



Appeal Decision

Inquiry held on 3 – 6 August, 9 – 12 August and 14 September 2021

Site visit made on 13 August 2021

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2022

Appeal Ref: APP/L3815/W/21/3270721

Land within the Westhampnett / North East Chichester Strategic Development Location, North of Madgwick Lane, Chichester

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by CEG and the Landowners (D C Heaver and Eurequity IC Limited) against the decision of Chichester District Council.
 - The application Ref WH/20/02824/OUT, dated 30 October 2020, was refused by notice dated 1 March 2021.
 - The development proposed is for residential development comprising up-to 165 dwellings, including an element of affordable housing; together with an access from Madgwick Lane as well as a relocated agricultural access, also from Madgwick Lane; green infrastructure, including the enhancement of the Lavant Valley Linear Greenspace; sustainable drainage systems; and associated infrastructure.
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DECISION

1. The appeal is allowed, and planning permission is granted for residential development comprising up-to 165 dwellings, including an element of affordable housing; together with an access from Madgwick Lane as well as a relocated agricultural access, also from Madgwick Lane; green infrastructure, including the enhancement of the Lavant Valley Linear Greenspace; sustainable drainage systems; and associated infrastructure, at Land within the Westhampnett / North East Chichester Strategic Development Location, North of Madgwick Lane, Chichester, in accordance with the terms of the application Ref WH/20/02824/OUT, dated 30 October 2020, subject to the conditions set out at Annex C.

PRELIMINARY MATTERS

2. The appeal is for outline planning permission with all matters reserved except for access. The appeal is supported by land use and buildings heights parameters plans, as well as full details of the proposed access points that have been applied for in full. A series of illustrative drawings have also been submitted in support of the appeal which I have had regard to as appropriate, allowing for their illustrative status.
3. The Goodwood Estates Ltd (The Estate) had Rule 6 status at the inquiry. The relationship of the site and the proposal to The Estate is a key component of the appeal, as set out throughout this Decision.

4. The appeal is supported by a s106 Planning Obligation. Following the related discussions at the inquiry, this required amending. I therefore agreed a short extension of time following the close of the inquiry for the parties to deal with that. The revised s106 Planning Obligation was duly received on 29 September 2021 (the s106).
5. There was no reason for refusal in relation to heritage matters, but The Estate submitted evidence in relation to the effect of the proposal on the setting of the Old Place Farmhouse. I have therefore assessed this factor in my Decision.
6. The reason for refusal in relation to noise is only with regard to aircraft noise from the aerodrome. However, The Estate submitted evidence in relation to helicopter and motor circuit noise, and all of these aspects of noise were considered in depth at the inquiry. I have reflected this in my Decision.
7. The fourth reason for refusal is in relation to access and highway safety, specifically in relation to pedestrian access to the south of the site, pedestrian access to the central parts of the site from Madgwick Lane, and the northern agricultural and non-motorised access to Stocks Lane. However, the appellant submitted further information to the Council in the lead up to the inquiry. In light of that additional information, the Council did not pursue this reason for refusal.
8. The fifth reason for refusal is in relation to the provision of affordable housing and infrastructure obligations. The s106 secures provision for these factors and, in light of this, the Council did not pursue this reason for refusal.
9. At the time of the inquiry, the Council agreed with the appellant that it could not demonstrate a five-year supply of housing land, albeit the extent of shortfall was in dispute. After the inquiry closed, further evidence was released which led the Council to change its position and to argue that it could, in fact, demonstrate a five-year supply of housing land. I afforded the main parties the opportunity to comment on the updated position and this is reflected in my Decision.
10. After the inquiry closed, Natural England (NE) updated its advice in relation to nutrient level pollution. I consulted the main parties on the implications of this advice. The appellant submitted a Deed of Variation to the s106 on 13 April 2022 (the DoV) with regard to changes to the proposed off-site nitrate mitigation land. I have reflected this in my Decision.
11. Two appeal decisions¹ were brought to my attention after the inquiry closed. I afforded the main parties the opportunity to comment on those decisions and I have reflected them as appropriate in my Decision.

MAIN ISSUES

12. In light of the forgoing and reflecting the evidence at the inquiry, the main issues were agreed as:
 - whether or not the appeal site is an appropriate location for development of this type, particularly with regard to the wider masterplanning for the Westhampnett/North East Chichester Strategic Development Location

¹ Refs APP/L3815/W/21/3284653 and APP/L3815/W/21/3286315.

(SDL), physical integration with the existing settlements of Chichester and Westhampnett, and reliance on the car by future occupiers;

- the effect of the proposed development on the character and appearance of the area, particularly with regard to the Lavant Valley landscape and visual integration with the existing settlements of Chichester and Westhampnett;
- the effect of the proposed development on the special interest of the nearby listed buildings, in particular Old Place Farmhouse and Chichester cathedral, with regard to the effect on their settings;
- whether or not the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and motor circuit; and,
- whether or not the proposed development would create potential future risks to the operation of the aerodrome and/or motor racing circuit, including with regard to the efficient operation of the highway network in the vicinity of the appeal site with regard to events traffic related to major events at the motor racing circuit.

REASONS

Planning policy

13. The Development Plan for the area includes the Chichester Local Plan Key Policies 2014-2029, adopted July 2015 (the LP). The LP was adopted subject to a requirement to a review being undertaken within five years in response to a flawed transport evidence base. The Council has not yet undertaken this review. It is therefore common ground that the housing policies in the LP are to be considered as out-of-date. Paragraph 11d of the Framework is therefore engaged. I reflect this as appropriate in the 'planning balance' section of this Decision.
14. The Chichester Local Plan Review 2035: Preferred Approach – December 2018 (the emerging LP) is in the early stages of production. It is due to undergo further extensive public consultation and is likely to be the subject of modifications before adoption. It therefore carries limited weight. This is common ground between the Council and the appellant, as agreed through cross-examination.

Location/principle

15. The appeal site is a relatively small part of the SDL. Policy 17 of the LP is in relation to development in the SDL. The policy explicitly allocates 500 dwellings, community facilities, and open space to the SDL. It directs development to two areas, one to the south of Madgwick Lane (now built out as Phase 2) and one to the eastern edge of Chichester (now built out as Phase 1). The appeal site does not fall within either location. The dwellings allocated for the SDL have now been delivered in the two locations as set out in the policy. Whether or not this renders the policy, or parts of it, 'spent' was the subject of much debate at the inquiry. However, this is a needless distraction. The relevant consideration is that the policy does not explicitly allocate for more than 500 homes within the SDL and does not direct development to the appeal

site. The proposal therefore conflicts with Policy 17 and the wider masterplanning for the SDL.

16. The proposed housing would be to the centre of the site, set away from existing surrounding built form. There would be a degree of separation from the immediately adjoining built-up areas through the proposed landscaping to the borders of the site. However, to the east and south it would only be separated from the existing built development by the proposed managed landscaped area, rather than open, agricultural land. There would be a degree of physical separation from Chichester and Westhampnett, but this would be tempered because the appeal site sits in an area with an edge-of-settlement, hinterland character, with residential and commercial development close by.
17. In terms of accessibility, the appeal site sits nearby to Chichester, which is a sub-regional centre and offers a plethora of services and facilities. New walking and cycle routes would be provided providing connectivity to Chichester. The appeal site lies within a short walk along safe footpaths of bus stops along Westhampnett Road, which are served by bus route 55 which provides a half hourly service to Chichester, Tangmere, and Chichester Bus Station and Chichester Rail Station. The appeal site would therefore provide alternative options to journeys by car. In principle, the appeal site is in an appropriate location in terms of reducing the reliance on the car by future occupiers.
18. Overall, whilst future occupiers would not be overly reliant on the private car to access the services and facilities that would be required on a daily basis, the development proposed would be separated from the immediately adjoining built up areas, and would conflict with the approach to masterplanning of the SDL. The proposal would therefore conflict with the relevant parts of Policies 7, 17 and 33 of the LP in these respects. The proposal fails to comply with Policy AL4 of the emerging LP, which largely reflects Policy 17 of the LP. The proposal also conflicts with Criterion 1 of the Interim Position Statement for Housing Development, November 2020 (the IPS), which is with regard to the integration of housing development with existing settlements.

Character and appearance

19. The appeal site is agricultural land, with the River Lavant forming the southern boundary. Properties in the Old Place Farmhouse complex form the eastern boundary with the Phase 2 housing development further away on the opposite side of Madgwick Lane. Remaining agricultural fields lead up to the motor racing circuit to the north, and to the west are relatively small amounts of open space either side of the river, with the built envelope of Chichester beyond.
20. Although the appeal site itself is open agricultural land, it sits near to significant built form on the edge of Chichester and the village of Westhampnett which is, particularly following the construction of Phase 2, effectively joined-up to Chichester. In the vicinity of the appeal site are substantial retail outlets such as Aldi, a hotel, residential estates, and the city of Chichester beyond. The appeal site is located in a corridor of open agricultural land separating Chichester from the motor racing circuit, but this has already been partially eroded with the construction of Phases 1 and 2. The character of the area is of an edge of settlement, transitional area leading outwards from Chichester, but with the circuit nearby to the north rather than significant areas of open countryside.

21. It is proposed to develop the site for housing. The scheme is in outline, with only access applied for in detail. However, parameters plans have been submitted which confirm that the built development would be a mixture of up to 2 and 2 ½ storey housing, concentrated to the centre of the site and away from the boundaries. This is at least partially a product of the physical constraints on the appeal site, in particular the need for a 400m off-set from the motor racing circuit in relation to noise (a matter to which I return later) flooding from the river, the need to preserve a view of the cathedral from the junction of Stocks Lane and Madgwick Lane, and to respect the setting of the nearby grade II listed Old Place Farmhouse complex.
22. There would be some harm to the landscape character of the area through the loss of the existing agricultural land and replacement with a residential development, whatever its eventual precise layout and form following consideration of reserved matters. This would negatively alter the character of the appeal site by the introduction of built form and lighting to what is currently tranquil, agricultural land. However, as set out above, the appeal site is on the edge of the built-up area of Chichester and Westhampnett, and the motor racing circuit, a large built-up facility, lies to the north. The closeness and the extent of the nearby built-up areas, and that the areas are to all sides of the site, are key aspects of the appeal site and its setting. It is in a transitional character area and is perceived as such both from nearby and from distance, partially mitigating the harm to landscape character from the proposal.
23. A new northern boundary to Chichester would be created, likely with fairly significant landscaping and/or built form. However, there needs to be a northern boundary to Chichester at some point, and I do not see moving this slightly further forward from its current position as being unduly harmful to the character and landscape of the area, given the context set out above. I particularly note that the appeal site would not be materially any closer to the boundary of the circuit than Phases 1 or 2 and a ring of open land, between Chichester and the circuit, would be maintained. There would be some loss of hedgerow along Madgwick Lane where the new access is proposed. However, this would be relatively limited in extent and the character of the lane has already changed to be more open and suburban as a consequence of the Phase 2 development and its access to the east. These factors partially mitigate the harm from this element of the proposal.
24. The proposed extensive landscaping would be of a suburban character and form and would therefore also harm the existing agricultural landscape character. As noted above, the proposed open space would form a ring around the proposed built form, which is the opposite of the general urban grain in Chichester with open space located to the centre and forming the focus of urban development. However, this would be less harmful than might otherwise be the case because to the south of the site the open space would border the river, providing a pleasant and open aspect along this feature, also reflecting the character of built form being set away from the river along this valley. To the east, the proposed open space would eventually be seen as in the middle of the existing development to the east of Madgwick Lane and the proposed development, albeit divorced to a degree by the road and associated hedgerow, rather than as a ring around the proposed development in isolation.

25. The harm that I have identified above would be appreciated by a number of nearby receptors, including not only the sensitive receptors of the occupiers of the western edge of the Phase 2 development and the farmhouse buildings directly adjacent to the appeal site, but also for the users of surrounding public rights of way and in viewpoints from further afield, looking over the river valley. Drivers would also be afforded views of the proposal from Madgwick Lane, although these would be fairly fleeting through gaps in the hedgerow. A degree of harm would be caused to these receptors from the harm to the character and appearance of the area that I have identified above. However, this again must be considered in the context of the transitional character of the appeal site itself, and the urban nature of much of the surroundings, which would mitigate the harm.
26. If the development were to use the Lavant Waste Water Treatment Works then a 2.56 ha area of land to the north and east of the appeal site would need to be planted with trees, at a minimum canopy cover of 20%, in order to meet nutrient neutrality objectives. It is not certain, however, that this will be required, because there is an alternative, indeed preferred, option using Tangmere Waste Water Treatment Works, which would not require this planting. That said, if the planting were required it would introduce a fairly significant area of tree planting, likely of managed, rather than naturalistic/woodland, appearance. This would be in an area which is currently open agricultural land. This would cause harm to the character and appearance of the area, but only to a limited degree because tree planting, even if of a managed appearance, is not an unusual countryside feature.
27. Overall, the proposal would harm the character and appearance of the area and the Lavant Valley landscape. I judge the level of harm to be moderate, because of the existing transitional, edge-of-settlement character of the immediate surroundings and the partially mitigating factors set out above. The proposal would therefore fail to comply with Policies 7, 17 and 48 of the LP, which, amongst other criteria, require high quality design and to protect local landscape character. The proposal fails to comply with Policy AL4 of the emerging LP, which largely reflects Policy 17 of the LP. The proposal also conflicts with Criteria 1 and 5 of the IPS which relate to the integration of housing development with existing settlements and landscape character.
28. The proposal would be visible from key views within the South Downs National Park (SDNP). The South Downs National Park Authority has objected to the proposal on the basis of harm to the setting of the SDNP, including night time views and light pollution. However, the proposal is significantly distant from the SDNP and would be perceived in the context of the surrounding existing built form. I observed on site that the appeal site is barely discernible from the key viewpoints in the SDNP. The proposal would therefore have a negligible effect on the landscape and scenic beauty of the SDNP, and I find no conflict in this regard with paragraph 176 of the Framework, and Policies 48 of the LP and Criteria 5 of the IPS, all of which seek to protect or enhance the SDNP.

Heritage

29. To the east of the appeal site lies the grade II Listed Old Place Farmhouse and its curtilage listed outbuildings and immediate grounds. This group of buildings has been converted into houses. Despite the change of use, the buildings have partially retained their historic setting and association with the former

agricultural land, through the fields to the north and the east. Windows in the farmhouse and some of the outbuildings overlook that land, albeit largely to secondary elevations. In my view, the overall group of buildings retains a connection to this land, which is recognisably agricultural land adjacent to, and associated with, the former farmhouse. As such, the listed complex derives part of its heritage significance from the setting provided by that land.

30. However, this setting has already been partially eroded through the Phase 2 development to the east, various elements of further development on the outskirts of Chichester to the south and west, and the motor racing circuit further to the north. Nevertheless, the proposed development would place substantial built form on agricultural land historically associated with the farmhouse. The proposed open space corridor immediately adjacent to the farmhouse complex would be of a landscaped, recognisably suburban character, at odds with the agricultural appearance of the land. The proposal would therefore further erode the setting of the historic complex, harming its special interest and heritage significance. I assess this level of harm to be at the lower end of less than substantial. The proposal therefore fails to comply with Policy 47 of the LP which, amongst other criteria, seeks to conserve and enhance the settings of listed buildings.

Living conditions of future occupiers - noise

31. A significant amount of evidence, both technical and otherwise, was before the inquiry with regard to acoustic matters. Concerns have also been raised by The Estate regarding the seaming retrofitting of some noise considerations to the proposal. However, the key planning consideration on this matter is whether or not the proposed development, however it has been arrived at, would provide satisfactory living conditions for future occupiers.
32. In this regard, paragraph 185 of the Framework cross-refers to the Noise Policy Statement for England, 2010. This document sets out two relevant thresholds of noise impact - Significant Observed Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL) – which equate to a significant adverse impact and a minimum adverse impact respectively. Paragraph 174 of the Framework makes it clear that development should not be adversely affected by unacceptable levels of noise pollution with paragraph 185 making it clear that mitigation can play a part in this assessment.
33. There are two principal sources of noise that would affect the future occupiers – Goodwood Aerodrome, split into fixed-wing and helicopter movements, and Goodwood Motor Circuit.

Fixed-wing aircraft

34. There are no set LOAEL or SOAEL levels in planning policy. In the absence of any definitive policy or guidance, it is therefore up to me as the decision maker to decide what the appropriate LOAEL and SOAEL levels for aircraft noise should be with regard to the particular circumstances of the appeal. In this regard, there are an extensive array of studies, documents, reports and assessments to attempt to establish what the levels should be for aircraft noise.
35. The first question to consider is what type of decibel (dB) reading should be adopted. There was general consensus that for fixed wing aviation, LAeq 16 hr

