



The countryside charity  
Sussex

**CPRE Sussex**  
Brownings Farm  
Blackboys  
East Sussex TN22 5HG  
Telephone 01825 890975  
info@cpresussex.org.uk  
www.cpresussex.org.uk

T Salter  
The Planning Inspectorate  
Room 3J  
Kite Wing  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

**Appeal ref: APP/M3835/W/21/3281813**

31<sup>st</sup> October 2021

Dear Mr Salter,

CPRE Sussex wishes to make comment in respect of the above appeal.

The Planning Inspectorate will be aware of CPRE's original objections to this planning application, so we will not repeat those comments here. We still maintain our objection as confirmed in that original submission.

We would however welcome the opportunity to bring to your attention some matters which we feel are relevant to the consideration of this appeal.

Items which are covered in the SOCG statement include the 5yr/HLS shortfall of the Worthing BC which applied in 2019/2020. The council is providing an update position on this which we are certain will show a significant improvement for this requirement.

A key claim by the appellant is that the 'tilted balance' should now be applied on the basis that, with this shortfall, the current local plan policies are out of date.

We welcome this opportunity, therefore, to bring your attention to a number of refused appeals where the Inspector ruled that despite a 5yr/HLS shortfall, policies in the local plan must be given due weight in the appeal considerations despite that shortfall.

The PI is to commence the examination of Worthing BC's update for its local plan. on the 2/11/21. In respect of this land, the Chatsmore Farm, this site continues to be an exception site in this emerging local plan as it is in the current adopted plan. We ask the question, would not a decision on this appeal be deemed premature if given prior to the outcomes of the ELP examination?

Addressing that key issue of the 'tilted balance' we would bring your attention to two particular appeals with extracts from the refusal decision highlighted below which were refused in similar situations to the one in question.

(Two other similar appeals which have been refused for the same reasons despite lack of a 5yr/HLS. See [Appeal Decision 3266503 \(2\).pdf](#) & [3261401 Decision \(2\).pdf](#)

To promote, enhance and protect a thriving countryside for everyone's benefit

President: Lord Egremont

Campaign to Protect Rural England Sussex Branch CIO | Registered charity number: 1156568

Facebook : [www.facebook.com/CPRESussex](https://www.facebook.com/CPRESussex) | Twitter : @cpresussex

Relevant extracts from the above two highlighted appeal decisions are as follows:-

**Appeal Ref: APP/Z3825/W/21/3266503 Land south of Newhouse Farm, Old Crawley Road, Horsham**

[Appeal Decision 3266503.pdf](#)

*44. I therefore conclude that this would not be an appropriate location for development in relation to the spatial strategy for the District, as set out in Policies 2,4 and 26. I will return to the matter of the weight to be attached to this policy conflict as part of the planning balance.*

*76. Whilst the most important policies for determining the application are deemed to be out of date, the Framework paragraph 219 sets out that due weight can be given to such policies according to their degree of consistency with policies in the Framework. However, the Framework does not prescribe the weight to be given to conflict with development plan policies. This is affected by the purpose of the policy and the circumstances of the case.*

*105. In relation to landscape and visual matters I have found that, perhaps unsurprisingly in relation to a site on both the edge of an AONB and the edge of a town, the site provides the opportunity to experience some, though not all of the AONB special qualities. Whilst the western field has elements more characteristic of a transitional edge of settlement environment, AONB qualities are experienced in the eastern field. The development would be a significant intrusion into this essentially rural space.*

*118. Set against this, I have found significant harm to the landscape and scenic beauty of the AONB. This relates particularly to the eastern field which I have found to reflect qualities of the wider AONB, a fact valued and appreciated by many. Whilst I have recognised the efforts to moderate these impacts through design and green infrastructure, this would not significantly address the effects of the degree of physical and visual intrusion proposed*

*123. Nonetheless, those policies relating to the conservation and enhancement of protected AONB landscapes are fully consistent with the Framework. The conflict identified is significant and is determinative in this case. I therefore conclude that the benefits of the appeal proposal do not outweigh the conflict with the development plan taken as a whole. There are no material considerations that suggest the decision should be taken other than in accordance with the development plan.*

**Conclusion**

*124. For these reasons the appeal is dismissed.*

This refusal decision is particularly relevant to this appeal application because it was for a proposal which impacted an AONB in terms of landscape and scenic beauty. In this application's case, the impacts will be on a National Park with the highest planning protection and the National Trust archaeological heritage site at Highdown Hill, the Grade II Listed Building of Jasmine and Clematis Cottages, the Grade II Listed Buildings of North Barn and the Grade II\* Registered Park and Garden and Conservation Area of Highdown Garden.

There are also the concerns for coalescence of the areas of Goring and Ferring which the LPA has consistently sought to prevent with this countryside/Green Gap designation.

The second appeal refusal is as follows:-

**Appeal Ref: APP/Z3825/W/20/3261401 Land north of Sandy Lane, Henfield, West Sussex**

[3261401 Decision.pdf](#)

*62. Applying the balance within paragraph 202 of the Framework, the public benefits would not outweigh the less than substantial harm to designated heritage assets. As such, heritage harm provides a clear reason for refusing the application and the proposal does not benefit from the presumption in favour of sustainable development set out within Framework paragraph 11*

*70. To conclude, the proposal is contrary to Policies 2, 4, 25, 26, 32, 33 and 34 of the HDPF and Policies 1 and 10 of the HNP. It conflicts with the development plan taken as a whole. Notwithstanding the absence of a five year land supply and the level of housing need, including for affordable housing, the combined harms would significantly and demonstrably outweigh the benefits. As such, there are no material considerations sufficient to justify a decision otherwise than in accordance with the development plan. The appeal scheme would not constitute sustainable development and it follows that planning permission should be refused.*

In this case the similarity is particularly relevant to the impacts on the Highdown heritage site and the Grade 11 listed buildings and the Registered Park and Garden and Conservation Area of Highdown Gardens.

We believe that in the context of Paras 199 and 200 of the NPPF, the comments therein apply to this application.

**199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.**

**200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional<sup>68</sup>.**

To conclude, we trust the above information will assist the Inspector in his consideration of this appeal.

With many thanks,

Yours sincerely,



DW Freeman  
Trustee  
CPRE Sussex