



**Horsham
District
Council**

Representation Form

West Chiltington Neighbourhood Plan (2031) Regulation 16 Consultation - The Neighbourhood Planning (General) Regulations 2012 (as amended)

West Chiltington Parish Council has prepared West Chiltington Neighbourhood Development Plan (WCNDP). The Plan sets out a vision for the future of the parish and planning policies which will be used to determine planning applications locally.

In accordance with Regulation 16 of the Neighbourhood Planning Regulations 2012 (as amended), the West Chiltington Neighbourhood Development Plan and associated supporting documents will go out to consultation from **18 October 2024 to 29 November 2024** for 6 weeks inviting representations on the submission draft WCNDP, basic conditions statement, consultation statement and the SEA/AA and HRA assessment. Copies of the West Chiltington Neighbourhood Plan and supporting documents are available to view on the Horsham District Council's website and at selected deposit points. To view the plan, accompanying documents and to download the comment form please view:

<https://strategicplanning.horsham.gov.uk/WestChiltingtonReg16/consultationHome>

Hard copies of the documentation are available upon prior request for inspection at **Horsham District Council offices**; Parkside, Chart Way, North Street, Horsham, RH12 1RL between 9am and 5pm Monday to Friday (01403 215398), **West Chiltington Parish Office**, The Parish Office, Church Street, West Chiltington, RH20 2JW, Opening 10am-1pm Tues & Wed (01798 817434). **West Chiltington Village Hall**, Mill Road, West Chiltington, RH20 2PZ.

There are a number of ways to make your comments:

1. Download and complete the comment form available from the link above and email it to: neighbourhood.planning@horsham.gov.uk ; or
2. Print the comment form available to download by clicking on the link above and post it to: Neighbourhood Planning Officer, Horsham District Council, Parkside, Chart Way, North Street, Horsham, RH12 1RL

All comments must be received by 5:00pm on 29 November 2024

NOTIFICATION

All comments will be publicly available, and identifiable by name and (where applicable) organisation. Please note that any other personal information provided will be processed by Horsham District Council in line with the Data Protection Act 1998 and General Data Protection Regulations. Horsham District Council will process your details in relation to this preparation of this document only. For further information please see the Council's privacy policy: <https://www.horsham.gov.uk/privacy-policy>

How to use this form

Please complete Part A in full, in order for your representation to be taken into account at the Neighbourhood Plan examination.

Please complete Part B overleaf, identifying which paragraph your comment relates to by completing the appropriate box.

PART A	Your Details
Full Name	MARK & CARRI PRICE
Address	[REDACTED]
Postcode	[REDACTED]
Telephone	[REDACTED]
Email	[REDACTED]
Organisation (if applicable)	
Position (if applicable)	
Date	6 th December 2024

PART B

To which part in the plan does your representation relate?

Paragraph Number:	1.11, Appendix 9	Policy Reference:	H2b, EH6, EH10
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Do you support, oppose, or wish to comment on this plan? (Please tick one answer)

Support Support with modifications Oppose Have Comments

Please give details of your reasons for support/opposition, or make other comments here:
<p><u>Opposition in Principle to Inclusion of Site 2 – Land at Smock Alley in the Neighbourhood Plan (NP)</u></p> <p>General Comments</p> <p>Firstly, I strongly oppose the inclusion of the Site 2 – Land at Smock Alley in the draft NP under Policy H2b.</p> <p>This site has been the subject of four planning applications and three appeals in eleven years.</p> <p>The first two applications (DC/14/2248 and DC/15/1389) were resoundingly refused by the District Councillors (despite on one occasion being recommended for approval by the case officers). Both of these decisions were subsequently upheld on appeal by the Planning Inspectorate.</p> <p>In April of this year, the third application DC/21/2007 was, for the first time, <u>unanimously</u> refused by the District Councillors, despite yet again being recommended for approval by the case officers. The decision was made that the proposal was contrary to Policies 27, 31 and 40 of the Horsham District Planning Framework 2015 and paragraphs 114, 116 and 180 of the NPPF, quoting the following grounds:</p>

- 1) **Unsustainable location** due to limited accessibility to sustainable modes of transport, distance to local services and reliance on private cars; does not accord with the presumption in favour of sustainable development. **This is the same as both previous applications DC/14/2248 and DC/15/1389, and same as the second Appeal.**
- 2) The development results in **Coalescence** between West Chiltington Village and West Chiltington Common. **This is similar to the first reason in previous application DC/15/1389, and is same as both previous Appeals).**
- 3) The development detrimentally impacts on wildlife.

Inclusion of any development on this site is directly in contravention with Policy EH10 Settlement Separation, particularly clause EH10.4 which states “Paragraph 6.27 of the HDC Local Plan 2023 – 2040, Policy 15 and Policy ST01 reinforce the need to ensure that coalescence does not occur between the two parts of West Chiltington.

