

WGPNWG Policy Background Document Countryside and Open Space - Policy 1: Retention of Local Gaps – Part Three

5. Response to Regulation 14 Consultation Representations – Policy 1 – Retention of Local Gaps

The Working Group received four main consultation representations from the following interested parties.

- 1) Rydon Homes
- 2) Horsham District Council
- 3) Reside Developments
- 4) Gladman Developments Ltd.

The Working Group have reviewed the submissions by the above interested parties with respect to the proposed Local Gap Designation. They have also reviewed the areas proposed as to whether any amendments should be made to the extent of the Gaps.

As part of this update and in order to review all these representations on landscape grounds with regard to the proposed Local Gap Designation, the services of Lizard Landscape Design (LLD) were employed to provide a 'Local Gaps Policy – Landscape Review Report'. The LLD report included a recommendation regarding areas which could be removed from the proposed Gap which the Working Group have considered: the outcome being that Local Gap 2A has been removed from the proposed Local Gap Designation. (ref. LLD Report Page 18)

In addition a reappraisal has been made of higher tier guidance both national and strategic on the use of gap policies and a new appraisal made of other examples of Neighbourhood Plan gap policies and feedback from relevant examinations.

However it was also felt that in some instances a direct response to the comments received was needed to be provided by the Working Group. It is important to stress that the LLD report should be read in conjunction with all the Working Group's responses.

1) Sigma Planning Services on behalf of Rydon Homes

A representation was submitted by Sigma Planning Services on behalf of Rydon Homes who have an interest in the land north of The Rise, Partridge Green, designated as LG1 within the WGNP Local Gaps Policy.

In regard to the representation from Rydon Homes it was considered by the Working Group that Rydon were supportive of Policy 1 in general but were critical of the extent of LG1. In this respect it was felt sufficient for the submission to be reviewed on landscape grounds by LLD as well as the above.

Their response can be found in the 'Local Gaps Policy - Landscape Review':

(See pages 16-18: paras.5.21 - 5.29)

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2) Horsham District Council (HDC)

The review of this submission on landscape grounds, with regard to the proposed Local Gap Designation was carried out by LLD.

Their response can be found in the 'Local Gaps Policy - Landscape Review':

(See Pages 11-14: Paras. 5.2 - 5.14)

However in light of HDC's comments in regard to Policy 1: Retention of Local Gaps of the WGNP Reg.14 pre-submission draft, it was also felt important to make the following observations.

Although in essence HDC supports the policy it is considered that over the past three years there have been inconsistencies and contradictions in HDC's communication and approach in the lead-up to their final recommendations.

The initial Local Gaps background paper was produced in July 2017 and a meeting was arranged to discuss this and other background papers with Norman Kwan, HDC's Senior Neighbourhood Plan Officer. At the meeting on 18th July 2017 he made a number of suggestions and recommendations for making the paper more robust. In none of these did he refer to the three sites chosen for Local Gap designation and in fact a letter from him the day before had described the background paper as 'compelling'.

The next communication from HDC regarding the Local Gaps policy came a year later in July 2018 with the WGNP Healthcheck Comments. Whoever reviewed the NP at this stage was unaware of the existence of the background paper in regard to Policy 1 Retention of Local Gaps. Para.2.6 stated, *"The specific comments on Policy 1 highlight that a robust evidence paper should be produced to support the Local Gap policy...."*. HDC went on to say they considered all three Local Gaps had capacity for development, but in the absence of reading the background paper they added, *"it is also not apparent which settlements would coalesce should development take place"*.

As a result in August 2018 the background document was resubmitted to Norman Kwan at HDC who confirmed it had been sent to Specialist Officers for review. However this lack of communication within the NP department at HDC was a concern. The concern was exacerbated over the next five months as despite being chased by phone and email the document was not returned or commented upon until a letter was received on 22nd January 2019. In the letter the background document was appraised by HDC's Senior Landscape Officer with specific reference to its local gap designation for the first time since being submitted over eighteen months previously. It was a surprise at this very late stage that recommendations were only now being made for alterations in the Local Gap designations and it was felt there were contradictions and inconsistencies in what was being suggested. These have been summarised below.

A) LG1 – HDC were happy that this gap remained intact... *"the capacity for development is considered limited or low as it would result in the loss of the awareness of a spatial break*

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between Partridge Green and Littleworth and therefore loss of their identity as separate settlements". This was despite the site being allocated within the SHELAA.

It also contradicted the findings of the planning inspector who considered this site when it was the subject of appeal in 2015.

Ref. DC/13/1187 Proposed Development of 58 Homes - Rydon - Appeal Decision notice 12/5/15

The planning inspector's report dismissed the appeal largely on grounds of proximity to heritage sites. Her comments in regard to coalescence between settlements were as follows.

Para.38....."It is suggested that the proposal would result in a perceived coalescence between Partridge Green and Littleworth. I consider this to be a consideration as part of character and appearance".

Para.39...." While those travelling between Partridge Green and Littleworth would be aware of the new development in respect of the perceived separation between the two settlements the extent of the open nature of the expansive countryside off towards Jolesfield is sufficient to maintain the distinction between village and hamlet. Therefore I consider the break between settlements would be maintained both in actual and perceived terms".

B) LG2 – HDC suggested this gap be amended to leave the fields immediately adjacent to the settlement boundary outside of the LG designation. This was contrary to the two fields in question never having been allocated within the SHELAA and also being cited by the planning inspector at the Rydon appeal (see above) as key in avoiding coalescence between settlements. It is also worth noting the two fields are within the estate and setting of Joles Farm a Grade 2 listed farmhouse to the north.

C) LG3 – HDC felt that this gap should also be amended to include only the most northern field and leave the southern field closest to the settlement boundary free from such policy restriction.

This is inconsistent with the view taken by HDC's landscape officer re the proposed development on this site in 2016 (DC/16/2064) ref. HDC's Development Management Planning Committee South report November 2016. In paragraph 6.9 the report commented upon the issue of coalescence between Partridge Green and Jolesfield with particular reference to the 2001 Partridge Green and Dial Post Design Statement SPG. The report was of the opinion that development on the west side of Church Road (LG3) would add to the encroachment between Partridge Green and Jolesfield and increase the diminishing effect of the gap. It also felt that the guidance in the Design Statement SPG added weight to the need to ensure that the prospect of development- maintained distinction between Partridge Green and Jolesfield while simultaneously protecting the rural character and setting of Jolesfield, including Jolesfield House and other historical properties further to the north.

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Reference was also made to the HDC Landscape Architect highlighting the importance of maintaining the separate character of these two areas.

Following this letter, a meeting was arranged to discuss the reasoning behind the comments with HDC Neighbourhood Plan and Landscape officers on 23rd April 2019. At the meeting the landscape officer reiterated her position but interestingly, to add further inconsistencies to the situation, it was suggested by HDC that LG1 might yet support moderate development (even if it was designated as a strategic gap) if it was accessed off The Rise. The conclusion at the end of the meeting was an agreement between both parties that there was a subjective element in the assessment of what should constitute a gap and its extent. It was also agreed that other criteria beyond the remit of a landscape officer may be worthy of consideration. On this basis the NP officer felt that if the Working Group wanted to go ahead with the policy as drafted then it was their decision and HDC could not insist on alterations but would comment at Regulation 14 as per the 'healthcheck'.

HDC's comments at Regulation 14 came in a letter from Gavin Curwen, NP officer, on 23rd September 2019. The letter demonstrated inconsistencies in approach with further escalation in the criticism of LG2 and LG3 as designated Local Gaps. From *"it is recommended local gaps LG2 and LG3 are amended..."*. (letter 22 January 2019) the advice now became *"it is strongly advised LG2 and LG3 are amended.....furthermore.. the proposed gap LG3 is considered to be inappropriate and would be contrary to Policy 27 of the HDPF. The proposed gap does not function to prevent coalescence with another settlement"*.

This information was being given for the first time more than two years after NP officers had first seen the background document and with no explanation for this conclusion, other, we believe, that the gaps included sites within the SHELAA (and notwithstanding the fact that our understanding has been that for a site to be included within the SHELAA it has been subjected only to limited assessment).

It is important to reference LG3 with the above statement as HDPF Policy 27 states - *Landscapes will be protected from development which would result in the coalescence of settlements.*

Development between settlements will be resisted unless it can be demonstrated that:

i) There is no significant reduction in the openness and 'break' between settlements.

