

17th July 2024

Dear Sir

Proposed development at Crouchlands Farm, Billingshurst, RH14 0LE by Artemis Land and Agriculture Ltd

Appeal References

Lead Case: APP/L3815/W/24/3344538

Linked Case: APP/L3815/W/24/3344363

Linked Case: APP/L3815/W/24/3344361

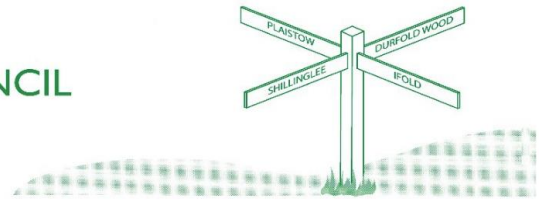
Our Position

1. **Plaistow and Ifold Parish Council** ('the parish council') **fully supports the reasons given for the refusal of these three applications by Chichester District Council** ('the LPA'). Comprehensive reports by district council planning officers have set out multiple conflicts with the policies of the development plan for the area and the National Planning Policy Framework ('NPPF')¹ reflecting objections raised by us and by almost all of the statutory consultees. These identify the potential for significant and demonstrable harm to be caused by the proposals. There are no material considerations which are sufficient to outweigh the conflicts with relevant policies. **The appeals should therefore be dismissed.**
2. We have summarised the reasons for our position below. We have not repeated the level of detail included in our representations to the LPA on the individual applications nor the decision or application references we provided which may be relevant to the proposals. The inspector will find those representations on the LPA's planning register and we trust that he will take note of all the relevant cases to which we drew attention.

Reasoned Justification

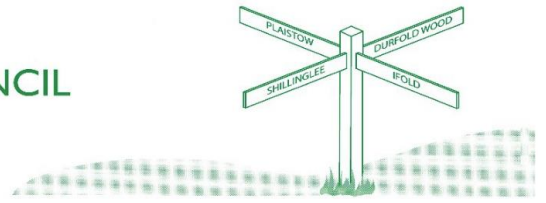
3. Despite being submitted separately, the two residential planning applications are wholly reliant upon the whole farm plan application and combine to propose the establishment of a new settlement in the countryside which is referred to in the applications as 'Rickman's Green Village'. This may give the impression that the appellant has prepared a carefully considered proposal observing best practice in place making and design. It may suggest that it has constructively addressed all of the complex issues necessary to provide assurance that such a new settlement would be appropriate in this sensitive setting. Nothing could be further from the truth.

¹ As at December 2023 version



4. In fact, the appellant's proposal is poorly thought out and entirely misconceived. Its planning strategy is complex and, we would suggest, obscures rather than elucidates the proposal. Rickman's Green Village is an invention of convenience designed solely to make good the losses created by the mismanagement of the farm over a number of years. This involved the operation of an unauthorized industrial scale anaerobic digestion plant which has left a legacy of contamination on the site.
5. If the appellant genuinely believed it had a full and proper case for such a new settlement then it should have had the confidence to put forward a single hybrid application to be tested on that basis (or still better promote it through the local plan). Instead it has submitted three separate applications which only partly interlock, overlap or even contain the same information. The LPA has rightly found that approach to be unacceptable in all its aspects.
6. The application for what has become known as the 'whole farm plan' is characterized alternatively as a stand-alone farm diversification project and as a 'ready made village hub'² suitable to support the residential development. The applications for housing have been made separately, one in outline and one in full, despite the fact that they are described as Phase 1 and Phase 2 of a single development. They are dependent on each other and also on the whole farm plan application yet all three have been submitted as if capable of independent approval.
7. The whole farm plan is not a policy compliant farm diversification project. Were it to be permitted, it would effectively destroy the viability of the existing agricultural enterprise. Its scale and form is entirely inappropriate to the location and would have a severe impact on the highway network. It is unacceptable as a 'standalone' project. Just as importantly, its content is entirely inappropriate to supporting the needs of a community of 600 new dwellings in an isolated countryside location. It is not described in that application as a 'village hub', and there is no evidence in the application for the whole farm plan that this its purpose. It proposes commercial activities and employment 'opportunities' which are unlikely to be relevant to the majority of those who might live in the settlement and omits key services and infrastructure which they will be forced to reach by car. There is no evidence that the appellant has considered the functioning of this new settlement holistically or in accordance with good practice in place making or sustainability.
8. The strategy of course is obvious. The appellant proposes new residential development but if that is to fail (as it must) it wishes to maintain the possibility of the stand alone commercial business project being allowed.

