

Appeal Decision

Inquiry held on 2-5 & 9-10 October 2018

Accompanied site visit made on 5 October 2018

by M C J Nunn BA BPL LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st January 2019

Ref: APP/Q3820/W/17/3173443

Land adjacent to Lowfield Heath Service Station, London Road, Lowfield Heath, Crawley, West Sussex, RH10 9SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Holiday Extras Ltd against the decision of Crawley Borough Council.
 - The application Ref: CR/2016/0156/FUL, dated 15 February 2016, was refused by notice dated 11 October 2016.
 - The development is described as 'an extension to the permanent lawful long term off-airport car parking use on to land adjoining the Lowfield Heath Service Station, London Road, Lowfield Heath, Crawley, West Sussex, RH10 9SW for a temporary period of five years, along with the provision of a new vehicular access, associated reception facilities, toilets and administrative offices, perimeter fencing, CCTV cameras and associated lighting'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Gatwick Airport Ltd ('GAL') appeared at the Inquiry as a Rule 6 Party, and gave evidence inviting me to dismiss the appeal.
3. Two of the Council's five reasons for refusal¹ relating to ecological impact and flood risk have now been withdrawn in the light of further information. It is agreed that these matters can be dealt with by conditions were the appeal to be allowed.
4. Following the Inquiry, the appellant drew my attention to the newly published Gatwick Airport Draft Master Plan 2018² and comments were received from the parties. It is, however, only a draft document and will be subject to consultation. As a consequence, I accord this document very limited weight.
5. The Inquiry was closed in writing following receipt of two planning obligations signed by the relevant parties, both dated 17 October 2018, one dealing with a

¹ Reasons 4 & 5

² Published by GAL

public transport levy contribution, and the other with the restoration of the site³.

6. After the Inquiry had closed, the Council drew my attention to an appeal decision dated 9 January 2019 (APP/Q3820/C/17/3175231)⁴ relating to a site at Southways Business Park. I have taken the comments received on this decision into consideration in my deliberations.
7. As the parties are aware, I determined the earlier 'Gasholder' appeal decision⁵, also for off-airport car parking. However, each decision will turn on its own facts. To be clear, I have assessed this proposal on the evidence before me and determined the appeal on its merits.

Main Issues

8. The main issues are: (i) whether the proposal is acceptable, having regard to local parking policy; (ii) whether the use would compromise any future expansion of the airport, including a second runway; and (iii) the effect of the proposal on the character and appearance of the area.

Reasons

Local Parking Policy

9. The statutory development plan comprises the Crawley Borough Local Plan 2015-2030 ('the Local Plan'), adopted in December 2015. Policy GAT3 ('Gatwick Airport Related Parking'), as its title suggests, is specifically concerned with airport related parking. The first 'limb' of Policy GAT3 states that additional or replacement airport parking will only be permitted within the airport boundary. The second 'limb' requires all new proposals to be 'justified by a demonstrable need in the context of proposals for achieving a sustainable approach to surface transport access to the airport'. Both the Council and GAL are of the firm view that the second limb applies to proposals that already comply with the first limb. In other words, the two parts of the policy are not alternatives, but should be read conjunctively and not disjunctively.
10. The appellant, by contrast, says there are no words within the policy that compel such a conclusion, nor any justification that the second limb should only apply to proposals that meet the first. The appellant further argues that the title of the policy is broad and inclusive, and not only confined to on-airport parking. Also, that if the second limb of Policy GAT3 only applied to proposals for on-airport parking, it would effectively be redundant, since all on-airport parking could be constructed using GPDO rights⁶.
11. With regards to the appellant's contention that the GPDO makes the second limb redundant, it is important to note that such rights only attach to the 'airport operator' (in this instance GAL) and not to third parties (such as hotel operators). Furthermore, GPDO rights only apply on 'operational land', and not all the land within the airport boundary falls within that category. In addition, GPDO rights do not apply to development requiring Environmental Impact

³ ID25 & ID26

⁴ ID29

⁵ APP/Q3820/W/17/3182041, dismissed 19 July 2018

⁶ Part 8 of the Town and Country Planning (General Permitted Development) Order 2015

Assessment. For these reasons, I do not find the appellant's contention that GPDO rights make the second limb redundant to be compelling.

