



# The Planning Inspectorate

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Mr Derek Stevens  
Chief Executive  
Rother District Council  
Town Hall  
BEXHILL-ON-SEA  
East Sussex  
TN39 3JX

Your Ref:

Our Ref: DP 532

Date: 13 December 2005

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Dear Sir

## ROTHER DISTRICT LOCAL PLAN INQUIRY INTO OBJECTIONS

1. I was appointed by the First Secretary of State to hold a public inquiry into objections to the above-mentioned Plan. A pre-inquiry meeting was held on 16 July 2004. The inquiry itself was held between 19 October 2004 and 20 May 2005 and sat on a total of 47 days (the equivalent of 43.7 full days). I was aided at the inquiry and during the writing of the report by my Assistant Inspector – Mr Robert Watson and we are in full agreement about the recommendations in the Report. Before, during and after the inquiry, Mr Watson and I made a series of unaccompanied visits to sites that were the subject of objections. We also made several accompanied visits during the inquiry. Between us we spent a total of 21 days making site visits. My report into the objections is attached to this letter.
2. Although it had been preceded by a Consultation Draft published in 1995, the formal processes of the Rother District Local Plan have followed the two-stage deposit process. In the first stage, the Initial Draft Rother District Local Plan was placed on deposit in January 2001. After the abandonment by the Government of a proposal for a by-pass for Hastings and Bexhill, a further informal Draft Planning Strategy for Rother District was issued for consultation purposes. There then followed the second formal stage with the preparation of the Revised Draft Rother District Local Plan. This commendably brief and succinct document incorporated considerable re-writing of the Initial Deposit version. It was placed on deposit in November 2003. The Revised Deposit Local Plan was the substantive document that was before me at the Inquiry.
3. Many of the original objections to the Initial Deposit Local Plan were withdrawn as a result of the changes that had been made. However there remained a significant number of outstanding objections and representations that had been submitted in respect of the Initial Deposit Local Plan which required to be considered in the context of the changes which had been made



at the Revised Deposit stage. These included objections to text which had been removed from the Plan.

4. At the close of the inquiry, the position on representations in respect of the Initial and Revised Deposit versions of the Local Plan was as follows:

• Number of duly made representations received: -	
Initial Deposit	1357
Revised Deposit	1133
TOTAL	2490
• Number of supporting representations	
Initial Deposit	55
Revised Deposit	198
TOTAL	253
• Number of representations commenting on the Plan	
Initial Deposit	65
Revised Deposit	86
TOTAL	151
• Number of objections received	
Initial Deposit	1237
Revised Deposit	837
TOTAL	2074
• Objections unconditionally withdrawn	
Initial Deposit	867
Revised deposit	131
TOTAL	998
• Objections dealt with at the inquiry	200
• Objections dealt with by written representations	870
TOTAL	1070
(includes objections that were conditionally withdrawn)	

5. I have considered all the representations on the Plan including representations of support as well as the objections, and all the issues raised. In considering the objections, I have had regard to submissions made by or on behalf of the various objectors and the Council and to all other material considerations including, where appropriate, current national Planning Policy Guidance (PPG) notes, Planning Policy Statements (PPS) and Circulars. References to Government policy and advice usually relate to the versions that were extant at the close of the inquiry. However I do make reference to further Government advice and policy statements issued since the closure of the Inquiry. The Council will also need to take into account any PPG, PPS, Circular or other Government advice published subsequent to the completion of my report. There will be a general need when the Local Plan is adopted to update the specific references which the Plan makes to these policy documents and guidance.
6. I have not had regard to other changes in planning circumstances subsequent to my closing the inquiry as I have not received evidence or representations thereon. The Council will need to take any such changes into account in its consideration of my recommendations.
7. Objections have been considered in the light of the case *Electricity Supply Nominees Ltd and others v Secretary of State for the Environment and Northavon District Council / Kingswood Borough Council*. In relation to many objections there was inadequate justification of the case for modification of the Plan.

