



NORTH MUNDHAM PARISH COUNCIL

Working for the whole community

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Dear Jeremy,

**Planning Application: NM/24/02724**

**Land at and Adjacent to Wheatlands South of Lagness Road Runcton Chichester West Sussex PO20 1LJ**

**Outline planning application (with all matters reserved except for access) for the demolition of an existing residential property, outbuildings and associated structures, and the erection of up to 109 residential dwellings including affordable housing with provision of vehicular access and pedestrian and cycle access from Lagness Road and pedestrian and cycle access from Saltham Lane, alongside public open spaces, biodiversity enhancement, sustainable urban drainage systems, landscaping, infrastructure and earthworks.**

North Mundham Parish Council ('the parish council') **OBJECTS** to this application and asks Chichester District Council ('the LPA') to refuse planning permission for development. The reasons for our objection are set out below.

**Planning Policy and Principle of Development**

The site is not allocated for development in the Chichester Local Plan 2014 – 2029 ('the local plan'), nor in the emerging Chichester Local Plan 2021 – 2039 ('the emerging plan'). It was not promoted for inclusion in the emerging plan, and has not featured in any version of the LPA's housing land availability assessment. The LPA has produced an Interim Position Statement for Housing<sup>1</sup> ('IPS') which was designed to provide some guidance as to the basis on which small scale housing proposals might be acceptable given delays in preparing a replacement local plan. As it is not a development plan document the IPS should be accorded very limited weight in decision making and in our view progress on the emerging local plan means the IPS is effectively redundant as a material consideration.

***In Relation to the Adopted Local Plan***

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<sup>1</sup> November 2020

The relevant policies for the determination of this application are those of the local plan.<sup>2</sup> We acknowledge that since the publication of the latest version of the National Planning Policy Framework (‘NPPF’) in December 2024, the ‘tilted balance’ in favour of applications for housing development may apply because policies relevant to housing delivery are out of date and the LPA cannot demonstrate a 5 year housing land supply against the standard method calculation.

However, as the applicant accepts even where the ‘tilted balance’ is engaged, any of the policies of the local plan may still be given weight, and it remains a matter of planning judgement whether the application should be approved. Para 11(d) ii of the NPPF which sets out the criteria for decision making under the tilted balance now says (for the first time) that it should be applied:

*having particular regard to key policies for directing development to sustainable locations*

This gives a clear indication to decision makers that the tilted balance should not be allowed to undermine or distort the principles underlying the choice of suitable locations for development – which is the preserve of local plans.

Policy 2 (Development Strategy and Settlement Hierarchy) of the local plan sets out the role of ‘service villages’, including North Mundham/Runcton, in meeting housing need across the district. It says that provision will be made for:

*Small scale housing developments consistent with the indicative housing numbers set out in Policy 5*

Policy 5 (Parish Housing Sites) identifies the appropriate housing requirement for North Mundham/Runcton to be met within the plan period as 25 dwellings. The emerging local plan identifies the parish as suitable for additional growth (from 2021) of 50 dwellings. The strategic assessment of sustainable housing delivery in the parish is thus for 75 additional homes over two plan periods.

Planning permissions granted in the parish (excluding windfalls) over the last four years already exceed this figure by a substantial number:

|                        |              |              |                         |
|------------------------|--------------|--------------|-------------------------|
| Lowlands               | 20/01686/FUL | 39 dwellings | Permitted August 2021   |
| Land south of Lowlands | 20/02989/FUL | 66 dwellings | Permitted December 2023 |
| Charman’s Field        | 22/02919/OUT | 94 dwellings | Permitted March 2024    |

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<sup>2</sup> But it should be noted that any appeal against the refusal of this application would very likely be heard after a new plan is adopted and therefore using the policies in that plan.

|                      |              |              |   |
|----------------------|--------------|--------------|---|
| Land north of Laroch | 21/02878/OUT | 19 dwellings | Recommended for approval but not yet issued |
|----------------------|--------------|--------------|---|

As a result the parish will grow by 218 dwellings over the next few years rather than the 75 considered appropriate based on a plan led assessment of its infrastructure capacity. Against that background the cumulative impact of a further 109 dwellings must be considered relevant to the planning balance even with the tilted balance engaged. Villages such as North Mundham and Runcton were not intended to increase in size at the speed and scale that is now proposed because they are not suitable locations for this volume of new housing.