- should be used, because it best reflects the noise pattern from an airfield in operation during daytime hours. I have no reason to disagree.
36. The Government's Aviation Policy Framework, dated March 2013, which is a material consideration in this case², sets a noise level of 57 dB LAeq 16 hour as the onset of significant community annoyance from aircraft noise, which in my view can fairly be treated as the SOAEL as set out in that report, which is, by definition, the level at the onset of significant observed adverse effects.
 37. The Survey of Noise Attitudes 2014: Aircraft document³ (SONA) finds that 7% of people would be highly annoyed by aviation noise at 51 dB LAeq 16 hour, rising to 9% at 54dB, 13% at 57dB and 17% at 60dB. The report centred on the United Kingdom and was specifically commissioned to consider the relationship between airports and development. I place significant weight on this document, albeit I note that it does not set a specific SOAEL level. Rather it highlights the dB levels at which a certain percentage of people are likely to become highly annoyed.
 38. As set out at paragraph 245 of Appeal Ref APP/R5510/A/14/2225774, dated 2 February 2017, in relation to works at Heathrow Airport, the SOAEL for aviation was set at 63 dB LAeq 16 hour. This is a level that was agreed between the parties and was adopted as part of an extensive inquiry into an airport expansion. I therefore place significant weight on this decision, even though it pre-dates some more recent reports considering noise from aircraft, which I take account of as appropriate in my assessment.
 39. A Department of Transport (DfT) report from 2017⁴ sets out a LOAEL of 51 dB LAeq 16 hours. The report is detailed and followed a wide-ranging consultation. I therefore place significant weight on it.
 40. The World Health Organisation (WHO) has issued guidance⁵ that the SOAEL for transport aviation should be set at 45 dB LAeq 16 hour. However, this is not policy in the United Kingdom. The guidance's primary focus is on avoiding even low level annoyance to people, rather than considering the issue in the round. Concerns have been raised by the Government, in its Aviation 2050 The Future of UK Aviation document, dated December 2018, that the WHO approach does not consider a full cost/benefit analysis of the impact of setting a SOAEL at this level. I therefore place limited weight on this guidance.
 41. A number of reports and updates from the Independent Commission on Civil Aviation Noise and the Civil Aviation Authority were presented at the inquiry, but these are not formally adopted reports by Government, and are advisory only, which limits their weight. The conclusions in many of these reports, including in SONA, appear to show that people have become more sensitive to aviation noise over the past few decades. However, there is no compelling evidence that this trend will necessarily continue, and the SONA advice already accounts for the changes up until 2014.
 42. Taking all of the above into consideration, the starting point for considering the SOAEL should be 63 dB LAeq 16 hour, as established through the Heathrow

² Paragraph: 015 Reference ID: 30-015-20190722

³ Published by the Civil Aviation Authority in 2017

⁴ Consultation Response on UK Airspace Policy: A framework for balanced decisions on the design and use of airspace, October 2017

⁵ WHO Environmental Noise Guidelines for the European Region, 2018

- decision. However, this is based on Transport Aviation (TA). The Goodwood Aerodrome is instead used by General Aviation (GA) planes. These are smaller, fly lower, are more likely to be propeller rather than jet engine, and have a different overall noise profile. I still believe that the primary measure of the likely level of disturbance should be the overall noise level, ie the dB level. However, a discount should be applied to take account of the different character of the noise. I have decided to apply a 5 dB discount, as set out in DfT report Study of Community Disturbance caused By General and Business Aviation Operations Report, July 1988 (the GABA Report)⁶, resulting in adopting a SOAEL of 58 dB LAeq 16 hour.
43. As a sense check, the results from SONA, which indicate that at 60 dB 17% of people would be highly annoyed and at 57 dB it would be 13%, and the conclusion in the Aviation Policy Framework of 57 dB as the onset of significant community annoyance, indicate that 58 dB LAeq 16 hour is a reasonable position to adopt. My attention has been directed to a previous appeal decision⁷ which placed SOAEL at 52 dB LAeq 16 hour in apparently similar circumstances. However, that decision was issued before the SONA report was published, which is a material change in the evidence base.
44. I have adopted a LOAEL of 51 dB LAeq 16 hour, based on the DfT Report and that this is the level where only 7% of people would become highly annoyed, as set out in SONA. I have not undertaken the same discount to LOAEL to reflect GA noise as I have with SOAEL, because the GABA Report highlights that, below 50 dB, any reductions in noise would be difficult to discern.
45. Noise contours confirm that the appeal site would be the subject of an overall noise profile of 48 to 51 dB LAeq 16 hour on a typical summers day, ie when the aerodrome is most busy and noisy. This is a very similar noise profile to that affecting both Phase 1 and Phase 2, which is perhaps to be expected given that all three sites are a similar distance from the aerodrome. The three sites are to the south east, south and south west of the aerodrome. The prevailing wind is from the south west and therefore blowing away from all of these sites. Therefore, all of the appeal site, and all of the future occupants of the proposed dwellings, would not be subject to unacceptable noise levels from aircraft, likely not even breaching LOAEL levels.
46. If the aerodrome were to increase usage up to its maximum of 70,000 movements per annum as allowed for by its s52 agreement⁸, then the noise profile would increase to between circa 50 to 53 dB LAeq 16 hour. In my view, this is unlikely, given the broadly downward trend of total aircraft movements in the period 1985 to 2020, and, in any event, would only bring the site into the lower levels of LOAEL effects.
47. There would occasionally be greater noise levels from louder aircraft. However, evidence has been provided that these events are unlikely to number more than two per day. Therefore, whilst each event would potentially cause harm to the living conditions of the future occupiers, the infrequency and short duration mean that this would be acceptable.

⁶ Table 3.9, page 62

⁷ Ref APP/L3815/A/13/2200123, dated 11 February 2014

⁸ As confirmed in a Section 52 (T&CPA 1971 – Section 126 of the Housing Act 1974) Agreement, amended 1987

Helicopters

48. Helicopters use two different landing sites in the aerodrome. In addition to normal flights there are also two different training routes, which are used by the aerodrome for helicopter pilot instruction – the northern route and the southern route. The standard helicopter flights and the northern training route are not in proximity to the appeal site and their noise can be taken account of as part of the assessment above. However, the southern training route flies directly over the appeal site and needs to be considered separately.
49. Helicopters make a markedly different noise from fixed-wing aircraft, including a percussive element. Helicopters have the potential to harm living conditions to a greater extent for any given dB reading than fixed-wing aircraft. Having carefully taken on board the evidence on this issue, I conclude that there is no reliable way of reflecting the effect of this on living conditions through dB levels, although L_{max} readings are helpful to provide quantitative background information, because they best reflect the noise profile of an overhead helicopter flight. It instead needs to be taken on board as part of the general qualitative assessment of the likely effects of helicopter movements on future residents.
50. The submitted noise assessment confirms that the helicopter flights would generate noise levels at the site of between 68 and 81 dB L_{max}. These are significantly in excess of the SOAEL level, even before adding in the qualitative element of the percussive nature of the sound. The flight routes are also over the appeal site and the noise would come from above and from many directions as the helicopters fly over. Each individual helicopter flight is likely to lead to annoyance to a significant proportion of the future residents of the appeal site.
51. However, the southern training circuit is only used when runways 14/32 are not in operation. These are the preferred runways due to prevailing wind conditions. Therefore, only somewhere between one quarter and one third of helicopter training flights use the southern training route. Using the data provided, this has, in recent years, resulted in an average of nine fly-overs per day of the appeal site in the summer, and as low as two per day in the winter. In addition, the fly-overs are restricted by the s52 agreement to 0900 to 1800 hrs or sunset, and not at all on Sundays, although with two evenings per week up to 22:00 hrs.
52. The number of fly-overs could increase if the aerodrome were to increase its helicopter flights up to the maximum allowed by the s52 agreement, but there is no indication that this is likely to occur and the number of helicopter movements has remained broadly stable in the period 1985 to 2020. In any event, even if increased to the maximum movements as allowed for by the s52 agreement, helicopter fly-overs would remain infrequent.

Motor racing circuit

53. The motor racing circuit hosts five Category 1 event days each year where there are no noise restrictions. During these events it is likely that the appeal site would be exposed to high levels of noise, easily in excess of any SOAEL level and would be likely to cause high annoyance to future residents. However, these days are of great value to The Estate, the local community, and the wider general public. The Revival, in particular, is one of the pre-eminent motorsport events in the entire country. They bring great economic