12. The reasoned justification⁷ provides helpful context, and can assist in interpreting the policy. This states that 'it is considered that sites within the airport provide the most sustainable location for the additional long stay parking which needs to be provided as passenger throughput grows whilst still supporting the public transport target' and 'sites within the airport boundary are close to the terminals and can help reduce the number and length of trips'. Importantly, the Inspector examining the Local Plan observed that Policy GAT3 'requires all new parking to be provided within the airport boundary, on the basis that this is the most sustainable location'⁸. In finding the Policy 'sound', he noted that 'there is obvious logic to the argument that car parks close to the terminals will minimise the length of car journeys for most people, and that on-airport provision is a more sustainable option'⁹.
13. It is also instructive to look at the predecessor to Policy GAT3, namely Policy GAT8 of the Crawley Borough Local Plan, adopted in 2000¹⁰. That stated that proposals for new airport related car parking on off-airport sites would only be permitted where they did not conflict with countryside policies and could be justified by a demonstrable need in the context of achieving a more sustainable approach to surface transport to the airport. That policy was considerably more permissive in that it explicitly allowed for new airport related parking on off-airport sites in certain circumstances. Policy GAT3, by contrast, is significantly more restrictive, and the Council is quite clear that it was worded specifically to remove the greater potential permissiveness of Policy GAT8¹¹.
14. In the appellant's unsuccessful challenge to Policy GAT3 at the High Court¹², the Judgement provided some insight into the policy's meaning. It stated "it is...quite clear that in considering what was appropriate in relation to the new plan the Council wanted to ensure, as far as it could, that restriction to on-airport parking was clearly made and would be enforced in the manner they considered appropriate"¹³. It is clear, therefore, the High Court appreciated that Policy GAT3 represented a clear change in approach to off-airport parking as compared with Policy GAT8, and a more restrictive one. A recent appeal decision at Southways Business Park reinforces this view, the Inspector noting that 'a straightforward reading of the wording of GAT3 reveals no contemplation in the policy, or its reasoned justification, of any situation where additional or replacement parking could be located off-airport'¹⁴.
15. All these factors support the proposition that the second limb applies to those proposals that already comply with the first limb, and that the second limb follows on from the first. In fact, having regard to the policy's reasoned justification, the Local Plan Inspector's comments and the High Court Judgement, it would indeed be an odd interpretation if the second limb applied regardless of whether or not the proposal was on or off-airport. Had that been

⁷ Paragraph 9.24

⁸ Inspector's Report (November 2015), Paragraph 87 [CD7/3]

⁹ Inspector's Report (November 2015), Paragraph 88 [CD7/3]

¹⁰ CD7/11, Page 165

¹¹ Council's Closing Submissions, Paragraphs 5 & 17

¹² Holiday Extras Ltd v Crawley Borough Council [2016] EWHC 3247 (Admin) [CD11/1]

¹³ CD11/1, Collins J at Paragraph 8

¹⁴ ID29, Paragraph 30

the intention, the policy would have explicitly been drafted to provide that *either* proposals had to be on-airport, *or* alternatively had to show a demonstrable need. Consequently, I prefer the interpretation advanced by the Council and GAL.

