



SOUTH DOWNS NATIONAL PARK AUTHORITY

TOWN & COUNTRY PLANNING ACT 1990

(SECTION 78 PLANNING APPEAL)

	Planning Inspectorate Reference:	South Downs National Park Reference:
Appeal	APP/Y9507/W/23/3314274	SDNP/21/04848/FUL

SUMMARY PROOF OF EVIDENCE

(PLANNING)

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DEVELOPMENT MANAGEMENT LEAD

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I. Introduction

Qualifications and Experience

- I.1 My name is Richard Ferguson. I have a Bachelor of Science degree (with Honours) in Geography from the University of Plymouth and a Master Arts degree in Town Planning from the University of Westminster. I have been a Town Planner for 19 years and I am a chartered member of the Royal Town Planning Institute.
- I.2 My Proof of Evidence is in addition to the evidence submitted by Mr Castle (MRICS). It provides my professional assessment of the appeal proposals and outlines the most relevant Development Plan policies, material planning considerations and the National Park context for the purposes considering the 'planning balance.' My evidence is in support of the Authority's reasons for refusal relating to:

- (1) The insufficient provision of affordable housing on site;
- (2) The absence of a Legal Agreement to secure: (1) on site affordable housing; (2) financial contributions in regard to infrastructure to support sustainable modes of transport; (3) mitigation from increased recreational pressures upon the Wealden Heaths Phase II Special Protection Area and the Woolmer Forest Special Area of Conservation (SAC); and (4) on site public open space and a permissive path.

2. Main issues – reasons for refusal

(1) Whether the proposed development would provide an acceptable level of affordable housing

- 2.1 Initially, I consider the policy framework and the National Park context for development and the provision of affordable housing. This includes outlining significant affordability issues within the National Park. I also specifically identify local need in Greatham and its surrounding parishes.
- 2.2 My assessment considers the Development Plan policy expectations in policy SD28 (Affordable Homes) of the South Downs Local Plan (SDLP) (2019) for the provision of new affordable housing. This policy outlines an expectation of a minimum of 50% affordable housing within proposals of 11 or more new dwellings. I consider that

this policy should be afforded full weight in decision making because the SDLP is up to date and consistent with the National Planning Policy Framework 2021.

2.3 Where an Applicant considers a policy compliant scheme to be unachievable, the onus is on the developer to robustly demonstrate that the proposals are financially unviable. However, the weight to be given to viability within proposals that are not compliant with the requirements of policy SD28 is a matter for the decision maker, as outlined in NPPF paragraph 58. I outline that the following factors affect the weight to be given to viability:

- The National Park context, including the Statutory Duty and Circular 2010;
- The role of the appeal site and the proposals in the delivery of affordable housing within the National Park.
- Paragraph 58 of the The National Planning Policy Framework 2021;
- The viability testing of the Local Plan;
- Planning history of the site;
- Expectations of the Affordable Housing Supplementary Planning Document (2020); and
- My analysis of the evidence presented by Mr Castle.

2.4 I consider limited weight should be given to viability in light of the above factors, which I outline in more detail in my evidence. Having drawn on Mr Castle's evidence, I also consider that the appeal proposals do not maximise affordable housing provision to accord with policy SD28 and the Appellants' viability appraisal is, therefore, not sufficiently robust.

2.5 Whilst the proposals would re-develop a brownfield site allocated for residential development with some affordable housing and other benefits as outlined in my Proof of Evidence, this does not outweigh the lost opportunity to deliver the SDLP's expectations for meeting significant unmet need for affordable housing within the National Park, in accordance with the Statutory Duty and Circular 2010.

(2) Whether the necessary infrastructure provisions can be secured to make the development acceptable in planning terms.

2.6 In my Proof of Evidence, I set out the appropriate heads of terms for a S106 Legal Agreement to address reason for refusal 2. These heads of terms relate to SDLP policies concerning affordable housing, ecology and mitigating the development within the proximity of internationally designated sites, sustainable transport, on site open space, and a permissive path.

3. Conclusion

3.1 No further substantive issues are raised in my main Proof of Evidence and other matters are addressed in the agreed (Planning) Statement of Common Ground.

3.2 In light of the conclusions in my Proof of Evidence and the evidence of Mr Castle, it is respectfully submitted that the Appeal should be dismissed.