² Planning Statement Para 44 Page 12



9. We welcome the fact that the Planning Inspectorate has linked the cases so that this strategy can be properly explored and the completely unsustainable nature of the Rickman's Green 'project' seen for what it is.
10. On detailed matters, we support the actual or notional reasons for refusal given by the LPA. We will not repeat these at length as they will be put before you by the LPA at the inquiry. We would however draw your attention very briefly to the well evidenced concerns raised by our community and by statutory consultees about the quality and content (or lack of it) of the proposals. We have grouped these together, as the appellant has done in their consolidated Statement of Case.

Compliance with development plan strategy

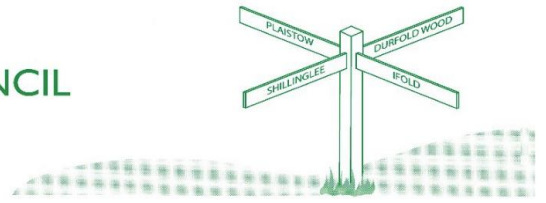
11. Both the adopted Chichester Local Plan 2014 – 2029 and the emerging Chichester Local Plan Submission 2021 – 2039 recognize that the northern parishes of the district closely associated with the South Downs National Park are unsuitable for housing allocations of any scale. The appellant proposes large scale commercial and residential development in the countryside which is fundamentally unsustainable. Allowing these appeals would be contrary to the LPA's development strategy and the pursuit of sustainable development required by the NPPF.

Impact on the character of the area

12. This part of Chichester district is landscape sensitive (in the setting of the South Downs National Park), poorly connected to public transport or active travel networks and with limited local infrastructure. The existence of small settlements founded in antiquity does not demonstrate that it is a suitable location for large scale new development as the appellant seems to think. It has presented no comprehensive or properly evidenced place making case to show how or why a new settlement of the size proposed would be a sustainable proposition and make a good place to live. It is our view that no such case can be made.

Highways and access issues

13. The highway authority has outstanding objections to all three applications. It has found some of the evidence presented on road safety and highway capacity to be superficial and unconvincing. Proposals for traffic management and speed control are not supported and could not be implemented. Other aspects of the required evidence base, such as key junction modelling, have simply been omitted. The proposals for creating public transport connections are untenable and as a result the whole farm plan and residential development would be almost entirely car based, generating large numbers of additional trips on narrow



rural roads. The highway authority objections demonstrate that this is an unsustainable and unsafe location for large scale development and we completely agree.

Flood risk, water management and foul drainage

14. The Local Lead Flood Authority has objected to the proposals because they do not explain how surface water flooding can be managed without increasing flood risk elsewhere. No assessment of groundwater flooding has been made. Large amounts of essential technical information have been omitted from the proposals. Concerns regarding flood risk mean that the requirement for a sequential test as required by the NPPF is engaged (contrary to the appellant's assertion) but none has been provided.
15. The proposals for foul drainage are not supported by the Environment Agency.

Impact on landscape and views

16. The development would have an unacceptable and entirely unnecessary impact on landscape setting of the area, particularly from sensitive receptors such as public rights of way. The impact on the setting of the South Downs National Park has not been properly assessed. The appellant accepts that their proposal would have 'longer term significant adverse landscape impacts' which demonstrates the absence of a properly landscape led approach.

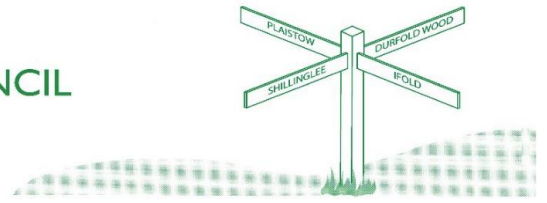
Design and Layout

17. The LPA's internal experts are rightly critical of the proposed layout and design of residential proposals. They are inevitably unsuited to a countryside location because a development of this scale is out of character and intrusive. The whole farm plan application is primarily based upon the demolition (not reuse) of existing agricultural buildings and the construction of structures which have no place in the agricultural landscape.

Water neutrality

18. The highly water stressed nature of the area and the impact of groundwater abstraction on protected sites has been recognized through the establishment of the Sussex North Water Resource Zone. The appellant's proposals to manage water consumption have been assessed as speculative and unlikely to be achieved. Development cannot comply with the policy requirements and would therefore have a harmful impact on the Arun Valley SPA/SAC which is entirely avoidable.

Protected Species



19. The absence of up to date and properly conducted bat surveys means that it has not been possible for the LPA to undertake an Appropriate Assessment of the proposals in relation to The Mens SAC as required under Habitats Regulations 2017.

Public Safety

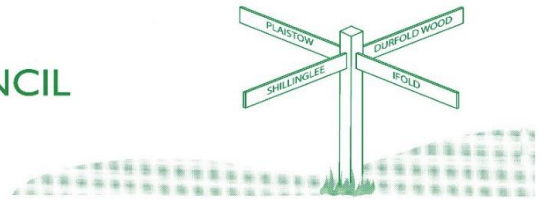
20. The appellant has failed to provide any assurance that the lagoon of effluent created by the unauthorized waste processing previously carried out on the site can be managed safely. As noted by the LPA, it represents an unquantified and unmanaged risk to at least some of the proposed operations on the site and no development which would place people 'in harm's way' can be permitted until the lagoon is fully remediated. The health risk it poses is a material consideration even though it is outside of the red line boundary of the application and the ownership of the appellant.

Effect on the existing farm enterprise

21. It is perhaps no surprise that implementing the proposal is likely to render the existing agricultural enterprise uneconomic and therefore redundant. The appellant appears to have no genuine concern for the farm business and wishes to replace it with an alternative mix of commercial and residential activities entirely unsuitable to the location. A modest scale and genuine diversification along with investment in the remediation of damage previously done to the farm could result in a viable and entirely appropriate business. The current proposals amount to wiping out the long term agricultural use and replacing it with high intensity commercial and residential development contrary to development plan policies and NPPF policies.

Conclusion

22. We note that the appellant's Statement of Case offers very little by way of actual rebuttal of the LPA's points, in some cases offering nothing more than a statement that 'they disagree'. The only positive argument they offer for the appeals to be allowed is that the provision of new housing and commercial activity represents an economic benefit sufficient to outweigh all of the many practical and policy objections. They do not engage with or respond to those objections, nor do they provide any assurance that the proposal is actually deliverable (at least as shown) were it to be allowed.
23. The appellant asserts that the 'tilted balance' applies to the determination of the appeals because the original applications were submitted prior to the introduction of the latest



version of the NPPF in December 2023.³ We do not agree because in our view even if the argument on land supply is accepted, the flood risk identified by the Local Lead Flood Authority is sufficient to trigger the provisions of Para 11 (d) (i) via footnote 7.

- 24.** Regardless of whether the tilted balance is engaged or not, the overwhelming body of evidence is that the proposals would be unsustainable, harmful to the environment and contrary to all established good practice in place-making. They have no link to the existing agricultural activity or local settlement patterns. **These are ‘significant and demonstrable’ reasons which outweigh any benefits and are more than sufficient to justify dismissing all of the appeals.**
- 25.** The parish council has not asked to participate in the appeal as a Rule 6 party because we are confident that all of the reasons for refusal will be fully defended by the LPA. We would however ask that we be allowed to make a short statement at a convenient point during the inquiry to update these representations in the light of any further submissions by the appellant.

Yours faithfully

J Bromley

Jane Bromley
Clerk & RFO Plaistow and Ifold Parish Council
Clerk@plaisotweandifold-pc.gov.uk
01403 839300

³ The LPA has an emerging local plan at Reg 19 and can demonstrate a 4- year housing land supply, but not a 5- year housing land supply.