16. It follows the proposal would not comply with Policy GAT3. It may be possible, of course, to demonstrate that material considerations justify an exception being made to policy. One such consideration could be that the proposal is justified by a demonstrable need, or that there is an unmet need that must be met by allowing off-airport parking.
17. Predicting the demand and supply for airport related parking is far from an exact science, and is necessarily uncertain. Much evidence was presented by all the parties, but with contradictory results. Substantially different outcomes result depending on what assumptions, data and techniques are used. The complexity of the data, together with the possibility of different assumptions being made at different stages of the modelling exercise, makes deriving reliable figures difficult. The further one predicts into the future, the greater the scope for wide ranging results. There is also disagreement as to which data should be used: the appellant prefers the CAA's data because it is publicly accessible and more 'transparent', and has previously been used by GAL at other recent Inquiries. GAL says, on the other hand, its own data – the 'Retail Profiler Survey' – is more accurate and reliable¹⁵. Without agreement on which data sets should be used, and with so many disputed variables, it is difficult to reach a definitive answer in terms of unmet need for parking.
18. The Council draws attention to its own Parking Surveys which show a steadily increasing spare parking capacity, rising from 8,129 spaces in 2010 to 13,357 spaces in 2017¹⁶. This includes authorised and unauthorised spaces. Whilst the Surveys only provide a 'snapshot' of available parking on a particular day, I consider they provide a basis nonetheless on which to assess whether there is any pressure on parking availability. They have proven to be reliable over the years, having been carried out using a standard methodology at the same time each year.
19. The appellant, by contrast, says the Parking Surveys have only a limited role in calculating need. Using a similar methodology to that employed by GAL, but with certain different assumptions, and by 'reworking' GAL's own data, the appellant identifies a net shortfall of 6,860 spaces in 2017-2018, and after adjustment to reflect 'effective capacity'¹⁷, of 4,734 spaces¹⁸. This shortfall is forecast to increase to 8,719 by 2022¹⁹. Alternative figures showing a shortfall of 5,548 in 2017, peaking at 8,610 in 2019, and reducing to 5,899 in 2022 were also provided by the appellant at the Inquiry²⁰. Whatever the exact figures, the appellant's calculations show a substantial and growing need for additional spaces up to 2022.

¹⁵ There is now no suggestion by the appellant that the GAL data is 'skewed' to achieving the 'right' result

¹⁶ Council's Closing Submissions, Paragraph 45

¹⁷ 80% for on-airport and 90% for off-airport

¹⁸ Mr Dove, Updated Proof, Table 7, page 21

¹⁹ ID15

²⁰ ID8 – Updated Table 7 to Mr Dove's Proof; see also ID15

20. There are other differences between the parties: GAL's analysis considers that the supply of and demand for car parking spaces are in broad equilibrium²¹ whilst the Council's Parking Surveys show increasing unused capacity from 2010 to 2017²². The appellant also notes that, although the Parking Surveys have apparently always shown a supply of unused spaces, this has never been used to defeat the planning of new car parking spaces on-airport. All these apparent anomalies only serve to further complicate matters, making drawing clear conclusions difficult.
21. However, a key factor that gives rise to a significant difference between the Council and appellant in terms of supply is a dispute about how many hotel parking spaces should be treated as authorised. The appellant assumes that all hotel airport related parking without express permission or a certificate of lawfulness will be enforced against and closed down. The appellant says the use for long stay parking does not fall within the normal use of a hotel, and therefore as a matter of law cannot be considered ancillary. The appellant also assumes that other unauthorised sites, including so called 'pop-ups' will be closed. If these spaces are included in the supply, the appellant's shortfall is largely eliminated.
22. It is the case that GAL, in its analysis for the need for additional parking provision to 2022, assumes that all unauthorised sites will be closed down with the vehicles using them being accommodated on-airport²³. Crucially, however, GAL acknowledges that their closure is a 'highly conservative assumption' and in reality 'inconceivable'²⁴. The appellant's approach to parking need whilst therefore consistent with GAL's, appears not to acknowledge the inherent conservatism or improbability of the assumptions made. I have no reason to take issue with the Council that it is not expedient or realistic to take enforcement action. I accept that there is no guarantee of successful enforcement given that sites have operated for many years and may therefore be immune from action through the passage of time. Furthermore, a number of sites are outside the Council's area, and so closure would be dependent on other local planning authorities taking enforcement action.
23. Whilst the appellant says there is no justification for any 'relaxation' in terms of unauthorised sites, and Policy GAT3 must be applied consistently, one must be realistic: this cannot be a purely abstract theoretical numerical exercise, but must be grounded in some degree of reality. Given the Council's evidence, there seems very little likelihood that these unauthorised spaces will be closed down and so an important part of generating the appellant's necessary shortfall falls away.
24. Other assumptions made by the appellant are that all multi-storey car parking spaces (MSCP) are short stay, and therefore should be excluded from the assessment. However, GAL provides cogent evidence that the MSCPs provide spaces not only for short term parking, but a significant proportion for medium to long-term parking. Hence it is wrong to exclude them from any assessment of supply²⁵.

