



Appeal Decision

Inquiry opened on 7 January 2014

Site visits made on 28 February and 17 March 2014

by Alan Woolnough BA(Hons) DMS MRTPI

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

Decision date: 29 May 2014

Appeal Ref: APP/Z3825/A/13/2202943

Land to the north of Melton Drive, Storrington, Pulborough, West Sussex RH20 4BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Wates Developments against the decision of Horsham District Council.
 - The application ref no DC/13/0752, dated 24 April 2013, was refused by notice dated 31 July 2013.
 - The development proposed is the erection of up to 102 dwellings, including 40% affordable housing, with associated access.
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Formal Decision

1. The appeal is dismissed.

Procedural Matters

2. The Inquiry sat for six days. As the advocate instructed by the District Council was unable to attend on the opening day, proceedings on 7 January were confined to matters that did not require his presence. The Inquiry was then adjourned until 18 February for a further four sitting days to 21 February, followed by another adjournment to a final sitting day on 17 March. My accompanied site visit took place on 28 February, with further unaccompanied visits to various locations in the wider area on 17 March.
3. Consultation with interested parties on further technical evidence submitted by the Appellant and the District Council in relation to air quality took place during the first adjournment. Additionally, the main parties were given the opportunity, post-Inquiry, to make written comments in relation to the relevance to the appeal of the DCLG's¹ Planning Practice Guidance (PPG), published on 6 March 2014, and a late representation from a local resident which raised a new issue concerning the pending closure of a local medical centre. In reaching my decision I have had regard to all representations on these matters received by the relevant deadlines.
4. The planning application was made in outline form with all matters of detail reserved for future consideration with the exception of access. At the Inquiry, it was agreed between the Appellant and the District Council that the element of the proposal subject to detailed consideration at this stage should comprise

¹ Department for Communities and Local Government

only the junction of the proposed estate road with Fryern Road, with all other components of the scheme, including the layout of roads and footpaths, treated as illustrative.

5. The layout drawing before the District Council at the time of the refusal of planning permission was ref no 2017-C-1005 revision H. However, the Appellant requested that the appeal be determined with reference to an amended layout, revision J. No objection was raised by the District Council and I am satisfied that the changes thus introduced are too minor to be prejudicial to the interests of any party. I have therefore determined the appeal on the basis of revision J.

The Section 106 Agreement

6. An agreement pursuant to section 106 of the 1990 Act as amended, to which the Appellant, site owners and District and County Councils are party, was executed and submitted during the Inquiry, on 21 February 2014. This provides for financial contributions to be made to the Councils towards the improvement of community facilities, school and fire and rescue infrastructure, libraries, healthcare and air quality and secures the implementation of an affordable housing scheme and travel plan in the event that planning permission is granted and implemented. Initial disagreement between the parties regarding the extent of payments required towards school improvements was resolved during the course of the Inquiry.
7. As the appeal is dismissed for reasons unrelated to the content of the agreement, Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the CIL Regulations), which sets out the relevant tests of a planning obligation, is not strictly applicable. Nor are the provisions of paragraph 204 of the National Planning Policy Framework (NPPF) determinative in this case. Nonetheless, the measures provided for in the agreement have implications for the sustainability of the development as defined in paragraph 7 of the NPPF and must be weighed in the balance in determining the appeal.
8. I have considered their merits having regard to the two Statements of Common Ground submitted by the main parties in relation thereto. Having done so, I find that the provisions of the agreement are directly related to the development, fairly and reasonably related in scale and kind thereto and, subject to other considerations having been satisfactorily addressed, would have been necessary to make the development acceptable in planning terms.
9. I have noted the reasons for closing the Mill Stream Medical Centre on 31 May 2014 given by NHS England. However, the Appellant cannot reasonably be expected to redress perceived shortcomings in health provision for the wider community that have arisen from the decisions of the relevant authorities. Any such shortage would not in itself justify a moratorium on new residential development in the context of the current development plan and the Appellant's responsibilities in this regard are necessarily limited to catering, by means of the section 106 agreement payments, for the additional demand that would be generated by the appeal development.
10. In any event, the section 106 agreement provides for a payment towards improvements to facilities at either the Mill Stream or Glebe surgeries, the latter of which is expected to remain open. On the evidence before me, I have no reason to believe that this payment would not be sufficient to address the

additional demand associated with the proposal. This being so, I find the provisions of the agreement sufficient to remedy the concerns regarding infrastructure provision and affordable housing set out in the District Council's refusal reason 6 and am satisfied that, were I minded to allow the appeal, no amendments thereto would be required. Accordingly, I will not address the agreement further in my reasoning on the main issues other than with regard to its relevance to air quality and sustainable development.

Main Issues

11. The main issues in determining this appeal are:
- the extent to which the proposal would meet an identified housing need in the area;
 - the implications of the extent of under supply for the way in which local settlement policy should be applied;
 - the effect of the proposal on the setting of West Wantley House, a Grade II* listed building;
 - the effect of the proposal on the character and appearance of the appeal site and the surrounding area;
 - the effect of the proposal on local air quality; and
 - whether the proposal constitutes sustainable development.

Planning Policy

12. The development plan includes the Horsham District Local Development Framework Core Strategy 2007 (CS) and General Development Control Policies 2007 (GDC). An Order to partially revoke the South East Plan 2009 (SEP) came into force on 25 March 2013. Consequently, the policies of the SEP that would once have been relevant to the appeal proposal no longer have effect. Nonetheless, it is agreed between the Appellant and the District Council that the SEP continues to provide the appropriate base figure for housing land supply assessment. I concur and have therefore had regard to the SEP in this context only.
13. Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. In this case, I find the weight that may be attached to some of the development plan policies cited to be tempered to a degree by the main parties' common position that there is a very substantial under-supply of housing land in the District. I address further the question of the amount of weight attributable to individual policies when dealing with that issue.
14. Reference is also made to the District Council's Planning Obligations Supplementary Planning Document (SPD) and Facilitating Appropriate Development (FAD) SPD, both adopted in 2007, albeit that the relevance of the former is tempered significantly by the subsequent publication of the CIL Regulations. The Storrington and Sullington Parish Design Statement (adopted by the District Council as SPD in 2010) and the District Council's draft Air Quality and Emissions Planning Guidance (February 2013) and associated draft Air Quality Action Plan for Storrington (first produced in October 2012) are also relevant.

Reasoning

15. The appeal site lies outside, but immediately adjacent to, the built up area of Storrington as defined by the development plan, in an area defined as countryside. It comprises some 4.7 hectares of agricultural land located on the northern edge of the village, behind dwellings which front Melton Drive. Primary access to the site is currently from that road, between Thyme Cottage and No 16. However, the land's main frontage is to Fryern Road, which lies to the immediate west. A public right of way runs east-west approximately 90 metres to the north of the site, just beyond which is West Wantley House, a Grade II* listed former farmhouse thought to date from the 14th century. A former drovers' way running north-south in close proximity to the listed building, to which there is no public access, links the appeal site to the public right of way.
16. Outline planning permission is sought for the erection of up to 102 dwellings on the appeal site, 40% of which would be affordable in accordance with CS Policy CP12. The submitted layout plan is illustrative, except for the proposed main vehicular access in the south-west corner of the site, leading onto Fryern Road. Nonetheless, it gives a clear indication of the manner in which 102 dwellings, together with associated roads, landscaping and public open space, could be accommodated. Whilst the phrase 'up to' implies the possibility of a lesser number of units, there is no indication before me that this would be acceptable to the Appellant. Nor has any alternative plan that illustrates a lower density scheme been supplied. I have therefore determined the appeal on the basis of the specified maximum.

Housing need

17. Paragraph 47 of the NPPF advises that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing, together with an additional buffer of 5% moved forward from later in the plan period. It further states that where there has been a record of persistent under-delivery of housing, the buffer should be increased to 20%. It is agreed between the Appellant and the District Council that, for the purposes of assessing housing land requirements, the figure of 650 dwellings per annum for Horsham District as a whole contained in the SEP should be used as the starting point for determining housing land requirements in this case.
18. Having said this, the recently published PPG states that household projections published by the DCLG should provide the starting point estimate of overall housing need and commends these as statistically robust and based on nationally consistent assumptions. It also advises that account should be taken of the most recent demographic evidence including the latest Office of National Statistics population estimates. The DCLG's 2011-based Households Projections model suggests an average annual housing requirement for Horsham District for the period 2011 to 2021 of 699 dwellings per annum, significantly higher than the SEP figure.
19. Nonetheless, although most of the SEP has been revoked² and the housing requirement it sets is now somewhat dated, it contained the most recent

² Those parts of the SEP which have been retained under Articles 2 & 3 of the relevant Revocation Order, which came into force on 25 March 2013, do not apply to Horsham District.

housing target for Horsham District where the evidence had been objectively tested at examination. By contrast, the DCLG's data does not reflect an objectively assessed housing need. This being so, I agree with the main parties that, notwithstanding the provisions of the PPG, the SEP figure remains the most appropriate basis for assessing housing land requirements in this particular case.