As such it is quite clear that this application conflicts with those ‘key policies’ of the local plan for directing both the location and scale of sustainable development.

***In Relation to the Emerging Local Plan***

Paragraph 49 of the NPPF states that:

*Local planning authorities may give weight to relevant policies in emerging plans according to:*

*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*

*and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)<sup>3</sup>*

The emerging local plan has almost completed its examination and a letter from the inspectors setting out their initial findings is expected in the next few days. No indication has been given that the plan is not sound subject to necessary modifications. So far as we are aware the applicant made no submissions to the examination of the plan making the case for the application site to be included.

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<sup>3</sup>Footnote 23 at this point states that:

**During the transitional period for emerging plans, consistency should be tested against the version of the Framework as applicable, as set out in Annex 1.**

Although the application must be determined in accordance with the policies in the local plan, in our view significant weight can now be given to the policies in the emerging plan.<sup>4</sup> In particular that should include the relevant strategic policies because they are highly relevant to determining whether further development in North Mundham parish would constitute sustainable development – the underlying requirement of the NPPF.

Policy S1 (Spatial Development Strategy) of the emerging plan sets out the scale and distribution of new housing development considered appropriate over the plan period. Para 3.20 of the supporting text explains:

*The Plan does not include any strategic allocations on the Manhood in recognition of this recently permitted growth and the ongoing constraints that the area faces, but does include 50 dwellings to come forward at North Mundham.*

Considered against this strategic policy, a development of 109 homes in addition to the 200 or so (not 50) which are already coming forward in the parish would be in direct conflict with the emerging local plan.

The applicant's argument that the emerging local plan (even on adoption) would fail to meet the housing requirement for the district is misconceived. If the plan is found sound that will be because the inspectors accept that providing a lower housing number than that identified by the standard method (in accordance with the relevant version of the NPPF as required by footnote 23 to paragraph 49) can be justified. In due course the plan will have to be reviewed against the latest NPPF and housing requirement but until then the status of its policies will be incontestable and no argument that it 'fails to meet housing need' will have any weight.

On adoption the LPA will be able to demonstrate a 5 year housing land supply and conformity with the relevant policies in the NPPF including the standard method calculation relevant to the plan. The tilted balance would not apply to the determination of applications for new housing.

The proposal is in conflict with relevant policies of the local plan. The weight to be attached to that conflict is modified if the tilted balance is engaged, but it does not disappear. Importantly, it is in conflict with the strategic policies for the distribution of housing in the emerging plan to which significant weight should now be attached. It would not constitute sustainable development as defined in either plan and should be refused on that basis.

### **Impact of on the Runcton Conservation Area**

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<sup>4</sup> Support for this argument is provided by the decision of Lang J in *Worthing BC v SoS for LUHC* [2022] EWHC 2044 (Admin)

Policy 47 (Heritage and Design) of the local plan says that planning permission will only be granted 'where all of the following criteria have been met':

1. *The proposal conserves and enhances the special interest and settings of designated and non-designated heritage assets including:*
  - *Monuments, sites and areas of archaeological potential or importance;*
  - *Listed buildings including buildings or structures forming part of the curtilage of the listed building;*
  - *Buildings of local importance, including locally listed and positive buildings;*
  - *Historic buildings or structures/features of local distinctiveness and character;*
  - *Conservation Areas; and*
  - *Historic Parks or Gardens, both registered or of local importance and historic landscapes.*
2. *Development respects distinctive local character and sensitively contributes to creating places of a high architectural and built quality;*
3. *Development respects existing designed or natural landscapes; and*
4. *The individual identity of settlements is maintained, and the integrity of predominantly open and undeveloped character of the area, including the openness of the views in and around Chichester and Pagham Harbours, towards the city, the Cathedral, local landmarks and the South Downs National Park, is not undermined.*

The application site abuts the Runcton Conservation Area which engages Policy 47, and, in our view Policy P9 and P10 of the emerging plan may also be given significant weight in determining the application.

