuvre which is currently seen to be both difficult and dangerous. However, by the time proofs of evidence for this inquiry were submitted, the Parish Council's position had changed somewhat. At this time, it agreed that signalised pedestrian crossings as proposed for both schemes would be a benefit for existing and future residents on the west side of Turners Hill Road, but considered that these crossings would have an adverse impact on traffic flows on Turners Hill Road, which could be significant at peak times.

363. By the start of the inquiry, after it had considered further information provided by the applicant, the Parish Council's condition had changed again. It now was content that the proposed signalised crossings would be acceptable in highway terms, subject to the wording of conditions and relevant planning obligations[207]. As such it provided no highways evidence against these proposals.

364. Having had regard to the submitted evidence, including a Transport SoCG between Wates and WSCC I, too, consider that the proposals would be satisfactory in highways and transport terms, subject to the imposition of the conditions discussed later (which include a Travel Pack condition to promote sustainable transport choices), and the provisions of the S106 agreements. I therefore conclude that neither the Wates 30 nor the Wates 44 scheme would have any harmful impacts on the safety or convenience of the users of the adjacent highway network. Accordingly, I find no material conflict with MSLP policy T4[276], or with CDNP policy CDNP10.

Gleeson proposals

365. For both of the Gleeson proposals the Parish Council raises concerns as to the appropriateness of the use of Hazel Close and Hazel Way to serve development of this scale, particularly in light of the standard of the existing junction and the potential for conflict with users of the Worth Way, including pedestrians, cyclists and equestrians[120,121]. It maintains that the Hazel Close/Hazel Way junction is not suitable for this intensification of use in view of visibility concerns arising from the habitual parking difficulties in the area, and also raises concerns about accessibility for emergency vehicles. It raises concerns about the RSA conducted for this junction, and also maintains that there are errors, omissions and consequent false conclusions in the applicant's TA submitted to support the applications. Particular concerns are raised regarding the assumed trip generation rates used for the proposed developments[119].

[276] In coming to this conclusion I should note, for the sake of clarity, that MSLP policy T4 is not fully consistent with the Framework as it requires new development proposals to not cause an unacceptable impact on the local environment, whereas the Framework test, in paragraph 32, is that development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe. That said, this matter has no material bearing on my conclusion in these cases.

366. On this last point, the Parish Council is critical of the use of the Kings Acre area of the village to determine likely trip rates, arguing that this area is so close to the village centre that a significant number of trips would be made on foot, and that vehicular trip generation rates would therefore be significantly underestimated. In turn, applying such trip rates to the proposed developments would significantly underestimate the number of trips likely to be generated, and consequently would underestimate the likely traffic impact.

367. I understand, however, that both the scope of the TA and the trip rates were agreed with WSCC, and the TA was prepared by reference both to MfS and WSCC's Transport Assessment Methodology[119,178]. The trip rates were, in fact, derived from surveys taken at the Grange Crescent development, off Grange Road, which had previously been agreed with WSCC as appropriate to be used to assess the likely highway impacts for the Woodlands Close scheme, now under construction. Using these trip rates the Gleeson 60 scheme is predicted to generate 36 and 44 vehicles in the weekday morning and evening peak periods respectively, whereas if trip rates from Kings Acre had been used, the equivalent figures would have been 25 and 23 vehicles[179].

368. In the case of the Gleeson 30 scheme, the submitted Transport Statement indicates that morning and evening peak period vehicle trips would be correspondingly lower, with 18 and 22 vehicles predicted with the Grange Crescent trip rates, compared to just 12 and 11 vehicles in the same periods if the Kings Acre trip rates had been used[180]. Clearly, applying the trip rates from Grange Crescent has produced appreciably higher predicted numbers of vehicle trips for both schemes than would have been the case if the figures from Kings Acre had been used, even though the Kings Acre development was considered to be more comparable to the proposed Gleeson 60 development with regards to type and mix of dwellings.

369. In these circumstances it seems to me that the applicant has erred on the cautious side by using the Grange Crescent trip rates, and the TA indicates that these modest levels of increased traffic during the morning and evening peak periods, for either scheme, would not have a material impact on the local highway network in terms of amenity, capacity and safety. There is no firm, contrary evidence before me to suggest that these predicted trips are not realistic estimates of the likely traffic generation from these proposed developments, or that the TA's assessment of the impact of this additional traffic is unreasonable.

370. Furthermore, although I acknowledge the concerns expressed by the Parish Council, and others, regarding the safe operation of the Hazel Close/Hazel Way junction, the fact remains that on the basis of the submitted proposals, which include the provision of give-way markings, the highway authority raised no objection to either the 30 dwelling or the 60 dwelling scheme. I do accept that the RSA described this junction as being of a low standard, and I saw from my site visits that visibility at the junction is, at times, impeded by parked vehicles. However, the submitted evidence shows that it operates satisfactorily, with no recorded personal injury accidents over a recent 5 year period[181]. This is the case despite the fact that Hazel Way forms part of the Worth Way, and is reportedly well-used by pedestrians, equestrians and cyclists, as well as being part of a Sustrans national cycle route.

371. I have noted the anecdotal reports of "near misses" at the junction, but on the basis of actual recorded accidents, the junction has to be considered safe. Its

design accords with guidance in MfS, and the vast majority of drivers who currently exit from it are existing residents in the Hazel Close cul-de-sac who, as regular users of this junction, are clearly able to use it safely. There is nothing to suggest that the same would not apply in the case of new residents from a larger cul-de-sac, if either of the Gleeson schemes were approved, and especially if "give way" markings were introduced at the junction, as proposed, to reinforce the need for drivers to enter Hazel Way with care[41,184,185].

372. A further recommendation of the Stage 1 RSA was that waiting restrictions should be introduced at this junction, but I share the applicant's view that unless these were to form part of a comprehensive package of waiting restrictions in the wider area, there would likely be difficulties of enforcement. In this regard I have also noted that a certain amount of confusion appears to have arisen regarding whether or not an exceptions report was needed, to show how the scheme could proceed without fully addressing all matters arising from the RSA, such as the implementation of waiting restrictions as just noted[124,184]. The fact remains, however, that on the basis of the evidence before me no such report was ever formally requested or produced, but this did not prevent the highway authority from coming to a clear view on the acceptability of the currently submitted proposals[44,286,287].

373. That said, I have also noted that the highway authority recommended that the operation of the junction should be reviewed as part of any Stage 3 RSA, and I consider this to be sound advice. But in light of the absence of any specific objection from the highway authority to the currently proposed highway layout, and the lack of any recorded PIAs, there is no firm evidence to persuade me that these proposals should be opposed on highways grounds.

374. In view of all the above points I conclude that subject to the imposition of the conditions discussed later (which include a Travel Pack condition to promote sustainable transport choices), and the provisions of the S106 agreements[287], neither the Gleeson 30 nor the Gleeson 60 scheme would have any unacceptable impacts on the safety or convenience of the users of the adjacent highway network. Accordingly, I find no material conflict with MSLP policy T4, nor with CDNP policy CDNP10.

Whether the submitted planning obligations would satisfactorily address the impact of the proposed developments

375. MSLP policy G3 seeks to ensure that adequate and appropriate infrastructure is provided with new development. It indicates that before planning permission can be granted the Council will need to be satisfied by the developer that the necessary infrastructure to support the proposed development either exists or can be provided[29]. Unless the Council determines otherwise, any necessary infrastructure will need to be provided by the developer either on or off the site, as an integral part of the development. The policy goes on, however, to indicate that as an alternative, the necessary infrastructure provision may be secured by means of financial contributions made by the developer and/or the landowner to the appropriate service provider. Provision of the infrastructure will then be the responsibility of these service providers, pursuant to any legal agreements that may be entered into.

376. Similar requirements are set out in CDNP policy CDNP01, entitled "Securing Sustainable Local Infrastructure" [30,106]. The policy states that development will be

permitted where the necessary social, physical and green infrastructure needed to support the proposed development is in place, or can be provided in a timely manner through developer funded contributions.

377. In the current cases, both Wates and Gleeson recognise that if their proposed developments were to go ahead, additional demands would be placed on a number of facilities and services by the increased population arising from the new dwellings. Some of these demands would be addressed on-site, for example through the provision of a LEAP proposed as part of the Gleeson 60 scheme[41,161,169]. But much of the necessary infrastructure would be provided through S106 agreements entered into by the respective applicants with both the Council and WSCC. These would cover contributions towards a variety of matters, such as children's play space; formal sport; community buildings; leisure; health; local community infrastructure; education; libraries; SAMM; TAD; and affordable housing[11,286,287].

378. Written justifications for the various contributions have been provided by both the Council and WSCC, and these justifications confirm that insofar as both the Council and WSCC are concerned, all the infrastructure contributions and obligations are in full accordance with the requirements of the Framework, and Regulations 122 and 123 of the CIL Regulations 2010[286,287].

379. However, the Parish Council raises objections on 2 of these matters, education[107-110] and healthcare[111,112]. On the first of these, I have noted the evidence put forward by Mr Brooks, which establishes that the Crawley Down primary school is over capacity, with permanent buildings that support a 1.5 form entry (a capacity of 315 pupils), but with a projected roll for 2018 of 378 pupils. I understand that there are currently 2 temporary classrooms in use at the school, but that these would only increase the capacity to 420, which would be exceeded by 2018/19[108]. These matters are not disputed by the applicants.

