

Closing Submission by KOGS

Thank you, Madam for the opportunity to summarise our position before the closing arguments from the main parties. Throughout the Inquiry we have been actively discussing the evidence presented and collating views and responses on behalf of the community. We've had a great deal of feedback, as you might expect from people who are directly affected by the application.

A number of local residents have been watching avidly on YouTube. Many more people would have liked to do so but the realities of life and work mean that some people who wanted to participate have been unable to do so fully. It has been difficult for us to make all the contributions we would like to have made at precisely the right times so I hope you will forgive us if we raise some points that we were unable to make earlier. We'll forward this written statement to you immediately.

We had expected, perhaps naively, this Inquiry to be about whether an Area of Outstanding Natural Beauty is the right place to build 473 new houses. We still believe that is the right question and ultimately the one the inspector must address.

We will return the landscape question shortly but the bulk of the time and most of the expert witnesses for the appellant have been focussed on the national housing crisis and the alleged need for many thousands more houses to be built in our area. We feel compelled to start by addressing this gross misrepresentation of the local situation.

THE HOUSING CRISIS

That we have a national housing crisis is undeniable and the effects on real people can indeed be cruel.

But the situation in Sussex was described with words such as "shocking", "appalling", "catastrophic", and "overwhelming need". It was alleged that Horsham in particular has performed badly. You may have gotten the impression, Madam, that Horsham is exceptionally disadvantaged, that it suffers from an unusually high level of homelessness, dilapidated housing, overcrowding, yet as residents we do not recognise that picture. Walk around our town and what you see is precisely the opposite. We are fortunate that the standard of housing here is generally high, the housing stock is in good condition, there is little sign of overcrowding and it is thankfully rare to see a person homeless in the street.

None of that is to belittle the very real problems of homelessness that many people do face in this country, but we agree with the Council's planning witness, Mr Hutchison, when he says that those kinds of housing need do not manifest themselves as a crisis in Horsham.

Just last year, Halifax, the estate agent and mortgage company, chose Horsham as the 4th best town in Britain to live in their Quality of Life Survey. It is a highly desirable place to live, which is what drives local house prices. But demand is not the same as need. It is the conflation of need with demand that underlies many of Mr Young's specious arguments.

As the High Weald AONB Unit pointed out in their written objection: "Increasing supply of housing in AONBs will not reduce house prices because their natural beauty makes them highly desirable places to live. The same is true of Horsham. Horsham is a particularly attractive and successful market town set in a beautiful landscape, with the floodplain of the River Adur to the south overlooked by the South Downs, and the High Weald AONB to the east. It is market forces that have for years driven up prices, not housing need.

After the experience of lockdowns during the pandemic, I think everyone in the country must be aware of the benefits that easy access to the countryside brings to our wellbeing, both physical and mental. That is why estate agents are now reporting a mass exodus from our towns and cities by people who want to live in the countryside, pushing local prices up to record levels.

Mr Young described house prices in Horsham at over 12.5 times medium income as “eye-wateringly unaffordable”. A national newspaper report just last weekend highlighted the even worse problems that rocketing prices are causing in Cornwall: the seaside town of St Mawes has seen the biggest increase with average prices soaring by 48% from £340,000 to £502,000 in the last year. Padstow holds the record for the highest average house price in the county at £616,000, more than 20 times median salary, followed by Wadebridge at £537,000.

Sussex has seen a similar pattern with houses snapped up as soon as they come on the market. No doubt a new development that would be promoted as “in an Area of Outstanding Natural Beauty” would prove popular and command high prices from people wishing to move out of London, but that reflects demand, not need. Far from being caused by a housing crisis, it is creating one. Local people are priced out of the market. We feel it acutely because the people affected are our own families and friends. The problem is not that there are no new houses for them to buy – there are thousands being built nearby – the problem is they are far too expensive.

Yet local people, including our young people, are overwhelmingly against this specific proposal as you can see from the staggeringly large number of objections. One local person who has been following the inquiry wrote to us this week after Mr Young’s comment that only homeowners object to planning applications, saying “I’m a Horsham renter (who he feels he is speaking on the behalf of) and I would rather move to a different town than build on the green spaces.”

And much of the housing demand here is for second homes. We in Sussex can well understand the comment by one Cornish resident who commented that “the commodification of homes as business opportunities is a poisonous blight with desperate impact culturally, sociologically and environmentally.”

Covid has brought the geographical distribution of housing problems across the nation into sharp relief. We know the areas of the country that suffer from inadequate housing because it has been reflected in the higher rates of disease. Bad Covid outcomes correlate with poor housing situations. It’s easy to imagine how overcrowding might accelerate the spread of infection and how damp, cramped or otherwise dispiriting conditions might impede recovery. Horsham is not one of those areas.

Yes, it is true that homelessness has jumped during the pandemic because people have lost their jobs and their incomes. Recent media reports suggest that the 1.1 million households on English local authority waiting lists will double by the end of this year as a result of the pandemic destroying people’s jobs and income. Horsham’s waiting list has risen by just 93 households.

The irony of the situation is that for a decade now the government has been demanding the building of thousands more homes. According to the official Housing Delivery Test numbers online, housing supply figures for 2019 to 2020 have shown the biggest increase in new home building in over 30 years. Yet house prices have continued to increase too, at record levels.

THE HOUSING DELIVERY TEST

As the local newspaper, The District Post, headlined in 2019, “Horsham is certainly doing its bit to combat the housing shortage” – with huge developments in Broadbridge Heath and Southwater and more in train for North Horsham, the former Novartis site, possibly near the Boars Head pub in south Horsham and a substantial development being proposed for the 124 acre Horsham Golf & Fitness site.

The official ONS figures online show that on the 2020 Housing Delivery Test Horsham has delivered 3,572 new homes over the last 3 years alone. That is 155% against the Horsham local plan.

What is more, if you compare Horsham with other planning authorities, Horsham District has built more houses than 249 of the 275 authorities that provide data individually. It is one of the most successful house building authorities in the country.

So successful, in fact, that if we were to scale up from the population of Horsham District at 143,791 people to the whole of England and Wales, at the same rate of housebuilding per head of population, the country would have delivered a whopping 492,105 new houses per year, way in excess of the Government’s target of 300,000 homes per year. If every local authority was as good as Horsham, we would not have a national housing crisis.

Yet prices in Horsham District, as in the rest of the country, have gone up, not down. Over the last few years we have seen developers in this area openly slowing down their build out rates because they can’t sell their new houses fast enough. We have exceeded the market capacity to absorb new homes. As Mr. Young helpfully explained, developers do not like competition because it forces them to reduce prices.

AFFORDABLE HOUSING

There is no official target set for affordable housing in the NPPF but we all recognise the need to build more affordable homes. However, the NPPF definition of “affordable” is problematic. The nominal level of 80% of market price or private rental cost is not truly affordable when the market price is 12 times your income and market rents are soaring. For people on low earnings only social rent housing actually makes any difference.

Horsham Council policy throughout the HDPF period has been to ask for 35% affordable housing except on small developments. The requirement is routinely promised by the developers in most of their planning applications. Yet we understand the actual delivery has been as low as 22%. The shortfall has arisen because of the financial viability test. This is the viability loophole which is well known to planning authorities and has been criticised by Shelter and other organisations. Developers have been able to cite viability concerns to lower the amount of affordable housing they are required to provide, in order to guarantee themselves a 20% profit margin and allow them to inflate their bids for land. To borrow a phrase, developers are financially incentivised to deliver less affordable housing.

But Government has said it intends changing the rules to make viability assessment more proportionate, transparent and simple. This will mean a huge increase in delivery of affordable housing going forwards even if Horsham keeps its present policy. It will also reduce planning disputes and speed up housing delivery.

The appellant's surprise offer of increasing the proportion of affordable housing to 45% sounds great in the middle of a planning appeal. But the appellant is not a housebuilder and will have to sell the site to a builder before development can proceed. Will the builders be able to afford it? Will they want to change the mix of housing types? There is no guarantee that these houses can be built.

Latest figures from the Local Government Association show that 2,782,300 homes have been granted planning permission by councils since 2010/11 but over the same period only 1,627,730 have been built. That is 1.1 million planning permissions not built out, over 40% of the permissions granted. Could this be another failure to deliver?

Yesterday's discussion about Section 106 commitments highlights just how difficult it is to convert sweeping commitments into concrete realities. If the appellant's aim is to deliver within 5-years, their proposal falls short of "clear and compelling evidence".

PLAN MAKING

The appellant directed much of his criticism at the Horsham Local Plan. The Plan, of course, addresses much more than just housing numbers. It's also about making sure that we sustain our communities, amenities, heritage, landscape and wildlife. Plan-making is complex and it takes time. It is not something that can or should be done "on the hoof".