²¹ Mr Wallace's Proof, Paragraph 3.6.1

²² Council's Closing Submissions, Paragraph 45

²³ Mr Wallace's Proof, Paragraph 4.2.5

²⁴ GAL's Closing Submissions, Paragraph 38

²⁵ GAL's Closing Submissions, Paragraph 38(ii)

25. GAL also explained that making a deduction or discount from the supply of spaces to account for 'effective' capacity is not appropriate because the availability of spaces is managed through 'variable' or 'dynamic' pricing, with active management of parking spaces so as to fill all available capacity on the airport, whilst ensuring sufficient space remains for 'roll-up' customers who have not pre-booked. Indeed both GAL and off-airport operators will price their products so far as possible to fill available capacity. Therefore, making a deduction is not appropriate. I see no reason to doubt the reliability of this evidence.
26. Much time could be spent debating parking demand and supply, with various assumptions and modelling techniques. However, standing back and looking at the broader picture, there is no cogent evidence 'on the ground' of stress in the system, nor that there is inadequate parking supply to meet demand. There is no evidence to suggest that customers wishing to park on-airport cannot to do so, or that any are turned away, even though airport passenger numbers have increased. In fact, all customers who wish to park at the airport – whether 'pre-booked' or 'roll-up' can be accommodated²⁶. There is no evidence of a shortage of on-airport spaces, such as cars queuing back on to the highway. The percentage of passengers being dropped off and collected at the airport – known as 'Kiss and Fly' – is not increasing, rather the trend is downwards²⁷. An increase might have been expected if parking spaces were difficult to obtain. In terms of unauthorised spaces, the trend is generally downwards since 2013, notwithstanding an increase in 2017²⁸. Again, an overall increase would have been likely if there was an unmet need or shortfall.
27. There is no indication that GAL is unable to meet future parking need on-airport. Various new schemes are in the pipeline²⁹ and a new decked parking area over an existing surface car park has recently been completed within the airport comprising some 1,565 spaces. GAL states that there are plans to spend substantial funds over the next few years increasing parking capacity³⁰, as identified in the Capital Investment Programme 2018³¹ and that potential exists to add around 10,000 spaces on existing parking areas within the airport should the need arise³². Although some schemes still need to pass through the relevant 'tollgate'³³ and need final approval by GAL to proceed, I see no reason why they should not be realised if they are required.
28. In addition, GAL is promoting sustainable modes of travel to the airport so as to meet its public transport mode share target as set out in the recently published Airport Surface Access Strategy³⁴. This target has recently increased to a 48% public transport share by 2022, up from 40% previously³⁵. This is tied into a planning agreement entered into by GAL³⁶ which makes provision for

²⁶ GAL's Closing Submissions, Paragraph 20(i)

²⁷ Mr Dove's Updated Proof, Page 8, Table 2, middle block

²⁸ This is mainly due to the expiry of a number of temporary permissions – Paragraph 96, Mr Nutt's Proof (updated)

²⁹ Mr Wallace's Proof, Page 25, Section 3.2

³⁰ Mr Wallace's Proof, Paragraph 4.3.2

³¹ CD18/12

³² Mr Wallace's Proof, Paragraph 4.5.5

³³ A key decision point for GAL reflecting the status of a particular project

³⁴ CD8/19

³⁵ CD 8/19, Page 14, Target 1; this target was achieved despite a larger than forecast increase in passenger numbers

³⁶ Under s106 of the Town and Country Planning Act, dated 10 December 2015 [CD 7/14]

the payment of a public transport levy, to be used to improve public transport links to the airport. The modal split percentage between passengers arriving at the airport by public transport, as opposed to by private car, has increased in recent years.

29. To sum up, it is acknowledged that the appellant in this appeal is contesting the Council's and GAL's assessment of airport parking in far greater detail than at the earlier 'Gasholder' case. However, I find overall that the evidence does not conclusively or unequivocally demonstrate that there is a proven unmet need for additional off-airport parking that is so pressing that the clear conflict with Policy GAT3 should be disregarded. Indeed, granting permission contrary to GAT3 might set a precedent for off-airport parking proposals which would be difficult for the Council to resist. Consistent application of Policy GAT3 is required so as not to undermine the Local Plan's strategy in respect of airport related parking.
30. I conclude on the first issue that the scheme would conflict with both limbs of Policy GAT3 of the Local Plan. The proposal would run counter to the Local Plan in terms of controlling the extent of airport related parking, thereby helping to encourage the use of alternatives, whilst ensuring sufficient parking is available to those who have no other option³⁷.