20. The Appellant has not sought to argue otherwise in the wake of the PPG's publication during the course of the Inquiry. I have also borne in mind that the judgments in *St Albans C & DC v Hunston Properties Ltd & SSCLG* [2013] EWCA Civ 1610 and *S Northamptonshire Council v SSCLG & Barwood Homes Ltd* [2014] EWHC 570 (Admin) confirm that it is not wrong in principle to use the evidence base of a revoked Regional Spatial Strategy for these purposes. However, in the light of the PPG's advice and the DCLG's data I am inclined to the view, also expressed by the Appellant, that the SEP requirement should be considered a minimum until a further objective assessment is made and endorsed on examination.
21. CPRE Sussex Countryside Trust sought to demonstrate that a different constrained figure to the above should be applied. However, the analysis thus promoted is founded on the subdivision of Horsham District so as to exclude that part of it which lies within the Gatwick sub-region identified in the SEP and, as such, is based on a revoked policy. Moreover, I find no support in any current policy or guidance for the assessment of housing land supply on anything other than a district-wide basis. In any event, I consider CPRE's calculations to be flawed for the reasons documented by the Appellant. I therefore give little credence to this alternative approach.
22. Whilst the Preferred Strategy consultation document for the emerging Horsham District Planning Framework 2011-2031 sets a target of 575 dwellings per annum and has been cited as relevant by some local residents, this has yet to be subject to examination and thus carries very little weight for the purposes of this appeal. Storrington and Sullington Parish Council has drawn my attention to a housing needs survey undertaken on its behalf in October 2012, which found a need for 84 homes for local people with an emphasis on affordable housing within 2 to 3 bedroomed properties. However, the restricted focus of the survey on the local parish renders it of limited assistance in the context of this appeal, the determination of which requires an assessment of housing need on a district-wide basis. Accordingly, contrary to the Parish Council's contention, this survey does not contradict or take precedence over the findings of the main parties with regard to housing need. Nonetheless, it does lend weight to the common stance of the Appellant and the District Council that there is a substantial shortage of affordable housing.
23. It is common ground between the main parties that 2060 new dwellings (net) were completed in Horsham District in the period 1 April 2006 to 31 March 2013 and that the shortfall in the provision of new homes against the SEP requirement to 31 March 2013 is 2490 since 2006, averaging 356 dwellings per annum. I concur, and further agree that the shortfall in delivery should be recovered over the next five years in accordance with the 'Sedgefield approach'. I therefore find that the five year housing requirement for Horsham District for the period 2013 to 2018 is 5903 dwellings, comprising the SEP requirement of 3250 and historic under-supply of 2490, plus a 5% buffer pursuant to paragraph 47 of the NPPF. The Appellant alluded during the

Inquiry to the possibility of persistent under-delivery necessitating the addition of a 20% buffer. However, the point was not expressly pursued and justification for such an approach has not been demonstrated.

24. The Appellant contends that, given the timing of the Inquiry, the housing land requirement for the period 2014 to 2019 is also a material consideration. However, notwithstanding this, I find 2013 to 2018 to be the more pertinent period for the purposes of my decision, given that it forms the basis for the District Council's most recent housing figures, as published in December 2013 in its Authority Monitoring Report April 2012 to March 2013 (AMR). I am also mindful that national guidance to the effect that the assessment should be based on whole years is no longer in effect. In any event, I am not persuaded by the evidence before me that calculations based on the later five year period produce significantly different results.
25. Turning to the question of supply, it is common ground between the main parties that, based on the SEP requirement, there is currently a significant shortfall of over 2000 dwellings. However, there is disagreement as to whether the available supply of land amounts to 3738 dwellings for the relevant period (the District Council's position) or 3128 dwellings (the Appellant's position), equating to 63% or 53% of the requirement respectively. The difference is accounted for by a more optimistic assessment on the District Council's part of projected completions figures on certain large sites. The merits of the parties' methodologies in this regard were examined at some length at the Inquiry and, in essence, fall to be assessed in terms of the reliability of the source information gleaned from the developers in question or from those acting on their behalf.
26. I am mindful that, as conceded by Ms Parnaby during cross-examination, the District Council's AMR projections have been consistently over-optimistic. I also note that some of those from whom the District Council obtained figures for likely completion rates were planning consultants engaged in securing planning permissions rather than those engaged in building on the ground, the reliability of which does not seem to have been investigated in depth. By contrast, Mr Hewett, for the Appellant, gleaned information from selling agents and considered open market and affordable housing completion rates separately, also conducting an analysis of house builder completions from published reports and accounts. I find on balance that the latter is a more thorough approach and, consequently, am more inclined to accept the Appellant's housing land supply figures.
27. Nonetheless, projections of future build rates inevitably involve supposition and assumption, such that neither methodology can be deemed 100% reliable. In any event, the differences between the parties in this regard matter little in circumstances where, on either analysis, the shortfall in supply is so great. I must ultimately weigh in the balance the extent of under-delivery against other material considerations. However, in this case the weight to be attributed to that particular matter will be very substantial whichever set of figures is applied.
28. It follows that the difference between the parties in this regard is of little consequence in such a context, particularly bearing in mind the premise (based on the DCLG's household projection data and having regard to advice in the PPG) that the SEP requirement should be regarded as a minimum. I ultimately

conclude that, whatever the precise extent of the shortfall in provision, the appeal proposal would make a significant contribution towards addressing it, particularly in relation to affordable housing.

Implications of housing need for local policy

29. Paragraph 49 of the NPPF advises that relevant policies for the supply of housing should not be considered up-to-date if a five year supply cannot be demonstrated, as in this case. This has consequences for the reliance that can be placed on those policies in reaching a decision on the appeal. Paragraph 14 of the NPPF makes it clear that, where relevant policies are out of date, 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 NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
30. I agree that CS Policy CP4, concerned with housing provision, is entirely out of date as it is based on superseded housing requirement figures. Moreover, the weight attributed to CS Policy CP9, dealing with management of the release of housing land, is tempered by the fact that no identified new sites have been brought forward. However, I am not persuaded that CS Policies CP1 or CP5 or GDC Policies DC1, DC2 or DC40 should be regarded as wholly out of date, as none of them deals exclusively with housing land supply. Rather, they set out principles and requirements that apply to development in general and reflect some of the core principles found in paragraph 17 of the NPPF.
31. I agree with my fellow Inspector who, in determining an appeal in 2012 concerning housing development proposed for a site elsewhere in Horsham District (ref no APP/Z3825/A/12/2176793), found that the appropriate approach is to identify those elements of the policies to which less weight needs to be given if the housing shortfall is to be effectively addressed, as required by the NPPF, thus ensuring other important objectives of those policies are not overlooked. The requirements of these policies should therefore be applied more flexibly to sites outside, but on the edge of, built-up area boundaries, in a manner consistent with national policy. I find the judgments in *William Davis Ltd & Jelson Ltd v SSCLG & NW Leicestershire DC* [2013] EWHC 3058 (Admin) and *Cotswold DC v SSCLG, Fay & Son Ltd & Hannick Homes & Development* [2013] EWHC 3719 (Admin) to lend support to this approach.
32. Moreover, this is essentially the approach taken by the District Council's FAD SPD. The SPD sets out a criteria based approach to the identification of suitable land for development outside settlement boundaries, where that land would not meet the strict requirements of CS Policy CP5 and GDC Policy DC1. Bearing in mind the underlying purpose of the SPD, I find no need to temper significantly the weight to be attached to it pursuant to paragraph 49 of the NPPF. Having said this, where its criteria refer to or reflect superseded national policy guidance, reference must now be had to the NPPF instead. This in itself justifies a degree of flexibility in applying the SPD. Nonetheless, it is consistent with the general thrust of current national policy and, this being so, the principle of housing development immediately outside the built-up area of Storrington must, for the time being, be accepted.
33. I conclude that the shortfall in housing land supply is a highly significant material consideration which carries very substantial weight sufficient to

override the fundamental constraints of established settlement policy in accordance with paragraph 14 of the NPPF. I also acknowledge that there is a large under-supply of affordable housing. It is readily apparent that 102 houses, of which 41 would be affordable, would make a significant contribution to meeting the pressing need for housing in general and affordable housing in particular. My task is therefore to assess whether, applying other development plan policies in the light of the FAD criteria, other considerations indicate that adverse impacts arising from a grant of planning permission would significantly and demonstrably outweigh the benefits of that permission in addressing the housing shortfall.