The distance between the Partridge Green BUAB and the grounds of Jolesfield House is approx. 300m - building on the southern field would reduce this distance to approx. 120m, a significant reduction in the openness and 'break' of approx. 60%. It would result in physical and visual coalescence between Partridge Green and Jolesfield.

ii) It does not generate urbanising effects within the settlement gap, including artificial lighting, development along key road corridors and traffic movements.

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Any development would generate the urbanising effects listed above not least because the B2135 (Church Road) that runs alongside LG3 is one of only two key road corridors into Partridge Green linking the A24 with the A283 at Steyning.

HDC have also made no response to the evidence that the entire site of LG3 is historically related to Jolesfield rather than to Partridge Green and that it is part of a parcel of land that surrounds Jolesfield to the south and west.

In summary evidence suggests that the rationale from HDC regarding their support or otherwise of the designated local gaps is poorly developed, particularly in relationship to the SHELAA. It is also felt that despite an ongoing dialogue their communication in regard to recommendations for amendments to the designated Local Gaps has been inconsistent since the initial reception of the background document in 2017.

3) A representation was submitted by White Young Green, including a letter, an archaeological desk based assessment by the RPS group and a Landscape and Visual Appraisal by Barton Willmore Planning/Design/Delivery (see appendix I Barton Willmore – Land to the north of the Rosary: Landscape and Visual Appraisal) – on behalf of Reside Developments Ltd. who have an interest in the land north of The Rosary, Partridge Green, designated as LG3 within the WGNP Local Gaps Policy.

The review of this submission on landscape grounds, with regard to the proposed Local Gap Designation was carried out by LLD.

Their response can be found in the ‘Local Gaps Policy - Landscape Review’:

(See Pages 15-16: Paras. 5.15 - 5.20)

Attention is also brought to some inaccurate statements contained in the letter from WYG, the Archaeological Desk Based assessment by RPS and the Landscape and Visual Appraisal document from Barton Willmore.

Letter from WYG – Policy 1: Retention of Local Gaps – Ref. LG3

Para. 6 and 9: It is incorrect to say that the northern boundary of the site is the stream (River Adur tributary) and this is then conflated in para.9 to imply that the stream separates Partridge Green from Jolesfield. Since the driveway, signage and part of the grounds of Jolesfield House are south of the stream (southernmost edge 70m distant) this is untrue.

Para. 9: It is considered incorrect to say that the site has no historic relationship with Jolesfield hamlet; there is ample evidence to the contrary provided in the Local Gaps Policy background document ref. Page 20 ii) Historical Context.

Archaeological Desk Based Assessment – RPS

Para. 4.25 - The National School referred to here is of course Jolesfield School.

Para.4.29 - The use of the address “Church Road” here is incorrect as the church did not exist in 1807 and was not built until the late 19th century. Whatever the row of buildings

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were that were 'Identified' lying close to the north-eastern corner of the site, they had disappeared by 1847.

Para. 4.34 - It is incorrect to say that (in 1981) the area north and west of the Study Site remains characterised by agricultural fields and scattered farmsteads – the hamlet of Jolesfield comprises (and in 1981 comprised) far more than scattered farmsteads.

Para. 4.42 - It is incorrect to say:

a) *"The legibility of Jolesfield House as the southernmost property of Jolesfield is experienced only as passing its gated entrance to the north of the stream that bounds the Study Site"* because A) the stream does not bound the study site but is well within the grounds of Jolesfield House and B) the entrance to Jolesfield House is some 40m south of the stream.

b) *"Jolesfield House is not appreciably visible from the Site or from Church Road"*.

Para. 4.43 - The urban area of Partridge Green will be extended further west and north.

Para. 6.7 - *"The Site has not been identified as intrinsic to the understanding of Jolesfield hamlet as a historically separate settlement"*. This is untrue as the background document has charted the history of the Site as being part of the Jolesfield House estate back to its origins in the 1870's.

Landscape and Visual Appraisal – Barton Willmore Planning/Design/Delivery

Para. 2.4 - *"The viewpoints chosen are not intended to be exhaustive, but rather to represent the potential views obtained towards the Site in order to identify areas of higher visual sensitivity"*. This is incorrect – there are no photographs showing the elevated view into the site from the highest part of the Downs Link.

Para. 4.3 - There is an attempt here to redefine Jolesfield as a 'dispersed settlement' rather than a hamlet.

Para 4.5 - The river referred to is the 'Adur' not the 'Ardur'. The 'unnamed' stream that is a tributary of the Adur is known locally as 'The Coker'. The Coker does not flow along the site's northern boundary but through the grounds of Jolesfield House.