Safeguarded Land

31. The appeal site forms part of the area safeguarded for a second runway where Policy GAT2 ('Safeguarded Land') applies. This policy safeguards land from development which would be 'incompatible' with the construction of a second runway. The second part of the Policy allows for 'minor development' within the safeguarded area. Although not specifically defined, examples are given of acceptable development, which includes changes of use and small scale building works, such as residential extensions. Temporary permission may also be granted where appropriate. The reasoned justification makes clear 'incompatible' development within safeguarded land is that 'which would add constraints or increase the costs or complexity of the development or operation of an additional runway'³⁸.
32. In my view, the scheme proposed cannot be realistically regarded as 'minor development', given the nature and extent of the works, nor is it a simple change of use. This is because it involves the construction of a central 'hub' office building and reception area, with toilets and so on, as well as the provision of other infrastructure, and extensive areas of parking. In my judgement, a development of this size and extent, together with bunds and landscaping, and other infrastructure, would be incompatible with the construction of a second runway, and is likely to add constraints, or increase the costs or complexity of providing it.
33. The Appellant argues that incompatibility with Policy GAT2 can be avoided by granting a temporary permission, with a planning obligation to restore the site at the end of a five year period³⁹. I acknowledge that the recently published

³⁷ Paragraph 9.20

³⁸ Paragraph 9.18

³⁹ The appellant has drawn my attention to the Inspector's conclusions on safeguarding in the 'Southways' decision but the Council did not cite this factor in the reasons for refusal in that case [ID29, Paragraphs 57-58]

Airports National Policy Statement (NPS)⁴⁰ has identified Heathrow as the preferred location for an additional runway. That decision is itself highly controversial. Importantly, however, the NPS does not deal with the question of whether continued safeguarding of land for a second runway at Gatwick is required. This matter is expected to be addressed in a future Aviation Strategy for the UK. The NPS is subject of legal challenges which are due to be heard this year. The outcome of these challenges is currently unknown. Given this uncertainty, the possibility of the site being required for a second runway, including for preliminary or investigatory works, whilst arguably remote, cannot be ruled out within the next five years. This being so, and until the Council has initiated a review of Policy GAT2, and a new policy framework exists at the airport, I see little justification for departing from the adopted development plan which identifies the appeal site as falling within 'safeguarded land' where this proposal would not be appropriate.

34. To sum up on the second issue, I find the proposal to be in conflict with Policy GAT2 which seeks to safeguard land from development which would be incompatible with expansion of the airport to accommodate the construction of an additional wide spaced runway if required by national policy.

Character and Appearance

35. The appeal site, which lies outside the defined Built-Up Area, forms part of a wider area that comprises predominantly undeveloped countryside. Policy CH9 ('Development Outside the Built-Up Area') is therefore applicable. It is located in the 'Upper Mole Farmlands Rural Fringe'⁴¹ which is described as a flat low lying pastoral landscape between the open environment of the airport to the north and the urban edge of Manor Royal to the south. Although the site lies immediately to the east of a lawful long term off-airport car parking facility at the former Lowfield Heath Service Station that fronts the A23 London Road, the local landscape remains largely intact. It comprises a traditional individual field pattern delineated by hedgerows with areas of woodland copse. It is composed of relatively small scale pastoral fields, punctuated and peppered by intermittent deciduous tree cover and hedgerow boundaries. This creates an intimate and pleasing character.
36. The scheme would accommodate around 3,000 cars on site, including 2,868 block parked cars⁴², along with 72 spaces comprising an arrivals / drop off area, and 211 spaces in a customer collection point. There would also be a modular building to accommodate a reception, office and toilets. The site would be enclosed by a 2.4m high green steel mesh fence, with numerous 5m high lighting poles with LED direction floodlights. Cameras would also be positioned around the site to provide security and surveillance.
37. The introduction of such an expansive area of car parking along with associated offices and other necessary paraphernalia would result in a serious incursion into the open countryside and materially harm the rural character of the locality. It would result in a large urbanising feature within open countryside that currently forms an important gap between Gatwick and Crawley. Policy CH9 refers to the Upper Mole Farmlands as having an important role in