Setting of the Grade II listed building*

34. West Wantley House, a Grade II* listed building, lies some 90 metres to the north of the appeal site. Although it bears the date 1656, the building is believed to date back as far as the 14th century and to have been refaced in stone, with additions, some 200 years later. East Wantley Farmhouse, a Grade II listed building dating from the 17th century or earlier, lies some distance further to the east. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Listed Buildings Act) imposes a duty on the decision maker, in deciding whether to grant planning permission for a development which affects the setting of a listed building, to have special regard to the desirability of preserving that setting.
35. East Wantley Farmhouse is too far from the appeal site and insufficiently linked thereto in terms of inter-visibility for any likely impact on its setting to be material. This being so, I pay no further regard to it in my reasoning. Nonetheless, I am in no doubt that West Wantley House would be close enough to the proposed development for the latter to have an effect in its setting. The statutory duty therefore applies in that regard.
36. The Appellant contends that the duty was exercised by the District Council when determining the application, reference having been made in the relevant Committee report to third party concerns in that regard. It is argued that the omission of a recommended refusal reason relating to that issue infers that the case officer took the view that no harm would be caused to the setting of the listed building. However, given that the roof and chimneys of the listed property are readily visible from the appeal site, I think it more likely that, as the District Council claims, the duty was simply overlooked at the point of determination.
37. It was instead addressed later, following submission of the appeal, by means of consultation with English Heritage and a further resolution by the relevant Committee on 19 November 2013 to the effect that, were the application still before the District Council for determination, an additional refusal reason concerned with harm to the setting of West Wantley House as a heritage asset would have been given. It emerged at the Inquiry that the second Committee report was written in advance of English Heritage's comments being received and without express advice that planning permission should have been refused on such grounds from the District Council's Design and Conservation Officer, Ms Jeater, who gave evidence on this issue at the Inquiry.
38. The Appellant essentially contends that this undermines the credibility of the recommendation contained in the second report and, in particular, that the consultation process with English Heritage was infected by the fact that the

- second report was in the public realm by the time that English Heritage made its submission. Clearly, this is not the way that consultation on matters of this kind should be conducted. However, it would have been quite wrong to turn a blind eye to the initial failure to exercise the duty under section 66(1) of the Listed Buildings Act and it is only right that the oversight should eventually be rectified, albeit belatedly.
39. Moreover, I give little credence to the Appellant's view that the distorted consultation process somehow tarnished English Heritage's eventual conclusion that harm would be caused to the setting of the Grade II* listed building, given the statutory role of that body and the regard in which its expert advice is generally held. I am not therefore inclined to attribute less weight to that conclusion as a consequence. The fact that Ms Jeater was not consulted when the application was submitted is attributable to the oversight in relation to the statutory duty.
40. Ms Jeater conceded during cross-examination that, had she been consulted and concluded, as she eventually did, that 'less than substantial harm' would be caused in the terms of paragraph 134 of the NPPF, she would not have objected in principle to planning permission being granted but would have left it to others to weigh any harm to the setting of the listed building against other benefits. This would have been the correct approach for a specialist advisor focussing on a particular issue, whose role is not to make the final decision or recommend the appropriate planning balance. I do not find this stance to be at odds with the general thrust of the evidence Ms Jeater presented to the Inquiry or to cast doubt on the genuineness of the views thus expressed. Accordingly, I do not temper the weight that I attach to her evidence.
41. Before moving on to consider the evidence relating to this issue, I turn to explore the framework of policy and case law relevant thereto. Paragraph 133 of the NPPF specifies that where a proposed development will lead to substantial harm to a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm and that certain specific requirements are met. Paragraph 134 adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
42. Recent case law arising from the Court of Appeal's judgment in *Barnwell Manor Wind Energy Ltd v E Northants DC, English Heritage, National Trust & SSCLG* [2014] EWCA Civ 137 clarifies how a decision taker must address the issue of harm to the setting of a listed building. This decision follows on closely from that of the High Court in *North Norfolk DC v SSCLG & Mack* [2014] EWHC 279 (Admin), which provided that under paragraph 134 of the NPPF one did not carry out a simple balancing exercise but had to determine 'whether there is justification for overriding the presumption in favour of preservation'.
43. This emphasises that in enacting section 66(1) of the Listed Buildings Act, Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration for the purpose of deciding whether there would be some harm, but should be given 'considerable importance and weight' when the decision taker carried out the balancing exercise, thus properly reflecting the statutory presumption that preservation is

desirable. This is the case whether the harm is 'substantial' (and thus engages paragraph 133 of the NPPF) or is 'less than substantial' (engaging paragraph 134). The judgment makes clear the point that 'less than substantial harm' to the setting of a listed building does not equate to a less than substantial objection to the grant of planning permission.

44. The District Council has judged the extent of the impact of the proposed development on the setting of the listed building to be less than substantial but still significant and irreversible. The *Barnwell Manor* judgment confirms that there is nothing contradictory in such a stance. Ms Jeater expressly considered all the relevant factors identified in the English Heritage Setting Guidance (EHSG), finding as a result that the impact on the countryside setting of the former farmhouse would strike at the core of the significance of the asset. English Heritage found similarly, concluding that the historic landscape around West Wantley House is still largely recognisable today, such that the property retains an attractive countryside setting with few urban intrusions.
45. Mr Warshaw, for the Appellant, has not addressed the impact of the proposal on the setting of West Wantley House with the same degree of thoroughness. Compared to the District Council's evidence his analysis of the listed building's setting with reference to the EHSG is somewhat cursory. He has also undertaken an alternative assessment with reference to the ICOMOS³ Guidance on Heritage Impact Assessments for Cultural World Heritage Properties. However, whilst I do not question the relevance of this alternative methodology, I find Mr Warshaw's application of it to lack substance. I also noted during the Inquiry that he seemed less than familiar with the EHSG and, moreover, appeared to rely substantially on the Heritage Statement submitted with the subject planning application, which contains little by way of a structured impact assessment.
46. In any event, Mr Warshaw expressly states in his proof of evidence that West Wantley House remains within an east-west agricultural belt between settlements which appears little changed over more than two centuries. This finding chimes with the conclusions of the District Council and English Heritage as to the building's historic agricultural setting, and I concur. Having said this, he also perceives a substantial degree of physical separation between the listed building and the land to the south, by reason of a steep drop in levels of some 4.5 metres as one moves northward, such that the southern elevation of the house faces a bank, on top of which is a hedge. This is portrayed on the Appellant's behalf as a form of severance between the dwelling and the farmland to the south, such that the latter should not be regarded as an important part of the listed building's setting.
47. Notwithstanding this, I am mindful that a cross-section provided by the Appellant and intended to show the relationship in levels between the listed building and the appeal development (drawing no 2071-C-1205-C) is clearly inaccurate. Moreover, whilst I accept the probability that a physical barrier of some kind would have been maintained historically between house and livestock, I am not persuaded of the likelihood that this would have been visually impenetrable in southward views, as it is reasonable to assume that a farmer resident at the property would wish to keep an eye on his land from within the house.

³ International Council on Monuments and Sites

48. Nor have I seen any cogent evidence to the effect that the existing hedge on the public right of way boundary, which presently blocks certain views from the house and its curtilage, perpetuates an historic feature. It is apparent from my site inspection that, in the absence of the hedge, views over the land to the south of West Wantley House would have been available from its upstairs windows. This perception was borne out at the Inquiry by Mr Fleming, the current owner/occupier, to the effect that the appeal development would be visible from five of his windows. I find no reason to question Mr Fleming's evidence, bearing in mind the predominantly two storey nature of the illustrative proposal and the consequent elevation in height of the envisaged housing scheme. Although Mr Warshaw asserted that there would be no inter-visibility, he has not substantiated this conclusion. Moreover, his finding in this regard is at odds with that of the Appellant's initial Heritage Report.
49. I am also mindful that, whilst the hedge fulfils a screening function at present, anyone walking from west to east along the right of way will register the isolated location of the listed building and will retain that impression when proceeding to the elevated part of the footpath from which the proposed development would be readily visible. That impression would be eroded should the appeal scheme go ahead, irrespective of the presence of the screen hedge. I am not persuaded by the Appellant's argument that the backdrop of mature trees along the rear boundaries of existing properties in Melton Drive would lessen significantly the impact of the appeal development in views from West Wantley House or the right of way, given that it would be those elements of the estate closest to the listed building that would have the greatest effect on its setting.
50. In any event, it is significant that the DCLG's recently published PPG states that 'the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance'. Therefore, whilst I acknowledge that there would be no harm to the listed building itself and that its intimate setting, comprising the garden, should be ascribed a higher value than the wider setting beyond, I do not accept that the former would be unaffected by the appeal proposal.
51. I attach less significance than the District Council to the listed building's associations with individuals of national importance. Nonetheless, having considered the analyses of both main parties in the wake of my site inspection, I agree with the District Council and English Heritage that the isolated rural setting is a very important part of the asset's significance as it provides its historic landscape context. The proposed development, in such close proximity, would inevitably affect this significance due to changes to the character and appearance of the setting and appreciation of the sense of rural isolation.
52. Indeed, not only would the development be clearly visible from the public right of way that runs to the immediate south of the listed building and, at present, contributes to its isolated sense of place, but it would also erode to a harmful degree the separation between the listed building and the built up area of Storrington. Moreover, the historic functional relationship of the principal southern elevation of the house with the open former farmstead land that it faces, including the appeal site, would be adversely affected.