Para 4.1 of the conservation area appraisal<sup>5</sup> ('CAA') produced in 2007 describes the setting of the conservation area as follows:

*The north of the village is now dominated by 20th century housing, although the conservation area has retained its rural character, helped by the presence of many large and mature trees, and the surrounding open countryside.*

Other aspects of the CAA make reference to the important relationship of the southern boundary to its rural setting. The map history shown in the CAA shows that the proposal site has never previously been developed (the one exception being the insertion of the Wheatlands property). English Heritage guidance on the appraisal of conservation areas says:

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<sup>5</sup> Runcton Conservation Area Character Appraisal and Management Proposals March 2007 (updated 2012)

*Heritage assets can gain significance from their relationship with their setting whilst views from within or outside an area form an important way in which its significance is experienced and appreciated.*<sup>6</sup>

The inter-relationship of the conservation area with use and purpose of the immediately surrounding landscape, not just views or visual experience, is relevant to assessing any harm that might be caused, and therefore whether an application complies with Policy 47. National Planning Policy Guidance also makes this clear (emphasis added):

*Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, **and by our understanding of the historic relationship between places.***<sup>7</sup>

It goes on:

*The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting.*

The impact of the proposal on the setting of the conservation area is noted in the Built Heritage Statement<sup>8</sup> but we believe the analysis is superficial. It contains no discussion of the impact of this change in setting on the conservation area as a whole, focussing on individual building, rather than the conservation area as a heritage asset in its own right. Similarly the Design and Access Statement proceeds on the basis that visual screening is the only criteria which needs to be satisfied.

The Built Heritage Statement comments repeatedly that the conservation area ‘does not share a strong relationship with the site’ without investigating the value provided by the setting. No analysis is provided in any document to explain how the conservation area would be ‘conserved’ or ‘enhanced’ by a juxtaposition with modern, high density housing which would fundamentally change its context.

The emerging local plan contains even more specific policy requirements in relation to conservation areas:

Policy P9 (The Historic Environment) of the emerging plan says that:

*Designated heritage assets including listed buildings, structures and their settings, and Conservation Areas will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance.*

Policy P11 (Conservation Areas) says that:

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<sup>6</sup> Para 58 Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition)

<sup>7</sup> PPG 013 Reference ID: 18a-013-20190723

<sup>8</sup> Built Heritage Statement RPS November 2024

*Development proposals affecting conservation areas will be permitted where they preserve or enhance the character or appearance of conservation areas by:*

*1. Sustaining the established, positive characteristics of the area in terms of the building line, siting, design, height, forms, materials, joinery, window detailing, boundary treatments and roof forms;*

*2. Protecting the setting (including views into and out of the area).*

The proposed development would cause less than substantial harm to a designated heritage asset. Whether that harm is at the higher or lower end of the scale, it means that the proposal conflicts with policies in the adopted and emerging plan and the NPPF and that conflict must be given great weight in the planning balance. It would also, we would suggest, be sufficient to disengage the tilted balance as provided for in footnote 7 of Para 11 of the NPPF.

The urbanising effect of the proposal on the Runcton Conservation Area and the harm to its setting – which is of importance to its quality and status – must be given proper consideration. Our view is that the impact will be unacceptable and that the applicant has not demonstrated otherwise.

### **Flood Risk and Foul Water Management**

The LPA is well aware of the concerns we have about the impact of further housing on foul water management in the area. We raised these issues when commenting on the Charmans Field application, the impact of which cannot be properly understood until the development is built out. The existing foul water system is unable to cope adequately with existing waste volumes, regularly overflowing after rainfall from the existing foul water main into Saltham Lane, and if Southern Water say otherwise it simply flies in the face of local experience and regularly reported flooding episodes. Upgrades to the Pagham Wastewater Treatment Works are welcome, but they are of limited value if the foul water infrastructure in and around the North Mundham pumping station is not upgraded/reinforced so that waste from current dwellings and new developments can reach it without overflowing en route.

