RODWAY PLANNING
CONSULTANCY LIMITED

The Planning Inspectorate
3D Eagle
Temple Quay House
2 The Square
Bristol
BS1 6PN

27 April 2022

Dear Sir / Madam,

Town and Country Planning Act 1990
Appeal by: Chris Ford and Paul Allen
Site Address: Oxen Court, Oxen Avenue, Shoreham by Sea, West Sussex, BN43 5AS
Appeal reference: APP/Y3805/W/21/3287021

We refer to the above Planning Appeal, and specifically the case presented by the Local Planning Authority ('the LPA'), and the comments of third parties, which have been submitted to the Planning Inspectorate in respect of this Appeal.

Having reviewed the comments made, below are our final comments in respect of this Appeal. These should be read alongside the final comments document from the Appellant's Architect, Mr James Breckell, which also accompanies this submission.

It is noted that the LPA are relying on their Officer's Report, which we understand was previously sent to PINS, rather than supply a full Statement of Case. Notwithstanding this, the LPA have provided a letter (dated 13 April 2022), which provides additional comments. In response to these comments we wish to add the following:

The LPA have confirmed their updated Housing Delivery Test (HDT) results, which were issued earlier this year. We do not disagree with the LPA in that they failed the test, with a result of 77%.

However, we do disagree with the LPA's position that the *"presumption in favour of sustainable development no longer applies and the tilted balance also no longer needs to be applied to this case."* The HDT is not the only route to the presumption and titled balance being applicable, the other being when a 5-year housing land supply (5YHLS) is not being met.

The LPA confirm that in calculating the Council's 5YHLS position, a 20% buffer is applicable. The Council's latest Annual Monitoring Report (AMR) [please see Appendix A attached to this letter], which was published in March 2021, includes at pages 21-23 a calculation of the 5YHLS. This concludes that, with a 20% buffer included, the Authority could only demonstrate a 4.8 year supply of housing land.

The LPA have offered no evidence to suggest that this position has changed to a +5-year supply. Indeed, given the delays caused by the pandemic to housebuilding, we suspect that the situation has actually worsened, with the LPA's assumptions of housing delivery having slipped over the past 12 months since the AMR was published. Evidence of this can be found via an assessment of the

Council's assumptions in their housing delivery table at page 19 of the AMR. This predicts that year 2021/22 would deliver 67 houses at 3 sites. Our assessment work concluded that no dwellings were actually delivered at these 3 sites during this period. Although works are advanced at the 7-27 Albion Street, Southwick site, the development is not yet complete (-38 dwellings). The Lancing Police Station has no planning permission according to the Council's online planning records, and according to local press reports (please refer to: https://www.sussexexpress.co.uk/former-lancing-police-station-to-get-a-new-lease-of-life-in-community-focused-co-working-venture-3367423), the building has been purchased by the District Council and will be used for community purposes (-11 dwellings). The third site relied upon in the Council's 5YHLS figures as set out in the AMR is the site at St Peter's Place, Western Road, Sompting. This site does have planning permission for 18 units (Council reference: AWDM/0300/20), which was granted on 29th October 2020, but there is no evidence on the Council's online planning records of any discharge of conditions approvals, and the evidence therefore suggests that development has not yet commenced, let alone completed (-18 units).

With no evidence to the contrary, we must conclude that the Authority do not have a 5YHLS, and therefore paragraph 11(d) of the NPPF is engaged. Contrary to the LPA's comments, the titled balance does apply in the context of the determination of this Appeal, and we contend that the Appeal should be allowed unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

As set out in our Statement of Case, even in the event that the Council could demonstrate a 5YHLS and the application was considered against paragraph 11(c) of the Framework, our position would remain unchanged. We consider the appeal proposals comply with the relevant policies of the Development, and therefore should be approved without delay.

We do not dispute that the upward extension works as proposed do not comply with the criteria set out in the General Permitted Development Order. It is for this reason that a detailed Planning Application was submitted, and not an application for Prior Approval. To qualify as Permitted Development, this includes that the existing building is required to be at least 3-storeys, which the Appeal building is not. Further, we note that the LPA confirm that the Appeal Site is within 3 kilometres of the perimeter of an aerodrome. However, the point we have previously made to the LPA (please refer to paragraphs 6.9-6.10 of our Planning Statement that accompanied the refused Planning Application) was that legislation has changed, as has planning policy, to provide more flexibility in increasing densities at existing developed sites, with upward extension of existing buildings now being encouraged subject to compliance with certain criteria. In our opinion this is a material consideration.

The LPA refer to paragraph 120(e) of the Framework, which relates to upward extensions, and makes reference to the height and form of neighbouring properties and the character of the streetscene. It is the Appellant's position that the Appeal scheme is in keeping with the character and appearance of the area, and the upward extensions proposed (1.75m to Block 1, and 2.65m to Block 2) would not be unduly prominent or jar with the overriding character of the streetscene. The Appeal scheme is well designed, and would complement the local area. It must be remembered, the Appeal Site is not located within a Conservation Area, and therefore there should be no requirement to strictly conserve. It must be accepted that development in sustainable locations such as this will result in some level of change, and in this case we consider that the sensitive design approach that

has been taken, would result in a sympathetic scheme that would still provide an efficient use of a currently underdeveloped site.

We note that a number of third parties have made representations in respect of the Appeal scheme. These largely repeat previous comments that have been made, and either reiterate the Council's reasons for refusal, or add non-material planning considerations, such as devaluation of properties. Other issues, such as disturbance during the construction stage and noise can be controlled via condition. Parking provision is queried by some, but this has been accepted by the LPA and the Highway Authority. Indeed, in this respect it is important to point out that the site is sustainably located, within easy walking distance of Shoreham-by-Sea town centre and a range of public transport opportunities. A further comment is that the Appeal scheme will be of no benefit to the area. We disagree strongly. The Appeal scheme would provide much needed new small units of accommodation in an area of high housing demand. This should be afforded significant weight in the planning balance.

The Appellant's case in this respect has been fully set out in our previous Appeal submissions, and I would not want to repeat them here unnecessarily other than to reiterate that the Appeal Scheme has been designed to positively contribute to its built and natural context. It would not cause demonstrable harm to existing residents amenities, and would provide new occupiers with an acceptable standard of accommodation. The proposal is, accordingly, for 'sustainable development' within the meaning of the NPPF, which is not reliant for its acceptability on the presence or absence of a 5 year housing land supply.

Similarly, the matters sought to be protected by the development plan policies cited in the reasons for refusal are not materially harmed by the proposal, which is in itself a positive contribution to the housing stock, the economy and the character and appearance of the area. The Appeal Site is located within the coastal town of Shoreham-by-Sea, within an area that has a significantly heightened housing need. Therefore, and in this context, we respectfully urge that this Appeal be allowed, and that planning permission is granted for the proposed development.

We note that the LPA have included a list of suggested conditions. On behalf of the Appellant we can hereby confirm agreement to the wording and specific requirements of these conditions.

We trust that this information is of assistance. If any further clarification or information is required, then please do not hesitate to contact the undersigned.

Yours sincerely,

[redacted]

Tim Rodway
Director
Rodway Planning Consultancy Limited

c.c. Chris Ford and Paul Allen