53. The Appellant relies in part on proposed screen landscaping in concluding that the appeal development would not cause material harm to the listed building's setting. However, I find such reliance to pay insufficient regard to advice in the EHSG to the effect that screening may only mitigate negative impacts, rather than remove them, and should never be a substitute for well designed development within a heritage asset's setting. In any event, I am mindful that planting is, by its very nature, a temporary measure and cannot be relied upon as a means of permanent visual mitigation. Accordingly, I find that there is over-dependence on the Appellant's part on the perceived merits of the envisaged landscaping scheme.
54. Moreover, drawing on the evidence before me, I find that the adverse impact of the proposed development on the setting of the listed building would be compounded by the density of the envisaged layout. Whilst the overall density of the scheme would be about 24 dwellings per hectare, this is still much higher than that of Melton Drive and its immediate environs. It is also apparent from the Appellant's density parameter plan that some of the denser components of the scheme are those in closest proximity to West Wantley House. I also note with concern Ms Shelton's acknowledgement on the Appellant's behalf that the listed building was not considered to be a key determinant of the layout. Whilst the layout is only illustrative, it nonetheless gives a clear indication of the ratio of built development to open land likely to arise from 102 dwellings, irrespective of their precise juxtapositions.
55. I have seen nothing to allay my concern that visual permeability through the development in views from the north would be anything more than limited, other than along a somewhat harsh, straight run of hardsurfacing running from north to south through the centre of the development. Consequently, whilst the term 'suburban' used by the District Council is not my adjective of choice I nonetheless find that, in the absence of any illustration to the contrary, an impression of dense residential development in close enough proximity to denigrate the sensitive rural setting of West Wantley House would be readily apparent from the upper floors of that property and the adjacent public right of way.
56. The envisaged high quality architectural form and elevational detailing of individual buildings is also put forward by the Appellant as a mitigating factor intended to lessen the effect on the setting of the listed building. However, the illustrative proposals before me would not be sufficiently effective in that regard and, in the absence of alternatives to consider, it is not clear to me how design alone might safeguard the setting of West Wantley House. I conclude that whilst the proposal would cause 'less than substantial harm' to the setting of the Grade II* listed building in the terms of paragraph 134 of the NPPF, the level of harm would nonetheless be significant and irreversible. Accordingly, I find the proposal to be contrary in this regard to the objectives of GDC Policy DC13, FAD criterion 8 and the NPPF.

Character and appearance

57. Much time was spent at the Inquiry and in the course of my site visits assessing the likely impact of the proposed development on the surrounding rural landscape. The appeal site is an open field and, whilst not presently in agricultural production, reads clearly in the Fryern Road street scene as the beginning of the countryside beyond the northern perimeter of Storrington

village. The wider landscape to the north, east and west of the site, although not subject to any policy designation that reflects particular visual worth, is nonetheless attractive and resolutely rural in character.

58. Mr Bright, for the District Council and Ms Shelton, for the Appellant, have provided detailed analyses of the effect that the appeal scheme would have on its landscape setting from viewpoints both near and far. I have visited all of these and considered in detail the likely visual consequences of the development. Having done so, whilst I find no reason to question the landscape assessment methodology employed by either party, I am not unduly concerned about the likely impact of the proposal on perceptions of this area of countryside in distant views.
59. If one sets aside the adverse effects of the development on the setting of West Wantley House, as addressed earlier in my reasoning, and acknowledges the principle of development on a site in a location of this kind in accordance with the FAD SPD, one must also accept that residential estate development outside the defined built up area of the village will inevitably and irrevocably change the character and appearance of the countryside, simply by extending the spread of built development, and that this in itself would be harmful to the rural sense of place.
60. Beyond this obvious consequence of built development taking place on agricultural land, I found that the higher density of the appeal scheme relative to its immediate environs would be unlikely to be readily apparent in glimpses from more distant viewpoints. I am also mindful of the fact that the site is not subject to any special landscape designation or the source of any protected outward views. This being so, my considerations in relation to the issue of character and appearance have focussed primarily on more localised impacts arising from the density rather than the principle of the scheme. In this regard I ascribe little weight to private views from adjacent residential properties. More pertinent are the public views available from Fryern Road and the right of way to the north, running east-west in the vicinity of West Wantley House.
61. The separation between Storrington and West Chilmington Common to the north, along Fryern Road, is not designated as a 'strategic gap' and I am satisfied that the proposal would not enhance any perception of coalescence between the two settlements in breach of GDC Policy DC3. However, I do not share the Appellant's perception that the appeal site is well-contained. On the contrary, it is particularly exposed to the west and, from both road and footpath, the relatively high density of the proposed development would be clearly discernible.
62. As the Appellant has pointed out, there are areas of built residential development in the northern part of Storrington of similar density to that envisaged for the appeal site. This section of the village also exhibits a wide range of housing types and sizes. However, the northern edge of the village, immediately abutting the site, is characterised by the attractive, low density development at the western end of Melton Drive. Indeed, I found low density and the consequential spacious sense of place to be the defining characteristics of this part of the built up area. Therefore, whilst I would not prescribe Melton Drive as a template for a residential scheme on the appeal site, its character should nonetheless inform the layout of adjacent development as a significant material consideration.

63. This is particularly important as the appeal site and its immediate environment perform a transitional function between village and countryside, moving northward from the low density, sylvan environment of Melton Drive as described above to a resolutely rural landscape with little built form and an abundance of open fields interspersed with copses of trees and native hedgerows. Non-fulfilment of this role must, in my assessment, weigh heavily against the proposal. In common with many settlements, Storrington's highest density is at its centre, with building coverage dropping off as one heads towards the open countryside. However, as already highlighted in addressing the issue of the setting of West Wantley House, some of the denser components of the scheme depicted in the submitted layout drawing are in close proximity to the site's northern boundary with open countryside.
64. Additionally, the density of the scheme as a whole is markedly higher than that of the adjacent existing development. I accept that Melton Drive is not typical of the village as a whole. Nonetheless, the appeal development would be read from Fryern Road in relation to the properties in Melton Drive that back onto the development site and it is in this immediate context that the transition from village to countryside would be experienced as one moved northward, through not only the main vehicular access to the estate but also the belt of landscaping envisaged along its western boundary.
65. I note that the Appellant's design and access statement purports to demonstrate that the concept of transitional densities has been incorporated into the design process. However, this has not been achieved successfully. On the contrary, I find that the overall density of the appeal scheme, rather than achieving a steady transition from the relatively low density of Melton Drive to the countryside beyond the appeal site, would render the development incongruous and jarring in relation to its immediate setting.
66. I do not perceive any serious conflict with GDC Policy DC6 in relation to the effect of the development on existing trees on the site. Nor do I question Ms Shelton's methodology in devising a landscaping scheme for the development, despite the District Council's preference for an alternative approach. Nonetheless, for the reasons previously given in relation to the setting of West Wantley House, additional planting, whilst it might provide a more effective screen as it matured, could not be relied upon in the longer terms to provide adequate visual mitigation.
67. Similarly, architectural form and elevational detailing would not, on the evidence before me, be sufficient to counter the harm arising from high density. Whilst I am again mindful of the illustrative nature of the scheme, it is not readily apparent how 102 dwellings within buildings of appropriate height might be accommodated on the site at an acceptable built coverage ratio. This being so, I find there to be conflict between the appeal scheme and the aspirations of paragraph 64 of the NPPF.
68. I conclude that the proposal would cause substantial harm to the character and appearance of the appeal site and the surrounding area, over and above that which would arise from the loss of open agricultural land alone. This would be contrary to CS Policies CP1 and CP3, GDC Policies DC2 and DC9, FAD criteria 6 and 7, the Parish Design Statement and the relevant provisions of the NPPF. I attribute very substantial weight to this consideration.

Air quality

69. It became clear at the Inquiry that air quality in and around Storrington is a matter of considerable concern to many local residents, albeit a matter on which agreement had been reached between the Appellant and the District Council by means of a Statement of Common Ground. Substantial evidence on this matter was presented by third parties, notably by the resident's group Save Our Storrington, and at my request both main parties also called witnesses to address it.
70. The Environment Act 1995 established a local air quality management regime. It requires local authorities to review and assess ambient air quality in their areas against health based standards for a number of specific pollutants. If there is a risk that levels of air pollution in any part of the authority's area will be higher than the relevant objectives prescribed by statute⁴, the authority is required to designate an Air Quality Management Area (AQMA) and to prepare an Action Plan setting out the measures it intends to take in order to comply with the objectives.
71. The District Council declared an AQMA for Storrington in December 2010, based on exceedance of the UK annual mean air quality objective for nitrogen dioxide. This is a bi-product of combustion and, in the case of Storrington, is attributable primarily to road traffic emissions. The AQMA focuses on West Street and High Street in the centre of the village, some 0.6 miles to the south of the appeal site. The draft Air Quality Action Plan (AQAP) for Storrington was first produced in October 2012 and is subject to annual review. It includes a proposed traffic management scheme and other initiatives to reduce traffic congestion and improve sustainable transport options in and around the village.
72. As part of the AQAP, a feasibility study determined that three schemes had the potential to reduce vehicle emissions to the required level. Following public consultation and review, a Low Emission Zone (LEZ) was identified as the most feasible traffic management solution and, in November 2013, the Storrington AQAP Steering Group resolved to implement a LEZ with a proposed commencement date of 2015. The scheme would be implemented on the basis of limiting access to the village for specific vehicle types not meeting the relevant emission standards.
73. The Appellant has calculated that the appeal development would generate an additional 533 vehicle movements between 07:00 and 19:00 hours each day and has submitted an air dispersion modelling assessment of air quality impacts associated with the increased road traffic. Whilst I have taken into account the submissions of Save Our Storrington and others on this issue, in the absence of cogent, properly substantiated technical evidence to the contrary, I find no sound reason to question the reliability of the Appellant's survey data, modelling methodology or assessment. The latter shows that nitrogen dioxide concentrations would be increased at 16 of 18 identified receptor locations when considered as a 'stand alone' development and at all 18 locations when the cumulative impact of other committed development is assessed.

⁴ The Air Quality Regulations 2000 and Air Quality (Amendment) Regulations 2002

74. Both main parties acknowledge that, in the light of the above, the appeal site is close enough to the AQMA for the predicted increase in traffic emissions generated by the proposed development to have an adverse impact on air quality within the AQMA. However, both also agree that a combination of a Low Emission Strategy (LES) setting out on-site mitigation measures, which could be secured by condition, together with a financial contribution to be spent on measures to be introduced to achieve the LEZ would be sufficient to address the harm arising from this issue. The District Council has not therefore pursued refusal reason 5 of its decision.
75. The Appellant has confirmed that the envisaged LES would centre primarily on a Green Travel Plan containing an information travel pack and vouchers towards public transport season tickets or cycle vouchers, plus electric vehicle charging points and a possible car share club. A financial contribution of £38,000 towards the implementation of an LEZ with measures to reduce heavy duty vehicles passing through the AQMA is provided for by the submitted section 106 agreement and has been calculated in accordance with the current DEFRA Emissions Factor Toolkit.
76. Although the AQAP is described as a draft, Ms Hawtin, appearing for the District Council, confirmed at the Inquiry that, in fact, it has been submitted to and approved by DEFRA⁵, having first been subject to public consultation. Its continuing 'draft' status is due to the fact that a pilot scheme pursuant thereto is shortly to be implemented. However, the AQAP having been endorsed by DEFRA, the purpose of the pilot is to determine which sorts of vehicle need to be restricted, rather than whether a LEZ would work in principle. Indeed, the merits of such a measure have already been thoroughly considered through a robust options appraisal and public consultation process. This being so, it is not premature to hitch mitigation measures designed to counter the additional air pollution caused by the proposed development, including financial contributions towards the establishment of a LEZ, to the implementation of the 'draft' AQAP.
77. I have no reason to question Ms Hawtin's advice that, although heavy goods vehicles (HGVs) make up only 2% to 3% of traffic, they emit 30% of the pollution. Some vehicle trips generated by the proposed development would pass through the AQMA and thus generate an impact where air quality is already known to be poor. However, for the most part these would be private cars and I agree with the Appellant's assessment that, in comparison with HGV impacts, their effect on air quality would be limited. Accordingly, health implications for the residents of the proposed estate would not be significant. With regard to the wider population of the village, I share the District Council's view that the package of on-site measures prescribed in the Appellant's LES would not in itself constitute sufficient mitigation in relation to air quality. However, I also find that the additional financial contribution towards the LEZ secured through the section 106 agreement redresses the balance.
78. Although I am not obliged to assess the envisaged financial contribution towards air quality mitigation against the relevant tests set out in Regulation 122 CIL Regulations, given that the appeal is to be dismissed, I am nonetheless satisfied that it meets those tests. The fact that the LEZ is designed to reduce HGV rather than car emissions does not render such a

⁵ Department for Environment, Food and Rural Affairs

contribution inappropriate in Regulation 122 terms. Although Save Our Storrington suggests that such a payment would not be 'directly related to the development', I am satisfied that a suitably designed LEZ should be able to reduce pollution to a low enough level to ensure that emissions generated by the housing development would not bring it back up above the threshold of unacceptability. That test is thus met.

79. I also find it probable that a reduction in HGV emissions by means of a LEZ would be sufficient to address satisfactorily the locality's air quality problems, bearing in mind the vastly disproportionate contribution they make to pollution as a whole, as detailed above. Whilst the types of HGV passing through the village have yet to be formally surveyed, the forthcoming pilot should enable the AQAP to be refined appropriately with a view to imposing whatever restrictions prove to be necessary. On the evidence before me, there seems little doubt that the local Steering Group and residents' groups will keep the authorities on their toes in that regard.
80. I have taken into account local concerns that, based on experiences elsewhere in the country, the Storrington AQMA is unlikely to be revoked in time to meet the 2015 deadline set by DEFRA. I also acknowledge that current levels of nitrogen dioxide are in breach of European Union legislation and that consequential financial penalties may be passed down to local level under the provisions of the Localism Act 2011. However, I am also mindful that the Appellant can only be expected to address the additional pollution that the appeal development would introduce.
81. It would not be reasonable to require developers to address cumulative pollution problems generated by other sources beyond the exacerbation thereof caused by their own schemes. Nor would it be appropriate to impose a moratorium on traffic-generating developments in the vicinity of the AQMA until such time as the issue it is intended to address has been resolved completely, neither being a requirement of national or local policy. Notably, paragraph 124 of the NPPF seeks only to constrain development *in* AQMAs (my emphasis) in accordance with the relevant AQAP.
82. I have seen no evidence of substance to support the contention that the Storrington AQMA and associated AQAP are unlikely to prove effective in due course. Moreover, whilst a short period of time might elapse between the commencement of the appeal development and the full implementation of a LEZ, this would be of limited significance in circumstances where the emissions associated with the proposed development would stem primarily from cars rather than HGVs. I give little weight to the concern that the latter would be more prevalent during the construction period. Disruption and inconvenience of all kinds is inevitable and unavoidable during a substantial build, is necessarily only temporary and can be mitigated to a degree by working practices secured by means of conditions attached to a planning permission.
83. Although Save Our Storrington cites a dismissed appeal relating to an extension to a Sainsbury's food store in Sheffield⁶ as relevant, each case must be assessed primarily on its own merits and I find the circumstances of that other development to be significantly different. Nor does the Client Earth litigation⁷ referred to by the same party address issues directly relevant to my

⁶ Appeal ref no APP/J4423/A/10/2143547, relating to 180 Archer Road, Sheffield

⁷ *R (oao Client Earth) v SSEFRA* [2013] UKSC25

decision. I therefore conclude that the measures put forward by the Appellant would be sufficient to mitigate impacts on air quality to an acceptable degree.

84. Accordingly, I find the proposal to comply with CS Policy CP2, FAD criterion 13, the Council's draft Air Quality & Emissions Planning Guidance and the objectives of the NPPF insofar as they are relevant to this issue. I am also satisfied that there has been no significant departure in this regard from the guidance contained in the recently published PPG, including that relating to the promotion of health and well-being. I attribute substantial weight to this.