8. For convenience, my report is divided into 16 sections. Sections 1 to 14 reflect the way that the Plan itself was organised. Section 15 refers to objections to the Proposals Map and Inset Maps where these are not dealt with elsewhere. I also attach various appendices. These deal with the following matters:
  - Appendix 1 List of Persons Appearing for the Objectors at the Inquiry
  - Appendix 2 List of Persons Appearing for the Council at the Inquiry
  - Appendix 3 Summary List of Recommended Modifications
  - Appendix 4 List of Representations (including withdrawn objections)
  - Appendix 5 List of Core Documents
  - Appendix 6 List of Objectors' Proofs of Evidence and Statements
  - Appendix 7 List of the District Council's Proofs of Evidence and Statements.
9. I have utilised a skeleton report provided by the Council. I have made some changes where there were obvious anomalies. In particular, I have in many cases moved representations from the position to which they were previously assigned in the skeleton report. For example, objections that seek the addition of development site allocations which were omitted from the Revised Deposit Local Plan were to be found in the skeleton report variously recorded as objections to: Section 4 (Development Strategy); the Proposals Map and Inset Maps; or to Sections of the Plan which deal with particular settlements. These are now usually grouped in the settlement sections and I have included appropriate cross-references.
10. I have deleted the original Section 16 of the Skeleton Report which included a number of general and miscellaneous objections to the Plan that had not been assigned to any part of the Revised Deposit Local Plan. These are now to be found in Section 1 alongside other similar objections. However I make additional reference elsewhere in the Report to those single objections which also relate to a series of identified policies and provisions throughout the Plan.
11. For each subsection of the Local Plan, I present a list of the representations and a list of relevant issues together with my reasoning, conclusions and recommendations. With the support of the Council, a short reporting style has been adopted that does not also seek to summarise the cases for the parties although I have made brief references where this would assist understanding of the issues. I have considered the full range of issues raised in respect of each objection notwithstanding the fact that they are not all mentioned in my report. In addition, because I have sought to avoid excessive repetition, further arguments that may be relevant to any particular objection may be found in other parts of the report.
12. Before the Inquiry opened, the Council advertised a number of proposed pre-inquiry changes and further proposed changes. These proposed changes were themselves placed on deposit in July 2004 and September 2004 so that formal representations could be made. There has thus been an opportunity to comment on the pre-inquiry changes. A further proposed change concerning Etchingham was advertised during the inquiry in January 2005. Whilst all these changes are not part of the substantive draft Local Plan, I have been able to taken into account in writing my report all the representations which were received in response to these advertised changes.
13. I have also had regard to the unadvertised Inquiry Changes suggested by the Council's officers during the Inquiry and which are summarised in Core Document 1.38. Most of these changes were referred to at the inquiry or in

the Council's written representations and I have taken into account any relevant comments made in writing or at the Inquiry by respondents. The changes carry less weight where they have not been endorsed by the Council or where they were opposed at the Inquiry by the individual whose objection they sought to address.

14. I have included the text of the Council's proposed changes in my reasoning on the relevant parts of the Local Plan.

## Main Issues

15. The Rother District Local Plan is to be the first district-wide local plan for Rother District. It has had a long gestation period since the publication in January 1995 of the Consultation Draft Local Plan. There are a number of matters that have been particularly controversial and on which I now summarise my main conclusions as follows: -

### *Housing Supply*

16. The East Sussex and Brighton and Hove Structure Plan 1991-2011 requires the provision of 5500 dwellings in Rother District. In 2004, the residual requirement from this total was 2560 dwellings. There has been much debate about whether the Structure Plan housing requirement can and will be met through the development of allocated sites and as a result of windfall developments on large and small sites including existing commitments.
17. I conclude in Section 4 of my Report that the Local Plan should seek to meet the Structure Plan housing supply requirement. I also conclude that the Local Plan should adhere to the same time frame as the adopted Structure Plan. The assumptions relating to the rate of windfall development are generally sound. However the achievement of the major strategic allocated sites for housing (and employment) at N E Bexhill is heavily dependent upon the timely construction of the Bexhill-Hastings Link Road. This remains uncertain and the scheme has already been subject to delay when compared to the programme assumed in the Revised Deposit Local Plan. I also consider the assumed annual building rate at that location to be optimistic.
18. For these reasons, the supply of housing at N E Bexhill is likely to be less than that assumed by the Council. I am also recommending the deletion of the housing and marina development south of Rock Channel at Rye and of a smaller site at Fairlight (see below). However I endorse the Council's view that the Revised Deposit Local Plan provisions already anticipated a modest surplus over the Structure Plan requirement. The above factors would approximately balance housing provision with the Structure Plan figure. Other factors should ensure that the supply figure remains robust. In particular, I would point to the potential to use the allocated housing sites more efficiently.
19. In the Revised Deposit Local Plan, the housing allocation policies each include an estimated figure for the number of dwellings which usually equates to about 30 dwellings pre hectare. However that is at the very lowest end of the range of densities which Government guidance would accept as an efficient use of land. It disregards the impact of other plan policies that require the inclusion of small dwellings in a mix of dwelling types. I am therefore recommending that these figures be set as the minimum number of dwellings to be achieved with the actual maximum density to be determined for each

site by design and layout considerations. Amongst other outcomes this would allow the larger sites to include higher density dwellings such as sheltered housing for the elderly, the need for which is likely to be identified in a Local Housing Assessment (see below).

20. I am also supporting wording suggested by the Council's officers that would permit a start on some of the housing at N E Bexhill in advance of the Bexhill-Hastings Link Road if a transport assessment exercise were to demonstrate that spare capacity exists in the existing road system. I anticipate that only a small proportion of this large development could be served in this way but the number of dwellings to be achieved should nevertheless be significant.

#### *The Bexhill-Hastings Link Road*

21. Although the Link Road is not a proposal of the Local Plan, its construction would be essential if the necessary housing and employment provision is to be achieved within the Local Plan period and if an adequate supply of development land is to be maintained for the subsequent period. I therefore endorse the Plan's safeguarding of land for its construction. Whilst a number of objectors to the Local Plan have suggested alternative locations for major development, particularly at West Bexhill, those would themselves be likely to contribute to excessive levels of traffic on the A259 through the town if the Link Road is not built.

#### *Employment Land Supply*

22. The Plan does include sufficient allocations of employment land to address the need identified in the Structure Plan. However because the need for the Link Road will delay the implementation of the major employment allocation at N E Bexhill, I acknowledge that the interim position in terms of employment site provision may not be wholly comfortable. Nevertheless I have taken particular note of the active involvement of the SEEDA Task Force in the Bexhill and Hastings area and the fact that within this period the Council's work on the emerging Local Development Framework will be progressed when further thought would be given to the issue of employment land supply. In the meantime I do not consider that the need for additional employment sites is so pressing as to justify the release of further sites, particularly in locations such as Ivyhouse Lane, Hastings where they would cause substantial harm to a protected landscape.

#### *Affordable Housing*

23. Because of the high level of identified need for affordable housing I am endorsing the Plan's minimum thresholds and the aim to achieve 40% affordable provision on housing sites. However, because of the high costs of developing some sites, particularly on previously-developed (brownfield) land, I support the Council's proposed change which would allow for the negotiation of reduced provision where this is shown to be necessary to achieve an economically viable development. The 40% figure is in line with emerging regional policy and takes account of the inclusion of shared ownership housing as well as the rented affordable housing for which the need is most pressing.

#### *Development Sites*

24. A number of development sites and projects have proved to be particularly controversial and I here summarise my conclusions and recommendations. In each case my full reasoning is to be found in the Report.

#### North East Bexhill

25. I generally endorse the proposed development allocations and the distribution of land uses within the allocated areas. However I recommend modifications where a conflict would be likely to arise with proposals in the emerging Waste Local Plan. I also recommend that the development of the (eastern) Policy BX2 policy area is accorded priority over that of the (western) Policy BX3 policy area and that allowance is made for some limited development in advance of the construction of the Link Road.

#### Land adjacent to Rock Channel, Rye

26. Whilst I support the development allocation to the north of the river and recognise the potential economic benefits that development would bring, I recommend the deletion of the allocation for a marina and housing development on the Levels to the south of the river. This is in order to prevent the irreversible harm that would occur to the landscape setting and historic character of the Citadel and the town.

#### Land at Udimore Road, Rye

27. I conclude that this housing site would contribute to affordable and other housing needs, would have an acceptable visual impact, and in most respects is otherwise suitable for development. However it is a greenfield site and I agree with the Council that it should be held in reserve and only released later in the Plan period if the Plan, Monitor and Manage process demonstrates that sufficient development has not come forward on other sites to meet housing needs.

#### Development in the High Weald Area of Outstanding Natural Beauty

28. The Local Plan is properly seeking to concentrate development in readily accessible locations in and near the district's towns and to reverse a trend that has seen much housing development dispersed to villages including those in the High Weald AONB. I therefore recommend the rejection of a number of proposals by objectors for additional major housing and other development in the High Weald AONB, particularly at Battle, Flimwell and to the north of Hastings. These would directly contravene national policy objectives to conserve and enhance the natural beauty of the AONB.

29. It is however important to allow for development that is needed to serve the economic and social needs of communities in the AONB. I therefore endorse proposals in the Plan for the new development allocations at Battle and the limited allocations at several of the High Weald villages. Because the village developments would help to meet existing local needs and are often modest in scale, I do not consider that these sites are generally suitable to act as reserve sites, particularly where that status would be intended to address shortfalls arising outside the AONB. The one exception is at Robertsbridge where I conclude that the Grove Farm housing allocation should be held in reserve as part of the Plan, Monitor and Manage process. This is due to particular local circumstances including the high rate of recent development in the village and the need to further investigate the redevelopment potential of

previously-developed land at the large but disused Northbridge Street animal feed mill.

### Northbridge Street Mill, Robertsbridge

30. Whilst I recognise that this site comprises disused previously-developed land, I support the priority which the Local Plan's employment policies place on the retention of land in employment use and recommend that mixed employment/housing development be accorded the second priority before sites are considered for housing alone. The redevelopment potential of this site for employment has not been investigated and there is a lack of evidence before me to justify a housing allocation in the Local Plan. The site's future can be addressed by the Plan's general policies. However, as there is a possibility that this brownfield site's future may include some residential use, I recommend that the greenfield Grove Farm allocation is held in reserve to be considered under the Plan, Monitor and Manage process.

### Etchingham

31. I support the Council's proposed change to the Plan at Etchingham which would extend the village's development boundary to allow for housing, a new village school and other community development.

### Land adjacent to Fairlight Gardens, Fairlight Cove

32. I recommend the deletion of this housing allocation because a precautionary approach should be taken to the issue of coastal erosion in the vicinity of Fairlight.

### 33. Ivyhouse Lane, Hastings

34. Although I recognise that the supply of employment land will be constrained until the N E Bexhill development is underway, I recommend against the additional allocation of this site for employment because of the harm that would cause to the landscape of the High Weald AONB.