- benefits to the area. They are for only five days a year. The planning permission for the circuit⁹ specifically allows the Category 1 days, despite being disruptive to the local area in a number of ways, given their many benefits. I therefore do not consider the Category 1 days as part of my noise assessment, although they are, of course, still a material planning consideration.
54. The LP sets out a 400m limit from the circuit where housing should not generally be located, although it does explicitly state that limited development may be possible subject to appropriate noise mitigation measures. It is not entirely clear from the proposed drawings, and because of the illustrative nature of the layout plans, but the proposed housing would likely fall outside this 400m limit, with the possible exception of the northern facade to some of the dwellings to the northernmost part of the site. However, the 400m limit is a guide for the location of noise sensitive development, such as housing. Detailed noise assessment is also necessary and has been undertaken.
55. On the basis of the evidence before me, LAeq 30 min should be used to measure noise from use of the circuit, because it best reflects the noise pattern which includes moments of noisier activity but also a general blend of background noise. As with aircraft noise, there are no fixed LOAEL and SOAEL levels for motorsport noise. The appellant has adopted 50dB LAeq 30 min as LOAEL and 55dB LAeq 30 min as SOAEL, based on WHO Guidelines for Community Noise from 1999 related to steady, continuous noise and serious annoyance (SOAEL) and moderate annoyance (LOAEL). I acknowledge that I have previously placed limited weight on a different set of WHO guidance. However, the 1999 guidance is a useful starting point for considering motorsports noise, which is of a different character to aircraft noise. I am content to adopt the figures in the WHO report, however, caveated by the qualitative consideration that not all motorsports noise is steady and continuous, and there would be louder elements, such as screeching tyres.
56. Category 2 event days are the days where the noise limits for cars using the circuit are highest (excluding the unlimited Category 1 days). These are therefore the most robust days to assess. On Category 2 days, the appeal site would be subject to between 46 and 51 dB LAeq 30 min. The level of noise would fall fairly rapidly once behind the northern facade of the northernmost buildings, which would act as an acoustic screen. I acknowledge this is only an illustrative layout, but the parameters plans do provide some certainty that there would be this 'buffer' of building along a high proportion of the northern boundary. The overall noise levels washing across the appeal site would be similar to those at the Phase 1 and Phase 2 developments.
57. Overall, given that the majority of the site would be below the LOAEL, and all of it comfortably below the SOAEL, the noise from use of the circuit, even allowing for occasional more noisy and intrusive elements, would be within acceptable limits to ensure that the living conditions of future occupiers would not be unduly harmed. The one possible exception to this would be the northern facade of the northernmost dwellings, which may require noise mitigation measures. These measures could include ensuring the layout keeps the buildings beyond the 400m barrier, ensuring double aspect dwellings, detailed layout of private outside amenity areas, the ability to ventilate with closed windows, and a number of other considerations.

⁹ Ref WH/10/00235/FUL, dated 20 May 2010

58. It is possible that the mitigation may include the need to close windows. However, this is only likely to be necessary to the northern façade of the northernmost dwellings, which would be the most affected by the motor circuit noise, and even then likely only for relatively short periods of time. This may be able to be designed out entirely, depending on the final layout and treatment of the landscaping to the northern boundary. I do not, therefore, see this as an unacceptable expectation of the future detailed design.
59. Given the relatively low levels of noise I have identified, and in particular noting that it is only at LOAEL and not SOAEL levels, I do not foresee the mitigation measures being extensive or in themselves harming the living conditions of future occupiers. These could all be controlled effectively by condition.

Cumulative

60. Noise from the aerodrome and the motor racing circuit often occurs simultaneously. The cumulative effect must therefore be considered. This was discussed in detail at the inquiry, but no firm conclusions were provided regarding specific dB deductions to make to LOAEL and SOAEL levels to accommodate this factor. However, it is clear that annoyance from noise from The Estate could be exacerbated by the different types, tones, frequencies, and nature of the noise from fixed-wing, helicopter and motorsport sources. I have considered this carefully, and I am comfortable that the combined noise effects would remain within a LOAEL range, in the sense that they would not result in a significant adverse impact, given the headroom before SOAEL levels of noise would be likely to be experienced by the future occupiers.

Other

61. It was raised at the inquiry that the fourth bullet point to Policy 17 of the LP could also mean that the development itself should be designed to reduce the effect of noise on existing communities. However, no matter how eloquently put this position was, planning policy should not be read legalistically and instead from a common sense approach of its clear intended meaning. In this case, the common sense reading of Policy 17 is that any proposals in the SDL should mitigate their effect from noise on the proposal itself, not on surrounding existing communities.

Overall

62. Overall, the noise from fixed-wing aircraft would be either below, or at the lower end of, the LOAEL. The noise from helicopter flights, despite their relatively loud noise and qualitative annoyance, would be infrequent. Given that the majority of the site would be below the LOAEL, and all of it comfortably below the SOAEL, the noise from the motor racing circuit, even allowing for occasional more noisy and intrusive elements, and noise considered in combination, would be within acceptable limits. Modest mitigation measures to counteract effects at a LOAEL level may be required at the detailed design stage, and these could be secured by condition.
63. Consequently, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and circuit. This is either as it operates currently or as it is likely to do so in the future, and it would not unacceptably harm the living conditions of the future

occupiers. The proposal is therefore acceptable in these respects and complies with Policy CP17 of the LP, which requires that proposals reduce the impact of noise associated with the motor circuit and aerodrome, and Policy 33, which requires that proposals provide a high quality living environment.

Agent of Change – risk to operations at The Estate

64. Paragraph 187 of the Framework introduces the concept of the 'agent of change' principle. The key test is that existing businesses should not have unreasonable restrictions placed on them as a result of new development. In this instance, the two relevant businesses are the Goodwood Motor Circuit and Goodwood Aerodrome.

Noise

65. There have been relatively few complaints over the past few years regarding noise from The Estate, and many of the complaints have come from Summersdale, to the west of the aerodrome, and from a few households within that area. Concern has been raised that new residents to the area would not be as accommodating regarding noise disruption as existing residents. However, the existence of The Estate would be known to any potential future purchasers – Goodwood is a famous venue. I view it likely that the majority of future residents would be aware of the potential of noise pollution from events and activities at The Estate, and would factor that into their decision on whether or not to purchase a property. Also, as identified above, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and circuit.

Aircraft safety

66. The proposal would involve building underneath the southern training helicopter circuit. This would reduce the amount of open land which could be used by helicopter pilots when making an emergency landing. Evidence was provided at the inquiry from an aircraft safety expert. He presented circles of possible landing points for helicopters in an emergency situation. Under cross-examination, it was revealed that in any individual given circumstance the area would be smaller and cone-shaped or similar, based on prevailing wind conditions and other factors.

67. However, the evidence from the only aircraft safety expert witness at the inquiry was that the appeal site would not prevent safe landing options due to remaining safe landing options and the 'stepping stones', where the pilots identify the next emergency landing spot they would head to if necessary, that are part and parcel of how a helicopter pilot would react to such a situation. On this basis, it has been demonstrated that the proposal would not lead to unacceptable safety concerns that could lead to the closure or re-routing of the southern helicopter circuit. The appellant provided an alternative route for the southern helicopter circuit, but this would likely not be required because of my conclusions on noise and safety above.

68. Some concern has also been raised by pilots in written submissions about the safety of taking off or landing in a fixed-wing aircraft. However, there are agreed Noise Preferred Routeings (NPRs) for aircraft, as set out in the existing s52 agreement¹⁰. The NPRs for runways 06, 10 and 28 are to the centre and

¹⁰

north of the aerodrome, away from the appeal site. The NPR for runways 14/32 is closer to the appeal site, but does not fly over it, and is of approximately equal distance to Phase 2. I do not, therefore, consider this to be a safety risk.

Air displays

69. Air displays are part of The Revival. Restrictions imposed in 2015, following the Shoreham accident, have curtailed the displays, but The Estate has confirmed that they still form an important part of the entertainment offering at The Revival. I have no reason to doubt this. However, the air displays follow a circular route that would not be affected by the appeal site, as confirmed in cross-examination. The practice air displays potentially follow a route that includes flying over the appeal site, and may therefore need to be diverted.
70. However, even if small changes were required to the air display routes, there is no compelling evidence before me that this could not be accommodated, or that any changes would result in any meaningful diminution in the quality of The Revival's entertainment and overall offer. The key test in paragraph 187 of the Framework is that there should not be any unreasonable restrictions on operations, and I do not view any potential small alterations to the air display routes, if there would be any at all, as an unreasonable restriction.

Events traffic

71. One of the four key entrance routes to the major events at The Estate is along Madgwick Lane. It is possible that the development proposed could cause some disruption to this route through vehicles exiting the appeal site and in particular wanting to turn right, across traffic, to access Chichester and other destinations in that direction. However, traffic is carefully managed for the major event days, including a Traffic Management Scheme to be agreed with the Council. Ensuring that traffic from the appeal proposal is effectively controlled could form part of that scheme in the future, and this could be secured by condition. In particular, the amount of disruption likely to be caused would, it seems to me, be self-limiting, because future residents may well be unlikely to want to travel when the traffic is at its busiest on major event days.
72. Overall, there could be some negative effects on traffic on major event days, and I do not deny the importance of this to the smooth running of the event and to The Estate. However, it would likely be minor. The proposal would not therefore materially effect of the efficient operation of the highway network in the vicinity of the appeal site with regard to major events traffic.

Overall

73. In light of my findings above, I consider that the proposal would not create potential future risks to the reasonable operation of the aerodrome or the motor racing circuit, and conclude that the proposal complies with paragraph 187 of the Framework.

OTHER MATTERS

Housing land supply

74. The Council claims it can demonstrate a five-year supply of deliverable housing sites, at 5.3 years. The appellant claims the true figure is 3.71 years.

75. My attention has been drawn to two recent appeal decisions, Refs APP/L3815/W/21/3284653 and APP/L3815/W/21/3286315, both of which assess housing land supply. I have taken account of these decisions as appropriate in my assessment below, but I have primarily relied upon the evidence before me as submitted for this appeal.

