

**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 OF CASE 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](mailto:graham@grfplanning.com)

## **1.0 The Appeal Site and its Surroundings**

- 1.1 The appeal site and its surroundings will be described. This will include reference to the relationship of the site with adjoining properties, the topography of the site and the existing vegetation on and in the vicinity of the land. There are a number of footpaths in the vicinity of the site, and the relationship between them and the site will be described. Reference may also be made to an application for Modification Orders under the Wildlife and Countryside Act 1981 which relate to claimed footpaths on the site (Reference RWO170 East Sussex County Council). 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 various viewpoints will be submitted.

## **2.0 Relevant Planning Policies**

Rother District Local (2006)

- 2.1 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 following policies were the subject of that resolution, Policies DS1; DS2; DS3; DS4; GD1 and HG10 will be referred to.

Rother District Local Plan (2011-2028)

- 2.2 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 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. 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. Upon adoption it will form part of the Development Plan for the area. Paragraphs 7.36 and 7.41 will be referred to together with Policies OSS1; OSS3; OSS4; OSS5; RA1; RA3 and EN1.

#### Sedlescombe Neighbourhood Plan

- 2.3 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 appropriate. In July 2013 a resident’s survey was undertaken, with each Sedlescombe resident 18 years old and over receiving a form. The survey was also advertised throughout the village. In August/September 2013 the results of the survey were presented to the Neighbourhood Plan Committee. Achieving a positive result for a Neighbourhood Plan at referendum requires the sites allocated for development to be “acceptable” to residents. It is therefore critical to test sites not only for availability,

deliverability and achievability but also for acceptability. To ensure the sites met the fourth criterion the survey results were used to develop a paper entitled “The Vision for the Parish, Overarching principles and Criteria”. This was used by the Neighbourhood Plan Group to consider all the original sites that had been put forward by landowners. This resulted in a short list of 11 sites which were displayed at an exhibition on 14 and 15 September 2013 under the headings “Acceptable Development”, “Marginal Sites” and “Not Acceptable for Development”. Each was labeled with the categories that had been chosen in accordance with the results of the July 2013 Resident’s Survey. Residents were able to show their preferred sites regardless of the classifications with both marginal sites and not acceptable sites receiving positive scores and comments. Four sites were found acceptable by the Residents Survey, which were Pestalozzi International Village, Sedlescombe Sawmills, Rear of Blackbrooks Garden Centre and Adjacent to the Parish Church of St John. These were ultimately advanced in the SNP Consultation on Pre-Submission Plan. A fifth site, Sunningdale was found to be marginal, being in a flood risk zone. This issue was subsequently resolved and the site was included in the Consultation on Draft Pre-Submission Plan. Street Farm fell into the “Not Acceptable” category for reasons (summarized) as adverse impact on the landscape and rural character, impact on traffic and highway safety, significant impact on existing properties, scheme too large based on optimum development size expressed by residents. Residents considered developments of more than 10 houses to be too large for the village.

2.4 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 (Sedlescombe housing allocation from Rother D.C.). 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.

2.5 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.

2.6 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 - July 2014. It is intended that the examination of the Plan will take place in October 2014 following the publicity period of 19 August 2014 to 7 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 July 2014, Strategic Environmental Assessment July 2014, Basic Conditions Statement July 2014, Site Assessment Report July 2014 and Consultation Statement July 2014 were submitted for a health check during the week commencing 7 July 2014, prior to being submitted to Rother District Council. All these documents will be referred to.

### **3.0 Relevant National Policies**

3.1 Various policies of the NPPF are relevant to this appeal. Those of particular relevance to this appeal are paragraphs 7; 12; 14; 16; 17; 28; 76 to 78; 115; 116; 183 to 185 and Annex 1. The Natural Environment/Landscape section of the NPPG is also relevant and will be referred to. More detailed advice regarding Neighbourhood Plans is contained in the NPPG entitled Determining Planning applications in the context of the weight to be given to emerging Neighbourhood Plans. Finally an appeal decision will be referred to in relation to what constitutes major development in an AONB.

That is in relation 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).

#### **4.0 The Case for the Parish Council**

4.1 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.

4.2 The extensive consultation that preceded the publication of the Submission Version of the SNP were described earlier in this statement. Evidence will be given regarding not only the support these sites received, but also the community, economic and social benefits that will arise from them. They also reflect the desire not to see greenfield sites developed as only one of the supported sites is greenfield. That is land at St John's Church.

4.3 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 at the exhibition not to see the site developed. In addition, the comments made at the planning application stage for the proposed development of Street Farm and in respect of the appeal have been

analyzed. Excluding those who wrote twice, the total making representations was 276. 273 objected to the development with over 50% objecting specifically due to the impact on the AONB and over 50% specifically due to the visibility of the site, desire to keep the green space/ecological reasons, and 66% supported the SNP. It will be argued that the allocation does accord with paragraphs 76 to 78 of the NPPF.

4.4 It will be advanced that, since the planning application was determined, the SNP has advanced considerably and when the appeal is heard the local planning authority consultation period will have expired, as described in paragraph 2.6. Therefore in accordance with the advice in the NPPG quoted earlier, it will be argued that 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.

4.5 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. Pages 25, 27, 30 and paragraph 11.7

4.6 Photographs will be submitted that show the context of the site in relation to the surrounding countryside and nearby properties. Reference will be made to the landscaping scheme which was submitted with the planning application to show how the applicant considered the impact of the development could be minimized. It will be advanced that the development would result in the loss of part of an existing field which is rural in character and its replacement with a much more urban development, visible from a number of locations. A note on the ecological and environmental factors relating to the development prepared by Dr Patrick Roper may be referred to. It will be concluded that, 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.

## **5.0 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, a document is submitted which contains details of additional matters it is considered should be the subject of the Undertaking.

## **6.0 Conclusion**

6.1 It will be demonstrated that 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. It will also be argued that 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.

**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,  
SEDLSCOMBE, EAST SUSSEX.**

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

**LIST OF RELEVANT DOCUMENTS**

1. Policies DS1, DS2, DS3, DS4, GD1, HG10 of the Rother District Local Plan (2006)
2. Paragraphs 7.36, 7.41, 12.12 and Policies OSS1, OSS3, OSS4, OSS5, RA1, RA3 and EN1 of the Rother District Local Plan (2011-2028)
3. Submission Version of SNP July 2014
4. State of the Parish Report July 2014
5. Strategic Environmental Assessment July 2014
6. Basic Conditions Statement July 2014
7. Site Assessment Report July 2014
8. Consultation Statement July 2014
9. Appeal decision APP/P1615/A/13/2204158
10. Pages 25, 27, 30 and paragraph 11.7 of the High Weald Management Plan 2014-2019
11. Additional matters to be the subject of the Unilateral Undertaking
12. Any additional report relating to the application or any other matters raised in this statement
13. Photographs of the site and surroundings
14. Application for Modification Orders under the Wildlife and Countryside Act 1981
15. A note on the ecological and environmental factors prepared by Dr Patrick Roper