Once again we ask the LPA to take seriously these local concerns and the evidence of a significant problem that should be dealt with before any additional development is permitted. The fact that Southern Water has a duty to accept new connections does not mean that the LPA cannot refuse consent for development if it considers that the infrastructure in the area is and will remain inadequate. The use of Grampian conditions is only a solution if they will secure the necessary improvements to local infrastructure. The parish council reserves its position on these foul water issues until Southern Water have responded to this application.

We also remain concerned regarding the risk of flooding in the area, particularly in the vicinity of the Pagham Rife. We know from the applicant's Flood Risk Assessment that the Wheatlands site has high ground water levels and that managing surface water by infiltration (which is the preferred mechanism) is not possible. Water collected on site will have to be discharged into the Pagham Rife and ensuring that this flow is sufficiently

well managed to avoid additional flood risk both locally and down stream will be critical.

There is no need for us to repeat the local and national policy requirements to ensure that a site, particularly a housing site, is not at unacceptable risk of flooding, or causes a greater risk elsewhere. We note that the local lead flood authority has issued a holding objection to the application and requested further information from the applicant which we await with interest.

We expressed concern about the impact of development at Charmans Field on local flood risk. The LPA felt able to give consent for that development but until the site is built out it cannot be sure that the flood risk assessment and mitigation measures were properly assessed and do not exacerbate local flooding issues eg in Brookside. If and when that is confirmed – which will only be after development has taken place – then it would be reasonable to consider them as base line conditions for another proposal but not before.

The parish council is firmly of the view that no further development should be permitted in this area until the actual impact of the building already approved can be assessed. Relying on modelling and desk top prediction may be acceptable where there are isolated or highly controlled sites, but that is clearly not the case here.

### **Biodiversity Net Gain and Ecology**

It is very disappointing that the applicant does not expect the development to achieve the minimum of 10% biodiversity net gain ('BNG') on site, estimating that the gain in units will be just over 5%. Whilst we acknowledge that legislation allows for BNG shortfalls to be made up off site, it is deeply disappointing that the applicant has put forward a scheme which ignores the spirit and intent of BNG regulations. On a site with few constraints as to the layout and content of development, the applicant has chosen to maximise density and generic design rather than to offer an imaginative and interesting scheme which sees biodiversity enhancement as a positive benefit rather than a 'price to be paid' for development.

### **Access to Local Infrastructure**

The LPA will recall that the Charmans Field application involved a lengthy discussion with West Sussex County Council ('WSCC') regarding the availability of primary school places to serve that development.

If children are unable to access North Mundham primary school by bicycle or on foot, this will undermine the case that this development is in a sustainable location. This foot/cycle access remains a critical concern to the parish council. The pavement route involves a crossing of the Brookside junction, and then the B2166 Lagness Road as well as a difficult and potentially hazardous crossing of Vinnetrow Road (where visibility is very limited for pedestrians) at the Walnut Tree roundabout. The alternative 'cross country' route down Brookside/Saltham Lane and then a footpath across fields to Post Office Lane in North Mundham is only passable in dry weather and is generally not suitable for pushchairs. Post Office Lane also suffers from foul main raw sewage overflow coming from Church Road as well as the flooding that regularly occurs at the entrance to the Land South of Larock development. This is certainly not an all weather



alternative route for families accessing the primary school. The parish council consider that a 'Safe Walking Route' Site Survey assessment is required (Ref RoSPA Assessment of Walked Routes to School) with particular emphasis on the westbound crossing of Vinnetrow Road at the Walnut Tree public house where the corner of the building severely blocks pedestrians' visibility northwards along Vinnetrow Road.

These critical issues with foot and cycle access to the school, in spite of the 'safer routes to school improvements' included in the Charmans Field development proposals, demonstrate that this development is still not in a sustainable location.

Chichester Free School may also represent an accessible option for some parents, but it has no catchment area to ensure that preference is given to pupils from the immediate area. According to its website the school has waiting lists for admissions in most year groups.