Need

76. Need has been calculated using the 'standard method' because the LP is more than five years old, as set out in paragraph 74 of the Framework. The 'standard method' calculation is 759 dwellings per annum (dpa), a significant increase from the LP target of 560-575 dpa.

77. However, a discount needs to be made for the housing to be provided in the part of the District covered by the South Downs National Park. I conclude the discount should be 125 dpa, based on the 125 dpa need figure for the Chichester part of the national park as identified in the South Downs National Park Housing and Economic Development Needs Assessment, September 2017. This is the only figure before me in relation to housing need in the National Park, as disentangled from delivery and 'policy on' considerations. This equates to an overall need of 634 dpa. A 5% buffer is then required, which is uncontested in principle, equating to a final annualised requirement of 666 dpa. I note that this is either the same, or very similar (670 dpa), to the conclusions on need in the two recent appeal decisions.

Supply

78. The delivery of small sites (up to 9 dwellings) is considered as a combination of permissions and a windfall allowance. A significant amount of data and varying supply figures have been provided in relation to these two supply factors. However, critically, the Council and the appellant are in agreement that the historic delivery rate is 64 dpa. This is then raised to 71 dpa by removing the two highest and lowest completion years from the past 10 years. The appellant contests the logic of this approach, but ultimately adopts the figure, which I therefore take to be common ground.

79. The Council has partially double counted permissions and windfall provision, resulting in more than 71 dpa being included in the supply, without a robust evidence base. The combined contribution from these two factors should be 71 dpa equating to 355 dwellings overall versus the 459 dwellings as included in the Council's supply. Therefore, 104 dwellings need to be removed from the supply. I am mindful, in this regard, of paragraph 71 of the Framework, which requires compelling evidence that windfall sites can be a reliable source of supply.

80. The Council's supply also includes a windfall allowance for large sites, at 280 dwellings in total. This primarily relies on unallocated greenfield sites coming forward, 'other' sites which are not defined in detail, or brownfield 'residential' sites. Any such sites would be in the housing land supply allocation if known. Therefore, they are, by definition, unknown. They are also likely to be difficult to bring through to delivery within five years because obtaining planning consent is likely to be difficult, and/or potential land ownership and other practical constraints on brownfield sites in particular. I highlight again here paragraph 71 of the Framework. The 280 dwellings should therefore be removed from the five year supply.

81. There is one disputed large site under construction – Centurion Way. Evidence has been provided¹¹ that average delivery rates for sites of this size lie between 52 and 68 dpa. The Council has assumed 100 dpa for the purposes of their housing land supply calculation. This has not been supported by site specific justification or historic build out rates. The appellant has suggested an alternative build out rate of 80 dpa. This is possibly still too high but I am happy to adopt the lower figure as specified by the appellant as a reasonable assumption. 100 dwellings should therefore be removed from the supply, ie a reduction of 20 dpa for each of the five years.
82. The definition of ‘deliverable’ in the Framework is clear that sites with outline permission can only be considered where there is clear evidence that housing completions will begin on-site within the five-year period. The agreed base date is 31 March 2021. My approach is to use this date as the ‘cut-off’ point at which a site can be included in the potential supply, but to have regard to evidence up to the present day for those sites which make it through the ‘cut-off’. This ensures that there is consistency in using the same deadline for both supply and need sides of the equation, whilst not ignoring relevant information which may contribute to ‘clear evidence’ on the progress of the sites. There are four disputed sites, which I take in turn below:
- Manor Road, Selsey – the 74 dwellings in Phase 2 only have outline permission and the reserved matters application has not yet been submitted. I acknowledge that the applicant is a major housebuilder and is progressing with Phase 1 of the development. However, this does not constitute clear evidence that Phase 2 will proceed in a timely manner and will contribute to the five year supply. The 74 dwellings from this scheme should therefore be removed from the supply;
 - Tangmere SDL – an outline planning application has been submitted and the Council resolved to grant permission on 31 March 2021. However, this has yet to be issued awaiting the signing of the s106 agreement. This is because of ongoing negotiations surrounding the sale of some of the land on the application site to the developer, Countryside Properties. This is a complex negotiation, potentially also including CPO powers but likely as a last resort. The evidence before me is that this is a fractious process with significant areas of dispute and unresolved issues, particularly regarding the ‘ransom value’ of the land to be sold. There is therefore no clear evidence that 180 dwellings from this scheme will come forward within the five year period and they should be removed from the supply;
 - Loxwood Farm Place, Loxwood – a reserved matters application has been submitted. However, it has not yet been determined and one of the factors that still needs to be agreed is in relation to nutrient neutrality in response to a standing objection from NE. This on its own is a potentially difficult obstacle to overcome and there is no certainty about the timescales that may be involved in securing reserved matters consent. The 24 dwellings should therefore be removed from the supply; and,
 - Cooks Lane, Southbourne – the evidence before me as part of the inquiry is that a reserved matters application has not yet been

¹¹ Figure 7, Start to Finish Second Edition, February 2020 and pages 12-13, Chichester District Council 5YHLS Critical Friend Review, dated September 2021, both by Lichfields

submitted. However, the Inspector for the appeal decision¹² at Land to the West of Church Road, West Wittering, dated 22 April 2022, stated that this reserved matters application has now been submitted, by a major housebuilder. The appeal decision was issued after the evidence was submitted in relation to this inquiry, and I see no reason to doubt its accuracy. Given this active interest and progress for the scheme, there is a reasonable prospect of delivery within five years and the inclusion of this site within the supply is justified.

Conclusion

83. Taking all of the above together, I calculate the supply of deliverable dwellings to be 3,536 (the Council's figure) minus 762 dwellings as set out above, leaving 2,774 dwellings. The need is 3,330 dwellings, based on my conclusion of 666 dpa. The extent of the shortfall is therefore 556 dwellings. This equates to a housing land supply of some 4.17 years.

Neighbour Comments

84. Several letters of objection have been received, from local residents and also other interested parties, including Lavant Parish Council, Westhampnett Parish Council, and The Chichester Society. They raised many of the same concerns as assessed above. In addition, concerns were raised regarding: the accuracy of flood maps; groundwater and sewerage capacity; the impact on local infrastructure eg schools; the free flow of traffic, particularly on Madgwick Lane and access to the Rolls Royce Factory; highway safety on Madgwick Lane; pollution and health effects from increased traffic; the potential for the future drivers from the proposed development to cut through Madgwick Park; increased surface water run-off; removal of productive agricultural land; that local residents have not been properly consulted; occupants of the development to the east stating that they received reassurance from the estate agent and/or developer when purchasing their properties that the appeal site would not to be developed; loss of unspoilt views across the appeal site; Westhampnett is already over-developed and has taken more than its fair share of housing allocations; and, harm to privacy of residents at Old Place Farm.

85. I have taken all of these factors into consideration. Most are not in dispute between the main parties. Most were addressed in the officer's report, with the Council concluding that there would be no material harm in these regards. The appellant has submitted detailed technical information in relation to flooding, drainage, and highways. West Sussex County Council, in its capacity as the Lead Local Flood Authority and Highways Authority, has not objected to the proposal subject to conditions. Southern Water has likewise not objected to the proposal with regard to surface water drainage or flooding. All statutory consultation was undertaken by the Council and the appellant and the large numbers of objections make it clear that the majority of neighbouring residents are aware of the proposal. No substantiated evidence has been submitted that leads me to any different view. There is no 'right to a view' through the planning system, and advice provided by third parties during the purchase of nearby properties is not a material planning consideration. The other points are addressed in my reasoning above, could be addressed by conditions or are dealt with by the planning obligations secured.

¹² Paragraph 35, appeal Ref APP/L3815/W/21/3286315

PLANNING OBLIGATION

86. The s106 secures 30% of the total dwellings to be affordable housing, or a commuted sum payment *in lieu*. The full details of the size, tenure, mix and location of the affordable dwellings is to be agreed through an Affordable Housing Strategy.
87. The s106 secures the provision of at least 1.08 hectares (ha) of open space, a 5.15 ha area to be managed as natural/semi-natural meadow and/or grassland including a buffer area adjacent to the river, and a 0.13 ha play area. A Landscape Management and Maintenance Plan for all of these areas is also secured, as well as arrangements for a management company to secure the ongoing maintenance of these areas and any unadopted roads.
88. A contribution towards works to the A27 road to improve the Chichester Bypass Junction, as identified as necessary to mitigate traffic generation from the proposal by Highways England, is secured.
89. The provision of an education pack is secured, to be given to first future occupants providing details of how to mitigate the impact of their activities on the Chichester Harbour Special Protection Area (SPA). A recreation disturbance mitigation contribution is also secured. These are necessary to ensure that any effects on the SPA from increased recreation from future occupants are mitigated.
90. West Sussex County Council, related to the highways works monitoring, and Chichester District Council monitoring fees are secured.
91. The highways works necessary to create the access to the site from Madgwick Lane, including road safety audits, are secured.
92. A Travel Plan, a Travel Plan co-ordinator, and a Travel Plan monitoring fee, are all secured and would encourage modes of travel other than the car and the lifetime implementation of the Travel Plan.
93. Two alternative waste water treatment strategies are set out. The preferred option is to use Tangmere Waste Water Treatment Works. In that instance, nitrate mitigation measures would not be required. The alternative option is to use Lavant Waste Water Treatment Works. In that instance, the s106 secures nitrates mitigation measures for a period of 80 years, comprising tree planting on a specified area of land. The DoV secures two areas of land totalling 2.56 ha, to the north and east of the appeal site. Both are under the control of the appellant, with both to be planted with trees at a minimum of 20% canopy cover.
94. Overall, the obligations set out in the s106 and the DoV are directly related to the development, fairly and reasonably related in scale and kind to the development, and are necessary to make the development acceptable in planning terms.