In determining the Appeal ref APP/Z3825/W/16/3146231 in respect of application DC/15/1389 the Planning Inspector made it clear in his findings that the site is not contained within a defensible boundary; please refer below to the statements made by the Planning Inspector in his findings:

Paragraph 34 - “Development outside the built-up area not in accordance with policy 4 or policy 26 is still development in the Countryside. Whilst in the vicinity of the appeal site the built-up area boundary is irregular it has an obvious termination on this side of the road after Lavender Cottage. On the opposite side of the road there are large, detached houses in substantial grounds providing for a dispersed and semi-rural character which is further emphasised by its edge of settlement location. In my view the appeal site has more relationship with the rural character outside the built-up area than the adjoining settlement. The field boundaries contain the site to some extent but this would also be true as a small residential estate and it would be isolated and not well integrated with the adjacent built-up area. This would be true of any form of housing estate development on the site, whether that would be for 19 or 14 units”

Paragraph 35 - “the encroachment and coalescence of these two distinct elements would alter the individual settlement characteristics of this settlement and which is a matter that is addressed in policy 25 and with which the proposal would conflict”

Paragraph 37 - “the proposed development would result in material harm to the character and appearance of the area, in particular having regard to the individual settlement characteristics, including the separation of the two built-up areas of West Chiltington. This would conflict with policy 25 of the HDPF”.

HDC Policy on the matters of Unsustainable Location, Significant Landscape Harm and Settlement Coalescence have not changed since the first application was submitted in 2014, despite the revisions to the site layouts and designs.

For the record, we are currently presented with a fourth application (DC/24/1619) by the developer, almost immediately after they decided at the last minute to withdraw their third Appeal.

As a matter of fact, there is no material difference between this application and the last one (DC/21/2007) which was so decisively refused last time around; indeed, many of the supporting documents are simply copied across from the last application. Additionally, the developer makes no attempt whatsoever to address or mitigate against the previous reasons for refusal.

Despite all of the above, the Parish Council’s stance on the site has changed over the years from strong opposition across the board to a) neutral, in terms of Planning Applications and b) enthusiastic support when it comes down to the Neighbourhood Plan. Yet, nothing has changed about the site itself – its topography, location, landscape character, ecological importance etc. The reasons for this change of heart are questionable to say the least.

At the WCPC Planning committee meeting of 9th March 2021 your introduction to the AECOM report referred to the draft Local Plan and included the statement that ‘the working group had discussions with senior members of the Horsham District

Council planning team and ultimately agreed that if the Parish Council included within its NP the two best ranking sites it would be in a position to approved the Neighbourhood Plan and move it forward'. You went on to add the following statements:

- 1) 'if we are going to have a Neighbourhood Plan we need to include the Smock Alley and Hatches Estate sites into our Plan, and Horsham have agreed that they will progress it and they will within their powers try and protect us from a) some expansion of the two sites that have been chosen and b) from other sites that appear outside the built up area boundary'
- 2) 'In truth when you come to the same conclusion as Horsham it becomes quite easy'

Trying not to be too cynical here but these two statements make it pretty clear to me that the overriding issue above anything else for the parish council is to get a NP adopted as soon as possible whatever the cost and that the Smock Alley site is a sacrificial lamb in the whole process.

In your FAQs on the parish website you have stated that Smock Alley WILL be built on irrespective of whether it goes in the neighbourhood plan or not – this is extremely presumptuous; The only reason that this site is now in more danger of being developed is its inclusion in the current draft HDC Local Plan, conveniently matched by the draft NP.

We strongly take issue with paragraphs 4.4 and 4.5 in Appendix 9 West Chiltington Settlement Separation Zone/Local Gap; this simply shows complete weakness by WCPC in adhering to HDC's draft Local Plan and not fighting to protect this site against development and not listening to the overwhelming level of opposition from within the Parish and beyond.

Flawed process/lack of consultation

We wish to complain about the lack of publicity about this Regulation 16 Consultation; no effort has been made to bring this critically important process to the wider attention of the village (we have not seen any notices, not received any flyers); why is this?

The online Regulation 14 survey issued in July 2021 was skewed in its design and open to misinterpretation. The first question to answer was "do you agree with Policy H2 wording and the elements of the masterplan". This did not distinguish between general agreement with the principles of the policy as opposed to specific agreement or otherwise with inclusion of the two proposed sites, resulting in a skewed number of people counted as supporting the Plan overall.

