

**APPEAL IN RESPECT OF THE REFUSAL OF ROTHER DISTRICT
COUNCIL TO GRANT PLANNING PERMISSION FOR THE
ERECTION OF 18 RESIDENTIAL DWELLINGS WITH ASSOCIATED
ACCESS, CAR PARKING AND OPEN SPACE TOGETHER WITH THE
TRANSFER AND CHANGE OF USE OF LAND TO BE USED AS
SCHOOL PLAYING FIELDS ON LAND AT BREDE LANE,
SEDLESCOMBE, EAST SUSSEX.**

**PINS REF: APP/U1430/A/14/2219706
RDC REF: RR/2014/147/P**

STATEMENT ON BEHALF OF SEDLESCOMBE PARISH COUNCIL

Submitted by
Graham Fifield MRICS
GRF Planning
30 Collington Avenue
Bexhill on Sea
East Sussex
TN39 3NE

Tel: 01424 221225
Email: graham@grfplanning.com

1.0 Introduction

1.1 My name is Graham Robert Fifield, MRICS. I am a member of the Royal Institution of Chartered Surveyors (Planning and Development Faculty). I have over forty years of experience in town and country planning matters. From April 1990 to September 2011 I lead the Appeals and Enforcement section of the Planning Division of Rother District Council. I managed all the appeals within the District and gave evidence at many public inquiries ranging from enforcement matters to appeals relating to housing sites. One matter I have been involved in, since setting up my own practice is submitting justification, on behalf of the landowners for the inclusion of sites the subject of policies 2, 3, 4, 5 and 6 of the Sedlescombe Neighbourhood Plan. I am familiar with the village generally and the appeal site. I am giving evidence on behalf of the Parish Council.

2.0 The Appeal Site and its Surroundings

2.1 The appeal site is situated on the south side of Brede Lane, which leads in a generally easterly direction from the centre of the village of Sedlescombe. It is approximately 350m from the centre. The land is to the south of a row of houses that front Brede Lane and to the west of a more modern development known as East View Terrace. There is an existing hedgerow along the boundary of the site with Brede Lane. The land slopes down from north to south and also to the east and west. It affords views across the Brede valley to the south. A public footpath (2b) runs in an east – west direction along the southern boundary of the site. There are views of the site from this footpath. In the south east corner is a childrens play area. Further to the south another footpath (31) leads from the B2244 in an easterly direction along the Brede Valley from which the site can be seen. To the west of the A21, some 350m to the north of the junction with the B2244 is a footpath (36a) leading in a westerly direction. The site can be seen from this footpath. The appeal site is within the High Weald Area of Outstanding Natural Beauty (referred to as the AONB hereafter). Photographs showing the site and from the various viewpoints described have been submitted.

3.0 Relevant Planning Policies

Rother District Local (2006)

- 3.1 The Rother District Local Plan (2006) was adopted on 10 July 2006. At the meeting of the Council's Cabinet on 2 July 2012 it was resolved that a significant number of the policies were consistent with the National Planning Policy Framework and should continue to be used in the determination of planning applications pending adoption of the Rother Core Strategy and/or the Development and Sites Allocation Plan. All the policies considered below were the subject of that resolution.
- 3.2 Policy DS1 sets out the development strategy for the District and contains a number of criteria that proposals will be expected to meet. This includes (vi) that development should avoid prejudicing the character and qualities of the environment, particularly the AONB. Policy DS2(v) allows for limited growth of other villages (which would include Sedlescombe) within their development boundaries. DS3 states that the existing settlement pattern will be maintained. The majority of all new development will take place within the development boundaries of existing towns and villages set out, as defined on the Proposals Map. Sedlescombe is included as such a village. DS4 states that outside development boundaries, the remainder of the area is countryside where existing uses shall remain for the most part undisturbed. Policy GD1 contains a number of development principles and at (ii) requires proposals not to unreasonably harm the amenities of adjoining properties. At (v) it states that development should be compatible with the conservation of the natural beauty of the AONB. Policy HG10 states that proposals for new dwellings in the countryside will be refused unless it meets a number of exceptions. None apply in this case. These policies have been submitted.

Rother District Local Plan (2011-2028)

- 3.3 The Rother District Local Plan (2011-2028) Core Strategy was the subject of an Examination in November 2012. Following this modifications were made to the Strategy mainly relating to the housing supply figures and to take into account the NPPF. The Council's SHLAA was reviewed in 2013 and the appeal site shown as "amber" in that it was considered suitable for development subject to further

investigations regarding delivery. Of particular importance is the fact that the SHLAA is not a statement of planning policy. The amendments to the Strategy include a revised paragraph 7.36 which indicates that the distribution of development needed to be mindful of valuable environmental and heritage assets. The potential sites to deliver the Housing Strategy were identified in the SHLAA revision 2013. It was stated that these, as well as other sites, would be further reviewed as part of the site allocation/neighbourhood planning process to determine whether if, and how, they would be duly brought forward. These would be the subject of public consultation as part of the process. Revised paragraph 7.41 reflected on the fact that rural communities were keen to ensure that development contributed to their character and sustainability of services as well as meets local needs. Development in rural areas should be set at a level which allows for limited growth, reflecting individual settlement's needs. At the same time housing provisions seek to maximize the contribution that the villages can make to sustainable growth without prejudicing their individual character and amenities, as well as AONB landscape setting. The Strategy was the subject of a further Examination in January 2014. The Inspectors report has now been received. It concludes that the Core Strategy is "sound", subject to the main modifications set out in the appendix to her report. In paragraph 45 she concluded that the Council's approach to calculating the five year supply of housing was consistent with the approach in the Framework. Of particular importance to this appeal was the fact that she found the Core Strategy to be sound in relation to development in rural areas. It is anticipated that the final version of the Core Strategy be considered by Full Council on 29 September 2014 following its consideration by Cabinet on 1 September 2014 where it was resolved that it be adopted and duly published. Upon adoption it will form part of the Development Plan for the area.

- 3.4 Policy OSS1 of the Strategy contains the Overall Spatial Development Strategy for the District. This sets the number of dwellings to be provided during the Plan period at least 5,700. Policy (ii) (c) indicates that there will be flexible limited growth of villages that contain a range of services, notably in relation to service provision and local housing need, and which is compatible with the character and setting of the village. Policy OSS3 states that development boundaries will continue to distinguish where most forms of development will be acceptable and where they would not. The existing development boundaries will be reviewed by the Development and Sites

DPD having regard to a number of criteria, including the character and setting of individual towns and villages. Policy OSS4 refers to the location of development. In assessing this, regard will be had to the character and qualities of the landscape (vi). Policy OSS5, General Development Considerations requires at (ii) that proposals do not unreasonably harm the amenities of adjoining properties. In paragraph 12.12 the rural Settlements Study is referred to and defines Sedlescombe as a local service village. Policy RA1 refers to villages and contains a figure of 1,670 dwellings to be provided during the Plan period. Figure 12 refers to Sedlescombe providing 35 dwellings (both figures being modified since the original Strategy was published). Policy RA3 relates to development in the countryside and at (iii) indicates that dwellings will be permitted only in extremely limited circumstances, such as the provision of housing for rural workers, none of which apply to this case. RA3 (v) seeks to ensure that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside. Policy EN1 relates to landscape stewardship and states that the management of the high quality historic built and natural character is to be achieved by ensuring the protection and where possible enhancement of the District's nationally designated and locally distinctive landscape and landscape features; including (i) the distinctive identified landscape character, ecological features and settlement pattern of the High Weald AONB. The Inspectors report did not revise these figures. These policies have been submitted.

Sedlescombe Neighbourhood Plan

- 3.5 Following the resolution of the Parish Council in February 2013 to prepare a Neighbourhood Plan, on 1 July 2013 Rother District Council approved the Sedlescombe Neighbourhood Plan Area as the whole Parish of Sedlescombe. The Sedlescombe Neighbourhood Planning Project Group was set up by the Parish Council as an Advisory Committee on 19 March 2013. A number of meetings of the Group have been held with all open to the public apart from one hour of the first meeting. In March/April 2013 all landowners were asked to submit sites for consideration in the Plan. At the same time all residents were informed of the proposed Plan. East Sussex County Council were consulted on each site as highway authority. Natural England and the Environment Agency were consulted where

3.6 Those attending the exhibition in September 2013 were asked to complete a site survey form picking their top 5 sites to meet a 35 dwelling house target. A further four weeks were given for forms to be returned. 331 forms were returned. In respect of the five sites that were included within the Pre-Submission Plan the results were as follows:

Pestalozzi 298 for and 17 against
Blackbrooks 295 for and 20 against
Sawmills 291 for and 13 against
Parish Church 252 for and 43 against
Sunningdale 115 for and 73 against (the majority of comments related to flood risk)

With regard to the Street Farm site there were 33 for and 146 against. In view of the nature of comments received, this site was allocated as a Local Green Space in the Pre-Submission Plan.