### The Transition to the Local Development Framework

35. I have identified several issues that have been raised in relation to the Local Plan but which require further work. If undertaken now that could significantly delay the adoption of the Local Plan. However as the District currently lacks a comprehensive and up-to-date local plan, I judge that it is more important that the Plan should be taken forward quickly to adoption than that all of these issues are resolved in the Plan.
36. The Local Plan period runs until 2011 and the strategic development at N E Bexhill in particular will not have been completed by that date. However the transitional arrangements for the new Local Development Framework system brought in by the Planning and Compulsory Purchase Act 2004 mean that the Local Plan will only be 'saved' for a period of 3 years from its adoption date; during which time replacement Local Development Documents are to be prepared. I am aware that the Council has already commenced work on the necessary Local Development Scheme which sets out the documents to be prepared and that the succinct format of the Revised Deposit Local Plan was selected because it will allow many of its provisions to be rolled forward into the new documents.
37. In these circumstances, the preparation of the Local Development Documents provides an opportunity to address matters which I have identified as



requiring further work. In particular I would draw your attention to the following issues: -

#### Retail development

38. There are a number of objections concerning the absence from the Local Plan of the identification of the precise level of need for retail development. National policy does not require that Local Plans include such figures. However in the context of the new local development framework process, national policy advises that local planning authorities should work in conjunction with stakeholders and the community to assess the need for new floor space for retail and other town centre uses, taking account of both quantitative and qualitative considerations. Such assessments should inform the identification of new retail development needs and opportunities. The need for such an assessment is most pressing in Rye.
39. It is too late in the Local Plan process for such an exercise to be undertaken in time to inform relevant policies and provisions in this Plan without unreasonably delaying the adoption of the Plan. However, I consider that the Plan should incorporate an explicit reference to that process of retail need assessment which should be set in train so that it is available early in the Local Plan period and so that it can inform the relevant Local Development Documents. It should also be made clear that this retail need assessment process will be regularly updated.

#### Local Housing Assessments

40. The District is known for its relatively high proportion of elderly residents and the Council's Housing Need Study identified a need for housing for people with special needs, especially people with disabilities and the frail elderly. Structure Plan policy encourages the provision of sheltered housing and other forms of specialist housing. In this context there have been a number of objections to the Local Plan's omission of specific provision for housing for the frail and elderly. I recommend modifications to the density requirements on allocated housing sites that would facilitate the inclusion of such provision. However a more precise quantification of the need for this and other types of specialist housing including different tenure types would require the preparation of a Local Housing Assessment as foreshadowed in emerging Government guidance.
41. Again it is too late in the Local Plan process for such an Assessment but it will be needed if the Plan Monitor Manage process and the preparation of the forthcoming Local Development Framework are to be properly informed.

#### Employment Land Supply

42. I have drawn attention above to the employment land supply provision which will be restricted unless and until the Link Road is available to serve the N E Bexhill development. The availability of employment land will need to be monitored and given further consideration in the Local Development Framework.

#### The Replacement of Rural Buildings

43. Objectors have drawn my attention to a number of examples of unsightly and redundant former agricultural buildings in rural areas which may be

unsuitable for conversion to other uses but which are likely to become increasingly derelict and unsightly. Since the Revised Deposit Local Plan was drafted, the Government has published a revised Planning Policy Statement for rural areas (*PPS7*) which includes support for the replacement of suitably located existing buildings of permanent design and construction in the countryside for economic development purposes. The Government advises that Local Development Documents should include policy criteria for the replacement of buildings. This is a potentially controversial area which requires debate and it has therefore not been possible to recommend a policy in the Local Plan. However it is a subject which I consider ought to be addressed in the Local Development Framework.

#### The Protection of Community Facilities

44. Policy CF2 seeks to protect community facilities from redevelopment for other purposes. However whilst the text of the policy refers mainly to recreational facilities, the supporting text means that the policy would have a wider application including village shops and local services. It is not clear whether the inclusion of such facilities is intentional but in any event the policy criteria would be inappropriate. I recommend that the policy is amended to confine its application to recreation facilities but that consideration is given to whether a separate policy is needed to protect other types of community facility, particularly in rural areas, with appropriate criteria for exceptions. If this cannot be quickly determined, any additional policy would be better addressed in the Local Development Framework.

#### Kent and East Sussex Steam Railway

45. The proposed extension of the railway from Bodiam to Robertsbridge has attracted both objections and support. I conclude that the proposal would have significant benefits for tourism including sustainable travel. However the scheme faces formidable technical, financial, environmental and other obstacles which have yet to be investigated. Whilst I recommend the retention of the policy support for the scheme in the Local Plan, the position should be reviewed in the forthcoming Local Development Framework by which time positive results of the necessary investigations need to be available if the scheme is to go forward.

#### Supplementary Planning Guidance/Documents

46. The Local Plan includes a number of references to the preparation of supplementary planning guidance and I have also identified further areas where supplementary advice is needed. However the transitional arrangements provide that only Supplementary Planning Documents now be prepared and that their preparation accord with specified procedures. I recommend related amendments to the text of the Local Plan.

#### Other Matters

47. Attention is drawn to the fact that my recommended modifications to the policies in the Plan may also necessitate further consequential modifications to the supporting text and / or the Proposals Map and Inset Maps. These consequential modifications are not necessarily noted in my report. The Council will need to identify any consequential modifications and incorporate them into the Plan during the final stages of the plan preparation process.