Site selection process

The site selection process was also flawed, re. the evidence document 'Site Selection Tables – February 2021'

We are questioning the process by which WCPC have arrived at their two proposed sites, namely Hatches Estate and Smock Alley. WCPC's working group produced their own Site Selection Tables in which they 'scored' each site against criteria such as visual impact, traffic impact, Sustainability, Heritage Impact and HDC Acceptability when AECOM had already carried out their detailed analysis of these and other issues within their independent professional report; and, when you start to compare the two, we find that there are errors and contradictions in the results which appear to 'improve' the scoring of Smock Alley such that it ends up in the top two. For example:

Sustainability

Contrary to the AECOM report and your site selection tables the site does have a lack of accessibility to sustainable modes of transport, which was one of the reasons for planning refusal in the past. AECOM wrongly gives the distance to community facilities and services as less than 400 metres – anyone who has walked from the site entrance to the bus stop and shops knows that it is at least twice that distance; yet you have not corrected this error.

We don't see any evidence that the ecology of this site has been properly taken into account, particularly in relation to protected or red list species; for example:

Evidence of Hazel Dormouse activity was found and produced at the 2nd planning appeal in 2016

We have an audio recording of a Nightingale which was in the site (April 2019). In the 34 years that we have lived and worked in Smock Alley we have regularly heard Nightingales singing in the hedgerows in both fields and up Haglands Lane; this can be corroborated by neighbours.

HDC Acceptability

WCPC include the statement '... The site is effectively bounded by the existing built-up area on three sides and therefore 'fits' within it.'

The fact is the potential development site is bounded on one side by the Haglands Copse woodland, one side by Haglands Lane, one side by The Hawthorns and on the fourth side by a mix of mainly the Smock Alley houses with a portion of farmland i.e. bounded on less than 2 sides by the existing built-up area.

WCPC go on to make the statement '... In addition, because of how the site fits within the built-up area it does not encroach on the settlement zone between the Common and the village.'

The site does not fit within the built-up area ... it is clearly outside it!

Of course, the site encroaches on the settlement zone it lies within it! If the site is developed the built-up area and settlement zone boundaries will be re-drawn which will set a precedent for further encroachment bearing in mind the adjacent fields north of Haglands Lane are in the same ownership as the Smock Alley site and the owner has expressed an interest in developing them.

In my opinion WCPC's statements are quite simply a distortion of the true facts, which has resulted in a score of 1 for this category rather than 4 or 5 (i.e. similar to sites 3 and SA319). At the same time another site 'SA500 – East of Hatches House' which was the only 'green' (i.e. most favourable) site in the AECOM report has ended up as the least favourable option according to WCPC?

Alternative Sites

I would argue that the following sites should have been considered for the NP:

SA500 – East of Hatches House

As noted above, this was the only 'green' (i.e. most favourable) site in the AECOM report

Site 3 – Southmill House

This site is in a far more suitable location than Smock Alley, being in the heart of the village. It is more sustainable in terms of access to village amenities and to public transport; additionally, access would be onto Mill Road being a wide two-way carriageway (unlike the narrow Smock Alley road) with no issues with visibility and the potential and space to improve highway safety at the access point with appropriate traffic calming measures.

This one is all the more puzzling as it has been objected to by WCPC on exactly the same reasons as Smock Alley has been historically refused on, yet it is actually in a much more suitable and sustainable location.

Site 4 – The Winery (Small)

This is a potential brownfield site. Why has it been ignored by the WCPC? Recent changes to Government policy since the publication of the HDC draft Local Plan require that priority be given to brownfield sites over greenfield sites.

WCPC have stated that they cannot consider this site as there is currently employment on it; this stance is contrary to recent decisions made on the Thakeham Tiles site off Rock Road, Thakeham. Thakeham PC included it in their draft NP as a brownfield site for development even though it was an ongoing business at the time (but the company were seeking alternative premises); it was approved for the NP and planning permission has been subsequently granted.

Changes since previous draft Plan dated July 2021

Questions:

Why has the Map 21 – Significant Views been removed from the Plan?

Why has Appendix 1 – Determining an appropriate housing scale for West Chiltoningon been removed from the Plan?

Conclusion

We urge the Examiner to:

Take on board the strength of feeling against any development on this site as evidenced by the hundreds of objections against each planning application and each appeal

Recommend removal of the Smock Alley site from the Plan to ensure compliance with local and national planning policies particularly with reference to the preservation of the settlement separation zone in its current form. If this site is built on, precedent will be set which will completely dismantle the zone in the not too distant future given the ownership of adjoining land, and the unique rural character of this part of the village will be destroyed for ever.

Recommend re-engagement with the community with a fully transparent consultation process in terms of site selection, completely without pressure from the District Council.

What improvements or modifications would you suggest?

(Continue on separate sheet if necessary)

If you have additional representations feel free to include additional pages. Please make sure any additional pages are clearly labelled/ addressed or attached.

Do you wish to be notified of the local planning authority's decision under Regulation 26 of the Neighbourhood Plan (General) Regulations 2012 (as amended) in relation to the West Chiltoningon Neighbourhood Development plan?

Please tick here if you wish to be notified: