

BRAMBER PARISH COUNCIL – RESPONSE TO REGULATION 14 CONSULTATION

Introduction

DMH Stallard act on behalf of the land owner of approximately 7.9 hectares of land lying on the edge of Steyning. The site lies within the Bramber Parish Council (BPC) area, and is known as Clay’s Field. DMH Stallard on behalf of the owner has been in dialogue with the Neighbourhood Plan Steering Group throughout the process leading to the submission of the Regulation 14 Consultation Draft Neighbourhood Plan. The landowner has sought to work with the Parish Council in order to bring about necessary sustainable development of the site providing for some of the local housing need whilst ensuring the retention of approximately 80% of the area as publicly accessible open space in perpetuity. Unfortunately, the Regulation 14 document seeks to designate the site as Local Green Space and makes no housing allocations whatsoever.

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

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

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

Consultation Response to the Bramber Neighbourhood Plan (BNP)

We set out below our representations relating to the Neighbourhood Plan, which, for ease of reference, refer to paragraph numbers within the Regulation 14 document.

Paragraph 1.9 refers to the NPPF paragraphs 29 and 30. Fundamentally, it is considered that the Neighbourhood Plan, as drafted, fails to “help deliver sustainable development, by influencing local planning decisions as part of the statutory development plan”. It also fails by promoting less development than set out in the

strategic policies for the area and therefore undermines those strategic policies, given that once the Neighbourhood Plan has been brought into force, the policies contained within it take precedence over existing non-strategic policies in the Local Plan. There is clear conflict in that if the Clay's Field site were to be designated a Local Green Space (LGS) then development for housing or any other use would be resisted in principle.

Paragraph 1.14 includes a table setting out the Horsham District Planning Framework Policies which, crucially, include at Policy 3 a hierarchy of towns and villages where both Bramber/Upper Beeding and Steyning are classified as Tier 2 Settlements "Small Town/Large Village".

The commentary under Policy 4 indicates there is little remaining land beyond the build up area of Bramber which is not within the South Downs National Park Authority, however, the land at Clay's Field is such an area of land.

Policy 15 requires the provision of at least 1,500 homes to be allocated through neighbourhood planning development in accordance with the settlement hierarchy. It is submitted that development within the Bramber Parish Council area should come forward to assist in meeting the overall target. It is relevant to note that a recent appeal decision (Ref: PP/Z3825/W/19/3227192 - Land north of Sandy Lane, Henfield, October 7th 2019 following a Public Inquiry), concluded that;

'... 225 dwellings should be discounted from the Council's figures from the North of Horsham site, 94 from windfalls and 147 from neighbourhood planning. This results in a supply of 4038 dwellings, amounting to a deficit of 162 dwellings below the 5-year requirement of 4200 dwellings. I therefore conclude that for the purposes of this appeal the Council has a 4.8 year supply of deliverable housing sites. Given that a five-year supply of deliverable housing sites has not been demonstrated, paragraph 11(d) of the Framework is applicable.' (para39). Consequently, the 1,500 target for housing via Neighbourhood Plans is not currently being delivered and as result the plans currently under consideration should be providing some contribution to the overall need for housing across the District.

Policy 16 supports schemes which meet local housing need. Development at Clay's Field would assist in meeting open market and affordable housing need in the locality.

Policy 25 seeks to maintain settlement separation. This matter will be referred to later, however, the development of part of the Clay's Field site would have no material impact on settlement separation.

Paragraph 2.6 highlights the profile of the community and the need for additional housing, particularly the final bullet point which accepts that there are "few opportunities for rented properties, either social or private when compared to the wider area".

Paragraph 3.1 highlights the challenges facing the Parish, and it is noteworthy that amongst those are:

- Meeting the demands of an ageing population in terms of providing homes that are suited to their needs, and
- Providing homes in the Parish that are financially accessible to young people, especially young families and those stepping on to the property ladder for the first time.

Paragraph 3.2 sets out the vision for the Parish, however, the current neighbourhood plan fails to meet the final paragraph which is to provide modest growth in housing numbers across the Parish through the provision of new homes.

Paragraph 3.3 - Objective 4 – This seeks to plan for additional housing, however, no additional housing is proposed within the Regulation 14 Neighbourhood Plan.

Chapter 5 of the Plan sets out the housing requirement concluding that 56 dwellings should be delivered during the period until 2031. The chapter goes on to conclude that no sites should be allocated for housing but an early review of the Plan should take place.

