



Planning and Development

Steven Lee BA (Hons) MA MRTPI

(By email C/O Chris Banks – Programme Officer)

11th March 2022

Dear Mr Lee,

Worthing Local Plan – Implications of Chatsmore Farm S78 Appeal Decision

As I expect you are aware, the Inspector for the s78 appeal for development at Chatsmore Farm (also known as Land North West of Goring Station) has issued his decision (Appeal Ref: APP/M3835/W/21/3281813). The appeal is allowed and outline planning permission is granted for a mixed use development comprising up to 475 dwellings.

Given the evidence we presented to you before, during and after the Local Plan Hearing Sessions you will not be surprised to hear that the Council is extremely surprised and disappointed at this outcome.

In our view, the Local Plan is very well advanced and work is well progressed to address the issues that you raised within your Post Hearing Advice letter. It is our view that your letter is of great relevance as it did not raise any concern about the principle of the protection of the designated gaps or the need to find any additional housing sites to meet an identified shortfall in housing.

Paragraph 29 of your letter (copied below) acknowledges the difficulty the Council has in meeting housing needs and that (using the example of the previously proposed allocation at Titnore Lane - A13) there are sites where environment concerns outweigh development need. As we have demonstrated during the Examination the Council is strongly of the view that this applies to the Chatsmore Farm site.

'I am clearly very conscious of the Council's housing delivery issues and the difficulties that exist in meeting needs. Nonetheless, as the Council have also argued, this does not mean that all forms of development are acceptable in principle. In this instance, I consider that the risk of adverse impacts from developing the site would significantly and demonstrably outweigh the benefits.'

Paragraph 15 of the NPPF states that 'the planning system should be genuinely plan-led'. The Council finds it difficult to reconcile this objective at a time when the Local Plan is so



well advanced and yet an application for 475 dwellings (on an area that the Plan is seeking to protect) is approved. The local community, who have been actively involved in every stage of Plan-making will no doubt have difficulty understanding or comprehending how such a decision has been reached with a 'plan-led' system. To add a strategic development site to the Local Plan at this stage through a Modification is unrealistic, not evidenced and impractical. Many sections of the Plan would need redrafting, additional evidence prepared and the Sustainability Appraisal re-written.

The s78 appeal has undermined the whole Local Plan process and could significantly delay the adoption of the Plan. It is highly likely that other site promoters (including the land owner at Titnore Lane) would seek their sites to be re-considered in light of the s78 appeal. The Council cannot understand how the s78 Inspector could reasonably have concluded that it would not have a serious prejudicial impact on the Plan which is clearly at an advanced stage. The whole Local Plan process including the Examination appears to have been a waste of tax payer's money and the public's confidence in the planning system locally is quite understandably at an all-time low.

The Council is currently giving serious consideration to challenging this decision through a Judicial Review – legal advice is being sought in this regard. Furthermore, we understand that the local MP (Sir Peter Bottomley) is requesting that the decision is called-in by the Secretary of State.

The Council has recently agreed to consult on the proposed Main Modifications in March / April and it was made clear that there was a strong desire to get the Local Plan adopted as soon as possible. It is of relevance that the Council approval was prior to the s78 decision being published. However, at this stage the Council's aim is to seek to adopt the Local Plan at the first opportunity.

As I have indicated, to delay, defer or even abandon the Local Plan at this stage would be a very unwelcome outcome particularly given the considerable time, money and engagement that has been invested in it to date. Furthermore, it is absolutely vital that Worthing has an up-to-date Local Plan in place to provide a robust and sustainable framework for development and environmental protection.

As a result, the Councils current view is that we keep to our current timetable for the Local Plan irrespective of the rather perverse s78 appeal that appeared to have scant regard to your initial advice letter. I am sure that you would agree that the timing of the appeal decision is far from ideal and we would appreciate some guidance from you on our intended approach of proceeding with our Main Modifications consultation as recently agreed by Full Council whilst any legal challenge and/or call in to the s78 appeal continues in the background.

We would welcome any direction that you are able to provide to us at this stage. If you have any queries please do not hesitate to contact me.

Yours sincerely



Ian Moody
Worthing Planning Policy Manager
Tel: 01273 263009
e-mail: ian.moody@adur-worthing.gov.uk