CONDITIONS

95. Standard reserved matters submissions and timescales, and commencement timescale, conditions are necessary. In addition, a condition specifying the detail expected with future reserved matters submission(s), including housing mix with the first submission, is necessary to ensure the appropriate details are

- submitted in support of future reserved matters submission(s) so as to protect the character and appearance of the area, highway safety, and to ensure biodiversity enhancement.
96. A condition specifying the relevant drawings provides certainty. I have only included the drawings showing details of access, which is applied for in full, and parameters plans as are required to control the future reserved matters submissions. The other submitted drawings are not listed because they are illustrative or relate to technical matters the detail of which will come forward as part of future reserved matters and other condition discharge submissions.
97. A Phasing Plan condition is necessary to confirm what the phases of the development will be and to provide a framework for the submission of details through other conditions.
98. A condition requiring a Written Scheme of Archaeological Investigation is necessary to secure appropriate protection and archaeological work.
99. Conditions requiring details of the landscaping and children's play area, buffer zone by the River Lavant, tree protection measures, a Landscape and Environmental Management Plan, a Tree Protection Plan and an Arboricultural Method Statement, are necessary to protect the character and appearance of the area and to ensure biodiversity enhancement, both at construction and through ongoing management and maintenance.
100. Contamination conditions are necessary to secure appropriate protection and remediation measures.
101. Conditions requiring a Construction and Environmental Management Plan and restricting construction hours are necessary to control the effects of construction on the living conditions of nearby occupiers, highway safety, traffic congestion, and the character and appearance of the site during construction, including specific controls with regard to the potential effect on operations and access to The Estate on major event days.
102. A condition requiring details in relation to air quality is necessary to protect the health and well being of the future occupants of the development.
103. Conditions requiring a scheme for the protection of the development from external noise, including layout and high level considerations prior to commencement and detailed design considerations prior to development above ground level, are necessary to ensure that the proposal suitably mitigates any noise effects from the operations of The Estate on the future occupiers. I have not adopted the full suggested wording of The Estate for these conditions, or used precise dB levels to be attained, because the Council would retain full control through the discharge of the conditions to ensure that suitable mitigation is secured and suitable noise levels achieved.
104. A condition requiring details of surface water drainage is necessary to ensure appropriate drainage works are completed to protect against unacceptable levels of surface water flooding.
105. A condition requiring details of sewage disposal is necessary to protect the living conditions of the future occupiers of the development and to ensure that sufficient sewage capacity and connections are secured, in accordance with the Strategic Infrastructure vision in the LP.

106. Conditions requiring details of the construction of the main access road, and the relevant driveways of each dwelling, and the construction of the agricultural buildings access, and specific highways details at the junction of Madgwick Lane and Old Place Lane, are necessary to ensure that no dwelling is occupied until adequate vehicular access has been provided, and to ensure highway safety.
107. A condition requiring compliance with the ecological reports is necessary to protect and enhance biodiversity.
108. A condition requiring a Sustainable Design and Construction Statement is necessary to mitigate carbon emissions and water usage, in accordance with Policy 40 of the LP.
109. A condition requiring details be provided to the first occupants of each dwelling of the events to be held at Goodwood Motor Circuit was requested by The Estate. However, the circuit is a well known local feature and business and it is highly likely that future occupants would be aware that the circuit exists and that major events are held there. I do not, therefore, view this condition as necessary to make the proposed development acceptable.

Pre-commencement

110. The pre-commencement conditions are necessarily worded as such, because a later trigger for the submission and/or implementation would limit their effectiveness or the scope of measures which could be used.

PLANNING BALANCE AND CONCLUSION

111. In the section that follows, I have adopted the following ascending scale in terms of weighting – limited, moderate, significant, substantial.
112. It is proposed to provide up to 165 dwellings. The housing land supply of the Council is 4.17 years, below the required five years supply. The need for housing is therefore pressing. Providing more housing is one of, if not the most, important aspirations of local and national planning policy. I therefore place substantial positive weight on the proposed market housing.
113. Up to 50 of the proposed 165 dwellings would be for affordable housing. The Council is currently exceeding its affordable housing targets as set out in the LP, but this is against the agreed to be out-of-date requirement of 182 dpa. The more up-to-date Chichester Housing and Economic Development Needs Assessment 2020 finds an affordable need of 385 dpa, against a supply of 255 dpa, leaving a net shortfall of 130 dpa. That there is a shortfall is evidenced in the fact that the Council has 1,226 households on the waiting list for affordable housing and that the affordability ratios have worsened over the past 2 years, whereas the rest of the south east of England has remained stable. There is therefore an acute requirement for affordable housing and I place substantial positive weight on the proposed affordable housing.
114. The proposal includes substantial areas of landscaped public open space, and a play area. These areas and facilities would be available for use by the public, as well as the future occupants of the development. A new view of the cathedral would also be created, which would be both a heritage and character and appearance benefit of the proposal. I place moderate positive weight on these factors.

115. A biodiversity net gain of 83% for general habitat and 300% for hedgerow habitat would be achieved. This is possible because the appeal site is currently agricultural land and, in common with much agricultural land, it offers relatively low existing biodiversity value. The proposal would introduce new native hedgerows, tree planting, management of the River Lavant to enhance existing habitats, and would provide bat boxes. Paragraph 174 of the Framework requires net gains for biodiversity, but does not identify a specific figure. The Environment Act 2021 indicates a likely future requirement for a biodiversity net gain of 10%. The proposed biodiversity net gain therefore goes significantly beyond policy requirements. I place significant positive weight on this factor.
116. There would be economic benefits in the short term through construction employment, and in the longer term through expenditure by future occupants in the area. As directed by paragraph 81 of the Framework, I attribute significant positive weight to the proposed employment generation that would support economic growth and productivity.
117. Proposing housing on the appeal site conflicts with the masterplanning of the SDL and would be physically divorced from the surrounding built-up areas. There would also be harm to the character and appearance of the area, including to landscape character. However, these harms would be tempered because the appeal site sits in an area with an edge-of-settlement, hinterland character, with residential and commercial development close by, and because the separation to the existing development to the east would be a managed landscaped area, rather than open, agricultural land.
118. Importantly, the identified deficit in housing land is only likely to be rectified through the granting of permission for housing on sites not identified in the LP, such as the appeal site. In addition, the LP was adopted on the basis of a housing need figure of 435 dpa, even though the objectively assessed need was 505 dpa, due to an insufficient evidence base in relation to transport. The LP Inspector therefore adopted the LP at the lower figure but only subject to an updated transport study being produced and the LP being reviewed within five years. The LPA are currently about three years behind schedule on this review. The policies in the LP affected by this awaited review, and in particular those relating to the location of housing, such as Policy 17 and the SDL, therefore carry reduced weight. The acceptability, or otherwise, of a proposal in other regards forms part of the overall planning balance, as I consider in this section, and should not be used to increase the weight to be attached to the conflict with the masterplanning of the SDL. Consequently, I only place moderate negative weight on these factors.
119. The proposal would introduce a new, publicly available view of Chichester Cathedral, a grade I listed building and one of the key defining features of the city. However, whilst this is a benefit of the proposal, I attribute to it limited positive weight because a mid-distance view of the cathedral with Chichester in the foreground is quite a common view from numerous locations.
120. The proposal would erode the setting of the Old Place Farmhouse historic complex, harming its special interest and heritage significance. I assess this level of harm to be at the lower end of less than substantial. I do not seek to set the benefit of the new view of the cathedral against the identified harm to the Old Place Farmhouse complex within the context of establishing if, overall, there remains less than substantial harm to heritage assets. The Framework

makes it clear that harm should be assessed against a heritage asset, not assets collectively. As directed by paragraph 199 of the Framework, I place great weight on the harm to the Old Place Farmhouse complex, limited though it may be.

