

# Horsham District Council Local Plan 2023-2040 Examination

## Matter 1: Legal and Procedural Requirements

User ID: 1194360

**Address:** Land North and South of West End Lane, Henfield, West Sussex

Prepared as a response to Matters, Issues and Questions (MIQs)

On behalf of: **B Yond Homes Limited:**

**Date:** November 2024

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## Introduction

1. This Hearing Statement is for and on behalf of B.Yond Homes Limited, as prepared by Vail Williams LLP.
2. B.Yond Homes Limited (formerly Rydon Homes Limited) are promoting two sites, both within Henfield. This response to the MIQs is related to the land north and south of West End Lane, Henfield (ID number: 1194360).
3. B.Yond Homes Limited (as Rydon Homes Ltd) have regularly submitted information and representations to Horsham District Council, including the Regulation 19 stage.
4. This Hearing Statement is concerned with **Matter 1 (Legal and Procedural Requirements)** as set out in the Inspector's Matters, Issues and Questions (MIQs) and has been prepared on the basis of the submitted Local Plan and the relevant evidence base.
5. This Statement supports the representations previously submitted by B.Yond Homes Limited under the Regulation 19 stage and only responds to the relevant questions for B.Yond Homes Limited raised within the MIQs.

## Matter 1: Legal and Procedural Requirements

### *Issue 1: Whether the Council has complied with the duty to co-operate in the preparation of the Plan?*

*Q.3. What substantial concerns have been raised in terms of compliance with the duty to co-operate?*

*Q.4. How has the Council co-operated to establish and meet a housing need? How specifically have development constraints influenced that co-operation, particularly water neutrality?*

Whilst there is an established working relationship covering the Northern West Sussex area, comprising Crawley Borough Council, Mid Sussex District Council, and Horsham District Council, the Duty to Cooperate and NPPF require "effective" collaboration.

The quantum of housing proposed in the Plan is significantly short of the identified need, as set out in the Regulation 19 representations. The previous Regulation 18 consultation and the previous Regulation 19 Plan identified a range of 1,000 to 1,800 dpa (see SA, paragraphs 4.8-4.9), with the current Plan proposing only 480 dpa over the first 5 years (and 777 dpa average over the plan period).

It is contested that this does not comply with paragraph 26 of the NPPF: *"Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere."*

With the recent adoption of the Crawley Local Plan and the Mid Sussex Local Plan currently at Examination, there is significant reliance on Horsham to ensure the Housing Market Area (HMA) meets the identified housing need. With Horsham now proposing a significantly lower number, the shortfall over

the HMA will, consequently, likely result in wider adverse impacts for the local community and employment provision.

Delivering objectively assessed needs is a requirement for plan-making as established in paragraph 11 of the NPPF, which states (b); *“strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas...”*

Whilst there is the caveat in b)i, relating to protected areas and habitats (NPPF footnote), Horsham District Council are constraining growth based upon water neutrality. The Council, and the wider HMA through the Duty to Cooperate, should be considering options to achieve and deliver the OAN within the context of water neutrality and Natural England advice and guidance, rather than using this to constrain supply. This theme of water neutrality runs through various topics and MIQs, all broadly relating back to housing provision and the principle of limiting growth. Commentary on this is contained within the other MIQ responses (along with the previously submitted Regulation 19 representations).

## ***Issue 2: Whether the Council has complied with other relevant procedural and legal requirements?***

### *Sustainability Appraisal*

*Q.3. How has the Sustainability Appraisal (SA) informed the preparation of the Plan at each stage?*

*Q.4. Does the SA assess all reasonable alternative spatial strategy options, levels of housing and employment need and options relating to other policies in the Plan? Where it is considered that there are no reasonable alternatives, relating to all policies in the Plan is this clearly explained?*

It is considered that the SA and evidence base on site assessments do not adequately demonstrate that a *“no stone unturned”* approach has been taken to ensure sustainable development in line with paragraph 11 of the NPPF, but that a heavily restricted pattern of development is proposed.

Under Strategic Policy 2 Settlement Hierarchy, Henfield is in the second tier – small towns and larger villages. This covers the most sustainable settlements within the District, with only Horsham Town ranked higher. Under Policy HA9 (Henfield Housing Allocations – Sandgate Nursery), only a single allocation of 55 additional homes is proposed over the plan period.

This compares to other Tier 2 settlements (outside of strategic growth of Southwater (735 homes) and East Billingshurst (650 homes), the committed growth (extant permissions) and previous 1,400 homes at Kilnwood Vale) of:

Steyning	265 additional homes
Broadbridge Heath	133 additional homes
Storrington & Sullington	125 additional homes
Henfield	55 additional homes

It is obvious that Henfield is significantly behind the level of housing provided at comparable settlements, notwithstanding the overall low level of housing delivering proposed in the Plan. Consequently, it is not considered that the SA has assessed all reasonable alternatives, as main settlements within the District are capable of supporting further development than currently proposed.

The SA, in section 3.3, identifies that *“the entire District is in a zone of high water stress... this is a significant constraint on the plan”*. In section 3.4 (table 3.3), the SA identifies that Objective SA 1 is *“to*

*provide affordable, sustainable and decent housing to meet local needs.”* Given the level of housing proposed in the Plan, there are clear inconsistencies and the Plan is failing to deliver the OAN as set out in Objective SA 1.

It is considered there are realistic opportunities to deliver additional housing inline with previous figures as set out within the SA. A more appropriate higher growth scenario for an unconstrained water neutrality spatial strategy has not been adequately assessed under the SA. Given the length of the plan period, it is reasonable to consider that solutions or mitigation to water neutrality could be identified and implemented, therefore enabling growth to meet local needs and support the wider HMA.

With such a small amount of residential development, provision of employment and housing is, therefore, being inappropriately constrained, rather than encouraged, especially for sites that could potentially provide on-site solutions. Given the lack of proposed allocations in the sustainable settlement of Henfield, there are clearly opportunities to support further residential development in line with the sustainability hierarchy.

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