Sustainable development

85. I have assessed the appeal proposal's sustainability credentials with reference to the economic, social and environmental roles defined in paragraph 7 of the NPPF. With regard to economic considerations, I acknowledge that the additional housing would provide employment during the construction period and that the eventual residential occupiers would contribute to the local economy. I also note the payments to the District and County Councils that the proposal would be likely to generate by means of the government's New Homes Bonus.
86. In social terms, the development would provide much needed housing, 40% of which would be affordable, which would help to meet the needs of the local community. The financial contributions secured by the section 106 obligation would, together with conditions requiring the provision of off-site highway improvements, enhance local facilities and thus support the community's social well-being in accordance with CS Policy CP13.
87. Environmentally, I am satisfied that the appeal scheme could minimise pollution, including further adverse impacts on air quality, in accordance with paragraph 30 of the NPPF. It could also aid adaptation to climate change through the use of sustainable construction methods and the use of renewable energy, and find no conflict in this regard with GDC Policy DC8. The site's edge-of-village location, in tandem with the envisaged Green Travel Plan, renders it sustainable in terms of access to local facilities and reliance on the private car for transportation, in accordance with GDC Policy DC40 and FAD criterion 12.
88. I also acknowledge the possibility of a net gain in terms of biodiversity and ecological interests, by reason of the substantial additional planting proposed and through the imposition of appropriate conditions, having in accordance with GDC Policy DC5. However, for the reasons previously given, the adverse effect of the proposal on the character and appearance of the surrounding area and the setting of the nearby Grade II* listed building would result in considerable environmental detriment.
89. I conclude that, on balance, these two negative factors clearly outweigh the relatively limited environmental attributes of the scheme and the economic and social advantages summarised above. This being so, I find that the appeal proposal would not constitute sustainable development in the terms prescribed by the NPPF and contrary to FAD criterion 11 and the Parish Design Statement. Bearing in mind the presumption in favour of sustainable development inherent in the NPPF, I attribute very substantial weight to this finding.

Other matters

90. I have considered all the other matters raised. I have taken into account the questions raised by local residents and others regarding the implications of traffic generated by the appeal proposal for matters other than air quality. However, I find no sound reason to regard the relevant data provided by the Appellant on such matters as unreliable. Moreover, the Appellant proposes a package of highway-related measures that could be secured by conditions attached to a grant of planning permission. In the absence of cogent technical evidence to the contrary I am satisfied that these would negate any adverse consequences of the development in the context of highway safety which, overall, would be improved.
91. The developer should not be expected to remedy the shortcomings of the wider highway infrastructure, as perceived by some local residents, beyond those issues that would arise directly from the additional traffic generated by the proposal. Accordingly, I find no significant conflict with CS Policy CP19, GDC Policy DC40 or paragraphs 30 or 32 of the NPPF in this regard. It is pertinent that the District Council takes a similar view, having agreed with the Appellant a Statement of Common Ground on highway matters and, consequently, has not pursued refusal reason 4 of its decision on the application. I attribute substantial weight to this finding.
92. I acknowledge that ecological interests could be safeguarded or even enhanced by means of conditions. I am also satisfied that, with adjustments to the detailed layout of the proposal at the reserved matters stage and the imposition of appropriate conditions, the amenity of those living adjacent to the development could be protected to an acceptable degree. I thus find no conflict with GDC Policies DC5 or DC9 in this regard. I give these considerations moderate weight.
93. Loss of high quality agricultural land is not a significant issue in this case. Whilst my attention has been drawn to various other planning decisions in Horsham District, including a substantial residential development approved by the District Council on land to the east of Billingshurst (ref no DC/13/0735), each proposal falls to be considered primarily on its own merits. Moreover, I do not know the full circumstances of those other schemes and, in any event, perceive significant differences between those and the proposal before me.
94. I acknowledge that some of the general criteria set out in GDC Policy DC9 and the FAD SPD are met by the proposal and have no reason to think that an appropriate mix of housing sizes, types and tenures, to include multi-storey development as presently envisaged, could not be provided within any detailed scheme pursuant to an outline permission, in accordance with CS Policy CP12 and GDC Policy DC18. I also accept that flood risk is not an issue in this case and that adequate provision could be made, through on-site facilities and financial contributions, for open space, sport and recreation, such that there is no conflict with GDC Policies DC7 and DC22 respectively. However, I give these matters only limited weight.

Summary

95. The shortfall in housing land supply and the particular need for affordable housing are highly significant material considerations and carry very substantial weight sufficient to override the fundamental constraints of established

settlement policy, in accordance with paragraph 49 of the NPPF. I also attach substantial weight to the fact that air quality concerns are addressed satisfactorily by the appeal proposal and to the positive implications of the scheme for highway safety. Additionally, I find the lack of harm to ecological interests and the living conditions of neighbouring residents to carry moderate weight in favour of the proposal.

96. However, on the negative side, the degree of harm to the character and appearance of the surrounding area that would arise from the excessive density of the appeal scheme is such that it must carry very substantial weight. Additionally, whilst the harm that would be caused to the setting of West Wantley House is 'less than substantial' in the terms set out in paragraphs 133 and 134 of the NPPF, it is still significant for the reasons I have explained previously and, this being so, must be given considerable importance and weight in order to fulfil the statutory duty of the decision taker under section 66(1) of the Listed Buildings Act and comply with the *Barnwell Manor* Court of Appeal judgment. In this regard, I find insufficient justification for overriding the presumption in favour of preservation of the setting of the listed building in this case.
97. I have added into the balance all the factors that have contributed to whether or not the development is sustainable in the terms prescribed in the NPPF, and ascribed due weight to those economic, social and environmental factors that may be categorised as attributes of the appeal scheme. However, overall, the development is not sustainable and this carries very substantial weight. It is pertinent that, this being so, the presumption in favour in paragraph 14 of the NPPF applies only to sustainable development, as confirmed by the judgment in *William Davis Ltd*. Nevertheless, I acknowledge that this in itself is not the end of the matter and that, presumption or not, all considerations must still be weighed in the planning balance.
98. Having done so, taking into account all of the above in the process, I conclude on balance that the adverse impacts of granting planning permission in this case significantly and demonstrably outweigh the benefits of doing so, including the degree to which this would address the shortfall in housing supply in the area. The appeal scheme is therefore contrary to the relevant provisions of the NPPF and those elements of the development plan that continue to have effect. No other matters raised are of such significance as to alter this conclusion.

Conclusion

99. For the reasons given above I conclude that the appeal should be dismissed.

Alan Woolnough

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

David Lintott	Of Counsel, instructed by Ms J Brown, Principal Solicitor, Horsham District Council
He called	
Ms C Jeater MA BA(Hons) CertUD MIHBC	Design and Conservation Officer, Horsham District Council
Mr M Bright BSc(Hons) BA MLI	Landscape Architect, Horsham District Council
Ms E Parnaby MSc BSc(Hons) AMRTPI	Senior Planning Officer, Horsham District Council
Mr J Hutchison BA(Hons) MRTPI	Principal Planning Officer, Horsham District Council
Ms L Hawtin BSc	Environmental Protection Officer, Horsham District Council

Ms Brown deputised for Mr Lintott on the opening day of the Inquiry

FOR THE APPELLANT:

Mary Cook	Of Counsel, instructed by Strutt & Parker LLP
She called	
Ms C Shelton BSc(Hons) MPhil FLI	Principal, Catherine Shelton Associates Ltd
Mr J Warshaw BArch DipTP AADipCons MRIBA MRTPI MIHBC RPUDG	Director, Conservation Architecture & Planning
Mr M Hewett	Senior Partner, Intelligent Land
Mr C Noel BA MSc DipUP MRTPI	National Partner, Strutt & Parker LLP
Mr J Redmore MSc BEng CEnv MIAQM MIES AIEMA	Air Quality Impact Group Manager, Resource and Environmental Consultants Ltd

INTERESTED PERSONS:

Mr P Herbertson CEng FICE FCIWEM	Local resident on behalf of Save Our Storrington
Dr R Smith	CPRE Sussex Countryside Trust
Councillor Ms A Worthington- Leese	Councillor, Storrington and Sullington Parish Council
Mr A Brien	Local resident on behalf of Stop Storrington Sprawl
Mr G Orbell	Local resident on behalf of Stop Storrington Sprawl
Councillor R Arthur	Councillor, Horsham District Council
Councillor R Dawe	Councillor, Horsham District Council
Mr P Buchanan	Local resident
Mr T Fleming	Local resident
Mr Taylor	Local resident appearing on behalf of Mr P Toner, local resident
Mrs J Webber	Local resident