⁴⁰ Published in June 2018

⁴¹ Landscape Character Assessment 2009

⁴² Parked bumper to bumper in closely packed rows

maintaining the separation of Gatwick Airport from Crawley. This scheme would erode this important 'separation' function.

38. In terms of the wider landscape, I observed the site from various points. There would be longer distance views of the proposal from the public footpath at a high point at Rowley Farm. I acknowledge the view from here would be filtered to an extent, but there are nonetheless clear views towards the site. From here the site is seen at a distance and within the context of a larger panorama. At present, the view is essentially a rural one. The proposal would result in a major urbanising feature, especially in the winter months when deciduous trees lose their leaves. There would also be prominent views of the site when viewed from the pedestrian path on the A23 to the north.
39. I acknowledge that the scheme proposes additional landscaping measures including bunds, structural planting to supplement existing vegetation, and trees to minimise its impact. It is proposed to retain as far as possible the existing field pattern and hedgerows. It is also proposed to use porous surfaces for areas of hardstanding, and 'no dig' methods to ensure trees are not harmed. The lighting columns have been designed to minimise light spillage. However, I am not convinced that these measures would be effective in altering the perception of a large urban feature within the open countryside. The temporary nature of the permission sought would also limit the landscaping from fully maturing over time and providing dense screening.
40. To sum up on the third issue, the appeal proposal would conflict with Policy CH9 of the Local Plan which seeks to ensure, amongst other things, that Crawley's compact nature and attractive setting is maintained. The proposal would also fail to recognise the individual character and distinctiveness, and role of the landscape character area in which it is proposed.

Overall Conclusions and Planning Balance

41. The relevant legislation⁴³ requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The National Planning Policy Framework ('the Framework')⁴⁴ states that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by the economic, social, and environmental dimensions and the interrelated roles they perform. The Framework also requires the planning system to contribute to building a strong and competitive economy⁴⁵, and to proactively drive and support sustainable economic growth⁴⁶.
42. The proposal would generate economic benefits, including jobs⁴⁷ and boost spending in the local economy. It would provide additional long stay parking and increased choice for airport customers. I have taken into consideration that one of the planning obligations⁴⁸ seeks to provide funds for sustainable

⁴³ Section 38(6) of the 2004 Act

⁴⁴ July 2018

⁴⁵ Part 6

⁴⁶ Paragraphs 80-81

⁴⁷ A total of 74 jobs are predicted to be created, Mr North's Proof, Table 7, Page 216

⁴⁸ ID26

public transport initiatives in the locality and to the airport⁴⁹. I appreciate that the appellant is the UK's largest independent provider of airport car parking spaces, is a reputable operator, and that the proposal would be well run. I acknowledge that the site would be restored at the end of the five year period, as per the second obligation⁵⁰. I also acknowledge that there is no evidence to suggest that GAL's public transport mode share would not be achieved in the event the appeal were to be allowed.