- 3.7 In December 2013 Rother District Council decided that the SNP should have a Strategic Environmental Assessment and details were agreed by the Neighbourhood Planning committee. A SEA was produced in accordance with a Scoping Report and has been used in the January 2014 technical Site Assessments.
- 3.8 In March 2014 the SNP Pre-Submission Version, was published for public comment. The period of consultation lasted until 6 May 2014 (6 weeks and 5 days). The comments submitted are included in the Consultation Statement - June 2014. It is intended that the examination of the Plan will take place in October 2014. The Plan incorporates key issues identified by the survey work that preceded it. This includes a clear preference of the local community for the development of smaller sites with 75% wanting development of ten dwellings or less, while just 7% stated that they would wish to see development of twenty properties, and 78% of residents gave first preference for re-using brownfield sites. The Submission Version July 2014 of the SNP has now been prepared. This, together with the State of the Parish Report November 2013, Strategic Environmental Assessment June 2014, Basic Conditions Statement June 2014, Site Assessment Report June 2014 and Consultation Statement June 2014 were submitted for a health check during the week commencing 7 July 2014, prior to being submitted to Rother District Council. It is anticipated that the Plan will be considered by Cabinet at its meeting on 6 October 2014. The publicity period ran from 19 August 2014 to 7 October 2014.

4.0 Relevant National Policies

- 4.1 Various policies of the NPPF are relevant to this appeal. The general principles relating to development will be described first, with the more specific policies relating to this appeal after that. Paragraph 7 sets out the three dimensions to sustainable development, which are economic, social and environmental. Paragraph 28 indicates that a prosperous rural economy will be supported. Paragraph 12 requires that proposed development not in accordance with an up to date plan should be refused unless there are other material circumstances. Paragraph 17 contains a number of core planning principles. These include empowering local people to shape their surroundings, recognizing the intrinsic character and beauty of the countryside, allocations for development should prefer land of lesser environmental value, the encouragement of use of previously developed land provided it is not of high environmental value and the provision of mixed use development.
- 4.2 The NPPF contains policies relating to Neighbourhood Planning. Paragraph 16 refers to the fact that such plans should be developed that support the strategic development needs set out in Local Plans, include policies for housing and economic development and plan positively to support local development. Paragraphs 183 to 185 are particularly relevant to this topic. They include the advice that such plans can enable a shared vision to be developed which delivers the sustainable development communities need. They provide a powerful set of tools for local people to ensure they get the right types of development for their community. They will be able to shape and develop sustainable development in their area.
- 4.3 With regard to green areas of particular importance to local communities, paragraphs 76 to 78 are relevant. By designating land as Local Green Spaces local communities will be able to rule out new development other than in very special circumstances. The advice includes the fact that such spaces should be in reasonably close proximity to the community it serves; is demonstrably special to a local community, for example because of its beauty, tranquility or richness in wildlife. The advice also refers to the green area being local in character and not an extensive tract of land.
- 4.4 Turning to the impact of development on AONB's paragraph 14 requires Local Plans to objectively meet assessed needs with sufficient flexibility to adapt to rapid change,

unless specific policies in the Framework indicate that development should be restricted. In footnote 9 it refers, as an example of such development as those policies relating to sites designated as an AONB. Paragraph 115 gives great weight to conserving landscape and scenic beauty, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 states that planning permission should be refused for major development in such areas except in exceptional circumstances and where it can be demonstrated to be in the public interest. This is assessed against the need for the development, the impact of permitting it, or refusing it upon the local economy; the cost and scope of building elsewhere or meeting the need in some other way; any detrimental effect on the environment, landscape and recreational opportunities, and the extent to which that could be moderated. This advice is amplified in the Natural Environment/Landscape section of the NPPG. This makes the point that irrespective of whether the policy in paragraph 116 is applicable that great weight should be given to conserving landscape and scenic beauty. It is considered that the proposal is major development in the AONB. In this context attention is drawn to an appeal decision relating to 14 residential units in the village of Staunton, Gloucestershire. In the decision the Inspector considered that the development was major given the wording of paragraph 116 and dismissed the appeal despite the lack of a five year housing supply (PINS Ref APP/P1615/A/13/2204158). A copy of the appeal decision has been submitted.

- 4.5 The final issue to be addressed in this section is the question to be given to the weight to be given to policies in emerging plans. This is dealt with in Annex 1 of the NPPF, which indicates that weight may be given having regard to the stage of preparation, with the more advanced the preparation, the greater weight may be given. More detailed advice regarding Neighbourhood Plans is contained in the NPPG entitled Determining Planning applications. This makes the point that an argument that an application is premature is unlikely to justify a refusal other than when it is clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Such circumstances are likely, but not exclusively, to be limited to situations where the development is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging

Neighbourhood Plan; and the emerging plan is at an advanced stage. In the case of a Neighbourhood Plan refusal on the grounds of prematurity will seldom be justified before the end of the local planning authority publicity period. In this particular case, the local authority publicity period has expired, and therefore an objection to the proposal on the grounds of prematurity is justified.