CORE DOCUMENTS

CDA1	Application form
CDA2	Affordable Housing Statement
CDA3	Air Quality Assessment
CDA4	Arboricultural Implications Report
CDA5	Archaeological Assessment
CDA6	Community Involvement Statement
CDA7	Design & Access Statement (Superseded)
CDA8	Ecology Assessment
CDA9	Flood Risk Assessment
CDA10	Foul Drainage and Utilities Assessment
CDA11	Heritage Statement
CDA12	Landscape and Visual Impact Assessment
CDA13	Outline Landscape Management Plan
CDA14	Parameter Plan – Density (Plan A.10 below)
CDA15	Parameter Plan – Land Use (Plan A.11 below)
CDA16	Parameter Plan – Landscaping (Plan A.12 below)
CDA17	Parameter Plan – Scale (Superseded)
CDA18	Site Elevation AB – Drg No 2071-C-1200-A (Plan A.4 below)
CDA19	Site Elevation CD – Drg No 2071-C-1201-A (Plan A.5 below)
CDA20	Site Layout – Drg No 2071-A-1005-G (superseded)

- CDA21 Site Location Plan – Drg No 2071-A-1001-A (Plan A.1 below)
- CDA22 Illustrative Site Layout – Drg No 2071-A-1005-H (Plan A.3 below)
- CDA23 Draft S106 Heads of Terms
- CDA24 Sustainability Statement
- CDA25 Topographical Survey Sheet 1 – Drg No CM/12353/1 (Plan A.7 below)
- CDA26 Topographical Survey Sheet 2 – Drg No CM/12353/2 (Plan A.8 below)
- CDA27 Transport Assessment
- CDA28 Planning Statement
- CDA29 Bat Emergence Survey
- CDA30 Great Crested Newt Survey
- CDA31 Verified Views and covering letter Document No V3D 120801
- CDA32 Contextual Plan – Drg No 2071-A-1010-A (Plan A.2 below)
- CDA33 Cross section of infiltration basin – Drg No SK650 (Plan A.9 below)
- CDA34 Revised Design and Access Statement
- CDA35 Revised Parameter Plan – Scale - Drg No.2071-C-1300-C (Plan A.6 below)
- CDA36 Officer's Report to HDC's Development Management Committee South
- CDA37 Decision Notice

- CDB1 Preliminary Landscape & Visual Appraisal
- CDB2 Site Layout – Drg No 2071-A-1005-E
- CDB3 Minutes of Pre-Application meeting with District Council
- CDB4 Site Layout – Drg No 2071-A-1005-F
- CDB5 Minutes of Pre-Application Meeting with District Council, 10 April 2013
- CDB6 Email from Matthew Bright including sketch plan, 23 April 2013
- CDB7 Letter from Catherine Shelton to Matthew Bright, 20 May 2013
- CDB8 Email from Matthew Bright, 12 June 2013
- CDB9 Email from Hazel Corke/Matthew Bright, 14 June 2013
- CDB10 Letter to Matthew Bright

- CDC1 National Planning Policy Framework 2012
- CDC2 The South East Plan (extracts relating to housing requirements) 2009
- CDC3 Horsham District Core Strategy 2007
- CDC4 Horsham District General Development Control Policies 2007
- CDC5 Horsham District Proposals Map 2007
- CDC6 Horsham District Facilitating Appropriate Development SPD 2009
- CDC7 Horsham District Landscape Character Assessment 2003
- CDC8 Horsham District Landscape Capacity Study 2013
- CDC9 Landscape Character Assessment of West Sussex November 2003
- CDC10 A Strategy for the West Sussex Landscape November 2005
- CDC11 Draft West Sussex Landscape Character Guidelines Local Distinctiveness March 2013
- CDC12 Storrington and Sullington Parish Design Statement July 2010
- CDC13 Guidance for Landscape & Visual Impact Assessments, 2nd edition 2002
- CDC14 Guidance for Landscape & Visual Impact Assessments, 3rd edition 2013 (Document 29 below)
- CDC15 SHLAA Practice Guidance July 2007
- CDC16 GVA Northern West Sussex – Horsham Strategic Housing Market Assessment Update October 2012
- CDC17 Horsham District Local Development Framework Annual Monitoring Report 1 April 2011 - 31 March 2012
- CDC18 Ten key principles for owning your housing number – Finding your objectively assessed needs, July 2013

- CDD1 Harewood Farm, Andover (APP/C1760/A/13/2190103) – Appeal decision
- CDD2 Daux Avenue, Billingshurst (APP/Z3825/A/12/2183078) – Appeal decision
- CDD3 Former RMC Engineering Works (APP/Z3825/A/12/2176793) – Appeal decision
- CDD4 Land at Manor Close, Henfield (APP/Z3825/A/12/2172558) – Appeal decision
- CDD5 Land East of Billingshurst, To North and South of A272 East Street, Billingshurst (DC/13/0735) – Committee Report, 20 August 2013
- CDD6 Land North of Brook Close and Rother Close, Storrington (DC/13/1265) – Committee Report, 17 September 2013
- CDD7 Land north of South Wood, Melton Drive, Storrington (appeal site) – Committee Report, 19 November 2013

- CDE1 Site Growth Plan - Drg No 2008-A-1501-A
- CDE2 Density Plan - Drg No 2008-A-1500-C
- CDE3 Proposed public footpath improvements - Drg No 120902-06C
- CDE4 Proposed traffic calming measures - Drg No 120902-08
- CDE5 Proposed footway improvements - Drg No 120902-09
- CDE6 Proposed Highway Arrangement - Drg No 120902-01C
- CDE7 Proposed Bus Stop Improvements and Footway Extension - Drg No 120902-07C
- CDE8 Illustrative Site Layout - Drg No 2071-A-1005J (Plan B below)
- CDE9 Illustrative Landscape Strategy Plan - Drg No 824/L5B
- CDE10 Winter Verified Views - Document Ref V3D 120801-A
- CDE11 Simon Jones Associates' Briefing note, schedule of tree works and tree works plan
- CDE12 Topographical Survey of Footpath Route, Sheets 1 and 2 Drg No M/12353/2
- CDE13 Agricultural Land Classification and Soils Resources Report November 2013

- CDF1 District Council's Rule 6 Statement
- CDF2 Appellant's Rule 6 Statement
- CDF3 Statement of Common Ground - Planning
- CDF4 Statement of Common Ground - Highways
- CDF5 Statement of Common Ground – Housing Land Supply
- CDF6 Draft S106 Planning Agreement
- CDF7 Draft Conditions

- ADD1 English Heritage consultation response letter dated 30 December 2013
- ADD2 Horsham District Locally Generated Housing Needs Study: Census 2011 and South Downs National Park Update - Final Report (September 2012) (Document 17 below)
- ADD3 Horsham District Council Authority Monitoring Report April 2012 to March 2013 (published December 2013, uncorrected version)
- ADD4 E-mail correspondence between Ms Jeater and English Heritage, dated 17 January 2014 (Document 16 below)
- ADD5 Minutes of District Council Development Control (South) Committee, 19 November 2013
- ADD6 Authority for *North Norfolk DC v SSCLG & Mack* [2014] EWHC 279 (Admin) (Document 21 below)
- ADD7 Appeal decisions APP/X1118/A/12/2182606 for land off Goodleigh Road (Document 20 below)

- ADD8 Various documents relating to West Wantley House (Plans C & D and photographs A.1 to A.3 & B.1 to B.5 below)
- ADD9 The Setting of Heritage Assets (English Heritage, June 2012) (Document 8 below)
- ADD10 Proof of evidence by Ms Hawtin, with appendices (Document 7 below)
- ADD11 Draft Storrington Air Quality Action Plan (October 2012) (Document 9 below)
- ADD12 Draft Air Quality & Emissions Planning Guidance (Horsham District Council, February 2013) (Document 10 below)
- ADD13 Air quality and emissions mitigation guidance for Sussex authorities (September 2013) (Document 12 below)
- ADD14 2013 Air Quality Progress Report for Horsham District Council (April 2013) (Document 11 below)
- ADD15 Proof of evidence by Mr Redmore, with appendices (Document 24 below)
- ADD16 Low Emissions Strategy prepared by RSK Environment Ltd (September 2013) (Document 14 below)
- ADD17 Addendum note 2 to Mr Noel's proof of evidence (Document 25 below)
- ADD18 Supplementary Highways Statement of Common Ground (Document 2 below)
- ADD19 Revised Housing Land Supply Statement of Common Ground (Document 1 below)
- ADD20 Response by Mr Hewett to the statement made on behalf of CPRE Sussex Countryside Trust (Document 23 below)
- ADD21 Briefing Note 1 and Travel Plan by Motion, with appendices (Document 46 below)
- ADD22 Report on the draft section 106 agreement (Document 27 below)
- ADD23 Letter from Badger Trust – Sussex to the District Council (3 January 2014); Badger survey report by RSK Environment Ltd (17 January 2014); Report on great crested newts by RSK Environment Ltd (13 February 2014) (Documents 15, 48 & 26 below)