380. Mr Brooks maintains that there are no identified plans for this temporary provision to be replaced by a permanent, capital project, and that the consequences of this lack of capacity are that village children would not be able to be educated in the village, leading to unsustainable transport movements and a failure to promote inclusive communities, as required by paragraph 69 of the Framework[109]. The Parish Council is particularly critical that the applicants have provided no detail of what expansion works would be undertaken, when or at what cost; and is also critical of the fact that the planning obligations themselves do not identify the particular capital project with any specificity, referring simply to the extension of the school. In the Parish Council's view, simply making a financial contribution when the school is full cannot be regarded as delivering policy compliance and, because of this, it maintains that the proposals would be in conflict with CDNP policy CDNP01[110,112].

381. I do understand the concerns expressed by the Parish Council, and can appreciate the force with which these views are held. I am required, however, to make my recommendations on the basis of all the evidence before me, and I find it particularly telling that the relevant statutory provider, WSCC as Education Authority, is content with the contributions offered[44, 286,287]. As MSLP policy G3 makes clear, once an agreed financial contribution has been secured, provision of the infrastructure becomes the responsibility of the appropriate service providers. In the current cases there is no firm evidence before me to suggest that these

agreed financial contributions would not provide the means of addressing satisfactorily the impacts of these proposed developments.

382. Furthermore, the written CIL justifications provided by WSCC do set out in what way the contributions would be used, namely that the Primary Education contribution would be put towards the phased extension of Crawley Down primary school; whilst the Secondary and Sixth Form Education contributions would be put towards small scale improvements at Imberhorne Secondary School[20,286,287]. Although these explanations of intent may lack some specificity, this cannot lessen their value or weight, in the absence of any firm evidence to the contrary.

383. Similar criticisms are made by the Parish Council insofar as healthcare provision is concerned, with Mr Hitchcock providing direct evidence from the surgery in the village, to the effect that it was operating above capacity and was somewhat understaffed as at June 2016, and was only taking on new patients who lived within its defined practice area boundaries[111]. However, I also have to have regard to more recent information, submitted by the H&MSCG, the GP-led statutory NHS body responsible for planning, commissioning and monitoring the majority of local health services in the Horsham and Mid Sussex area[194,236].

384. This more recent correspondence indicates that as the Crawley Down Health Centre is a modern building, the practice should be able to cope with additional new patients, but that there would be a need to improve Complementary Community NHS Services through a planned new Community Healthcare Hub which would serve Crawley Down and the wider area. It is to assist in the provision of this new facility that healthcare contributions are being sought and have been agreed in the aforementioned S106 agreements.

385. On this matter I find myself in a similar position as is the case with the education infrastructure and contributions, namely that I have conflicting sets of evidence before me. Again, however, I feel I have to give more weight to the information from the H&MSCG as not only is it more recent, it also comes directly from the statutory body responsible for commissioning the appropriate services.

386. Taking all the above points into account, I conclude that the submitted planning obligations would satisfactorily address the impact of the proposed developments on local infrastructure and services, and that accordingly there would be no conflict with MSLP policy G3 or CDNP policy CDNP01. Furthermore, having considered the agreements themselves, and the written justifications submitted by the Council and WSCC, I am satisfied that the planning obligations comply with the requirements of paragraph 204 of the Framework, and that the various contributions accord with CIL Regulations 122 and 123.

Whether the proposals would represent sustainable development, in the terms of the Framework

387. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are 3 dimensions to this - economic, social and environmental – and that these give rise to the need for the planning system to perform a number of mutually dependent roles. I explore how each of the application proposals would perform against each of these roles in the following paragraphs, and what weight this should carry in my overall assessment. Then, as the development plan policies for the supply of housing are out-of-date, I assess the proposal in accordance with

the second bullet point of the decision-taking section of paragraph 14 of the Framework, to determine whether or not the proposals can be considered to be sustainable development. For ease, I deal with each applicants' proposals in turn.

Wates 30 and Wates 44

The economic role

388. It is clear that a number of economic benefits would flow from these proposed developments, if permitted, as was recognised in the SoCG and confirmed in Ms Ashton's evidence. Up to 44 new market and affordable dwellings would contribute to the vitality of the area and would help support economic activity and growth. In the short term this would include the creation of jobs in the construction industry as well as the multiplier effect in the wider economy arising from increased activity.

389. The Wates 30 scheme is estimated to give rise to 30 new FTE jobs in construction and 15 elsewhere plus at least £800,000 pa in residential expenditure. For the Wates 44 scheme the estimated figures are 66 FTE construction jobs and 33 elsewhere, with at least £1.2 million pa in residential spend. In addition, the Council would receive a New Homes Bonus for each of the units proposed[258,259]. These benefits would not be unique to these developments, but would flow from any new housing development within the district. However, this does not detract from the fact that the application proposals would give rise to these real benefits, and for this reason I consider that both schemes should be regarded as satisfying the economic role of sustainable development. This weighs significantly in their favour.

The social role

390. A key strand of the social role is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. In this regard both schemes would make a positive contribution to the district's housing supply, and would help to meet the identified need for housing, including that for additional affordable homes. The Wates 30 scheme would deliver 21 market housing units and 9 affordable units, whilst the Wates 44 scheme would deliver 30 market and 14 affordable housing units[260].

391. Moreover, although I have noted the Parish Council's concerns about the utility of the proposed footpath link to Huntsland[117], I consider that the application site is within reasonable walking and cycling distances of a range of services and facilities in the village, and see no reason why this footpath link should not be attractive and well-used. As such, these proposed developments would help to support the existing and future community's health, social and cultural well-being. I therefore conclude that both schemes would satisfy the social role of sustainable development. Again, these benefits should attract significant weight in the proposals' favour.

The environmental role

392. Paragraph 7 of the Framework indicates that as part of the environmental role of sustainable development the planning system needs to contribute, amongst other matters, to protecting and enhancing the natural environment, and I have considered this matter in detail under some of the main considerations, above. Overall I have concluded that although both proposals would result in significant adverse changes to the character and appearance of the application site itself,

these would be off-set by a well-designed, high quality and well-landscaped development, such as could be achieved by either application scheme[214,219]. As a result, neither scheme would have an unacceptably adverse impact on the wider landscape. Nor would they have any harmful impacts on either the Pescotts Wood or Kiln Wood areas of ancient woodland. In view of these points I conclude, on balance, that both schemes would be neutral in terms of the environmental role of sustainable development.

Other matters

393. Before undertaking the assessment under the second bullet point of the decision-taking section of the Framework's paragraph 14, it is necessary to consider whether any of the other matters raised weigh significantly for or against the application proposals. I have had regard to the written representations submitted by interested persons, covering a wide range of topics. However, the majority of these raise matters which have already been addressed under the main considerations in this report, and it is therefore not necessary to deal with them separately here. Some other matters do, however, warrant further consideration, as they were raised in the written evidence, or directly at the inquiry by interested persons, and I therefore deal with them in the following paragraphs.

394. Firstly, drainage concerns were raised at the inquiry by Mr Dobson and have not been directly addressed under the main considerations[271]. I sympathise with the drainage and sewerage problems which Mr Dobson and some of his neighbours have experienced in recent years, as a result of the Hastoe development and the ongoing Wychwood development. In addition, I saw a number of areas of standing water on the application site at my site visit, and I can well understand why interested persons have raised concerns about drainage of the site.

395. However, the evidence before the inquiry indicates that this matter is known and has been investigated, and that plans are in hand to address these concerns, if planning permission is granted for the Wates proposals. Put simply, the Foul Drainage & Utilities Assessments that accompanied these proposals acknowledge that, at present, there is inadequate capacity in the foul sewer network to accommodate the predicted flow from the site[231]. As such, additional offsite sewers or improvements to existing sewers would be required to provide sufficient capacity to service the proposed development.

396. However, this is not unusual and is a matter than can be dealt with by way of a planning condition. Appropriate conditions have been suggested, and are acceptable to the applicant. In addition, an email from the Wates drainage consultant was submitted to the inquiry which confirms that exceedance flows from the Hastoe site would be accommodated in the detailed design of the Wates schemes[230]. The email states that this would mitigate the uncontrolled flows into the adjacent rear gardens by channelling it more effectively into the ditch along the eastern boundary of Pescotts Wood. In the absence of any firm evidence to the contrary, I see no reason why these measures would not provide satisfactory foul and surface water drainage for the Wates site. They would also result in a modest benefit to existing householders on the west side of this part of Turners Hill Road.

397. On a further matter, Mrs Gibson had submitted written representations and also attended the site visit. Of particular concern to her is the presence of some areas of Japanese Knotweed in the southern part of Field 3, which she is keen to ensure are properly addressed if the schemes are granted planning permission[281]. To this

end the Parish Council suggested a specific condition requiring a detailed method statement for the removal and long-term management/control of this Japanese Knotweed. However, I note that the presence of this Knotweed has been acknowledged and addressed in the Outline Landscape Management Plans produced to accompany these proposals, and I see no reason why the suggested Landscape Management Plan condition could not satisfactorily cover this point[284].

398. On more general matters (applying to both Wates and Gleeson proposals), many people considered that the Council should have requested full applications[281]. However, I am satisfied that the illustrative layout plans and the DAS provide sufficient information for me to form an adequate view as to the likely impact of the proposed developments, and that housing mixes to generally accord with criterion (p) of CDNP policy CDNP05 could satisfactorily be agreed at any future reserved matters stages. Any planning permissions could be conditioned such that the subsequent development would have to be in general accordance with this illustrative material[283].

399. In addition, several representations also maintained that existing housing developments should be built out before any new housing is permitted, but in view of the Council's inability to demonstrate a 5 year HLS it is clear that new housing is needed as a matter of some urgency[171]. In these circumstances there would be no good reason to refuse to grant planning permission if the application of section 38(6) of the PCPA 2004 and Framework paragraph 14 point to permission being granted.