5.0 The Case for the Parish Council

5.1 The planning application was refused primarily for the reason that the site falls outside the development boundary for Sedlescombe as defined in the Rother District Local Plan (2006), and would amount to an unnecessary and unwarranted loss of countryside forming the setting of this part of the village. The fact that the site is outside the development boundary is not disputed by any party. The appellant contests the District Council's 5 year housing land supply. The Parish Council do not offer any evidence regarding this latter issue and are not duplicating the evidence of the District Council, which would not assist the inquiry process. Apart from these matters, there are two issues that are central to the Parish Council's objections to the proposal which are particularly relevant to the determination of the appeal. These are, the status of the SNP and the fact that the proposal does not accord with its policies and would prejudice its implementation and, secondly the impact of the development on the character of the area and the AONB. For these reasons, even if it is concluded that there is not a 5 year supply, there is no justification for allowing the appeal given the harm that the development will cause.

5.2 The extensive consultation that preceded the publication of the Submission Version of the SNP were described earlier in this statement. The site which has been chosen for the housing allocation (Sunningdale) and those where the Plan supports housing development (Pestalozzi, Blackbrooks, Sawmills and Parish Church) received a great deal of support in the village (92% of the Regulation 14 consultation). They reflect the desire not to see greenfield sites developed as only one of the supported site is greenfield. That is land at St John's Church. This provides a modest number of a maximum of 6 dwellings and offers considerable community benefit in providing a car park for the church which will remove a considerable danger of vehicles parking on the B2244, provide important improvements to the church, which is listed in

Grade 11*, and provide an open space for the community. The other supported/allocated sites are either on previously developed land (Pestalozzi, Blackbrooks and the Sawmill) or garden land that is partly within the existing development boundary as shown on the Local Plan (2006), namely Sunningdale. Not only did these sites receive considerable support in the Parish, all but St John's church reflect the community desire not to develop greenfield sites. As well as the benefits that the St John's Church site would bring to the community, the other sites defined by the SNP also have economic and social benefits. The Sawmill site will provide significant employment opportunities as well as housing. It will also provide holiday accommodation and result in the removal of unsightly buildings that currently exist. Sunningdale will generate funds to restore the River Brede. Blackbrooks will provide for social housing, including housing for new and existing staff, taking into account it is one of the major employers in Sedlescombe. It will reduce the need for staff to travel to the site and it will be easier to retain and recruit employees. It may also provide for improvements at the junction with the A21 and B2244 as well as providing a footpath link from the site to the village. Similarly, the allocation at Pestalozzi would provide accommodation for employees/volunteers provided they were eligible for social housing. Again it would reduce the need for employees to travel to the site from elsewhere. From this it can be seen that the sites proposed by the SNP contribute towards the three dimensions to sustainable development set out in paragraph 7 of the NPPF. The Street Farm site offers none of the combined benefits of the sites in the SNP.

- 5.1 The allocation of Street Farm as a Local Green Space (Policy 7) of the SNP also reflects the desire of 44% of those who responded in the Parish not to see the site developed. In addition, the comments made at the application stage and in respect of the appeal have been analyzed. Excluding those who wrote twice, the total making representations was 273, with over 50% objecting due to the impact on the AONB/the view, desire to keep the green space/ecological reasons, and 60% supported the SNP. It is considered that the allocation does accord with paragraphs 76 to 78 of the NPPF. It is in close proximity to the community, provides a break between development to the east and west and is considered special because of its beauty. It is not an extensive tract of land, being well related to the village and extending to approximately 4 Ha. Indeed, the only objection to Policy 7 in terms of

the principle of the Local Green Space allocation was from and on behalf the landowner. A number of the objections from residents of the Parish in respect of the application, the subject of this appeal refer to the fact that they objected to the loss of a green space, and see it as a beautiful a highly valued part of the countryside and wished the land to be preserved as a green field.