48. A complete set of the documents submitted in connection with the inquiry is held by the Council's officers.
49. A copy of this letter has been sent for information to the Government Office for the South East and to the Office of the Deputy Prime Minister.
50. Finally, I would like to express my thanks for the help and co-operation that I received throughout the inquiry. Ms Celina Colquhoun of counsel, advocate for the local planning authority, was unfailingly courteous and considerate; as was Mr David Marlow and his fellow officers of the Council. Throughout, Mr Watson and I were assisted by the very efficient and well-organised Programme Officer, Mrs Lynette Benton. To all of them I wish to express my sincere thanks for their good humoured support and unstinting hard work.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R E Mellor', followed by a period.

Robert P E Mellor BSc DipTRP DipDBE DMS MRICS MRTPI  
INSPECTOR

cc: Government Office for the South East  
Office of the Deputy Prime Minister, London

## SECTION 1 - INTRODUCTION

### General and miscellaneous representations that have not been assigned to a Section of the substantive Revised Deposit Local Plan

#### Objections

4/1006	Mr R M Batcheller (See Section 8 - Policy TR1)
6/1009	Mr A Dunlop (See Section 9 - Policy EM3)
45/1215	Mr S Hardy (See Section 15 – Proposals Map)
95/1552	English Heritage (See Section 11 – Battle)
105/3456	Government Office of the SE (See also Sections 7, 8 & 9)
105/3457	Government Office of the SE (See also Sections 7 & 8)
126/1889	Mountfield Heritage Group (See Section 3 – paragraph 3.20)
126/1892	Mountfield Heritage Group (See Section 3 – paragraph 3.20)
131/1904	Mr C H Harmer (See Section 3 – paragraph 3.20)
140/1957	BT plc (See Section 5 – Policy GD1)
271/3382	Town & Country Planning Solutions

#### Supports

95/1553	English Heritage
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#### Comments

2/1002	Mr G G White
8/1014	Mrs R M Wickenden
8/1015	Mrs R M Wickenden
16/1049	Network Rail
19/1052	Iden Parish Council
40/1178	Guestling Parish Council
46/1222	Mr and Mrs J.C. Pope
47/3707	Mrs Alexandra Bayley
47/3708	Mrs Alexandra Bayley
48/1234	Workplan Project Management
49/1235	Mr R W Berry
50/1236	Mr K T Roberts
56/1247	Mrs E Hawkey
60/1251	Miss M Eldridge
60/1252	Miss M Eldridge
60/1253	Miss M Eldridge
60/1254	Miss M Eldridge
86/1476	The House Builders Federation
95/1537	English Heritage
116/1822	English Nature
126/1890	Mountfield Heritage Group
126/1891	Mountfield Heritage Group
129/1895	Crowhurst Parish Council
165/2067	Environment Agency
165/2075	Environment Agency
167/2146	Sport England South East Region
178/2220	Rye Conservation Society
290/1558	DEFRA
290/1568	DEFRA
524/2300	DMH

#### Issues

- a. Format of Plan
- b. Precision of policy wording

- c. Policies for determining planning applications
- d. Farm diversification within the High Weald AONB

## **Reasoning and Conclusions**

### *Format of Plan*

- 1.1 The format and content of the Local Plan was changed radically between the Initial Deposit and Revised Deposit stages and the substantive Revised Deposit version is much more succinct, better organised and more readable. Its format reflects Government advice to streamline such policy documents as a step towards the simpler Local Development Documents which are set to replace Local Plans.
- 1.2 Objection 211/3382 is nevertheless critical of the format of the Local Plan and suggests a reorganisation of the text. Whilst a case could be made for either format, I consider that the substantive format with its inclusion in Section 4 of an overall spatial strategy properly reflects what should be the interrelated subjects of housing and employment provision and the balance between urban and rural development in the spatial strategy. By considering these matters together and not in separate compartments, there is an improved prospect of achieving sustainable development objectives such as reducing the need to travel. I thus do not consider that the suggested re-formatting is warranted.

### *Precision of policy wording*

- 1.3 Objection 105/3456 criticises vague and imprecise wording in some specified policies and throughout the plan. Where the objection refers to specific policies I have addressed these points in my reasoning in the relevant Section of the report and have recommended some modifications where appropriate. I have not recommended modifications to other policies that are not specified in the objection.
- 1.4 Objection 105/3457 seeks that Plan policies state whether or not planning permission will be granted (that is, as a result of applying the policies). This is a similar point to that raised in Objection 105/3456 above. Whilst I acknowledge that the Council wishes to avoid being unduly dogmatic, it is important that the policy position is clear and unambiguous. Planning legislation already provides that other material considerations may be allowed to outweigh that policy position where appropriate and it is thus unnecessary that the policy wording itself should provide excessive flexibility. Again I have recommended modifications in some parts of the Report where the objector cites specific policies.

