



Appeal Decision

Site visit made on 13 July 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/C3810/W/21/3270415

Land at Summer Lane, Pagham PO21 4NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Paula Hilton and Brian Biermann Collins against the decision of Arun District Council.
 - The application P/1/21/PL, dated 11 January 2021, was refused by notice dated 4 March 2021.
 - The development proposed is a material change of use of land from agricultural use to use for open space.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by Paula Hilton and Brian Biermann Collins against the decision of Arun District Council, and by Arun District Council against Paula Hilton and Brian Biermann Collins. These applications are the subject of separate decisions.

Preliminary Matter

3. On the application and appeal forms the appellants are given as Paula Hilton and Brian Biermann Collins, while on the appeal statement and final comments they are referred to as Paula Hilton and Brian Biermann. For the purposes of this appeal I have used the names given on the application form.

Main Issues

4. The main issues are:
 - whether the proposal would prejudice the delivery of housing, and
 - whether there is safe and suitable access to the site.

Reasons

Housing

5. The majority of the appeal site has been allocated or is currently being developed for housing. Part of the site south of Summer Lane falls within a larger strategic housing allocation designated as SD1 on the Policies Map to the Arun Local Plan, for which outline planning permission has been granted for up

to 400 dwellings and associated development¹. Parts of the site lying to the north and south of Summer Lane fall within land granted planning permission for further residential development, together with an area of open space². A small part of the site north of Summer Lane lies in countryside outside the built up area boundary for Pagham and outside the permitted housing land.

6. Policies H SP1, H SP2 and H SP2a of the Arun Local Plan set out the quantity and location of housing development needed in the District including strategic allocations in Pagham, requirements for those strategic allocations including that they be comprehensively planned and have regard to a masterplan endorsed by the Council, and ensure that development in the greater Bognor Regis urban area takes place in a coordinated manner with supporting infrastructure.
7. Use of the appeal site solely as open space would conflict with these policies. It would prevent the planned or granted delivery of a significant amount of housing needed to meet demand in the area. It does not form part of a comprehensive plan or have regard to any masterplan endorsed by the Council for the development of the strategic housing allocation. Nor would it align with the sustainable growth of the Bognor Regis urban area as envisaged in the Arun Local Plan. Furthermore, it would undermine the Government's objective of significantly boosting the supply of homes as set out in paragraph 59 of the National Planning Policy Framework (the 'Framework').
8. The appellants suggest that as only a proportion of the strategic housing allocation is included in the appeal site, use of the appeal site for open space would not prejudice the delivery of the planned housing numbers on the remainder of the strategic housing allocation. However, that is not supported by the illustrative framework plan³ for the strategic housing allocation which shows land south of Summer Lane to be used for residential development. It would also have knock-on effects for the density and layout of the remainder of the overall strategic allocation to the detriment of its comprehensive planning, and to the detriment of the wider area.
9. The appellants also draw attention to a range of other policies relating to the natural environment, biodiversity, green infrastructure, health and wellbeing, allotments, open space, and outdoor sport and recreation, which either support the appeal proposal or do not conflict with it. While that may be the case, for this site the most important policies in the development plan relate to the delivery of housing. None of the appeal site is recognised as being of any particular ecological or conservation value, but it is designated (or has planning permission) for housing and associated uses. Having regard to that context, determination as to whether the proposed open space use accords with the development plan rests on assessing it against the housing policies detailed above.
10. Reference is made to a Green Infrastructure Network map for Pagham Parish, published in 2012, on which the appeal site is designated as part of a green infrastructure corridor. This map was superseded by the Local Plan Policies Map in 2018, which does not show any such designation. An updated Green Infrastructure Network Map has recently been published for Pagham Parish,

¹ P/140/16/OUT

² P/58/15/OUT and P/70/19/RES

³ P/140/16/OUT – drawing DLA.1731.L003.02.Rev B.

which is consistent with the Policies Map. As the 2012 Green Infrastructure Network map has been superseded it no longer carries any weight.

11. I conclude that use of the appeal site wholly for open space would prejudice the delivery of housing, and as a result would conflict with Policies H SP1, H SP2 and H SP2a of the Arun Local Plan, which identify the amount and location of new housing in a comprehensive planned manner, together with supporting infrastructure.

Access

12. The appeal site is accessible from Summer Lane and from a public footpath that runs along the western boundary of the part of the site lying to the north of Summer Lane. Although part of the lane is in private ownership, there is a public right of way along its length. The proposal is for the change of use of the land only and does not involve any operational development.
13. The ability to access the appeal site from the public rights of way is restricted to an extent by existing drainage ditches and in parts by hedging, but these would not prevent members of the public from gaining access. The Highway Authority has not raised objection to the proposed use on highway or access grounds, other than to request a condition requiring details of access for maintenance purposes. The appellants have indicated they are agreeable to such a condition.
14. Given its size at 11.7ha, it is reasonable to assume that the land would attract members of the public from a wider area than just Pagham. Such a use is likely to generate at least a modest need for car parking. However, this parking could take place on Pagham Road or at Pagham Village Hall, which lies adjacent to the site. Access by public transport via a bus service is also available nearby.
15. I conclude that, although not ideal, there are sufficient means of access to enable the site to be used as public open space, and access for maintenance purposes could be secured by a condition. The proposal would not therefore conflict with Policies T SP1 or T DM1 of the Arun Local Plan, which seek to provide safe access to the highway network and promote ease of movement.

Other Matters

16. I acknowledge the level of support for the proposal, which from my reading of the representations from interested parties is largely the result of their opposition to the amount of housing development planned and taking place in Pagham. However, the planned housing development has been subject of scrutiny through the local plan process, and has been found to be necessary to address housing demand in the area and to meet the Government's objective of boosting housing supply. I therefore give this support for the proposal limited weight.

Conclusion

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires any determination under the planning Acts to be made in accordance with the development plan unless material considerations indicate otherwise.
18. In this case the policies which are most important for determining the appeal are those relating to housing provision, for which the majority of the appeal

site is designated in the Arun Local Plan or has been granted planning permission. Use of the site for open space would frustrate the intention of those policies, which is to significantly increase housing supply in the area to meet housing demand. I have acknowledged that the proposal would not conflict with other policies in the Plan, including those relating to access, but given one of the main purposes of the Plan is to bring forward housing development in a planned manner, I consider that the appeal proposal would conflict with the development plan when taken as a whole.

19. The Council acknowledges that it cannot demonstrate a 5 year housing land supply and therefore the presumption in favour of sustainable development contained in paragraph 11 of the Framework applies. As this policy is aimed at increasing the supply of housing, the lack of a 5 year housing land supply places even more weight on the need to deliver housing on the site. Its use for other purposes, such as open space unrelated to housing development, is therefore contrary to the presumption in favour of sustainable development.
20. There are no material considerations that outweigh the conflict identified with the development plan. Consequently, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR