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## Hearing Statement – Matter 3

Subject: Chichester District Council Local Plan Examination  
Matter: Matter 3 – The Spatial Strategy  
Date: September 2024  
Client: Artemis Land and Agriculture Ltd

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## A. MATTER 3 – THE SPATIAL STRATEGY

1. This Hearing Statement has been prepared by DLBP Ltd, on behalf of Artemis Land and Agriculture Ltd, in response to Matter 3 (The Spatial Strategy) of the Inspectors' Matters, Issues and Questions, and specifically questions 13 and 18.

### Question 13

2. Matter 3, Question 13 has regard to Policy S1, and is repeated here for completeness:

*What is the justification for the proposed distribution of development in the plan area?*

3. Policy S1 sets out that the Council's spatial strategy will 'disperse' development across the plan area by:

- focusing the majority of new growth at Chichester city and within the east-west corridor, and 'reinforcing' the role of Manhood Peninsula as a home to existing communities, tourism and agricultural enterprise – 93% of new housing is anticipated to come forward in these areas; and
- "where opportunities arise", supporting the villages and rural communities in the North of the Plan Area with the remaining 7% of new housing coming forward.

4. The Council's proposed distribution of development is to focus development in the south of the district – 535 new homes per annum – with just 40 homes per annum coming forward in the North of the Plan area.

5. The Council's principal justification for the distribution is that this builds on the spatial strategy of the previous (adopted) Local Plan (pages 40 – 41) by focusing growth in the south of the district on sites in and around Chichester City, and the east-west corridor. The approach of the new Local Plan is therefore predicated on the current Local Plan which has failed to deliver on its objective of meeting the needs of its residents. This is confirmed by:

- the Council not being able to demonstrate a five-year housing land supply currently - it is our position that Council's current housing land supply is 3.13 years, as set out in Mr Ben Pycroft's evidence to the live appeal references APP/L3815/W/24/3344538, APP/L3815/W/24/3344661 and APP/L3815/W/24/3344663. The Summary Proof is at Appendix 1;
- the expectation that there will not be a five-year housing land supply on adoption of the Plan - see DLBP response to Matter 4C, question 69; and
- the Council's proposition to not meet its housing need in the emerging Local Plan.

6. In the absence of proper justification and lack of demonstration as to why maintaining the same strategy will now be successful, the proposed distribution of development in the plan area is the incorrect approach.

7. This is because the south of the district is highly constrained in planning-terms. Key constraints identified by the Council at paragraph 3.5 of the Draft Local Plan are the

- (lack of) capacity of the A27, flood risk, and the need to protect environmental designations, landscape quality, the historic environment and settlement character.
8. Despite the constraints in the south, in particular capacity issues of the A27, the Council proposes only very limited growth in the North of the Plan Area (erroneously referred to as 'moderate' in paragraph 3.24 when in fact it would comprise just 7% of new housing across the District).
  9. It is clear, when looking at the District's population data alone that the North of the Plan area should, proportionately, take on more housing. This is because:
    - the population for the entire District (excluding the South Downs National Park area) is 89,982<sup>1</sup>, which comprises 8,396 in the North of the Plan Area and 81,586 in the remaining south of the District;
    - the emerging Local Plan proposes 10,359 homes over the Plan period, comprising 370 in the North of the Plan Area and 9,989 in the remaining south of the District; so
    - if the proposed housing was to be distributed evenly across the District, one home should be allocated per 11.5 people. An even distribution would therefore result in 966 homes in the North of the Plan Area; but despite this
    - the Local Plan only proposes 370 homes in the North of the Plan Area. This is a shortfall of 596 homes against what should be provided (966 homes) if it were to be evenly distributed, which equates to a 161% shortfall.
  10. The Council has failed to reassess the adopted spatial strategy and distribution of development, even though:
    - previous advice (which has not been followed) from the Planning Inspectorate (Appendix LPD8, page 4) confirmed that the Council should reassess its adopted spatial strategy and distribution of development in other parts of the District to establish whether the housing need could be met in another way;
    - paragraph 5.11 of the emerging Local Plan states that "*during the course of preparing this Plan, it has become apparent that it may not be appropriate in the longer term to continue to rely completely on similar sources of supply such as urban extensions and urban intensification*". This confirms, by the Council's own admission, that an alternative strategy will be required in the longer term, but it begs the question as to why this has not been proposed for this Local Plan when there is a significant unmet housing need and the impacts of not meeting that are significant (see DLBP's response to Matter 4C, question 65); and
    - the Council's evidence base (the Sustainability Appraisal in particular) demonstrates that additional housing could be delivered in the comparatively less-constrained North of the Plan Area, including at Crouchlands Farm.
  11. Developing a higher growth scenario in the North of the Plan area would relieve pressure in the South. Despite this, paragraph 5.16 of the Housing Need Background Paper states that:

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<sup>1</sup> Using figures from the Housing and Economic Development Needs Assessment (Appendix LPD2, table 3.1).

*“...any further increase to meet unmet need arising from the southern plan area, would not be appropriate in a rural area with limited facilities and public transport with landscape and historic environment constraints, as well as water neutrality requirements.”*

12. As noted in our response to Matter 1, growth scenario 1a is found to be the most sustainable. This would allow for 1,114 homes (or 62 per year) in the North of the Plan area over the plan, and this would be made up of two separate components for the new supply:
- 200 homes in the four villages of Kirdford, Loxwood, Plaistow and Ilford, and Wisborough Green; and
  - a new settlement of 600 homes at Crouchlands Farm.
13. Based on the analysis of the SA, this option would perform better in meeting the objectives of the plan than the preferred option, as set out below:
- Climate change – the SA notes that there are risks associated with development under all growth scenarios with respect of flooding and both transport and built environment emissions, but there are also risks associated with no development taking place;
  - Natural environment – the SA is clear that growth scenario 1a – including the development of a new settlement at Crouchlands Farm – would perform better than all other growth scenarios, including 1 and 3 (which form the “blended growth” option presented in the emerging Local Plan), with respect to the protection of the area’s landscape. As noted in our response to Matter 1, the development at Crouchlands Farm will enable significant biodiversity gains, and other landscape enhancements, which is why this option is better than scenario 1 (solely the 200 additional homes in the four villages);
  - Housing – whilst not completely closing the gap to meet the Council’s local housing need, scenario 2a would represent a 50% increase in housing over the plan period relative to the Council’s preferred option. The new housing will be delivered via a new master-planned mixed and balanced community, creating new neighbourhoods of energy efficient homes and affordable homes – the Council’s preferred growth option will not achieve this;
  - Employment and economy – the growth scenarios including development at Crouchlands Farm are the only ones that create new rural jobs and businesses on land that is currently previously developed land where the farm hub is and in need of significant investment<sup>2</sup>. Furthermore, the creation of a new settlement will add to the viability and viability of the four existing villages with the new residents using services and facilities in them, wholly in accordance with paragraph 85 of the Framework;
  - Health and wellbeing – the creation of a new community at Crouchlands Farm will encourage, promote and enable health and active lifestyles, including the

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<sup>2</sup> This has not been considered in the scoring of the scenarios 1a, 2a and 3a of the Sustainability Appraisal. If it were to have been, those scenarios would have scored even better.

provision of new recreational routes and Public Rights of Way improvements. These measures would improve health indicators and life expectancy;

- Design and heritage (ensuring beautiful places) – Crouchlands Farm will create safe and beautiful places. It would also protect and enhance the area’s heritage (as confirmed in the Sustainability Appraisal) and character with high standards of design, ensuring new development is well integrated and accessible to all. By contrast, the Council’s preferred “blended growth” scenarios 1 and 3 will likely cause a greater degree of heritage harm by having a focus on piecemeal development in the village that will affect their historic character; and
  - Strategic infrastructure – the development of Crouchlands Farm makes provision for a new primary school and an enhanced bus service, two pieces of critical strategic infrastructure to serve the North of the Plan Area. This is again in stark contrast to the Council’s preferred option which makes no such provision.
14. The Council says that limiting growth in the North of the Plan area to 40 dpa is due to ‘wide ranging planning reasons’ (paragraph 5.2.11 of the SA). However, this statement ignores the evidence within the SA, which confirms that a higher level of growth of 1,114 homes could be delivered in this area without the alleged harmful impacts on the historic environment; where landscape impacts can be mitigated; where the ‘limited facilities’ and public transport constraints are not a barrier to higher levels of growth; and where it is clear that there are offsetting solutions to water neutrality implications that can be secured (and as evidenced by emerging Local Plan Policy NE17).
15. It is evident that the Council has ignored the evidence of its own SA by not electing to follow the most sustainable and best performing option for growth in the North of the Plan Area. It has therefore not justified the decision to limit the distribution of development in the North of the Plan area and has demonstrably not prepared the Local Plan in a positive way so as to meet the needs of the existing and future residents. Proposed Policy S1 is thus unsound as it is not positively prepared, and nor is it appropriately justified.
16. To ensure soundness, the Council must modify Policy S1 to reflect scenario 1a (or 2a) as set out in the SA, and so specifically allocate land at Crouchlands Farm for development.

### Question 18

17. Matter 3, Question 18 has regard to Policy S2, and is repeated here for completeness:

*Are the proposed settlement boundaries justified and would they be effective?*

18. The settlement boundaries proposed in Policy S2 are derived from the proposed distribution of development in Policy S1. As the proposed distribution of development has not been sufficiently justified, particularly with regards to the proposed limited growth in the North, it is also the case that the proposed settlement boundaries in Policy S1 have not been sufficiently justified.

19. To summarise, it is unclear as to why a higher growth scenario has not been tested in the North of the Plan area (i.e. why Crouchlands Farm has not been included as a proposed site allocation) and so it is also unclear why the settlement boundaries have not been revised to include new settlements in this area of the District.
20. Even if the settlement boundaries were not to change, the Council's policies should recognise the fact that there are not enough housing sites proposed to meet the objectively assessed need.
21. The final paragraph of the emerging Local Plan Policy S2 also states that:

*Development in the Rest of the Plan area outside the settlements listed above is restricted to that which requires a countryside location or meets an essential local rural local need or supports rural diversification in accordance with Policy NE10.*

22. To assist the Council in meeting its housing need through the plan, we recommend that this wording is amended to be more flexible about allowing development in the 'Rest of the Plan area', including in the countryside. The Council's own Interim Policy Statement confirms that this approach is required to meet housing needs when a sufficient supply is not achievable.
23. We propose the text of Policy S2 should be amended to the following to ensure the soundness of the plan:

*Development in the Rest of the Plan area outside the settlements listed above is restricted to that which requires a countryside location, meets an essential local rural local need, supports rural diversification in accordance with Policy NE10, **or in exceptional circumstances, is available and able to assist in meeting the housing needs of the District.***

# APPENDIX I – BEN PYCROFT HOUSING LAND SUPPLY SUMMARY PROOF OF EVIDENCE

Summary Proof of Evidence of Ben Pycroft re: Five Year Housing Land Supply  
For Artemis Land and Agriculture Limited | 24-086

Appeal references: APP/L3815/W/24/3344538, APP/L3815/W/24/3344661  
& APP/L3815/W/24/3344663 – Crouchlands Farm, Rickman’s Lane, Kirdford,  
Billingshurst, RH14 0HE





Project: 24-086  
Site Address: Crouchlands Farm, Rickman's Lane, Kirdford  
Client: Artemis Land and Agriculture Limited  
Date: 02 September 2024  
Author: Ben Pycroft

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# 1. Introduction

1.1 This summary proof of evidence is submitted on behalf of Artemis Land and Agriculture (i.e., the Appellant) in support of their appeals against:

1. the failure of Chichester Council to determine within the relevant timescales a full planning application for:

“The erection of 108 dwellings (Use Class C3), and associated access and street network, footpaths, open spaces, plant, landscaping and site infrastructure.”

2. the decision of the Council to refuse to grant outline planning permission for:

“The erection of up to 492 dwellings (Use Class C3), education provision including primary school (Use Class F1) and associated access, footpaths, open spaces, landscaping and site infrastructure.”

3. the failure of Chichester Council to determine within the relevant timescales a full planning application for:

“Regeneration of Crouchlands Farm, comprising demolition of selected buildings, extension, refurbishment and remodelling of selected buildings and the erection of new buildings to provide up to a total of 8,788 sq m (including retained / refurbished existing buildings) comprising the existing farm hub (sui generis), a rural enterprise centre (Use Classes E(c), E(e), E(g), C1 and F1(a)), a rural food and retail centre (Use Classes E(a) and E(b)) and a glamping site (Use Class E and sui generis); provision of new hardstanding, pedestrian, cycle and vehicular access, circulation and parking, landscaping including new tree planting, maintenance and improvements to the Public Rights of Way, site infrastructure and ground remodelling.”

at Crouchlands Farm, Rickmans Lane, Billingshurst, West Sussex, RH14 0LE.

1.2 This summary and my main proof of evidence address matters relating to the Council’s deliverable housing land supply. They should be read alongside the proof of evidence of Matthew Johnson, which addresses all other planning matters in relation to this case.

## Qualifications

1.3 I am Benjamin Michael Pycroft. I have a B.A. (Hons) and a postgraduate diploma in Town Planning from the University of Newcastle-upon-Tyne and am a member of the Royal Town Planning Institute. I am a Director of Emery Planning, based in Macclesfield, Cheshire.



- 1.4 I have extensive experience in dealing with housing supply matters and have prepared and presented evidence relating to five year housing land supply calculations at several Local Plan examinations and over 60 public inquiries across the country.
- 1.5 In March 2022, I provided evidence on housing land supply at a public inquiry into an appeal made by Welbeck Strategic Land IV LLP against the decision of the Council to refuse to grant outline planning permission for up to 70 no. dwellings at land to the west of Church Road, West Wittering<sup>1</sup>. In that case, the Council claimed it could demonstrate a 5YHLS of 5.28 years at 1<sup>st</sup> April 2021. The appeal decision was issued on 22<sup>nd</sup> April 2022. In allowing the appeal, the Inspector concluded that the 5YHLS equated to 4.6 years.
- 1.6 In September 2023, I provided evidence on housing land supply at a public inquiry into an appeal made by Gladman Developments Ltd against the decision of the Council to refuse to grant outline planning permission for up to 150 no. dwellings at land off Main Road, Birdham<sup>2</sup>. In that case, the Council claimed it could demonstrate a 5YHLS of 4.65 years at 1<sup>st</sup> April 2022. The appeal decision was issued on 9<sup>th</sup> February 2024. In allowing the appeal, the Inspector did not make any conclusion on precise quantum of the Council's housing land supply as it was less than five years on either case.
- 1.7 I also submitted evidence on housing land supply for a public inquiry into an appeal made by Barratt David Wilson Homes against the decision of the Council to refuse to grant permission for 300 dwellings at land north of Highgrove Farm, Main Road, Bosham<sup>3</sup>. The inquiry took place in October 2023 but I was not called to give evidence at the inquiry because it was agreed between the parties that the difference between my supply figure at 1<sup>st</sup> April 2022 of 3.9 years and the Council's supply figure of 4.65 years was not material in the determination of the appeal.
- 1.8 In July 2024, I presented evidence on the Council's housing land supply at 1<sup>st</sup> April 2023 at a public inquiry into an appeal made by Barratt David Wilson Homes permission for up to 280 dwellings at Stubcroft Farm, East Wittering<sup>4</sup>. At the time of writing, the inquiry into that appeal has not closed.
- 1.9 I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed, and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and that the opinions expressed

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<sup>1</sup> PINS ref: 3286315 – core document **CD5.14** – paragraphs 19-39

<sup>2</sup> PINS ref: 3319434 – core document **CD5.32** – paragraphs 44-50

<sup>3</sup> PINS ref: 3322020 – core document **CD5.33** – paragraphs 4 and 50

<sup>4</sup> PINS ref: 3341520



are correct and comprise my true professional opinions which are expressed irrespective of by whom I am instructed.

1.10 I provide this summary, my main proof of evidence and a set of appendices. I also refer to several core documents. I have worked with the Council on a Statement of Common Ground (SoCG) in relation to housing land supply.