Policy B7 seeks to designate Clay's Field as Local Green Space. It is noteworthy that if such a designation were to be made then the development of any part of the land would be unlikely to come forward detailed analysis of how the Clay's Field site would be able to meet the designation criteria set out in paragraph 100 of NPPF set out below and within the appended documents.

It is noteworthy that the land proposed for allocation seems to have been drawn up in a manner to preclude the development of our client's land rather than being based genuinely on the character of the area. In this regard, it is relevant to note that the land to the south east and south west of the site is not sought to be designated as Local Green Space.

Paragraph 7.19 - The ultimate protection of locally significant views. Views 11, 12 and 13 relate to views from Clay's Field. Further comment is made within the appended Consultant Report by Harper Landscape. However, in summary, the views from Clay's Field would be protected given that approximately 80% of the site would be retained as open space, and therefore, views to the east, west and south would be retained. The chosen views are from private land and the views would be equally available from within the retained open space (further south). Views from Castle Hill are filtered by the bank and intervening landscaping. It is planned to allow access and thus views, to the south from the east and west of Castle Hill as part of any development proposal. It is interesting to note that no significant views as set out in Policy B9 relate to views towards Clay's Field from any surrounding vantage point.

Paragraph 8.7 - This refers to major development making contributions towards the financing of expanded services, however, no such major development proposals are proposed within the Neighbourhood Plan.

Policy B10 refers to encouraging sustainable movement including the permeability of the road networks and non car users between Bramber and Steyning, such benefits are only likely to be realised via housing development at Clay's Field.

Appendices:

The policies map and inset policies map indicate the location of strategic views. Those viewpoints are disingenuous and focussed upon views from the northern section of the Clay's Field site when similar views are available from further south within the Clay's Field site.

Appendix A – Site Assessments

At the end of the heading Existing/Previous Use it is important to note that residents' use is at the discretion of "owner".

Under Site Planning History the HDC SHEELA assessment of the site indicated that the land was "not currently developable", however, that document failed to take a "policy off" approach and representations have been made to Horsham District Council in that regard. Furthermore, the Planning Application referred to is considered irrelevant in the context of the suitability of the site for residential development.

The section considering how development of the site would relate to the surrounding uses is considered further in the Appendix documents on Landscape, Heritage and Wildlife. However, in summary, the development of 20% of the overall site for residential development would protect the individual identity of Steyning and Bramber, provide much needed housing, retain the rural parkland across 80% of the site, enhance biodiversity and wildlife habitat, whilst allowing public access across the site including links to Castle Lane.

Under the heading Access/Highway Network the works to Castle Lane to enable vehicular and pedestrian access would not necessarily lead to any significant "urbanisation" of the lane but would provide a dedicated pedestrian link. The works would not impact on the historic value of the track. When walking along Castle Lane to the east the road is a suburban route with residential dwellings on both sides, similarly to the west Castle Lane contains residential development to both the north and south sides of the road and, therefore, the impact of development to the south of Castle Lane at Clay's Field would not impact on users of the route or upon any heritage asset.

Record of Protected Species Habitats – this refers to 88 species in Bramber as a whole, but no specific reference to the Clay’s Field site. Again 80% of the land would be retained including the most biodiverse area around the lake. Development of the northern section would enable mitigation within the retained land and enhanced habitat.

Landscape Impact

The 2014 Landscape Impact Study appears to have considered the Clay’s Field site as a whole rather than a small part of it. The evidence appended to this Response from Landscape Consultants concludes that it is unlikely that the Site would pass the NPPF Paragraph 100 test for Local Green Space as being demonstrably special to the local community in terms of beauty and tranquillity.

Traffic generation

There is no indication that the local highway network would be impacted by a modest development, or that local amenities would be significantly harmed through additional vehicular movements. A dedicated pedestrian route would ensure pedestrian safety.

Appendix B – Local Green Spaces

It is important to note that:

1. The site forms part of an agricultural holding, the character of which could change drastically at the owner’s behest. Accessibility for members of the public is entirely at the owner’s discretion (save for the public footpath across in the south western corner of the site).
2. The site is surrounded by housing and roads on three sides and on a fourth, east, by the village bypass. In terms of tranquillity the area is heavily influenced by the surrounding residential development and by noise and activity from major roads and housing.

Conclusions

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

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

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

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

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

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