### *Farm diversification within the High Weald AONB*

- 1.5 Objection 6/1009 was submitted in relation to the Initial Deposit Local Plan and contends that the Local Plan is too negative towards development in the High Weald Area of Outstanding Natural Beauty (the AONB). In particular it seeks encouragement for farm diversification to create employment.
- 1.6 Relevant policy in the substantive Revised Deposit Local Plan is found in several sections as follows. In Section 4 I address the Local Plan’s spatial strategy and I support the protection accorded to the AONB which generally accords with national, regional and structure plan policy for this nationally-designated area. There I draw attention to national policy support for consideration of the economic and social needs of communities in the AONB which provides support for necessary development. In

Section 5 I support Policy GD1 in respect of the conservation of the natural beauty of the AONB whilst resisting a proposed change that would impose a positive enhancement requirement on all development there. In Section 9, Policy EM1 allows for development at existing businesses in the countryside subject to criteria and Policy EM2 applies criteria to protect existing employment uses from conversion to other uses. Also Policy EM3 favours the re-use and adaptation of rural buildings (including farm buildings) for employment use, subject to criteria. I support these policies subject to minor recommended modifications. These policies apply within the AONB as well as elsewhere in the countryside. I thus consider that overall the Plan strikes a reasonable balance between employment and landscape conservation in the AONB and I do not consider that any further modification of the Plan is warranted in respect of this objection.

### **Recommendation**

- 1.7 **I recommend that the Local Plan is not modified in relation to objection 6/1009.**
- 1.8 **I recommend that only those Local Plan policies for which I have made specific recommendations are to be modified in response to objections 105/3456 and 105/3457.**

## **Purpose of the Local Plan**

### **Objections**

37/3139

Crofton Place Developments Ltd

### **Issues**

The objection seeks the extension of the local plan period to 2016.

### **Reasoning and Conclusions**

- 1.9 Paragraph 6.8 of *PPG 12 ‘Development Plans’* advises that the duration of a local plan should be for a period of 10 years from the forecast adoption date. A Ministerial Statement of July 2003 reflects this guidance but also advises that plans should be prepared to the same period covered by the relevant structure plan. In this case the Structure Plan shares the Local Plan end-date in 2011. The Regional Spatial Strategy beyond 2011 is far from being put in place and there is no indication as to its likely detail or emphasis. Once adopted, it will inform the preparation of the Local Development Framework that will follow the Local Plan, as will the emerging Government guidance on *‘Planning for Housing Provision’* that was issued for consultation purposes in July 2005 and which points to a future lengthening of the planning period for housing.
- 1.10 In the meantime I am satisfied that this Local Plan must adhere to the same time frame as the current adopted Structure Plan, with 2011 as the end date. To attempt to formally extend the Plan period beyond that date would delay the Plan’s adoption and lead to serious procedural complications. Bearing in mind that this is the first statutory development plan for this District, a formal land-use planning framework is long overdue and desperately required. It is essential, in my view, that the statutory process involving this Plan, as constructed in general conformity with the present Structure Plan, must continue towards adoption on the present basis.

## **Recommendation**

1.11 **I recommend that no modification is made in respect of this objection.**

## **Context for the Local Plan**

### **Scope and Structure**

### **Next Steps**

### **Use of the Plan**

No duly made representations were received in respect of the above subsections.

## SECTION 2 – CONTEXT AND VISION

### Objections

95/3298 English Heritage

### Comments

233/3073 New Downlands HA, Orbit HA & Rother Homes

### Issues

Protection of the natural and historic environment.

### Reasoning and Conclusions

- 2.1 Generally the Objector seeks a stronger focus to the importance of the District’s heritage. This is said to have received greater emphasis in the Initial Deposit Local Plan. In supporting representations the Objector seeks ‘a more considered context for dealing with the historic environment as an integral part of a sustainable approach to planning in Rother over the plan period.’ More specific related objections to other parts Section 2 and other parts of the Local Plan are addressed elsewhere in this Report.
- 2.2 The Initial Deposit Local Plan was undoubtedly a more detailed and comprehensive document which included chapters dedicated to the built and natural environment and many more detailed policies and provisions in that regard. However this contributed to an excessively lengthy and over-detailed document. *PPG12* at paragraph 3.1 emphasises that plans should be clear, succinct, and easily understood with a brief and clearly presented explanation of policies. Paragraph 3.3 advises that plans should have regard to national policies set out in PPGs. This Plan has also been prepared with regard to the forthcoming transition of Local Plans to Development Plan Documents that are also intended to be brief and succinct.
- 2.3 Some of the matters which the Initial Deposit Local Plan covered in relation to the historic built environment are addressed more comprehensively in Government guidance and especially in *PPG15* and *PPG16*. However paragraph 3.3 of *PPG12* advises against repeating large sections of such guidance and any attempt to summarise and paraphrase that guidance would result in a loss of the detail which can be important in such matters. Instead attention is drawn to the PPGs in paragraphs 5.23 and 5.25 of the substantive Revised Deposit Local Plan.
- 2.4 The Plan is to be read as a whole and the briefly stated vision and aims in Section 2 feed through into more specific policies later in the plan and I do not consider it necessary to alter the Plan’s general emphasis with regard to the protection of the natural and historic environment. This is already adequately expressed.

### Recommendation

- 2.5 **I recommend that no modification is made in relation to Objection 95/3298.**



## Main Issues

### (Paragraphs 2.1 to 2.11)

#### Objections

20/3249	Mr. D. Pearce (paragraph 2.11)
95/3300	English Heritage (paragraph 2.11)

#### Issues

- a. Reference to the qualities of towns and villages
- b. Character of development in the countryside outside settlements.