Assessment under paragraph 14 of the Framework

400. I have already concluded, above, that policies for the supply of housing have to be considered out-of-date, so this assessment has to be undertaken under the second bullet point of the decision-taking section of paragraph 14 of the Framework. In this context I have found in the application proposals' favour on all of the main considerations, and have also concluded that the schemes would satisfy the economic and social roles of sustainable development, and would be neutral in terms of the environmental role. These matters, together, weigh heavily in the application proposals' favour.

401. Because of this I conclude that both proposals can be considered to be sustainable development, which means that they benefit from the presumption in favour of such development, described in the Framework as the golden thread running through both plan-making and decision-taking. This is a material consideration in the overall planning balance, which I undertake later in these conclusions.

Gleeson 30 and Gleeson 60

The economic role

402. It is clear that a number of economic benefits would also flow from the Gleeson proposals, if permitted, as was recognised in the SoCG and confirmed in Mr Ross's evidence. Up to 60 new market and affordable dwellings would contribute to the vitality of the area and would help support economic activity and growth. In the short term this would include the creation of jobs in the construction industry as well as the multiplier effect in the wider economy arising from increased activity.

403. The Gleeson 30 scheme is estimated to give rise to about 45 new FTE jobs in construction and 15 elsewhere plus at least £800,000 pa in residential expenditure.

For the Gleeson 60 scheme these figures would double, with an estimated 90 FTE construction jobs and 30 elsewhere, with at least £1.66 million pa in residential spend. In addition, the Council would receive a New Homes Bonus for each of the units proposed, which would amount to about £79,000 pa for 6 years for the Gleeson 60 scheme, with roughly half this figure for the Gleeson 30 scheme. There would also be ongoing Council Tax receipts for the Council and WSCC[169].

404. As with the Wates proposals, these benefits would not be unique to these developments, but would flow from any new housing development within the district. However, this does not detract from the fact that the application proposals would give rise to these real benefits, and for this reason I consider that both schemes should be regarded as satisfying the economic role of sustainable development. This weighs significantly in their favour.

The social role

405. A key strand of the social role is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. In this regard both schemes would make a positive contribution to the district's housing supply, and would help to meet the identified need for housing, including that for additional affordable homes. The Gleeson 60 scheme would deliver 42 market housing units and 18 affordable units, whilst the smaller 30 unit scheme would deliver half these numbers[169]. I share the applicant's view that such housing provision should be especially valued in the current situation, where the Council cannot demonstrate a 5 year HLS.

406. Moreover, in a similar fashion to the Wates proposals, despite only being submitted in outline the illustrative layouts and the DAS indicate that the proposals would provide high quality, well-designed and well-landscaped environments for future residents[187,192,199]. I have noted the Parish Council's concerns that there would be no link to the adjacent Woodlands Close development (in the case of the Gleeson 60 scheme) [118], and Mrs Ward's concerns that the proposed access would only have a footway along one side, for part of its length[273].

407. However, having considered the proposed access arrangement drawing, I am satisfied that these developments would provide acceptable access arrangements for all users, and would be within reasonable walking and cycling distances of a range of services and facilities in the village[20,162,169]. As such, they would help to support the existing and future community's health, social and cultural well-being. In view of all these points I conclude that both schemes would satisfy the social role of sustainable development. Again, these benefits should attract significant weight in the proposals' favour.

The environmental role

408. Again, as with the Wates proposals, as part of my assessment under the main considerations, above, I have considered whether and how these proposals would protect and enhance the natural environment. Overall I have concluded that although both proposals would result in significant adverse changes to the character and appearance of the application sites themselves, these would be off-set by a well-designed, high quality and well-landscaped development, such as could be achieved by either application scheme[187,192,199]. As a result, neither scheme would have an unacceptably adverse impact on the wider landscape. Nor would they have any harmful impacts on the Burleigh Wood or Rushetts Wood areas of ancient woodland[192,193]. In view of these points I conclude, on balance,

that both schemes would be neutral in terms of the environmental role of sustainable development.

Other matters

409. Before undertaking the assessment under the second bullet point of the decision-taking section of the Framework's paragraph 14, it is necessary to consider whether any of the other matters raised weigh significantly for or against the application proposals. I have had regard to the written representations submitted by interested persons, covering a wide range of topics. However, the majority of these raise matters which have already been addressed under the main considerations in this report, and it is therefore not necessary to deal with them separately here. Some other matters do, however, warrant further consideration, as they were raised in the written evidence, or directly at the inquiry by interested persons, and I therefore deal with them in the following paragraphs.

410. Both Mrs Ward and Mrs Latter spoke at the inquiry, and both raised concerns about the ecological impacts which the proposed developments would have, and both also raised concerns about flooding on the application sites and drainage matters generally[275,279]. On the first of these points, however, I note that a detailed Ecology Statement is contained in the Appendices to Mr Ross's evidence[196]. Having regard to the detail of this Statement, and its conclusions, I share the applicant's view that there are no valid reasons to object to these proposals on ecology grounds.

411. On the second matter, I have also had regard to the detailed Flood Risk and Drainage Statement and the Report on Contamination which are also included in Mr Ross's Appendices[202]. In light of their conclusions, and in the absence of any firm, contrary evidence, I consider that there are no valid flood risk, drainage or contamination reasons why these developments should not proceed.

412. Mrs Ward also made reference to the HRA 1998, citing Article 1 and Article 8 of the First Protocol of the ECHR, although she makes no direct claim that her human rights would be violated or interfered with[276]. I have already noted that some residents in Hazel Close, such as Mrs Ward, would lose their private views of the application site if either of these proposals was granted planning permission, but there is no suggestion that privacy or specific aspects of the living conditions of these residents would be directly impacted upon[195]. Any impact on Hazel Close residents has to be balanced against the rights and freedoms of others, and in the light of my conclusions above I am satisfied that if either of these developments were to go ahead, the effect on Mrs Ward and other Hazel Close residents would not be disproportionate.

Assessment under paragraph 14 of the Framework

413. I have already concluded, above, that policies for the supply of housing have to be considered out-of-date, so this assessment has to be undertaken under the second bullet point of the decision-taking section of paragraph 14 of the Framework. In this context I have found in the application proposals' favour on all of the main considerations, and have also concluded that the schemes would satisfy the economic and social roles of sustainable development, and would be neutral in terms of the environmental role. These matters, together, weigh heavily in the application proposals' favour.

414. Because of this I conclude that both proposals can be considered to be sustainable development, which means that they benefit from the presumption in favour of such development, described in the Framework as the golden thread running through both plan-making and decision-taking. This is a material consideration in the overall planning balance, which I undertake in the following section.

Planning balance and overall conclusions

415. Although there are many similarities between all 4 proposals under consideration, the fact remains that the schemes have been put forward by 2 different applicants, for sites in 2 different parts of Crawley Down. It is therefore only right that in this final, balancing section of my report, I deal with the 2 sets of proposals separately. That said, there are matters in common relating to the approach to be taken, and the weight to be given to development plan policies, in light of the Council's inability to demonstrate a 5 year HLS. I therefore deal with these common matters first, before looking at the individual proposals.

416. In accordance with section 38(6) of the PCPA 2004 I am required to assess these proposals in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise. Policies for the supply of housing have to be considered out-of-date, and this relates to MSLP policies C1 and C2, and CDNP policies CDNP05 (criterion (b)) and CDNP08. I accord only limited weight to policies C1 and C2; moderate weight to criterion (b) of policy CDNP05; and more than moderate weight to policy CDNP08, for reasons set out above. In accordance with paragraph 216 of the Framework I give only limited weight to policies DP10 and DP11 of the emerging MSDP, in view of this Plan's current stage of preparation, and the fact that it is subject to a number of objections[35,47].

417. Other relevant development plan policies are up-to-date and should carry full weight. This applies to MSLP policies H4 (affordable housing), G3 (infrastructure) and T4[277] (transport implications of new development); and CDNP policies CDNP01 (sustainable local infrastructure), CDNP05 (control of new developments - other than criterion (b)), CDNP06 (sustainable drainage), CDNP09 (biodiversity) and CDNP10 (sustainable transport).

418. It is also relevant at this point to say that I have noted the content of the Neighbourhood Planning WMS issued in December 2016, and the Parish Council's assertion that it should be considered relevant to the application proposals as it reinforces current planning policy relating to NPs; is consistent with paragraphs 184, 185 and 198 of the Framework; and endorses the giving of significant weight to breaches of a NP[89]. However, the CDNP clearly does not accord with the second criterion of the WMS, as it does not allocate sites for housing. Moreover, in view of the content of the email from the Council to the Parish Council dated 20 December 2016, the Council's position is that it cannot currently demonstrate a 3 year HLS, so the third criterion is not complied with either[170].

419. Because of these points, I am not persuaded that the WMS supports the Parish Council's position regarding these applications, particularly as my assessment is that insofar as the CDNP is concerned, there is only conflict with criterion (b) of policy CDNP05. Even then, this conflict does not apply in the case of the Wates 30 scheme, and where there is a conflict I do not consider that it would result in any

[277] Subject to the footnote in paragraph 364 above

material harm. Therefore, whilst I acknowledge the importance of Neighbourhood Planning in helping to shape local areas, as part of a plan-led system, and have had full regard to paragraphs 184, 185 and 198 of the Framework, I am satisfied that in the current circumstances, the lack of a 5 (or 3) year HLS and the general absence of conflict with the policies of the CDNP mean that the application proposals would not be harmfully at odds with the thrust of these Framework paragraphs.