121. The public benefits of the proposal include the provision of up-to 165 homes, including affordable housing, and the creation of significant areas of public open space, amongst others. These benefits clearly outweigh the lower end of less than substantial harm to the heritage asset that I have identified and the proposal complies with paragraph 202 of the Framework.
122. Subject to relatively minor mitigation measures that could be secured by condition, the proposal would provide satisfactory living conditions for future occupiers, with particular regard to noise from the aerodrome and motor circuit. This factor weighs neutrally in the planning balance.
123. Subject to control through traffic management that could be secured by condition, the proposal would not materially effect of the efficient operation of the highway network in the vicinity of the appeal site with regard to major events traffic. Nor would the proposal risk any unreasonable changes to the operation of The Estate more widely. This factor weighs neutrally in the planning balance.
124. As the housing land supply is 4.17 years and none of the assets of particular importance as set out in the Framework¹³ provide a clear reason for refusing the development proposed, paragraph 11d, and the 'tilted balance', is therefore engaged. For the appeal scheme, the adverse impacts I have identified are moderate harm to character and appearance, conflicts with wider masterplanning and physical and visual integration, and harm to the Old Place Farmhouse complex. Taken together, these would not significantly and demonstrably outweigh the many benefits, in particular the provision of housing, including affordable housing, and the creation of new areas of publicly accessible open and play space including significant biodiversity net gain.
125. For the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

O S Woodward
INSPECTOR

¹³ At paragraph 11di and footnote 7

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Parkinson, of Counsel. He called:

Mike Stigwood MIOA MCIEH FRSPH
Robyn Butcher CMLI
Tim Townsend
Andrew Robbins MRTPI

Director, MAS Environmental Ltd
Director, Terra Firma
West Sussex County Council
Senior Planning Officer, Chichester District
Council
Director, Lambert Smith Hampton

Alex Roberts MRTPI

FOR THE APPELLANT:

Andrew Tabachnik QC. He called:

Adam Ross MRTPI
Clare Brockhurst FLI
Dr Chris Miele MRTPI IHBC RHS FSA
Richard Stacey FCIHT CMILT

Founding Director, Nexus Planning
Director, Leyton Place Ltd
Senior Partner, Montagu Evans LLP
Managing Director, Evoke Transport Planning
Consultants Ltd
Acoustic Consultant
Owner, Mark Prior Consulting Ltd
Principal Planner, Woolf Bond Planning

Vernon Cole CEng MIOA FIMechE IIAV
Mark Prior FRAeS
Steven Brown MRTPI

FOR THE ESTATE (RULE (6) PARTY):

Russell Harris QC and Stephen Whale, of Counsel. They called:

Haydn Morris MRTPI
Lloyd McNeill
Mark Gibb
Gabriel Ludlow
Adrian Sargent
Rebecca Knight CMLI
Richard Greer FIA
Dr Nicholas Doggett FSA MCifA IHBC
Alexander Welch CTPP MCIHT MTPS

Owner, HMPC Ltd
Estate Managing Director, The Estate
Aviation Operations Manager, The Estate
Motor Circuit Operations Manager, The Estate
Chief Financial Officer, The Estate
Director, LUC
Director, Arup
Managing Director, Asset Heritage Consulting
Transport Planner, Arup

ANNEX B: DOCUMENTS SUBMITTED DURING AND AFTER THE INQUIRY

ID1	Opening Submissions by the Appellant
ID2	Opening Submissions by the Council
ID3	Opening Submissions by The Estate
ID4	Lavant Valley Linear Greenspace Plan
ID5	Green Route Site Plan Ref 5753/GI/08
ID6	Chichester District Council Local Plan Examination - Statement for Matter 7: Strategic Development Locations (Policy 17 Westhampnett/North East Chichester SDL), dated 5 November 2014, by Nexus Planning
ID7	Inspector's Site Visit Plan
ID8	Decision Notice Ref CH/20/01826/FUL, dated 5 March 2021
ID9	Appeal Decision Ref APP/L3815/W/21/3270759, dated 5 July 2021
ID10	Planning Noise Assessment – Phase 2 of the Westhampnett/North East Chichester Strategic Development Location (Land East of Graylingwell), by Cole Jarman, dated 23 August 2016
ID11	Appeal Decision Ref APP/Q3115/W/20/3265861, dated 25 June 2021
ID12	Planning Noise Assessment – Land between Stane Street and Madgwick Lane, by Cole Jarman, dated 7 October 2015
ID13	Goodwood Circuit Site Boundary Plan Ref 165302AC2 Figure 1
ID14	Pumping Station at Land at Madgwick Park, Westhampnett Land Registry Title
ID15	Noise Impact Assessment – Proposed Development at Madgwick Lane, Westhampnett, by 24Acoustics, dated 23 April 2018
ID16	Survey of Noise Attitudes 2014: Aircraft Noise and Annoyance, Second Edition, by the UK Civil Aviation Authority, published 2021
ID17	Instructions for Matt Prior Expert Witness Support, dated 21 April 2021
ID18	Power of Attorney in respect of s106 Agreement relating to land at Old Place Farm, north of Madgwick Lane, Chichester, dated 6 August 2021, David Charles Heaver
ID19	Power of Attorney in respect of s106 Agreement relating to land at Old Place Farm, north of Madgwick Lane, Chichester, dated 6 August 2021, Eurequity IC Limited
ID20	Revised noise predictions of Appellant, by MAS Environmental, dated 29 July 2021
ID21	South Downs National Park Authority Objection Letter, dated 6 August 2021
ID22	Map of location of Carne's Seat
ID23	Arup Letter dated 21 July 2021 – update on noise assessment
ID24	S106 Planning Agreement, dated 29 September 2021, between Chichester District Council, West Sussex County Council and David Charles Heaver and Eurequity IC Limited
ID25	Email from Chichester District Council regarding monitoring fees, dated 24 December 2020
ID26	Noise complaints from Goodwood Motor Circuit 1994 to 2007 Schedule
ID27	Decision Ref WH/13/00108/FUL, dated 20 March 2013, for the Goodwood Motor Circuit
ID28	Chris Miele Proof of Evidence Updated NPPF References Schedule
ID29	Richard Greer Qualifications and Experience
ID30	Appellant's Closing Submissions, by Andrew Tabachnik QC, dated 14 September 2021

- ID31 Closing Submissions on behalf of the Goodwood Estate, by Russell Harris QC and Stephen Whale, dated September 2021
- ID32 Closing Comments of Chichester District Council, by Andrew Parkinson, dated 14 September 2021
- ID33 Chichester Local Plan Area – Five Year Housing Land Supply 2021-2026 Updated Position at 1 April 2021
- ID34 Chichester District Council 5YHLS Critical Friend Review, by Lambert Smith Hampton, dated September 2021
- ID35 Rebuttal Statement Five Year Housing Land Supply, by Woolf Bond Planning, dated December 2021
- ID36 Start to Finish - What factors affect the build-out rates of large scale housing sites? Second Edition, by Lichfields, dated February 2020
- ID37 Email from Kean Elliott of ECE Architecture to Chichester District Council, dated 26 November 2021, agreeing an extension of time for determining the planning application at High Street, Loxwood
- ID38 Final Reply Statement on Five Year Housing Land Supply Matters, by Woolf Bond Planning, dated January 2022
- ID39 Email from Haydn Morris, dated 7 January 2022, regarding housing land supply
- ID40 Note on The Council’s Reliance on Sites Beyond Defined Settlement Policy Boundaries in Seeking to Demonstrate a Five Year Supply of Deliverable Housing Land, by Woolf Bond Planning, dated 27 January 2022
- ID41 Appeal Decision Ref APP/L3815/W/21/3286315, dated 22 April 2022
- ID42 Comments Upon the Housing Land Supply Findings in the Appeals at Raughmere Drive, Lavant (11 April 2022) (PINS Ref: 3284653) and Church Road, West Wittering (22 April 2022) (PINS Ref: 3286315), by Woolf Bond Planning, dated April 2022
- ID43 Appellants’ Further Submissions in relation to Recent Appeal Decisions, by Nexus Planning, dated April 2022
- ID44 Appeal Decision Ref APP/L3815/W/21/3284653, dated 11 April 2022
- ID45 Email from Haydn Morris, dated 25 April 2022

ANNEX C: SCHEDULE OF PLANNING CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place, and the development shall be carried out as approved.
- 2) Application(s) for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 6216/L001, P001, P002, R-20-0033-001E, and 004A.
- 5) As part of the first reserved matters application, a Phasing Plan identifying the Phases for the development hereby approved shall be submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall proceed in accordance with the approved Phasing Plan.
- 6) The reserved matters submission(s) for each Phase shall include, but not be limited to, the following details:
 - a) Palette of materials;
 - b) Housing mix (including size of dwellings in terms of bedrooms);
 - c) Architectural, character and landscape approach;
 - d) Existing ground levels and finished floor levels;
 - e) Location of fire hydrants;
 - f) External lighting;
 - g) Refuse storage; and,
 - h) Vehicle and cycle parking.

In respect of matter b) 'housing mix', the details shall be submitted with the first reserved matters submission.