Para. 5.7 - *"The vegetation along the northern boundary provides visual and physical separation between the Site and the area of 'dispersed settlement' in Jolesfield to the north (including Jolesfield House), thus creating some sense of separation between the two"*. This is not true during the winter months – we note that the appraisal was carried out in September 2019 when there was full leaf cover

Para.5.8 - A modern, contemporary road sign has no logical significance in defining the historical boundaries of two distinctly separate settlements.

Para.5.9 - The site is far less well-contained during winter months when clear views are obtainable from all points of the compass. Notwithstanding seasonal assessments regarding

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containment the site plays an irreplaceable role in providing the last remaining break between Jolesfield and Partridge Green to the west of Church Road.

Para. 5.23 - The site is not very well-contained to the west as there are clear views over its extent from the Downs Link, especially from the elevated view at its highest part and particularly in winter months.

Paras.6.9/6.10 - It is an illogical premise to state that Partridge Green and Jolesfield are 'different areas', the evidence of their status as distinct hamlets/settlements is well corroborated throughout the background document. In addition Horsham District Council have proposed in their Local Plan Review (March 2018) that Jolesfield and Littleworth be given secondary settlement status.

Para. 6.12 - The reference to "exceptionally well-contained" is an exaggeration as it ignores the differences between summer and winter as well as not being true from all viewpoints.

Para.6.13 - The final sentence refers to "an exceptionally limited visual envelope". We find this phrase to be a further case of exaggeration that, to us, undermines the professional objectivity of the report."

Para.6.15 - The argument that "there is only one settlement" conflicts with historical evidence and general perception including that of Horsham District Council.

Para. 6.16 - It is untrue to say that "*development within the Site would not be perceived from those passing through...*" as there are clear views especially in winter months. It also underplays the impact on those using the Downs Link, particularly those on horse-back who will always be viewing into the site from an elevated position

Para.6.19 - It is incorrect to say that "*the site does not extend any further north than the existing BUAB*" The site does extend further north than the existing BUAB at its southern boundary and therefore an extension of the BUAB northwards would be building on land that is already part of Jolesfield and would significantly reduce the gap between the two settlements. It is wrong to refer to "*the strong sense of separation from Jolesfield*". Its historic relationship is entirely with Jolesfield as evidenced in the background document and from the perspective of Jolesfield there is still a strong visual connection.

Para.7.4 - States "*The landscape features several small hamlets*" - yet the report has tried to deny that Jolesfield is one of them, which is a clear contradiction.

Para. 7.6 - The final sentence claims "*views of internal areas of the Site are only obtained from areas of close proximity*", yet one of those viewpoints, the Downs Link, happens to be an extremely busy leisure route.

4) Letter from Gladman Developments

The review of this submission on landscape grounds, with regard to the proposed Local Gap Designation was carried out by LLD.

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Their response can be found in the “Local Gaps Policy - Landscape Review”:

The Working Group’s response to the letter is as follows:

The letter contends that ...*“the policy is ambiguous and appears to be an attempt to preclude any development whatsoever from coming forward in the identified gap between the settlements of Partridge Green, Jolesfield and Littleworth”.*

NPPF Para.16a “Plans should be prepared with the objective of contributing to the achievement of sustainable development”. Para.9 states “Planning policies and decision should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area”. Para.12 states “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making”.

This suggests that Para.16a does not stand alone but is moderated by other considerations and therefore Gladman’s criticism is invalid.

The letter continues...*“The imposition of Policy 1 would effectively create a lesser form of Green Belt by the back door. Policy 1 in its present form is not in accordance with basic conditions a) and d) and should be deleted in its entirety”.*

NPPF Para. 16d “Plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.

It is precisely to avoid ambiguity that our Gap Policy has been drafted. It does not *“create a lesser form of Green Belt by the back door”* but rather understands local uniqueness through familiarity with the local context and seeks to protect those areas – and only those areas – which are at risk of coalescence.

The letter continues.. *“there appears to be little robust evidence in the ‘Retention of Local Gaps Paper’ to support this element of the policy other than their role as open countryside, nor the limits on the scale of development therein so that it is evident how a decision maker should react to development proposals.....Any development proposed within these areas should be assessed on its own merits, depending on landscape impact”.*

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