5.2 In the officer's report to the Planning Committee dated 13 March 2014, it was stated that the SNP was at an early stage of production and a decision that the application be refused on the grounds of prematurity could not be supported. Since that date, the NP has advanced considerably and when the appeal is heard the local planning authority consultation period will have expired (see paragraph 3.8). Therefore in accordance with the advice in the NPPG quoted earlier, the Plan should be given weight, and the granting of planning permission would undermine and prejudice the plan making process and the development conflicts with policy 7 of the SNP. In this context it is considered important to note the amended paragraph 7.36 of the Strategy which clearly states that potential sites identified by the SHLAA as well as other sites will be further reviewed as part of the site allocation/neighbourhood planning process to determine whether, and if they would be brought forward. Reference is made to public consultation. It is the case that the SNP has been the subject of extensive public consultation, the results of which have been described earlier in this statement. I consider it is important to distinguish between the SNP, which is at an advanced stage and the site allocation document, which is not.

5.3 Turning to the impact of the development on the character of the AONB, the relevant local and national policies have been referred to earlier in this statement. Also of relevance is the High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019 published by the High Weald Joint Advisory Committee in March 2014. Page 25 contains a Vision for the AONB which includes accommodating an increasing number of households without compromising the characteristic historic settlement pattern as a result of strong planning policies and a sound understanding of the dynamics of sustainable communities. On page 27 the geology, landform, water systems and climate character are defined as being characterized by a deeply incised, ridged and faulted landform of clays and sandstone. The ridges trend east-west, and from them spring numerous gill streams that form the headwaters of rivers. Wide

river valleys dominate the eastern part of the AONB. In paragraph 30, the settlement character is defined as being characterized by dispersed historic settlements of farmsteads and hamlets and late medieval villages founded on trade and non-agricultural rural industries. The vision for such areas is a landscape which the distinctive and historic pattern of settlement of the High Weald is protected in a way that positively contributes to the natural environment and improves the connection between settlement and countryside. This can be realized through new resources, application of planning policies that seek to control development on the basis of an understanding of rural sustainability, and promote the traditional pattern of High Weald villages. The paragraph also details the threats to settlement pattern as including the increased development pressure for housing within and adjacent to the AONB. In paragraph 11.7, the Localism Act is referred to as may herald in an increasing involvement of parishes in determining the future shape of built development in the AONB. It refers to communities drawing up neighbourhood plans having an opportunity to embed consideration of AONB character in decisions shaping the future of their community. The relevant extracts have been submitted.

- 5.4 The submitted photographs show the context of the site in relation to the surrounding countryside and nearby properties. A landscaping scheme was submitted with the planning application to show how the applicant considered the impact of the development could be minimized. However, the fact remains that the development would result in the loss of part of an existing field which is rural in character and the provision of a new access road and footpaths, provision of visibility splays, hard surfacing, car parking and the introduction of the new residential properties. This will bring about a change in the character of the area to its detriment. The site will appear much more urban than is currently the situation. As well as views of the development from Brede Lane and public footpaths, the development will be visible from the properties in East View terrace and those on the south side of Brede Lane. This effect is acknowledged in the landscape assessment submitted with the application. In paragraph 3.7.3 it is stated that the visual perception of the site will alter, with the likelihood of the proposals being subject to more formal management than currently exists. That report accepts that the appearance of the site would be more in keeping with the nearby residential estates in comprising low density detached and semi-detached dwellings, and thereby making it incongruous with the countryside and

AONB. In addition, over 50% of comments made in letters received from residents and stakeholders at application and appeal specifically note objection to this development in the AONB, close to a SNCI, views over the valley, need to retain this green space, use of the claimed footpath across the fields and visual interface from footpath 2B. There are also two separate claims for footpaths running across the development site based on long term usage which have yet to be determined by the County Council. For these reasons I consider that the development will have a harmful effect on the AONB. It does not result in the conservation of the landscape and scenic beauty and amounts to major development where it has not been demonstrated to be in the public interest. Alternative, more sustainable sites offering economic and social benefits have been identified in the SNP. As well as being in conflict with the Council's policies described earlier, it is also in conflict with the NPPF, particularly paragraphs 115 and 116.

6.0 Unilateral Undertaking

6.1 In paragraph 4.3 of the appellant's Statement of Case reference is made to the matters that would be the subject of a Unilateral Undertaking should the appeal be allowed. Without prejudice to the position of the Parish Council, details of additional matters it is considered should be the subject of the Undertaking have been supplied.

7.0 Conclusion

7.1 The development of this site outside the development boundary for Sedlescombe as defined in the Rother District Local Plan (2006) is contrary to the emerging policies of the SNP which is at an advanced stage of preparation and to which due weight should be given in accordance with the advice in the NPPG. The proposal will also have a harmful effect on the character of the AONB. For these reasons it is requested that the appeal be dismissed.