

From: Paul White Paul@genesistp.co.uk 
Subject: Boxgrove Reg 14 Pre-submission Draft Plan - Representations on behalf of Provincial & Western Homes Ltd & Comments on Planning Application LA Ref 17/02097/FUL
Date: 25 October 2017 at 12:06
To: boxgrovenp@gmail.com, phunt@chichester.gov.uk
Cc: Mark Penfold mark.penfold@prowest-homes.co.uk, Kerry Simmons Kerry@genesistp.co.uk

PW

Dear Sirs,

On behalf of our client **Provincial and Western Homes Ltd**, we set out below comments on the emerging Boxgrove Pre Submission Neighbourhood Plan for your attention. The comments are relevant to a recently submitted planning application for a very modest development comprising 1 No, 3 bed chalet bungalow on land south of Deepdale, Priors Acre Boxgrove (LA Ref 17/02097/FUL) and we are therefore sending this email to the application case officer at Chichester District for information.

Our comments cover:

1. The Basic Conditions Statement for the Boxgrove Neighbourhood Plan (BNP)
2. Proposed BNP Policy LC5 for Local Open Space
3. Implications for Planning Application (LA Ref 17/02097/FUL)

Basic Conditions Statement

The evidence base for the BNP includes a Basic Conditions Statement which correctly sets out the **basic conditions** a Neighbourhood Plan must meet and which an examiner must consider before it can proceed to referendum. The conditions are:

- Having regard to national policies and advice, whether it is appropriate for the Neighbourhood Plan to be made
- Having special regard to the desirability of preserving any listed building or its setting or the character or appearance of any Conservation Area
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies of the development plan for the area
- Be compatible with the European Union (EU) and European convention on human rights (ECHR) obligations

In our view however, the basic conditions have not informed the content of the BNP or the policies themselves. For instance,

- land at the Old Granary Boxgrove adjoins the Conservation Area and is within the setting of several nearby listed buildings and yet it has been identified as a potential residential development site in policy H3. In our view the development does not pay special regard to the desirability of preserving any listed building or its setting or the character or appearance of any Conservation Area. It therefore conflicts with basic condition test 2
- Land at the Old Granary Boxgrove and the allocation of land at Crockerhill in policy H3 are both within open countryside outside any existing settlement policy boundary as defined in the adopted Chichester Local Plan. This is in conflict with basic condition test 4 as the allocations are not in conformity with adopted Local Plan policy which resists new development in countryside locations.
- Policy SB1 of the BNP states that the settlement boundary sets the distinction between the built form of the Parish of Boxgrove and the surrounding countryside and will protect the countryside from unnecessary development. There is no settlement boundary for Halnaker but a recognised village envelope exists. Crockerhill and Strettington as small hamlets do not have either. Policy GA4 of the BNP also promotes sustainable development in accessible locations away from open countryside. However policy H3 has allocated sites

outside the settlement boundaries and the village envelopes in countryside. There is therefore conflict between policy H3 and SB1 and GA4. In encouraging development in unsustainable locations the proposed allocations are also in conflict with basic condition test 3.

As it stands therefore it is our view that the content of the BNP has not been properly assessed against the **Basic Conditions** and without further justification and/or changes to the selected development allocations in H3 it is difficult to see how an Examiner could conclude the BNP meets the conditions and allow it to progress to referendum.

Proposed Policy LC5

Apart from our concerns about the Basic Conditions, we also **object** to the allocation of land south of 14 Priors Acre Boxgrove, as a potential local open space in policy LC5 of the BNP. This site (also known as land south of Deepdale, Priors Acre Boxgrove) is currently the subject of a planning application (LA Ref 17/02097/FUL) for a very modest development comprising 1 No, 3 bed chalet bungalow.

According to paragraph LC5.1 of the BNP, local open spaces have been identified in policy LC5 because:

‘Our outdoor spaces are vital to maintaining a happy and healthy community. Surveys have shown how much they mean to residents and visitors. These open spaces contribute to the open and pleasant ambience of the area and to wildlife biodiversity and habitat’.

Schedule B of the BNP provides further justification and states:

‘ The following areas are considered to be Local Open Spaces. They each contribute to the open feel of the Parish and are places valued by residents.

- 1. Land south of 14 Priors Acre Small area of land at the entrance to Boxgrove House which enhances the street scene’ - 0.02ha .**

The plan extract below shows the proposed local open space as site 1 which is the same as the application site edged red.





We strongly object to the allocation of site 1 as a local open space because:

- Local open space has no statutory backing in the NPPF. The NPPF refers to accessible public open space which provides opportunities for sport and recreation (paragraph 73-74) but the site is not this as it is in private ownership, fenced with a thick hedge, has no public access and is overgrown with nettles. It provides no opportunity for public sport or recreational use. The photos below show the site as it is today.





- The land is not included as a local green space in proposed policy LC4 of the BNP so cannot be considered to be ‘so special to local community and hold particular local significance’ which is the test for designation for this type of space in the same way as the other identified local green spaces do.
- The site is within the settlement policy boundary of Boxgrove as identified in the adopted Chichester Local Plan. Policy 2 of the Key Policies Local Plan is clear that there is a presumption in favour of sustainable development within settlement boundaries. Whilst policy 2 states that such boundaries will be reviewed through neighbourhood plans, the site is retained in the settlement boundary for Boxgrove in the Pre Submission plan.

Implications for Planning Application (LA Ref 17/02097/FUL)

- In terms of our clients planning application, we therefore conclude that the site is more suited to a single residential infill plot and this should not be prevented from coming forward by a draft local open space designation in the emerging BNP.
- The parish have objected to the planning application on the grounds that the site has been designated as a local green space (policy LC4) but this objection is groundless as it has not been designated as a green space. The site is within the settlement boundary of Boxgrove in a sustainable location and is outside the Boxgrove Conservation Area. In our view, the proposed single dwelling will cause no harm to the character and appearance of the Conservation Area.
- We would add that whilst the proposed policy LC5 local open space designation in the BNP conflicts with the adopted local plan which has no such designation, the conflict has to be resolved in favour of the local plan at this time. This follows section 38(5) of the Planning and Compulsory Purchase Act 2004 which states that if a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted. The extract from the Planning Practice Guidance below confirms this

be adopted. The extract from the Planning Practice Guidance below confirms this.

What approach must be taken where development plan policies conflict with one another?

Under [section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#) if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework.

Paragraph: 012 Reference ID: 21b-012-20140306

Revision date: 06 03 2014

- For all these reasons we believe the emerging BNP local open space policy LC5 cannot override the adopted Local Plan which has a clear presumption in favour of the application proposal. The emerging BNP is flawed in any event as it hasn't been prepared in light of the basic conditions for Neighbourhood Plan preparation. The weight rests with the local plan and this is entirely supportive of our clients application.

As mentioned above, we are sending this email to Mr Hunt at Chichester DC for his own information as the planning officer for the planning application.

Yours faithfully,

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