Wates 30 and Wates 44

420. As noted above, I have concluded that both of these schemes would be in conflict with MSLP policies C1 and C2, but that these policies should only carry limited weight in these cases. In addition, the Wates 44 scheme would conflict with criterion (b) of CDNP policy CDNP05 which seeks to restrict development to a maximum of 30 dwellings at any individual location, but this aspect of the policy should only be given moderate weight and in my assessment the additional 14 dwellings would not result in any material harm. I have found no other development plan conflict.

421. To set against this harm arising from conflict with the development plan, the fact that I have found the proposals to be sustainable development means that they carry a presumption in favour of a grant of planning permission. In addition, the proposals would give rise to substantial public benefits by the construction of either 30 or 44 new homes, of which either 9 or 14 would be affordable dwellings, to which I attach significant weight. There would also be significant economic and social benefits as detailed in paragraphs 388 to 391.

422. In addition, although the proposed signalised crossing points on Turners Hill Road would be primarily needed to serve the new development, they would clearly also be available for other, existing residents in the area[38]. The proposals would therefore provide some community and highway safety benefits in this regard, to which I give modest weight. I also give modest weight to the likely drainage benefits which would arise to existing property owners on the west side of Turners Hill Road[231].

423. Drawing together the above points, it is my assessment that the adverse impacts arising from conflict with the development plan would not significantly and demonstrably outweigh the benefits of either of these proposals. I acknowledge that a distinction can be made with regard to the 2 proposals, insofar as conflict with criterion (b) of CDNP policy CDNP05 is concerned, but do not consider that the breach of this criterion by the Wates 44 proposal makes any material difference. However, if the SoS was to take a different view on this matter, a different conclusion could be reached for each of the Wates schemes, although that will not be my recommendation.

424. I conclude that both the Wates 30 and the Wates 44 schemes should be granted planning permission, subject to the imposition of a number of conditions, as discussed at the inquiry and set out in the attached Schedule.

Gleeson 30 and Gleeson 60

425. As noted above, I have concluded that both of these schemes would be in conflict with MSLP policies C1 and C2, but that these policies should only carry limited weight in these cases. In addition, by proposing a density greater than 25 dph both schemes would conflict with criterion (b) of CDNP policy CDNP05, with the

Gleeson 60 scheme further conflicting by proposing a development of more than 30 dwellings. But these aspects of the policy should only be given moderate weight and in my assessment the additional 30 dwellings and the higher densities would not result in any material harm. I have found no other development plan conflict.

426. To set against this harm arising from conflict with the development plan, the fact that I have found the proposals to be sustainable development means that they carry a presumption in favour of a grant of planning permission. In addition, the proposals would give rise to substantial public benefits by the construction of either 30 or 60 new homes, of which either 9 or 18 would be affordable dwellings, to which I attach significant weight. There would also be significant economic and social benefits as detailed in paragraphs 402 to 407.

427. In addition, in the case of the Gleeson 60 scheme there would be a further, modest, social and community benefit arising from the provision of a LEAP which would be available to existing residents in the area, in addition to the residents of the development itself[169].

428. Drawing together the above points, it is my assessment that the adverse impacts arising from conflict with the development plan would not significantly and demonstrably outweigh the benefits of either of these proposals. I acknowledge that a distinction can be made with regard to the 2 proposals, insofar as conflict with criterion (b) of CDNP policy CDNP05 is concerned, but do not consider that the extra 30 dwellings from the Gleeson 60 proposal would make any material difference, as detailed above. However, if the SoS was to take a different view on this matter, a different conclusion could be reached for each of the Gleeson schemes, although that will not be my recommendation.

429. I conclude that both the Gleeson 30 and the Gleeson 60 schemes should be granted planning permission, subject to the imposition of a number of conditions, as discussed at the inquiry and set out in the attached Schedule.

Recommendations

430. I recommend that the Applications A (Wates 30), B (Gleeson 60), and C (Gleeson 30), and the Appeal Proposal (Wates 44), all be approved, subject to conditions.

David Wildsmith

INSPECTOR

APPENDIX A - APPEARANCES

FOR MID SUSSEX DISTRICT COUNCIL:

Mr Steve Ashdown BA (Hons) DIP TP MRTPI	Team Leader (Major Development and Enforcement), Planning Services Division
Mr Steven King BSc(Hons) DIP TP MRTPI	Planning Applications Team Leader, Planning Services Division

FOR WORTH PARISH COUNCIL:

Mr Guy Williams of Counsel — Instructed by Temple Bright LLP

He called

Mr Richard Hodgetts BA(Hons) DipLA CMLI	Director, Enplan
Alan Brooks	Local resident
Dr Ian P Gibson BSc(Hons) PhD FInstP	Parish Councillor and local resident
Mr Martin Carpenter MRTPI	Director, Enplan
Mr John Hitchcock ***(Mr Hitchcock was not called to present oral evidence)***	Parish Councillor and local resident

FOR WATES DEVELOPMENTS LTD:

Mr Christopher Boyle QC — Instructed by Cripps LLP

He called

Mr Timothy J Goodwin BSc (Hons), MSc, MIEnvSc, MCIEEM, MIALE	Director, Ecology Solutions
Ms Catherine Shelton BSc (Hons), MPHIL, FLI	Principal, Catherine Shelton Associates Ltd
Ms Judith Ashton BA (Hons), Dip UPS, MRTPI	Principal, Judith Ashton Associates
Mr James Bevis MEng, CMILT, MCIHT ***(Mr Bevis was not called to present oral evidence)***	Partner, i-Transport LLP

FOR GLEESON DEVELOPMENTS LTD:

Mr John Litton QC — Instructed by Nexus Planning

He called

Mr Andrew Smith BSc (Hons) MSc CMLI	fabrik Limited
Mr Philip Russell BSc (Hons)	Managing Director, RGP Ltd
Mr Adam Ross BA(Hons) DipTP MRTPI	Executive Director, Nexus Planning

INTERESTED PERSONS OPPOSING THE PROPOSALS:

Mr Geoffrey Dobson	Local Resident
Mrs Deborah Ward	Local resident
Mrs Christine Latter	Local resident

APPENDIX B - DOCUMENTS

CORE DOCUMENTS

Number	Folder/ Tab	Details
CD01	1/1	Committee report and associated minutes for the Wates 44 application - 14 January 2016
CD02	1/2	Committee report and associated minutes for the Wates 30 application - 3 February 2016
CD03	1/3	DM/15/3614 Decision Notice relating to the Wates 44 application
CD04A	1/4	DM/15/3614 Plans and documents submitted in support of the Wates 44 application
CD04A.1	1/5	Planning Statement
CD04A.2	1/6	Design and Access Statement produced by OSP Architecture
CD04A.3	1/7	Affordable Housing Statement by Judith Ashton Associates
CD04A.4	1/8	Transport Statement Volume 1 — Text and Figures produced by i-Transport
CD04A.5	1/9	Transport Statement Volume 2 — Appendices produced by i-Transport
CD04A.6	2/10	Flood Risk Assessment and Surface Water Drainage Strategy produced by RSK
CD04A.7	2/11	Foul Drainage & Utilities Assessment produced by RSK
CD04A.8	2/12	Landscape and Visual Impact Assessment produced by Catherine Shelton Associates Limited
CD04A.9	3/13	Arboricultural Implications Report by Simon Jones Associates
CD04A.10	3/14	Preliminary Ecological Appraisal and Bat Surveys by RSK
CD04A.11	3/15	Outline Landscape Management Plan produced by Catherine Shelton Associates Limited in association with Simon Jones Associates and RSK
CD04A.12	3/16	Indicative Landscape Strategy Plans produced by Catherine Shelton Associates Limited
CD04A.13	3/17	Archaeological Desk Based Appraisal produced by UCL - Archaeology South East
CD04A.14	3/18	Statement of Community Involvement produced by Develop Communications
CD04A.15	3/19	Draft Head of Terms produced by Judith Ashton Associates
CD04A.16	3/20	Drawing- 15039/S101 (Red Line Boundary Plan)
CD04A.17	3/21	Drawing- 15039/S102 (Existing Site Survey Plan)
CD04A.18	3/22	Drawing- 15039/C101 (Illustrative Coloured Site Layout)
CD04A.19	3/23	Drawing- 15039/C102 (Illustrative Coloured Site Sections)
CD04B	4/24	DM/15/3979 Plans and documents submitted in support of the Wates 30 application
CD04B.1	4/25	Planning Statement
CD04B.2	4/26	Design and Access Statement produced by OSP Architecture

CD04B.3	4/27	Affordable Housing Statement by Judith Ashton Associates
CD04B.4	4/28	Transport Statement Vol 1 - Text and Figures produced by i-Transport
CD04B.5	4/29	Transport Statement Vol 2 - Appendices produced by i-Transport
CD04B.6	4/30	Flood Risk Assessment and Surface Water Drainage Strategy produced by RSK
CD04B.7	4/31	Foul Drainage & Utilities Assessment produced by RSK
CD04B.8	5/32	Landscape and Visual Impact Assessment produced by Catherine Shelton Associates Limited
CD04B.9	5/33	Arboricultural Implications Report by Simon Jones Associates
CD04B.10	5/34	Preliminary Ecological Appraisal and Bat Surveys by RSK
CD04B.11	5/35	Outline Landscape Management Plan produced by Catherine Shelton Associates Limited in association with Simon Jones Associates and RSK
CD04B.12	5/36	Indicative Landscape Strategy Plans produced by Catherine Shelton Associates Limited
CD04B.13	5/37	Archaeological Desk Based Appraisal produced by UCL - Archaeology South East
CD04B.14	5/38	Statement of Community Involvement produced by Develop Communications
CD04B.15	6/39	Geotechnical and Geo-environmental report by RSK
CD04B.16	6/40	Drawing- 15039/S101 (Red Line Boundary Plan)
CD04B.17	6/41	Drawing- 15039/S102 (Existing Site Survey Plan)
CD04B.18	6/42	Drawing- 15039/C201 (Illustrative Coloured Site Layout)
CD04B.19	6/43	Drawing- 15039/C202 (Illustrative Coloured Site Sections)
CD05	6/44	Extracts from the MSLP - 2004 and associated Proposals Map - 2008
CD06	6/45	The CDNP Submission version - December 2014
CD07	6/46	The Examiner's Report on the CDNP
CD08	6/47	MSDC's Cabinet Report of October 2015 re the CDNP Examiner's Report - 14 August 2015
CD09	6/48	The CDNP as made - January 2016
CD10	7/49	Pre-Submission version of the MSDP - June 2015
CD11	7/50	MSDC's focused amendments to the Pre-Submission MSDP - November 2015
CD12	7/51	MSDP - Schedule of Further Modifications - August 2016
CD13	7/52	MSDP - Submission Version incorporating the Focused Amendments and Further Modifications - Aug 2016
CD14	7/53	Extract from the Proposals Map for the MSDP - 2016
CD15A	7/54	MSDC's SHLAA - August 2015
CD15B	7/55	MSDC's SHLAA - April 2016
CD16	7/56	MSDC's HEDNA - November 2015
CD17	7/57	MSDC's HLAA: Review of Landscape and Visual Aspects of Site Suitability, Land Use Consultants for MSDC, January 2015
CD18	7/58	Representations on behalf of Wates Developments on the focused Amendments to the Pre-Submission MSDP - 15 January 2016
CD19	7/59	The Inspectors letter setting out his initial questions - 15 September 2016
CD20	7/60	MSDC letter - 29 September 2016 responding to the Inspector's letter - 15 September 2016

CD21	8/61	The Capacity of Mid Sussex District to Accommodate Development, Land Use Consultants for MSDC - June 2014
CD22	8/62	The National Planning Policy Framework - March 2012
CD23	8/63	The Mid Sussex Landscape Capacity Study, Hankinson Duckett Associates for MSDC - July 2007
CD24	8/64	Guidelines for Landscape and Visual Impact Assessment, 3rd edition, The Landscape Institute and the Institute of Environmental Assessment and Management - April 2013 — hard copy provided at inquiry
CD25	8/65	Crawley Down Neighbourhood Plan Housing Land Availability Assessment - May 2013
CD26	8/66	Crawley Down Neighbourhood Plan State of the Village Report February 2014
CD27	8/67	Stroud DC v SSCLG & Gladman [2015] EWHC 488 (Admin)
CD28	8/68	Forest of Dean District Council v SSCLG and Gladman Developments Ltd [2016] EWHC 421 (Admin)
CD29	8/69	Secretary of State for Communities and Local Government v Hopkins Homes Ltd [2016] 2 P & CR 1
CD30	8/70	MSDCs letter to Leanne Palmer - 9 June 2016
CD31	8/71	Worth Parish Council's Statement of Case - 23 June 2016
CD32A	8/72	Statement of Common Ground re the Wates 44 Scheme prepared with MSDC - 30 November 2016
CD32B	8/73	Statement of Common Ground re the Wates 30 Scheme prepared with MSDC - 30 November 2016
CD33	8/74	Dr Gibson Letters of Objection - 16 October 2015, 12 November 2015 & 1 November 2015
CD34	8/75	Temple Bright LIP's letter - 18 October 2016
CD35	8/76	Temple Bright LLP's letter - 23 November 2016
CD36	8/77	Temple Bright LIP's letter - 16 December 2016
CD37	8/78	MSDC letter to Temple Bright LLP - 18 October 2016
CD38	8/79	Department for Environment, Food & Rural Affairs Circular 06/2005
CD39	9/80	Mike Bird of Calyx Environmental Ltd's review of the Preliminary Ecological Appraisal - 8 November 2015
CD40	9/81	APP/D3830/W/15/3137838 Birchen Lane Appeal Decision - 8 August 2016
CD41	9/82	Objection letter of A M Brooks - 16 June 2016
CD42	9/83	Wates Transport Statement of Common Ground
CD43	9/84	Mid-Sussex District Settlement Sustainability Review (SSR) - May 2015
CD44	9/85	Detailed assessment of the HEDNA by Nathaniel Lichfield & Partners acting for Wates - November 2016
CD45	9/86	Landscape Character Assessment for MSDC - 2005
CD46	9/87	Neighbourhood Planning Written Ministerial Statement - 12 December 2016
CD47	9/88	HEDNA Addendum - 2016
CD48	9/89	CDNP Housing Survey - 2014
CD49	9/90	DM/16/2330 Committee Report & Associated Minutes
CD50	9/91	DM/16/2330 Application Documents
CD50.1	9/92	Cover Letter
CD50.2	9/93	NI Cover Letter for Land Owners
CD50.3	9/94	Notice 1

CD50.4	9/95	Completed Application Form and Certificates under Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order - 2010
CD50.5	9/96	Planning Obligation Instruction Form
CD50.6	9/97	Location Plan (ref. 331.016.005.A)
CD50.7	9/98	Illustrative Masterplan layout (ref. 331.016.001.D)
CD50.8	9/99	Parameters Layout (ref. 331.016.004.A)
CD50.9	9/100	Street Scenes (ref. 331,016.002)
CD50.10	9/101	Site Analysis (ref. 331.016.003.A)
CD50.11	9/102	Proposed Access Arrangement (ref. 2015/2504/001 Rev F)
CD50.12	9/103	Planning Statement (including statement of Community Involvement, Affordable Housing Statement and S106 Heads of Terms)
CD50.13	10/104	Design and Access Statement
CD50.14	10/105	Transport Assessment (including Residential Travel Plan and Stage 1 Road Safety Audit)
CD50.15	10/106	Flood Risk Assessment & Drainage Strategy
CD50.16	10/107	Extended Phase 1 Habitat Survey and Protected Species Surveys (Bat Survey, Dormouse Survey, and GCN and Reptile Survey)
CD50.17	10/108	Landscape and Visual Impact Assessment
CD50.18	10/109	Landscape Strategy
CD50.19	10/110	Arboriculture Development Report
CD50.20	11/111	Geotechnical and Geoenvironmental Interpretive Report
CD50.21	11/112	Archaeological Desk-based Assessment
CD50.22	11/113	Sustainability Statement
CD50.23	11/114	Consultn. Response - Community Leisure Officer
CD50.24	11/115	Consultn. Response - Environmental Protection and Housing Standards Team
CD50.25	11/116	Consultn. Response - Environmental Protection officer 1
CD50.26	11/117	Consultn. Response - Environmental Protection officer 2
CD50.27	11/118	Consultn. Response - Housing Enabling and Development Officer email to Oliver Bell
CD50.28	11/119	Consultn. Response - MSDC Drainage
CD50.29	11/120	Consultn. Response - MSDC Street Naming and Numbering 1
CD50.30	11/121	Consultn. Response - MSDC Street Naming and Numbering 2
CD50.31	11/122	Consultn. Response - Natural England
CD50.32	11/123	Consultn. Response - NERL Safeguarding Office
CD50.33	11/124	Consultn. Response - NHS Horsham and Mid Sussex Clinical Commissioning Group
CD50.34	11/125	Consultn. Response - Sussex Police
CD50.35	11/126	Consultn. Response - Urban Design
CD50.36	11/127	Consultn. Response - West Sussex County Council (Highways Authority)
CD50.37	11/128	Consultn. Response - West Sussex County Council Flood Risk Management
CD50.38	11/129	Consultn. Response - Worth Parish Council
CD50.38	???	Consultn. Response - The Woodland Trust MISSING
CD51	11/130	DM/15/4094 Application Documents
CD51.1	11/131	Cover Letter
CD51.2	11/132	NI Cover Letter for Land Owners
CD51.3	11/133	Notice 1

CD51.4	11/134	Completed Application Form and Certificates under Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order - 2010
CD51.5	11/135	Location Plan (ref. 303.015.004)
CD51.6	11/136	Illustrative Masterplan layout (ref. 303.015.001 Rev J)
CD51.7	11/137	Parameters Layout (ref. 303.015.005 Rev. B)
CD51.8	11/138	Street Scenes (ref. 303.015.005 Rev. A)
CD51.9	11/139	Site Analysis (ref. 303.015.010 Rev. A)
CD51.10	11/140	Proposed Access Arrangement (ref. 2015/2504/001 Rev F)
CD51.11	11/141	Planning Statement (including statement of Community Involvement, Affordable Housing Statement and S106 Heads of Terms)
CD51.12	12/142	Design and Access Statement
CD51.13	12/143	Transport Assessment (including Residential Travel Plan and Stage 1 Road Safety Audit)
CD51.14	12/144	Flood Risk Assessment & Drainage Strategy
CD51.15	12/145	Extended Phase 1 Habitat Survey and Protected Species Surveys (Bat Survey, Dormouse Survey, and GCN and Reptile Survey)
CD51.16	12/146	Landscape and Visual Impact Assessment
CD51.17	12/147	Landscape Strategy
CD51.18	13/148	Arboriculture Development Report
CD51.19	13/149	Geotechnical and Geoenvironmental Interpretive Report
CD51.20	13/150	Archaeological Desk-based Assessment
CD51.21	13/151	Dormouse Survey
CD51.22	13/152	Bat Survey
CD51.23	13/153	Archaeological Desk-based Assessment
CD51.24	13/154	Sustainability Assessment
CD51.25	13/155	Consultn. Response - Aerodrome Safeguarding Officer
CD51.26	13/156	Consultn. Response -Community Leisure Officer
CD51.27	13/157	Consultn. Response -Drainage
CD51.28	13/158	Consultn. Response -Ecology Calyx Environmental
CD51.29	13/159	Consultn. Response -Environment Agency
CD51.30	13/160	Consultn. Response - Heritage (Surrey County Council 1)
CD51.31	13/161	Consultn. Response - Heritage (Surrey County Council 2)
CD51.32	13/162	Consultn. Response - Housing Development Officer
CD51.33	13/163	Consultn. Response - Mid Sussex Environmental Protection
CD51.34	13/164	Consultn. Response - Natural England
CD51.35	13/165	Consultn. Response - NERL Safeguarding
CD51.36	13/166	Consultn. Response - Network Rail
CD51.37	13/167	Consultn. Response - NHS Horsham and Mid Sussex Clinical Commissioning Group
CD51.38	13/168	Consultn. Response - Southern Water
CD51.38	13/???	Consultn. Response - Street Naming and Numbering MISSING
CD51.39	13/169	Consultn. Response - Sussex Police
CD51.40	13/170	Consultn. Response - The Woodland Trust
CD51.41	13/171	Consultn. Response - Urban Designer
CD51.42	13/172	Consultn. Response - West Sussex County Council Flood Risk Management Consultation
CD51.43	13/173	Consultn. Response - WSCC Highways 1
CD51.44	13/174	Consultn. Response - WSCC Highways 2
CD51.45	13/175	Consultn. Response - Worth Parish Council

CD52	14/176	DM/15/4094 Committee Report & Associated Minutes
CD53	14/177	Housing Implementation Plan - August 2016
CD54	14/178	Blank
CD55	14/179	Woodland Trusts Objection Letter - 16 June 2016
CD56	14/180	Natural England's Standing Advice for Ancient Woodland and Veteran Trees - 7 April 2014
CD57	14/181	APP/D3830/A/14/2218078 Land at Penland Farm Appeal Decision - 12 January 2015
CD58	14/182	Statement of Common Ground re Gleeson 60 and Gleeson 30 Scheme - 5 December 2016
CD59	14/183	Gleeson 60 Statement of Case - June 2016
CD60	15/184	Gleeson 30 Statement of Case - November 2016
CD61	15/185	Worth Parish Council's Statement of Case for Gleeson 30 - 14 November 2016
CD62	15/186	APP/D3830/A/12/2189451 — SOS Appeal decision (and Inspectors report) at Sayers Common, West Sussex - 10 February 2016
CD63	15/187	APP/J0405/V/15/3137967 - SOS Appeal decision (and Inspectors report) at Great Horwood, Buckinghamshire - 26 September 2016
CD64	15/188	APP/C3810/A/14/2228260 - SOS Appeal decision (and Inspectors report) at East of North End Road, Yapton - 13 September 2016
CD65	16/189	APP/P1425/W/15/3119171 - SOS Appeal decision (and Inspectors report) at Newick, Lewes - 23 November 2016
CD66	16/190	East Staffordshire BC v SSCLG [2016] EWHC 2973 (Admin) - 22 November 2016
CD67	16/191	Nathaniel Lichfield & Partners Mid Sussex Review of Evidence and Objectively Assessed Needs for Wates Developments - November 2016
CD68	16/192	DM/15/3979 - DCLG Call-in letter to Worth Parish Council - 27 April 2016
CD69	16/193	DM/15/4094 - DCLG Call-in letter to Worth Parish Council - 27 April 2016
CD70	16/194	DM/16/2330 - DCLG Call-in letter to Worth Parish Council - 3 October 2016
CD71	16/195	Worth Parish Council letter requesting Call In application DM/15/4094
CD72	16/196	Mid Sussex District Council Response to Inspector's Questions for Examination Hearings (ID3) - Housing Matters, Nov 2016
CD73	16/197	Letter from Worth Parish Council to LPA on 14th October
CD74	16/198	Email from LPA to Worth Parish Council - 20 December 2016

WORTH PARISH COUNCIL'S PROOFS OF EVIDENCE

Document	WPC/1	Proof of Evidence of Richard Hodgetts
Document	WPC/2	Appendices to Proof of Evidence of Richard Hodgetts
Document	WPC/3	Summary Proof of Evidence of Martin Carpenter
Document	WPC/4	Proof of Evidence of Martin Carpenter
Document	WPC/5	Appendices to Proof of Evidence of Martin Carpenter (includes witness statements of Alan Brooks and Dr Ian Gibson)

WATES DEVELOPMENTS' PROOFS OF EVIDENCE

Document	WD/1	Summary Proof of Evidence of Timothy J Goodwin
Document	WD/2	Proof of Evidence of Timothy J Goodwin
Document	WD/3	Appendices to Proof of Evidence of Timothy J Goodwin
Document	WD/4	Summary Proof of Evidence of Catherine Shelton
Document	WD/5	Proof of Evidence of Catherine Shelton
Document	WD/6	Appendices to Proof of Evidence of Catherine Shelton
Document	WD/7	Summary Proof of Evidence of Judith Ashton
Document	WD/8	Proof of Evidence of Judith Ashton
Document	WD/9	Appendices to Proof of Evidence of Judith Ashton
Document	WD/10	Housing Land Supply Statement by Judith Ashton
Document	WD/11	Summary Proof of Evidence of James Bevis
Document	WD/12	Proof of Evidence of James Bevis
Document	WD/13	Appendices to Proof of Evidence of James Bevis

GLEESON DEVELOPMENTS' PROOFS OF EVIDENCE

Document	GD/1	Proof of Evidence and Summary Proof of Andrew Smith
Document	GD/2	Appendices to Proof of Evidence of Andrew Smith
Document	GD/3	Proof of Evidence and Appendices of Philip Russell
Document	GD/4	Proof of Evidence and Summary Proof of Adam Ross
Document	GD/5	Appendices to Proof of Evidence of Adam Ross

DOCUMENTS AND PLANS SUBMITTED SHORTLY BEFORE THE INQUIRY OPENED, AND AT THE INQUIRY

Document	1	Email dated 23 January 2017 providing clarification of the proposed SuDS arrangement s for the Wates 30 and Wates 44 schemes
Document	2	Methodology for the Landscape and Visual Impact Assessment (LVIA) used by Catherine Shelton Associates Ltd in preparing the LVIA reports submitted for the Wates 44 and Wates 30 schemes, dated 20 January 2017
Document	3	Email dated 20 January 2017 providing Clarification of the impact on traffic flows of the proposed signal crossing arrangements for the Wates 44 and Wates 30 applications
Document	4	Note from Stephen Clyne of EFM on the impact of the applications on Primary School Provision – submitted by Wates in response to the WPC Witness Statement of Alan Brooks
Document	5	Planning Statement of Common Ground, Affordable Housing Addendum, relating to all 4 schemes
Document	6	Council's letters of notification of the inquiry
Document	7	Opening submissions on behalf of Gleeson
Document	8	Opening submissions on behalf of Worth Parish Council
Document	9	Statement presented to the inquiry by Mr Dobson
Document	10	Statement and photographs presented to the inquiry by Mrs Ward
Document	11	Statement presented to the inquiry by Mrs Latter
Document	12	Mid Sussex Housing Allocation Scheme, submitted by the Parish Council
Document	13	MSDC5a - Sustainability Appraisal/SHLAA – Housing Provision – Implications document, submitted by the Parish Council

Document	14	Email from the Inspector conducting the Examination into the Mid Sussex District Plan, to Hurstpierpoint & Sayers Common Parish Council , dated 10 January 2017, submitted by Wates
Document	15	Letter from the Horsham and Mid Sussex Clinical Commissioning Group, dated 15 December 2016, submitted by Wates
Document	16	Email confirming the acceptability of the proposed Alternative SuDS Strategy for the Wates 44 and Wates 30 schemes
Document	17	Extracts from the 2015 SHLAA, covering the Worth Parish Council area, submitted by Wates
Document	18	A3 version of the Indicative Landscape Strategy Plan for the Wates 44 scheme
Document	19	Parish Council suggested amendments to the draft conditions relating to the Wates' schemes
Document	20	Parish Council suggested amendments to the draft conditions relating to the Gleeson schemes
Document	21	The West Sussex County Council Transport Assessment Methodology, referred to by Mr Brooks
Document	22	Extract from Manual for Streets 2, referred to by Mr Russell
Document	23	Appeal Decision APP/D3830/A/14/2217310, relating to land off Woodlands Close, Crawley Down, submitted by Gleeson
Document	24	Mid Sussex District Council "Development and Infrastructure" Supplementary Planning Document, submitted by the Council
Document	25	Email from the Horsham and Mid Sussex Clinical Commissioning Group, dated 16 January 2017, submitted by the Council
Document	26	Extracts from the Mid Sussex Infrastructure Delivery Plan, relating to the Worth Parish Council area
Document	27	Summary of the key planning obligations contained in the S106 Agreements for the Gleeson 30 and Gleeson 60 schemes
Document	28	Planning Obligation Written Justification by the Council relating to the Gleeson 30 scheme
Document	29	Planning Obligation Written Justification by the Council relating to the Gleeson 60 scheme
Document	30	Written CIL Justification by West Sussex County Council relating to the Gleeson 30 scheme
Document	31	Written CIL Justification by West Sussex County Council relating to the Gleeson 60 scheme
Document	32	Summary of the key planning obligations contained in the S106 Agreements for the Wates 30 and Wates 44 schemes
Document	33	Planning Obligation Written Justification by the Council relating to the Wates 30 scheme
Document	34	Planning Obligation Written Justification by the Council relating to the Wates 44 scheme
Document	35	Written CIL Justification by West Sussex County Council relating to the Wates 30 scheme
Document	36	Written CIL Justification by West Sussex County Council relating to the Wates 44 scheme
Document	37	Signed and completed Agreement under Section 106 of the Town and Country Planning Act 1990, as amended, relating to the Wates 30 scheme
Document	38	Signed and completed Agreement under Section 106 of the Town and Country Planning Act 1990, as amended, relating to the Wates 44 scheme

Document	39	Signed and completed Agreement under Section 106 of the Town and Country Planning Act 1990, as amended, relating to the Gleeson 30 scheme
Document	40	Signed and completed Agreement under Section 106 of the Town and Country Planning Act 1990, as amended, relating to the Gleeson 60 scheme
Document	41	Suggested site visit itinerary, including points of interest highlighted by Mrs S Gibson, a request to view the Wates sites from the property "Ashiana", and details of culs-de-sac to be visited by the Inspector unaccompanied
Document	42	Draft suggested conditions for the Wates 30 and Wates 44 schemes
Document	43	Draft suggested conditions for the Gleeson 30 scheme
Document	44	Draft suggested conditions for the Gleeson 60 scheme
Document	45	Fire Hydrant Conditions, requested by the West Sussex Fire and Rescue Service
Document	46	Final Submissions of the Parish Council
Document	47	Court of Appeal Judgment, Gladman Developments Limited v Daventry District Council v SSCLG, Case No C1/2015/4315, [2016] EWCA Civ 1146, submitted by the Parish Council
Document	48	Closing submissions on behalf of Gleeson
Document	49	Closing submissions on behalf of Wates
Document	50	High Court of Justice Consent Order: Case No CO/1542/2016, Woodcock Holdings Ltd v SSCLG and MSDC, submitted by Wates

APPENDIX C - CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED

Wates 30 & Wates 44 (20 conditions for both schemes)

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority for any phase of development, prior to the commencement of development.

   Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

   The development hereby permitted must be begun before the expiration of 2 years from the date of approval of the last of the reserved matters.

   Reason: *To enable the local planning authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   Wates 30 scheme

   a) Plan No 15039/S101 - Red line boundary plan;
   b) Plan No 15039/C201 - Illustrative coloured site layout (Note - plan included here for access details only);
   c) Plan No 1TB9155-GA-008 - Signalised crossing plan;
   d) Plan No 1TB9155-GA-009P - Signalised crossing plan.

Wates 44 scheme

a) Plan No 15039/S101 - Red line boundary plan;
a) Plan No 15039/C101 - Illustrative coloured site layout (Note - plan included here for access details only);
b) Plan No 1TB9155-GA-008 - Signalised crossing plan;
c) Plan No 1TB9155-GA-009P - Signalised crossing plan.

Reason: *To provide certainty and to ensure that the development is carried out in accordance with the approved plans and details.*

3. The submission of details for approval under condition 1 shall be in general accordance with the following submitted documents and plans:

Wates 30 scheme

a) Design and Access Statement relating to the 30 dwelling scheme, produced by OSP Architecture;
b) Plan No 15039/C201 - Illustrative coloured site layout; or
c) Plan No 15039/C201A – Alternative illustrative coloured site layout;
d) Plan No 15039/C202 – Illustrative coloured site sections.

Wates 44 scheme

a) Design and Access Statement relating to the 44 dwelling scheme, produced by OSP Architecture;
d) Plan No 15039/C101 - Illustrative coloured site layout; or
e) Plan No 15039/C101B – Alternative illustrative coloured site layout; or
f) Plan No 15039/C101B – Alternative illustrative coloured site layout;
g) Plan No 15039/C102 – Illustrative coloured site sections.

Reason: *To ensure that the development is carried out in general accordance with the submitted illustrative plans and details.*

4. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter the approved CMP shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
   a) the anticipated number, frequency and types of vehicles used during construction;
   b) the method of access and routing of vehicles during construction;
   c) the parking of vehicles by site operatives and visitors;
   d) the loading and unloading of plant, materials and waste;
   e) the storage of plant and materials used in construction of the development;
   f) the erection and maintenance of security hoarding;
   g) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
   h) details of public engagement both prior to and during construction works;
   i) a scheme to minimise dust emissions from the site;
   j) proposed construction hours within the site.

Reason: *To ensure safe and neighbourly construction in the interests of amenity and road safety.*

5. Prior to development or any preparatory work and to support the Reserved Matters application, a Construction Environmental Management Plan (CEMP) will be produced, submitted to and approved in writing by the local planning authority. The CEMP shall set out the practical steps to be taken to avoid impacts on wildlife and habitats during site preparation and construction. The CEMP will pick up all recommended mitigation arising out of the recommendations made within the Preliminary Ecological Appraisal and Bat Surveys report produced by RSK dated the 27th August 2015. The development shall only be implemented in accordance with the approved CEMP.

   Reason: *To protect the ecological value of the site.*

6. No development shall commence until details of a Landscape Management Plan, based on the outline landscape management plan submitted in support of this application, and including details of biodiversity enhancements, have been submitted to and approved in writing with the local planning authority. The development shall only be implemented in accordance with the approved landscape management plan.

   Reason: *To protect the ecological value of the site.*

7. No development shall commence until details of a lighting plan showing measures to be used to minimise light pollution of the surrounding habitats and open green space have been submitted to and approved in writing with the local planning authority. The development shall only be implemented in accordance with the approved lighting plan.

   Reason: *To protect the ecological value of the site.*

8. The development hereby permitted shall not proceed until details of the proposed foul water drainage and means of disposal have been submitted to and approved in writing by the local planning authority and no dwelling shall be occupied until all approved drainage works serving that dwelling have been carried out in accordance with such details.

   Reason: *To ensure that the proposed development is satisfactorily drained.*

9. The development hereby permitted shall not proceed until details of the proposed surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the local planning authority. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

   Reason: *To ensure that the proposed development is satisfactorily drained.*

10. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until points 1 to 4 (set out below) have been complied with, unless otherwise agreed by the local planning authority. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until point 4 has been complied with in relation to that contamination.

    1) Site Characterisation
    An investigation and risk assessment, in addition to the assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:
    (i) a survey of the extent, scale and nature of contamination;
    (ii) an assessment of the potential risks to:
        a. human health;
        b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
        c. adjoining land;
        d. groundwaters and surface waters;
        e. ecological systems;
        f. archaeological sites and ancient monuments;
    (iii) an appraisal of remedial options, and proposal of the preferred option(s).

    This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

    2) Submission of Remediation Scheme
    A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

    3) Implementation of Approved Remediation Scheme
    The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

4) Reporting of Unexpected Contamination
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with point 3.

5) Long Term Monitoring and Maintenance
A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed in advance, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

Reason: *In the interests of health of future occupiers.*

11. No development shall take place until the applicant, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: *The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development.*

12. No development shall take place until details of existing and proposed site levels have been submitted to and approved in writing by the local planning authority. Development shall not be implemented otherwise than in accordance with such details.

Reason: *For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality.*

13. No development shall commence until details of the play facility have been submitted to and approved by the local planning authority. The details shall include the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.

    Reason: *To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public.*

14. No dwelling shall be occupied until the car parking spaces serving the respective dwelling have been constructed in accordance with plans and details to be submitted to and approved in writing by the local planning authority. These spaces shall thereafter be kept available at all times for their designated use.

    Reason: *To ensure adequate parking provision is provided for properties.*

15. No part of the development shall be first occupied until covered and secure cycle parking spaces in respect of such part have been provided in accordance with plans and details submitted to and approved in writing by the local planning authority.

    Reason: *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

16. No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving such part of the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

    Reason: *To secure satisfactory standards of access for the proposed development.*

17. This planning permission cannot be implemented in tandem with, whether in part or full, the scheme approved under planning permission DM/15/3979 (or DM/15/3614 for the alternative scheme).

    Reason: *For the sake of clarity and in the interest of good planning.*

18. No dwelling hereby approved shall be occupied until a Travel Pack in accordance with the principles set out in the Transport Statement of Common Ground has been submitted to and approved by the local planning authority after consultation with the Highway Authority. The implementation of such approved Travel Pack shall be within 3 months of the occupation of any part of the development hereby permitted.

    Reason: *To seek to reduce the reliance on the use of the private motor car.*

19. Prior to the commencement of the development details showing the proposed locations of fire hydrants or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the local planning authority in consultation with West Sussex County Council's Fire and Rescue Services.

Reason: *In the interests of amenity and in accordance with the Fire and Rescue Services Act 2004.*

20. Prior to the first occupation of any dwelling/unit forming part of the proposed development the fire hydrant/s shall be installed in the approved location to BS 750 standards or stored water supply, including arranging for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting.

    The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

    Reason: *In the interests of amenity and in accordance with the Fire and Rescue Services Act 2004.*

Gleeson 30 (21 conditions) & Gleeson 60 (22 conditions)

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the local planning authority for any phase of development, prior to the commencement of development.

   Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

   The development hereby permitted must be begun before the expiration of 2 years from the date of approval of the last of the reserved matters.

   Reason: *To enable the local planning authority to control the development in detail.*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

   Gleeson 30 scheme

   a) Plan No 331.016.005 Rev A - Location plan;
   b) Plan No 331.016.004 Rev A - Parameters layout plan;
   c) Plan No 2015/2504/001 Rev F - Proposed access arrangement plan.