WSCC eventually decided not to object to the Charmans Field application because it came to a late decision that sufficient primary school places would be available at North Mundham primary school 'provided the number of dwellings does not exceed the current proposal of 94'.<sup>9</sup>

We wait to see what advice WSCC will provide regarding this application which of course further increases the number of houses to be served by the school. It would be very surprising if WSCC now concludes that the intake from another 109 family sized houses can be accommodated at North Mundham primary school. It is also important that the final WSCC response on Charmans Field observes:

*We cannot simply take a financial contribution to mitigate the impact of the development if no such possibility exists within the education planning area<sup>10</sup>*

That is correct, because it would not be in accordance with legislation relating to the use of planning obligations for the LPA (whether at the behest of another consultee or not) to accept financial contributions as mitigation if there is, in fact, no way for that mitigation to be provided.

Other important local services, such as primary health care, are highly unlikely to be improved as a result of individual developments of this scale. Financial contributions will not be used to increase the accessibility or availability of these services to local residents. The result will be additional pressure on already stretched local services that would affect existing and new residents alike.

This is inevitable where speculative applications are permitted rather than adopting a plan led approach which enables infrastructure delivery to be aligned with new development.

## **Highways and Transport**

We note the holding response from WSCC as highway authority and the requirement for more work in relation to be detailed junction arrangements.

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<sup>9</sup> Undated WSCC advice note published on planning register 12 September 2023

<sup>10</sup> *ibid*

Although WSCC seem satisfied that the impact of yet more development with access directly onto the B2166, we are unclear from the applicant's Transport Assessment as to whether all of the recently committed development (including applications not yet determined), particularly those in Arun district, have actually been factored into the highway modelling. We ask that this be confirmed before a final decision is reached.

The Transport Assessment raises a number of questions:

Traffic flow diagrams/Junctions Modelling completely ignore the Marsh Lane/Brookside junction with Lagness Road which is a busy junction especially at morning/evening peak flows. This junction needs to be included in the analysis with an assessment of the impact of both the Charmans Field and Wheatlands development traffic loading and incorporating and analysis of sight lines that include traffic queuing for access to both developments for Brookside and Marsh Lane traffic.

Traffic flow diagrams do not use the correct (highest) traffic flow results and therefore all of the analysis is materially underestimating the effects on delays and loadings. This analysis needs to be re-assessed.

The roundabout improvement at the Lagness/Vinnetrow Road roundabout has had a negligible affect on traffic flow (Max RFC) due to the short effective flare length available. The Lagness/Selsey Road roundabout improvements also suffers from a similar constriction and hence negligible flow improvements. These improvements have not materially alleviated the Lagness Road traffic build up and blockages.

The parish council particularly note the objection from Hills Brothers Limited not only from the Agent of Change Principle, but also for the possible traffic congestion impacts and especially for the anticipated light pollution problem. This latter problem was regularly complained about by local residents from about 2000 onwards until it became clear that nothing could be done about it. It was raised again with respect to the Charmans Field application but ignored by the LPA. This light pollution is very intrusive in particular weather conditions and must be taken into account when assessing the suitability of this site for any new development.

## **Summary**

As a 'service village' North Mundham/Runcton has a finite capacity to accommodate new development beyond which it becomes an unsustainable location. That will have a harmful impact on existing residents and those who move into the area to find that they cannot access the services they would reasonably expect to have. The level of housing considered appropriate in the local plan has been comfortably exceeded already. This proposal is not a part of any plan led or strategically managed approach to sustainable development.

It is also in conflict with the strategic policies of the emerging plan which itself assumes a level of development that has already been reached. The conflict with the emerging plan can and should be given significant weight when determining the application.

The resulting pressures on local infrastructure should not be a surprise because they are simply a consequence of too much development taking place where it has not been planned for. Foul water management infrastructure has not been upgraded to cope with

the additional demand, and concerns remain over flood risk management as evidenced by the response of the local lead flood authority. If it is confirmed that no further school places are available then this will constitute a very specific justification to refuse the application.

Development on this site would have a harmful effect on the setting of the Runcton Conservation Area which is not justified by any benefit to be obtained.

Overall, even if the tilted balance is engaged, there are significant and demonstrable reasons to refuse this application.

Kind regards,

Louise Chater

Parish Clerk  
North Mundham Parish Council