Pre-commencement

- 7) Prior to the commencement of development, a Written Scheme of Archaeological Investigation has been submitted to, and approved in writing by, the local planning authority. The scheme shall include proposals for:
 - a) desk-based assessment of the previous results;
 - b) the programme and methodology of site investigation and recording;
 - c) the programme for post investigation assessment;
 - d) the provision to be made for analysis of the site investigation and recording;
 - e) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - f) the provision to be made for archive deposition of the analysis and records of the site investigation; and,

- g) the nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Development shall be carried out in accordance with the approved Written Scheme of Investigation.

- 8) No development shall commence until a scheme for the provision of white lining, road hatching or kerb build out, cycle markings, and associated signage at the junction of Madgwick Lane with Old Place Lane, as generally shown on drawing Ref R-20-0033-025A, has been submitted to, and approved in writing by, the local planning authority. The white lining, hatching or kerb build out, cycle markings, and associated signage at this junction shall thereafter be carried out in accordance with the approved details prior to first occupation of any dwellings.
- 9) No development shall commence until details of the location, extent and layout (together with an implementation specification and delivery programme) for the amenity open space, natural/semi natural green space and equipped children's area have been submitted to, and approved in writing by, the local planning authority. The amenity open space, natural/semi natural green space and equipped children's area shall be provided in accordance with the approved details in accordance with the approved delivery programme.
- 10) No development shall commence until an assessment of the risks posed by any contamination has been submitted to, and approved in writing by, the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.
- 11) No development shall commence until a scheme for the protection of the development, both with regard to external and internal areas, from external noise has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:
 - a) plans, drawings and a description of the site;
 - b) an assessment of the existing noise levels relevant to the site;
 - and,
 - c) an explanation of the principles adopted in the devising of mitigation measures, including appropriate site design and layout.
- 12) No development shall commence on a Phase where (following the risk assessment submitted pursuant to condition 9) land affected by contamination is identified within that Phase which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme for such land has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as

contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The remediation shall be carried out in accordance with the approved remediation scheme.

- 13) No development shall commence on any Phase until a Construction and Environmental Management Plan (CEMP) for that Phase, comprising a schedule of works and accompanying plans for that Phase has been submitted to, and approved in writing by, the local planning authority. The CEMP for each Phase shall accord with the method of works and mitigation measures detailed in the recommendations section of the Ecological Appraisal by Baker Consultants (October 2020), and the recommendations of the Badger Mitigation Strategy (January 2021). Each CEMP shall also include (but not be limited to) details of:
- a) the anticipated number, frequency and types of vehicles to be used;
 - b) the location and specification for vehicular access;
 - c) the provision made for the on-site parking of vehicles by contractors, site operatives and visitors;
 - d) the provision for on-site loading and unloading of plant, materials and waste;
 - e) the storage of on-site plant and materials;
 - f) the erection and maintenance of security hoarding;
 - g) the location of any site huts/cabins/offices;
 - h) the works required to mitigate the impact of construction traffic upon the public highway;
 - i) measures to control the emission of dust and dirt;
 - j) measures to control the emission of noise;
 - k) details of all proposed external lighting;
 - l) details for any on-site storage of fuel and chemicals;
 - m) measures to reduce air pollution;
 - n) management of construction waste;
 - o) the contact details of a named person to deal with complaints; and,
 - p) measures to accord with the mitigation measures detailed in the recommendations section of the Ecological Appraisal by Baker Consultants (October 2020) and the findings and recommendation in the Badger Mitigation Strategy (January 2021), as they relate to construction.

The approved CEMP shall be adhered to throughout the entire construction period of that Phase.

- 14) Construction of the development shall take place only between the hours of: 07:30 hours and 18:00 hours Mondays to Fridays; 07:30 hours and 13.00 hours on Saturdays; not at all on Sundays or Public Holidays or the public attendance days for major events operating within the locality.
- 15) No development shall commence on a Phase until a scheme for the protection of the retained trees (the Tree Protection Plan) as part of that Phase and the appropriate working methods (the Arboricultural Method Statement) in accordance with paragraphs 5.5 and 6.1 of British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) have been submitted to, and approved in writing by, the local

planning authority. Each Phase of the development shall be carried out in accordance with the approved Tree Protection Plan for that Phase.

- 16) No development shall commence on any Phase above ground level until a management plan demonstrating how the mitigation measures relevant to that Phase identified in Tables 6.1 and 6.2 of the Air Quality Assessment produced by Brookbanks Consulting dated October 2020 will be implemented has been submitted to, and approved in writing by, the local planning authority. Each Phase of the development shall be undertaken in accordance with the approved implementation of the management plan for that Phase.
- 17) No development shall commence above ground level on any Phase until a scheme for the protection occupiers of the dwellings in that Phase from external noise has been submitted to, and approved in writing by, the local planning authority. The scheme shall follow the 'good acoustic design' principles set out in Planning Practice Guidance – Noise, and shall set out how the adverse effects of Goodwood noise (motor circuit and aerodrome activities) on the approved development (external amenity space as well as inside spaces) are minimised as far reasonably practicable by way of mitigation. Development shall be carried out in accordance with the approved scheme with any measures provided as part of the scheme to be retained in perpetuity.

Pre-occupation

- 18) Upon completion of any remediation works pursuant to the requirements of condition 11, a verification report by a suitably qualified contaminated land practitioner shall be submitted to, and approved in writing by, the local planning authority before any dwelling on land upon which contamination is found is first occupied.
- 19) No dwelling shall be occupied until surface water drainage works applicable to that Phase have been implemented in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. The drainage details shall include, but not be limited to:
 - a) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the part of the site relevant to that Phase and the measures taken to prevent pollution of the receiving groundwater and/or surface waters, and measures to prevent surface water draining onto the public highways and pollution of the receiving watercourse;
 - b) a timetable for its implementation including any phased implementation; and,
 - c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme.

Development is to be carried out in accordance with the approved details and timetable.

- 20) No dwelling hereby permitted shall be occupied until works for the disposal of sewage have been constructed in accordance with details that have first been submitted to, and approved in writing by, the local planning authority.
- 21) No dwelling shall be occupied until the first 20 metres of the access shown in approved Drawing No. R-20-0033-001 Rev.E has been constructed to its wearing course, and the private vehicular access serving the relevant dwelling has been constructed to at least base course level.
- 22) No dwelling shall be occupied until such time as the approved vehicular access serving the agricultural buildings located to the west of the site and the pedestrian and cycle access works to Stocks Lane shown in approved Drawing No. R-20-0033-004 Rev.A have been constructed in accordance with the approved drawings.
- 23) No dwelling shall be occupied until a scheme for the delivery of a buffer zone alongside the River Lavant has been submitted to, and approved in writing by, the local planning authority. The buffer zone shall consist of natural/semi-natural greenspace, and shall be kept free from built development including lighting, formal hard-surfaced footpaths, domestic gardens and formal landscaping. The scheme shall include:
 - a) details of the proposed planting scheme;
 - b) a delivery and implementation programme; and,
 - c) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.

The development shall be delivered in accordance with the approved scheme.

- 24) A Landscape and Environmental Management Plan (LEMP) for the development shall be submitted with first application for Reserved Matters. The LEMP shall include details of ecological enhancements and a timetable for their implementation (taking account of the proposed Phasing for the development) and ongoing management and maintenance including:
 - a) replacement tree planting at 2:1 ratio;
 - b) areas of wildflower grassland planting;
 - c) infilling gaps in tree lines or hedgerows with native species;
 - d) the provision of bat brick/boxes to be installed into the dwellings and bat boxes/nest boxes to be installed on retained trees ;
 - e) the provision of bird bricks/boxes installed into the dwellings and around the site;
 - f) the provision and retention of 2 no. hedgehog nesting boxes;
 - g) the provision of log piles;
 - h) gaps to be provided under boundary fences to allow free movement of hedgehogs and small mammals across the site; and,
 - i) retention of a green corridor along the River Lavant with ecological enhancements across the area; and,
 - j) Dark corridors within the lighting scheme to ensure there are areas of no lighting which wildlife can move between.

Each Phase of the development shall be carried out in accordance with the approved LEMP.

- 25) The development hereby permitted shall be carried out in accordance with the method of works and mitigation measures detailed in the recommendations section of the Ecological Appraisal by Baker Consultants (October 2020) and the findings and recommendation in the Badger Mitigation Strategy (January 2021). The measures provided as part of the scheme are to be retained in perpetuity.
- 26) A Sustainable Design and Construction Statement shall be submitted in writing for approval by the local planning authority with the first reserved matters application. The Statement shall include the following details:
 - a) how the consumption of potable water should not exceed 110 litres per person per day;
 - b) details for provision of charge points for electric vehicles; and,
 - c) how the principles of the Sustainability and Energy Statement (October 2020) will be implemented.

The development shall be carried out in accordance with the approved Statement.

=====END OF SCHEDULE=====