   Gleeson 60 scheme

   a) Plan No 303.015.004 - Location plan;
   b) Plan No 303.015.012 Rev B - Parameters layout plan;
   c) Plan No 2015/2504/001 Rev F - Proposed access arrangement plan.

   Reason: *To provide certainty and to ensure that the development is carried out in accordance with the approved plans and details.*

3. The submission of details for approval under condition 1 shall be in general accordance with the following submitted documents and plans:

Gleeson 30 scheme

a) Design and Access Statement relating to the 30 dwelling scheme, produced by STA Associates Ltd, dated 27 May 2016;
b) Plan No 331.016.001 Rev D - Illustrative masterplan layout;
c) Plan No 331.016.002 – Illustrative street scenes.

Gleeson 60 scheme

a) Design and Access Statement relating to the 60 dwelling scheme, produced by STA Associates Ltd, dated 9 Oct 2015;
b) Plan No 303.015.001 Rev J - Illustrative masterplan layout;
c) Plan No 303.015.005 Rev A – Illustrative street scenes.

Reason: *To ensure that the development is carried out in general accordance with the submitted illustrative plans and details.*

4. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter the approved CMP shall be implemented and adhered to throughout the entire construction period. The CMP shall provide details as appropriate but not necessarily be restricted to the following matters;

a) the anticipated number, frequency and types of vehicles used during construction;
b) the method of access and routing of vehicles during construction;
c) the parking of vehicles by site operatives and visitors;
d) the loading and unloading of plant, materials and waste;
e) the storage of plant and materials used in construction of the development;
f) the erection and maintenance of security hoarding;
g) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
h) details of public engagement both prior to and during construction works, including contact details for members of the public;
i) a scheme to minimise dust emissions from the site;
j) proposed construction hours within the site.

Reason: *To ensure safe and neighbourly construction in the interests of amenity and road safety.*

5. No development shall commence until a wildlife/habitat protection and mitigation plan, setting out the practical measures to be taken to avoid impacts during site preparation and construction phases, has been submitted to, and approved in writing by, the local planning authority. These details may be incorporated into a Construction Environmental Management Plan (CEMP). The development shall then be carried out in accordance with the approved details.

Reason: *To protect the ecological value of the site.*

6. No development shall take place until the following details have been submitted and approved in writing by the local planning authority.

a) a layout that achieves a buffer, with a minimum width of 15m, of enhanced/newly created wildlife habitat between any development, including gardens and formal opens space, and ancient semi-natural woodland boundaries;
b) full details of avoidance, mitigation and compensation measures in respect of protected species;
c) a lighting plan showing measures to be used to ensure dark flight routes for bats and to minimise light pollution of woodland and woodland buffers;
d) a wildlife habitat enhancement and management plan, including details for provision of funding, monitoring, updating and identification of the organisation or other body responsible for its delivery. The plan shall include proposals to compensate for increased isolation of woodland by improving hedgerows and hedgerow connectivity by new planting, gapping up and better management of existing stretches. It shall also include a monitoring programme and measures to tackle any dumping of rubbish or unauthorised encroachment into the adjacent ancient woodland and it shall include measures to limit deer access to Burleigh Wood through the site.

The submitted protected species avoidance, mitigation and compensation details shall be supported by an up-to-date badger survey and if, for any reason, there is a delay greater than 18 months between the date of this decision and the submission of the reserved matters application, the ecological details shall be supported by an up-to-date ecological impact assessment report.

The approved details shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

Reason: *To protect the ecological value of the site.*

7. The development hereby permitted shall not proceed until details of the proposed foul water drainage and means of disposal have been submitted to and approved in writing by the local planning authority and no building shall be occupied until all approved drainage works have been carried out in accordance with such details.

Reason: *To ensure that the proposed development is satisfactorily drained.*

8. The development hereby permitted shall not proceed until details of the proposed surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the local planning authority. The details shall include a timetable for implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: *To ensure that the proposed development is satisfactorily drained.*

9. No development shall take place until the applicant, or their successors in title, has secured the implementation of a programme of archaeological work in

accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: *The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development.*

10. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the local planning authority, details must comply with Advice Note 3, "Potential Bird Hazards from Amenity Landscaping & Building Design".
(available from www.aoa.org.uk/policycampaigns/operations-safety/)

    These details shall include:

    a) Grassed areas;
    b) The species, number and spacing of trees and shrubs;
    c) Details of any water features;
    d) Drainage details including SuDS - Such schemes must comply with Advice Note 6 "Potential Bird Hazards from Sustainable urban Drainage Schemes (SuDS)". (available from www.aoa.org.uk/policy campaigns/operations- safety/)

    No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

    Reason: *To avoid endangering the safe movement of aircraft and the operation of Gatwick Airport through the attraction of birds and an increase in the bird hazard risk of the application site.*

11. No development shall take place until details of existing and proposed site levels have been submitted to and approved in writing by the local planning authority. Development shall not be implemented otherwise than in accordance with such details.

    Reason: *For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality.*

12. No development shall take place until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area has been submitted to and approved in writing by the local planning authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the local planning authority. In the event that the scheme approved by the local planning authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the local planning authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the local planning authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the local planning authority that the financial sum has been provided in accordance with the approved scheme.

Reason: *To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2010.*

13. Prior to the commencement of the development details showing the proposed locations of fire hydrants or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the local planning authority in consultation with West Sussex County Council's Fire and Rescue Services.

    Reason: *In the interests of amenity and in accordance with the Fire and Rescue Services Act 2004.*

14. No burning of demolition or construction waste material shall take place on the site.

    Reason: *To protect the amenity of neighbouring residents.*

15. No part of the development shall be first occupied until the existing turning head, carriageways, and footways on Hazel Close have been altered in accordance with drawing number 2015/2504/001 Rev F.

    Reason: *In the interests of highway safety.*

16. No part of the development shall be first occupied until give-way markings and signage has been installed at the junction of Hazel Close and Hazel Way in accordance drawing number 2015/2504/001 Rev F.

    Reason: *In the interests of highway safety and to address the problem raised within the Stage One Road Safety Audit.*

17. No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving that part of the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved in writing by the local planning authority.

    Reason: *To secure satisfactory standards of access for the proposed development.*

18. No dwelling shall be occupied until the car parking spaces serving the respective dwellings have been constructed in accordance with plans and details to be submitted to and approved in writing by the local planning authority. These spaces shall thereafter be kept available at all times for their designated use.

    Reason: *To ensure adequate parking provision is provided for properties.*

19. No part of the development shall be first occupied until covered and secure cycle parking spaces serving that part of the development have been provided in accordance with plans and details submitted to and approved in writing by the local planning authority.

    Reason: *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

20. Prior to the first occupation of any dwelling/unit forming part of the proposed development the fire hydrant/s shall be installed in the approved location to BS 750 standards or stored water supply, including arranging for their connection to a

water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: *In the interests of amenity and in accordance with the Fire and Rescue Services Act 2004.*

21. No buildings shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The Travel Plan shall include arrangements for monitoring its implementation and effectiveness together with targets to reduce private car movements to and from the site. The implementation of such approved Travel Plan shall be within 3 months of the occupation of the development hereby permitted.

    Reason: *To seek to reduce the reliance on the use of the private motor car.*

    NOTE – the following condition 22 only relates to the Gleeson 60 scheme

22. No development shall commence until details of the Locally Equipped Area for Play (LEAP) have been submitted to and approved in writing by the local planning authority. The details shall include the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.

    Reason: *To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public.*

APPENDIX D - LIST OF ABBREVIATIONS

App	Appendix
BUAB	Built-up Area Boundary
CADR	Countryside Area of Development Restraint
CD	Core Document
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy
CMP	Construction Management Plan
DAS	Design and Access Statement
Doc	Document
dpa	dwellings per annum
dph	dwellings per hectare
ECHR	European Convention on Human Rights
EIA	Environmental Impact Assessment
FTE	Full Time Equivalent
GCN	Great Crested Newt
GLVIA3	Guidelines for Landscape and Visual Impact Assessment, Third edition

GP	General Practitioner
H&MSCG	Horsham and Mid Sussex Commissioning Group
ha	hectare
HDA	Hankinson Duckett Associates
HEDNA	Housing and Economic Development Needs Assessment
HLS	Housing Land Supply
HRA	Human Rights Act 1998
LCA	Landscape Character Area
LEAP	Locally Equipped Area For Play
LUC	Land Use Consultants
LVIA	Landscape and Visual Impact Assessment
m	metre
MfS	Manual for Streets
MSDP	Mid Sussex District Plan
MSLP	Mid Sussex Local Plan 2004
NE	Natural England
NHS	National Health Service
NP	Neighbourhood Plan
OAN	Objectively Assessed Need
pa	per annum
Para	Paragraph
PCPA	Planning and Compulsory Purchase Act 2004
PIA	Personal Injury Accident
PIM	Pre-Inquiry Meeting
PPG	Planning Policy Guidance
PS	Planning Statement
RPA	Root Protection Area
RSA	Road Safety Audit
S106	Section 106
SAMM	Strategic Access Management and Monitoring
SANGS	Suitable Alternative Natural Green Space
SHLAA	Strategic Housing Land Availability Assessment
SoCG	Statement of Common Ground
SoS or SSCLG	Secretary of State for Communities and Local Government
SuDS	Sustainable Drainage System
TA	Transport Assessment
TAD	Total Access Demand
The Council	Mid Sussex District Council
The Framework	National Planning Policy Framework
The Parish Council	Worth Parish Council
TPO	Tree Preservation Order
WMS	Written Ministerial Statement
WSCC	West Sussex County Council
WT	The Woodland Trust
ZVI	Zone of Visual Influence

Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand,London,WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act
With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act
Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.