The point of making a long-term local plan is to provide certainty. Certainty for housebuilders so that they can commit funds and resources with confidence, but also certainty for the people who live here. No one wants to invest their money and their lives in a property by the edge of open countryside, only to discover that their surroundings are about to become a housing estate.

The threat of housing development blights the properties and the lives of people who live nearby. Someone who has already invested in their own home, not just by paying the mortgage but by becoming part of the local community, should not have their lives turned upside down at the whim of a land promoter. The Local Plan is there to provide certainty.

If every refused planning application were seen as an opportunity to re-open the plan-making process, the assurance of certainty would be lost. This is the second inquiry Horsham has faced in the space of a few weeks and a third inquiry is already looming at the end of June. It is an enormous burden on the planning authority and a drain on the public purse to keep re-running the same debate. Planning applications should be about making decisions against the current plan, not constantly re-writing the plan on the basis of an inevitably limited review.

The appellant points out that there have been repeated delays to making Horsham's new Local Plan. This has been a source of frustration to the local community as well. Until the plan is made we are vulnerable to speculative development applications. But we must accept the reality that Covid has had a massive impact on progress. The Government has urged local authorities to "get on with it" but at the same time has thwarted their efforts.

As one example, Horsham is an authority that prides itself on taking into account community views. That is why it has so many Neighbourhood Plans. It uses them as building blocks to form a substantial proportion of the Local Plan. But ten Neighbourhood Plans that were about to go to referendum were stalled for more than a year by the Covid regulations. One day after the relevant regulations were lifted, all ten plans passed with large majorities.

Similarly, full council meetings to ratify the emerging plan have had to be cancelled because public face-to-face meetings are not practicable under the Covid regulations and the Government has failed to renew the legislation that allows councils to hold public meetings online.

We look forward to having the new local plan in place but it isn't stopping Horsham from getting on with building houses.

THE 5-YEAR LAND SUPPLY

The appellant had disagreed with the Council about the number of houses that can be delivered in the next five years. They have argued that the new requirement to prove "clear and compelling evidence" of a 5-year land supply sets a very high bar.

Site by site, they have argued that it is not sufficient to have outline planning permission as the reserved matters stage can still take a long time, that developers' projections cannot be relied upon because "Developers have a financial incentive to over-estimate their delivery" – a point which My Young stressed several times – so developers' figures cannot be taken at face value, and it would be "ridiculous", they said, to accept a site still at appeal as part of the 5-year land supply.

The appellant's own proposal meets all those requirements for rejection. It is not credible that this developer is the only one that can deliver within 5 years, especially when you consider that they have to sell the land to a builder first. Much more credible is that the appellant is financially incentivised to overstate their own position while denigrating everyone else's.

There is absolutely no clear and compelling evidence that this proposal will bring forward any new homes within 5 years, so it contributes nothing to the Council's 5-year housing land supply.

The appellant argued that some sites have built out slowly and that actual performance to date should count for more than optimistic future promises. Well, Horsham District Council has an established track record of not only meeting but exceeding its targets. That has to count towards the credibility of their future projections.

The appellant argued that Horsham's focus on strategic sites will lead to a shortfall in delivery in the near term. That misses the point that to deliver consistently a rolling 5-year Housing Land Supply the Council needs not only short-term commitments but also a pipeline for the longer term. Horsham has both.

Delivering so many houses has required the people of Horsham to sacrifice much beautiful countryside. The fields and villages west of Horsham have already been engulfed in new buildings. Building to the north is about to get underway. But people chose not to build to the east, to preserve the settlement gap between Horsham and Crawley and to retain the easy access to beautiful countryside. That is what was written into the 2015 Local Plan, to provide certainty for Horsham residents.

LANDSCAPE AND THE AONB

So at last we can come to the real points at issue in this planning application which has been so obscured by days of esoteric debate. The landscape and the AONB.

We read on the website of the Landscape Institute that a landscape is an area defined by the perception of the people who use it. People who live in Horsham don't have the luxury of walking directly into what the appellant calls the "deep countryside" of the "core AONB". But we do value

highly the openness, tranquillity, distant views, scenic beauty, wildlife and birdsong, and the instant sense of wellbeing that come from walking into this area.

The appellant argues that there are more beautiful areas somewhere else in the AONB. We shouldn't let the best be the enemy of the good. We the public value highly the landscape and beauty of our local area and we are grateful that it is protected by statute.

We have already drawn attention to the many ways in which the development proposal breaches the key objectives of the statutory AONB Management Plan so we don't propose to repeat them here. We simply remind the Inspector that both the High Weald AONB Unit and Horsham District Council find the proposals would cause unacceptable harm and that their view is entirely supported by the independent specialist employed by KOGS.

The High Weald AONB Unit set out the potential for harm in some detail in its written planning objections. They highlight how Ancient Woodland can suffer when large residential developments are located close to them and informal recreational use is not controlled. They show how overuse can lead to compacted earth and destruction of the understorey vegetation.

They also highlight the loss of productive, well-drained agricultural land which has scarcely been mentioned by the appellant. And of course they conclude that the development would detract from the rural character, sense of naturalness and tranquillity of this part of the AONB and the setting of historic routeways. All these aspects are contrary to the objectives of the Statutory Management Plan.

Local residents have added numerous other points that were either omitted or stated erroneously in the Inquiry discussions. For example:

Although heritage was not a reason for refusal, the detailed archaeological desktop report does not include the fact that the eastern field is most likely the remnants of the medieval parkland attached to the historic property formerly known as Roughey Park, now Roffey Hurst. The historic boundary with the open fields further north risks being obscured by the planting of the new woodland proposed as mitigation.

A number of people feel that if the development were to go ahead it might be better to place new woodland adjacent to the recreation area and woodland play area off Beech Road, where it would be less harmful to the existing ecology and also serve to screen any new development from the existing housing there on the edge of Roffey. This is a question we would want to see considered at the reserved matters stage.

The Birches (another historic landscape feature and mature ecological area) would be decimated by the current proposals to bulldoze two access roads through. The devastation caused by construction traffic accessing the eastern field would take decades to heal, if at all.

Distant views were discussed at length. Contrary to the appellant's evidence, the North Horsham development is not visible from the eastern field, save for a tiny portion of the NE corner where it meets the woodland of the Rusper Ridge, glimpsed just as the public footpath approaches High Wood. The rest is currently hidden from view by existing woodland (including The Birches), other tree belts and hedges.

Finally – skylarks. Mentioned briefly in the Ecology Report as last recorded in 2017. Wrong! They nest there every year, including now. Skylarks are one of several farmland birds whose numbers have declined dramatically over the last 30 years. They are a protected species on the Red List for

conservation. There is no way the loss of an entire skylark habitat by building and planting on the eastern field can be mitigated by any conditions imposed within the confines of this site.

DECISION MAKING

Paragraph 172 of the NPPF requires that “Great weight should be given to conserving and enhancing landscape in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.”

AONBs have been given protection in recognition of the national public interest in conserving and enhancing this natural beauty.

Yesterday Mr Young sought to elaborate the quantitative differences within and between the categories of minor, moderate, significant, substantial and very substantial weight. In trying to make sense of this hierarchy, and wondering how it relates to “great weight” and the “highest status of protection”. We have found two High Court cases which we think are informative. We can provide the details if required but we expect they will be well known to the planning professionals here.

Lord Justice Lindblom in a 2017 judgment concluded that *“Planning decision-making is far from being a mechanical, or quasi-mathematical activity. It is essentially a flexible process, not rigid or formulaic. It involves, largely, an exercise of planning judgment”*.

Second, in a very recent case (May 2021), His Honour Judge Eyre QC noted that: *“The NPPF is not a statute and is not to be construed as such, rather it is guidance to decision makers”*.

He went on to ask *“How is the decision maker to decide what is equivalent to “substantial + substantial”?”* and reaffirmed that the balancing exercise is not intended to be quasi-mathematical.

Over-riding purpose of the NPPF

We recall the words of the then Planning Minister in his foreword to the first National Planning Framework in 2012. He said: *“in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them.”*

And he continued ...

“... people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.

This National Planning Policy Framework changes that. By replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing people and communities back into planning.”

Clearly there is still some way to go in fulfilling that objective!

In an AONB, planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. The public are very clear, this application is not in our interest.

Madam, we thank you for listening patiently to our concerns this week and we ask that you support Horsham District Council's refusal of planning permission for this site and dismiss the appeal so that the people of Horsham can continue to work on a community-led local plan that will continue to lead the country in delivering the right houses in the right places.