## 2. Summary

- 2.1 The Council's Housing Land Supply Position Statement claims that at 1<sup>st</sup> April 2023 it can demonstrate a 5YHLS of 2,661 dwellings. Against the local housing need (of 635 dwellings per annum), this equates to 4.19 years.
- 2.2 The Council considers that it only needs to demonstrate a 4 year housing land supply in accordance with paragraph 226 of the Framework. The Birdham Inspector concluded that there were transitional arrangements in place which meant that the provision of paragraph 226 of the Framework did not apply for applications made before 19<sup>th</sup> December 2023<sup>5</sup>. However, in any event, on the Council's case as set out in the position statement only 2 dwellings from the Council's deliverable supply would need to be removed for there to be less than 4 years.
- 2.3 At the public inquiry into the appeal at Stubbcroft Farm referred to above, the Council revised its position and removed 118 dwellings from one site in the supply (the West of Chichester SDL). This means that the Council's current case is just 1 dwelling in excess of 4 years.
- 2.4 I conclude that 660 dwellings should be removed from the Council's supply as set out in the position statement and therefore that there is less than a 4 year supply in any event.
- 2.5 The following matters in relation to 5YHLS are agreed:
- The Council's most recent assessment of 5 year housing land supply is set out in the Five Year Housing Land Supply 2023-2028: Updated Position at 1<sup>st</sup> April 2023<sup>6</sup>. Therefore, both parties agree that the relevant 5-year period for the determination of this appeal is 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028;
  - The 5YHLS should be measured against the local housing need for Chichester calculated using the standard method minus the need within the part of the South Downs National Park (SDNP) within Chichester (of 125 dwellings per annum). But the calculation of the local housing need is not agreed; and
  - The 20% buffer does not apply.
- 2.6 There is a small difference between the parties on the requirement. The Council considers that the local housing need is 635 dwellings per annum at 1<sup>st</sup> April 2023 and I conclude that it is 639 dwellings. The difference is because the Council uses the average annual household growth over the 10 year period 2024-

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<sup>5</sup> Core document **CD5.32** – paragraph 46

<sup>6</sup> Core document **CD4.46**



34 and the latest affordability ratio published in March 2024. I conclude that as the base date is 1<sup>st</sup> April 2023, the annual average annual household growth over the 10 year period 2023-33 and the affordability ratio published in March 2023 should be used<sup>7</sup>.

2.7 The extent of the shortfall is not agreed. As above, the Council claims that its deliverable 5YHLS at 1<sup>st</sup> April 2023 is 2,661 dwellings. However, I have assessed the Council's 5YHLS and concluded that 660 dwellings should be removed from the Council's position as set out in its position statement for the reasons set out in my proof of evidence and as summarised below.

- **268 dwellings** should be removed from West of Chichester Strategic Development Location (Phase 2). This allocated site does not have planning permission and the Council has not provided clear evidence for its inclusion in the 5YHLS;
- **114 dwellings** should be removed from Graylingwell. The Council includes 220 dwellings in the 5YHLS but only 106 dwellings have reserved matters approval. The Council has not provided clear evidence for the inclusion of the remaining 114 dwellings; and
- **278 dwellings** should be removed from the major sites windfall allowance because compelling evidence for their inclusion has not been provided.

2.8 I therefore conclude that the deliverable supply at 1<sup>st</sup> April 2023 is 2,001 dwellings<sup>8</sup>, which against the local housing need equates to **3.13 years**. This is summarised in the following table.

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<sup>7</sup> Please see core documents **CD4.52** and **CD4.53**

<sup>8</sup> i.e. 2,661 – 660 = 2,001



Table 2.1 – Chichester’s 5YHLS at 1<sup>st</sup> April 2023

	Requirement	Council	Appellant
A	Annual local housing need figure / requirement	635	639
B	Five year requirement	3,175	3,195
	<b>Supply</b>		
C	Deliverable supply at 1 <sup>st</sup> April 2023	2,543	2,001
D	Supply in years	4.00	3.13
E	Over / undersupply against a four year requirement	1	-555
F	Undersupply against the five year requirement	-632	-1,194

2.9 The implication of this is addressed by Matthew Johnson (core document **CD7.57**).





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