43. However, balanced against these factors is the clear conflict with the adopted development plan, in particular Policy GAT3, which requires all new airport parking to be within the airport boundary, on the basis that this is the most sustainable location. The scheme would conflict with both limbs of Policy GAT3 of the Local Plan, and its wider sustainability objectives. It is not within the airport boundary, but is 'off-site'. In my judgement, the evidence before me does not conclusively or unequivocally demonstrate that there is a proven unmet need for additional off-airport parking that is so pressing that the clear conflict with Policy GAT3 should be disregarded.
44. Indeed, granting permission contrary to GAT3 could set a precedent for off-airport parking proposals which would be difficult for the Council to resist. I see no good reason to set aside the provisions of Policy GAT3 of the Local Plan, which has been subject to scrutiny through a Local Plan Examination, and also in the High Court⁵¹. The fact that this appeal relates to a temporary permission does not outweigh the clear policy conflict. Equally importantly, the proposal would also conflict with the safeguarding objectives of Policy GAT2, as well as the principles of Policy CH9 relating to development outside the built-up area, and is unacceptable in these respects.
45. The appellant suggests that the appeal site is in a sustainable location in terms of the proximity to the airport, notwithstanding that it is off-airport. However, a temporary permission for a development of this size and scope raises wider questions of sustainability. Granting temporary permission for a development of this size, involving the carrying out of substantial works and provision of infrastructure so as to allow the operation of the facility, only for it to be removed within a five period after the expiration of the temporary permission, would not in my judgement amount to a sustainable form of development.
46. Overall, the benefits of the scheme put forward by the appellant do not justify departure from Policies GAT2, GAT3, and CH9 of the Local Plan. I find there are no material considerations of sufficient weight that would warrant a decision other than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

Matthew C J Nunn

INSPECTOR

⁴⁹ The Council and GAL have raised concerns that there are no specific projects identified to which the contribution could be applied, and that the financial contribution per space would be far less than that required of GAL under the terms of the planning agreement.

⁵⁰ ID25

⁵¹ CD11/1

APPEARANCES

FOR THE COUNCIL:

David Forsdick of Queens Counsel, Instructed by Crawley Borough Council

He called

Marc Robinson Principal Planning Officer, Development Management Team, Crawley Borough Council

Tom Nutt Planning Officer, Forward Planning Team, Crawley Borough Council

FOR THE APPELLANT:

James Pereira of Queens Counsel, Instructed by Holiday Extras Ltd

He called

Adrian Draffin Draffin Associates Ltd

Howard Dove Director, Holiday Extras Ltd

Tim North Manager Director, Tim North & Associates Ltd

FOR GATWICK AIRPORT LTD

Neil King of Queens Counsel, instructed by Gatwick Airport Ltd

He called

Tim Norwood Chief Planning Officer, Gatwick Airport Ltd

Gary Wallace Head of Car Parks and Commercial Products, Gatwick Airport Ltd

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Opening submissions of the Appellant
2. Opening submissions of the Council
3. Opening submissions of Gatwick Airport Ltd
4. Crawley Borough Local Plan 2015-2030 and Proposals Map
5. Local Plan Examination: Council's response to Inspector's Matters, Issues and Questions: Matter 4 / Issue 2, February 2015
6. Mr Nutt's Summary Evidence in Chief
7. Mr Wallace's sensitivity tests in response to Howard Dove's updated Table 7
8. Updated Table 7 of Howard Dove's Proof and emails from CAA (David Young)
9. Council's Parking Survey 2010
10. List of applications for Certificates of Lawfulness in respect of airport parking

11. Gatwick Airport Ltd - Retail Profiler Quarterly Data 2016-2017
12. Email (with attachments) from Robert Herga (Gatwick Airport Ltd) dated 27 September 2018
13. Letter from Alex Authers (Gatwick Airport Ltd) dated 5 October 2018
14. Signed & agreed Statement of Common Ground
15. Gatwick Airport Ltd & Appellant Parking Data Summary Comparison
16. Objection from Mike Wilson
17. Agreed list of suggested conditions
18. Draft Unilateral Undertaking (unsigned): Public Transport Levy
19. Draft Unilateral Undertaking (unsigned): Restoration
20. Council and Appellant Parking Data Summary Comparison
21. Closing submissions of Gatwick Airport Ltd
22. Closing submissions of the Council
23. Closing submissions of the Appellant
24. Site visit Route

DOCUMENTS SUBMITTED POST INQUIRY

25. Signed Unilateral Undertaking (Restoration) dated 17 October 2018
26. Signed Unilateral Undertaking (Public Transport Levy) dated 17 October 2018
27. Letter dated 23 October 2018 from Tim North regarding Gatwick Airport Draft Master Plan 2018
28. Letter dated 29 October 2018 from Robert Herga (Gatwick Airport Ltd) in response to Tim North's letter
29. Appeal decision APP/Q3820/C/17/3175231 ('the Southways decision') dated 9 January 2019
30. Appellant's comments on the Southways decision dated 17 January 2019