Some of the above Core Documents are also listed below, having been submitted or supplied after the Inquiry opened

DOCUMENTS SUBMITTED/SUPPLIED AFTER THE INQUIRY OPENED

- 1 Revised Housing Land Supply Statement of Common Ground (Core Document ADD19)
- 2 Supplementary Highways Statement of Common Ground (Core Document ADD18)
- 3 Section 106 Financial Contributions Statement of Common Ground relating to contributions to West Sussex County Council
- 4 Section 106 Financial Contributions Statement of Common Ground relating to contributions to Horsham District Council
- 5 Supplementary proof of evidence by Mr Bright, with revised/additional appendices, submitted by the District Council
- 6 Updated proof of evidence by Ms Parnaby, with appendices and summary of updated paragraphs, submitted by the District Council
- 7 Proof of evidence by Ms Hawtin, with appendices, submitted by the District Council (Core Document ADD10)
- 8 The Setting of Heritage Assets (English Heritage, June 2012), submitted by the District Council (Core Document ADD9)

- 9 Draft Storrington Air Quality Action Plan (October 2012), supplied by the District Council (Core Document ADD11)
- 10 Draft Air Quality & Emissions Planning Guidance (Horsham District Council, February 2013), supplied by the District Council (Core Document ADD12)
- 11 2013 Air Quality Progress Report for Horsham District Council (April 2013), submitted by the District Council (Core Document ADD14)
- 12 Air quality and emissions mitigation guidance for Sussex authorities (September 2013), submitted by the District Council (Core Document ADD13)
- 13 Air quality financial contributions calculations, supplied by the District Council
- 14 Low Emissions Strategy prepared by RSK Environment Ltd (September 2013), supplied by the District Council (Core Document ADD16)
- 15 Letter from Badger Trust – Sussex to the District Council, dated 3 January 2014, submitted by the District Council (Core Document ADD23)
- 16 E-mail correspondence between Ms Jeater and English Heritage, dated 17 January 2014, submitted by the District Council (Core Document ADD4)
- 17 Horsham District Locally Generated Housing Needs Study: Census 2011 and South Downs National Park Update - Final Report (September 2012), submitted by the District Council (Core Document ADD2)
- 18 Corrected copy of the Horsham District Council Authority Monitoring Report April 2012 to March 2013 (published December 2013), supplied by the District Council
- 19 E-mail from Mr Bright to Mr Peck, dated 8 March 2012, supplied by the District Council
- 20 Appeal decisions APP/X1118/A/12/2182606 (Core Document ADD7) & APP/B0230/A/12/2184128, submitted by the District Council
- 21 Authorities for *Tesco Stores v Dundee CC* [2012] UKSC13, *North Norfolk DC v SSCLG & Mack* [2014] EWHC 279 (Admin) (Core Document ADD6) and *Barnwell Manor Wind Energy Ltd v E Northants DC, English Heritage, National Trust & SSCLG* [2014] EWCA Civ 137, submitted by the District Council
- 22 Proof of evidence by Mr Hewett (second update), with updated appendices, submitted by the Appellant
- 23 Response by Mr Hewett to the statement made on behalf of CPRE Sussex Countryside Trust, submitted by the Appellant (Core Document ADD20)
- 24 Proof of evidence by Mr Redmore, with appendices, submitted by the Appellant (Core Document ADD15)
- 25 Two addendum notes to Mr Noel's proof of evidence, submitted by the Appellant (Core Document ADD17)
- 26 Report on great crested newts by RSK Environment Ltd, dated 13 February 2014, submitted by the Appellant (Core Document ADD23)
- 27 Report on the draft section 106 agreement, submitted by the Appellant (Core Document ADD22)
- 28 Executed section 106 agreement, submitted by the Appellant
- 29 Guidelines for Landscape and Visual Impact Assessment (3rd edition, Landscape Institute and Institute of Environmental Management & Assessment), submitted by the Appellant (Core Document CDC14)
- 30 Consultation response by Mr Bright to the subject planning application, dated 5 July 2013, submitted by Appellant
- 31 Authorities for *William Davis Ltd & Jelson Ltd v SSCLG & NW Leicestershire DC* [2013] EWHC 3058 (Admin) and *S Northants Council v SSCLG & Barwood Homes Ltd* [2014] EWHC 570 (Admin), submitted by the Appellant

- 32 Appeal decisions APP/J4423/A/10/2143547 & APP/G2435/A/11/2158154, submitted by the Appellant
- 33 Written statement on behalf of Storrington and Sullington Parish Council, submitted by Ms A Worthington-Leese
- 34 Appeal decisions APP/Z3825/A/11/2157518 & APP/Z3825/D/10/2137878, submitted by Ms A Worthington-Leese on behalf of Storrington and Sullington Parish Council
- 35 Updated written statement, summary and supplementary note on behalf of Save Our Storrington, submitted by Mr Herbertson
- 36 BBC News website extract dated 20 February 2014, submitted by Mr Herbertson on behalf of Save Our Storrington
- 37 Additional statement on behalf of Save Our Storrington, dated 17 March 2014, addressing the DCLG's Planning Practice Guidance, submitted by Mr Herbertson
- 38 Written statement by Mr A Brien on behalf of Stop Storrington Sprawl, submitted by Mr Brien
- 39 Written statement by Councillor Arthur, with appendices, submitted by Councillor Arthur
- 40 Written Statement by Councillor Dawe, with appendices, submitted by Councillor Dawe
- 41 Updated written statement by Mr Toner, submitted by Mr Taylor
- 42 Updated written statement by Mr G Orbell on behalf of Stop Storrington Sprawl, submitted by Mr Orbell
- 43 Updated written statement by Dr Smith on behalf of CPRE Sussex Countryside Trust, submitted by Dr Smith
- 44 Letters/e-mails from interested parties relating to air quality, submitted by Messrs Brunt, Buchanan, Butler, Clarke, Jones, Lawrence and Smith, Mrs Stranks, M G Hattam and Lt Col (Retd) Gatward
- 45 Response to Save Our Storrington statement by Resource and Environmental Consultants, dated 17 January 2014, submitted by the Appellant
- 46 Briefing Note 1 and Travel Plan by Motion, with appendices, submitted by the Appellant (Core Document ADD21)
- 47 E-mail from James Bancroft to Clare Bartlett, dated 21 January 2014, submitted by the Appellant
- 48 Badger survey report by RSK Environment Ltd, dated 17 January 2014, submitted by the Appellant (Core Document ADD23)
- 49 Details of footpath treatments, submitted by the Appellant

Some of the above documents are also listed as Core Documents, having been designated as such by the main parties. Documents that were later superseded have not been listed.

PLANS

- A.1 to A.12 Application plans comprising drawing nos 2071-A-1001-A & 1010-A; 2071-C-1005-H, 1200-A, 1201-A & 1300-C; CM/12353/1 rev A & 2 rev A; 131774/SK650; and parameter plans relating to density, land use and landscaping (Core Documents CDA21, 32, 22, 18, 19, 35, 25, 26, 33, 14, 15 & 16 respectively)
- B Revised layout drawing ref no 2071-C-1005-J (Core Document CDE8)

- C 1962 Ordnance Survey Plan of the area, submitted by the Appellant (Core Document ADD8)
- D Ground floor plan of West Wantley House, submitted by the Appellant (Core Document ADD8)
- E.1 & E.2 Location and layout plans for land off Goodleigh Road, Barnstable (appeal ref no APP/X1118/A/12/2182606), submitted by the Appellant
- F.1 & F.2 Drawing 2017-C-1205-C, dated January 2014 and plan containing LIDAR information, submitted by the Appellant
- G Plan of suggested observation points prepared on behalf of Save Our Storrington, submitted by Mr Herbertson

The only plans listed above are those that comprise the appeal proposal as amended and those submitted after the opening of the Inquiry. Some are also listed as Core Documents, having been designated as such by the main parties. All plans before the Inquiry have been taken into account.

PHOTOGRAPHS SUBMITTED/SUPPLIED AFTER THE INQUIRY OPENED

- A.1 to A.3 Three aerial photographs of the area, dated 1947, 1991 and 1997, submitted by the Appellant (Core Document ADD8)
- B.1 to B.5 Five photographs/illustrations of West Wantley House, submitted by the Appellant (Core Document ADD8)
- C Photograph of Gorwell House, Devon, submitted by the Appellant
- D Aerial photograph of the area dated 1948, submitted by the District Council