#### Reasoning and Conclusions

- 2.6 Subject to considerations of feasibility, objection 20/3429 seeks high standards of development in all areas and not just within the settlements to which paragraph 2.11 refers. However I consider that the preceding paragraph 2.10 adequately addresses the sensitive rural environment outside settlements. Specific plan policies such as Policy GD1 include suitable design criteria for all development that amongst other things require respect for the locality, whether in urban or rural areas.
- 2.7 In its response to Objection 95/3300, the Council accepts the suggestion that the word ‘special’ be inserted before ‘qualities’ in the second sentence of paragraph 2.11. This now forms the subject of Pre-Inquiry Change PC/02/01 (below).

#### **Pre- Inquiry Change PC/02/01 – Para 2.11**

Insert the word ‘**special**’ before ‘qualities’ in line 3 of paragraph 2.11.

*Reason: To be consistent with the basis of designation.*

No representations

- 2.8 I agree that the modification is merited as recognising that Conservation Areas are different from other areas.

#### Recommendation

- 2.9 **I recommend that paragraph 2.11 is modified in accordance with PC/02/01.**

### Relationship to the emerging community strategy (Paragraphs 2.12 to 2.15)

#### Objections

95/3299	English Heritage (Paragraph 2.14)
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#### Issues

References to the priorities of the Local Strategic Partnership

#### Reasoning and Conclusions

- 2.10 English Heritage seeks that the reference in paragraph 2.14 is to ‘current’ priorities. I agree with the Council that this change is unnecessary. It would not materially affect the meaning of the wording.

## Recommendation

2.11 **I recommend that the Plan is not modified in respect of Objection 95/3299.**

## Visions and aims

(Paragraphs 2.18 to 2.23 and Aims 1 to 5)

### Aim 1

No representations

### Aim 2

## Objections

41/3472

Friends of Brede Valley

### Issues

Facilitation of new development

## Reasoning and Conclusions

2.12 Aim 2 seeks to ensure that there is adequate infrastructure and services to ‘support thriving communities and facilitate new development.’ The Objector is opposed to new development, particularly housing and development on greenfield sites, and does not consider that the facilitation of new development is a proper aim of the plan. However, as the Government makes clear in *PPS1 ‘Delivering Sustainable Development’* it is an important role of the planning system and development plans to make ‘suitable land available for development in line with economic, social and environmental objectives to improve people’s quality of life’ whilst also seeking (amongst other objectives) to ‘protect and enhance the natural and historic environment, the quality and character of the countryside and existing communities’. It would be irresponsible of the Council to disregard the need for new development and no modification is warranted in this regard.

## Recommendation

2.13 **I recommend that no modification is made to the Plan in respect of Objection 41/3472.**

### Aim 3

## Objections

20/3247

Mr. D. Pearce

### Issue

Wording

## Reasoning and Conclusions

2.14 This objection seeks to amend the wording to: ‘To provide housing as a priority where there is a demand.’ It is one of a series of objections by the objector which aim to increase the supply of housing, including housing in the countryside outside settlements.

- 2.15 In its recent Consultation paper, ‘*Planning for Housing Provision*’ (July 2005). The Government is seeking to improve the supply of housing and to make the planning system more responsive to the local housing market. However little weight can as yet be attached to the specific draft proposals in that document which would be better addressed after adoption in their final form in the context of the preparation of the forthcoming Local Development Framework.
- 2.16 In the meantime, to set a priority of providing for housing whenever and wherever a demand exists would negate the objective of planning to balance the need for development with other public interests which include the protection of valued environments, favouring a sustainable pattern of development and ensuring that development is provided with satisfactory infrastructure.

### Recommendation

- 2.17 **I recommend that no modification is made to the Plan in respect of Objection 20/3427.**

### Aim 4

No representations

### Aim 5

### Objections

20/3250	Mr. D. Pearce
41/3473	Friends of Brede Valley

### Issues

Sustainable transport system

### Reasoning and Conclusions

- 2.18 Objection 20/3250 asserts that the maintenance of poor communications helps to limit long distance commuting and is therefore more sustainable. Objection 41/3473 asserts that the promotion of a safe and efficient transport system is incompatible with the Council’s support for major roads which will generate traffic, cause a shift from public transport to the private car and harm the viability of public transport. Both objections relate to the Objectors’ views on other specific measures in the Local Plan which they consider may conflict with Aim 5 which is: ‘To promote a safe, efficient and sustainable transport system’. However neither objection appears to take issue with the policy aim itself and thus no modification is warranted.

### Recommendation

- 2.19 **I recommend that no modification is made to the Plan in respect of Objections 20/3250 and 41/3473.**

## Omissions from paragraph 2.23

### Objections

260/3292

Tourism South East (paragraph 2.23)

### Issues

Tourism

### Reasoning and Conclusions

- 2.20 Objection 260/3292 seeks the inclusion of an additional ‘Aim’ of maintaining and promoting tourism growth. However I see no reason to single out tourism from the other parts of the economy to which Aim 4 refers.

### Recommendation

- 2.21 **I recommend that no modification is made to the Plan in respect of Objection 260/3292.**

## SECTION 3 – THE PLANNING POLICY FRAMEWORK FOR ROTHER DISTRICT

### Planning policy framework (Paragraphs 3.1 to 3.3)

#### Comments

233/3074                      New Downlands HA, Orbit HA & Rother Homes

### National planning policies (Paragraphs 3.4 to 3.13)

No representations

### Regional planning guidance (Paragraphs 3.14 to 3.16)

No representations

### The Structure Plan (Paragraphs 3.17 to 3.20)

#### Objections

81/1406	East Sussex County Council T&E (Now refers to Paragraph 3.20)
126/1889	Mountfield Heritage Group
126/1892	Mountfield Heritage Group
131/1904	Mr. C.H. Harmer

#### Issues

References to the East Sussex and Brighton & Hove Waste Local Plan

#### Reasoning and Conclusions

- 3.1 Objections 126/1889, 126/1892 and 131/1904 all relate to matters which are properly the subject of the emerging Waste Local Plan that is being prepared by the local waste planning authorities of East Sussex and Brighton and Hove. The Waste Local Plan, like the District Local Plan, is part of the statutory development plan and it is passing through its own legal and consultative processes. There is no role for the District Local Plan in these matters. However it would be helpful to clarify in the text the respective roles of the different types of Local Plan so as to avoid this sort of confusion.
- 3.2 Objection 81/1406 seeks the addition of a reference to the Waste Local Plan but also to a selection of proposals in the Second Deposit version of that Plan which affect Rother District. The objection was submitted in relation to the Initial Deposit Local Plan. However the suggested text quickly became dated. The objector has submitted

- revised wording but that too is already out of date because the Waste Local Plan is continuing to move through the statutory processes towards adoption.
- 3.3 I agree that a reference to the Waste Local Plan is necessary, as it is to the Minerals Local Plan, if only to address public confusion as to the respective roles of the different Local Plans. However it is not necessary to refer to specific waste local plan provisions except where there is a direct overlap with provisions in the District Local Plan. Those are addressed where they occur in the policies for specific locations.
- 3.4 I note that Figure 5 on page 11 does already include the Waste and Minerals Local Plans but is itself out of date in respect of the Waste Local Plan. I consider that this will need to be updated to the latest position at the time that the modifications to the Local Plan are published. If the Waste Local Plan has not already been adopted, a footnote should be added to the figure to outline the remaining stages to adoption. Also the Figure is misleading in suggesting that the District Local Plan occupies a lower position in a hierarchy of Plans than do the Waste and Minerals Local Plans. The figure wrongly suggests that the latter are amongst the ‘higher level’ policies to which paragraph 3.2 refers.
- 3.5 All other references in Section 3 should also be updated to include the recent replacement of many Government PPG documents by Planning Policy Statements and the replacement of Supplementary Planning Guidance by Supplementary Planning Documents.

### **Recommendations**

- 3.6 **I recommend that:**
- (a) the text of Section 3 is updated to the current position of the Planning Policy Framework at the date that the proposed modifications are published; and that
  - (b) should the Waste Local Plan not have been adopted by then, a footnote should be added to Figure 5 to explain the remaining stages to its adoption.
- 3.7 **I recommend that figure 5 is amended to place the District Local Plan on an equal footing with the Waste Local Plan and Minerals Local Plan.**
- 3.8 **I recommend that text is added to paragraph 3.2 to clarify the relationship of the District Local Plan to the Waste Local Plan and the Minerals Local Plan.**

## SECTION 4 – DEVELOPMENT STRATEGY

### Objections

95/1535 English Heritage

### Comments

15/1041 Mr P B K Gracey

### Issue

Respecting established form and character

### Reasoning and Conclusions

- 4.1 This objection relates to Policy CBE1 of the Initial Deposit Plan. The Objector seeks the inclusion of a reference to the need for development to respect the established form and character of the settlement pattern. This point has been recognised in Policy GD1 of the Revised Deposit Local Plan, particularly in criteria (iv) and (viii). The Objector has confirmed that the objection is conditionally withdrawn subject to those policy references being incorporated in the adopted Plan. I consider that these references adequately cover the concerns and I see no need for further modifications.

### Recommendation

- 4.2 **I recommend that no modification is made to the Local Plan in response to Objection 95/1535.**

### Introduction

#### (Paragraphs 4.1 to 4.4)

### Objections

95/3301 English Heritage (Paragraph 4.4)

### Issue

Environmental constraints as an influence on the development strategy

### Reasoning and Conclusions

- 4.3 I acknowledge the importance of environmental considerations in the context of development strategy. The Introduction to this Section sets out a number of important principles which the Council believe should guide the overall spatial strategy. Paragraphs 4.2 and 4.3 elaborate on these. It seems to me that paragraph 4.4, in referring to infrastructure and services, is emphasising the importance of their provision in the context of sustainable development rather than seeking to identify constraints which might affect them. I am not convinced, therefore, that a reference to environmental considerations as a key factor in constraining development would be appropriate here. On the other hand, paragraph 4.5, dealing with development principles, clearly highlights the importance of protecting and improving the environment. Policy DS1, which follows, contains several criteria which bear upon environmental considerations. I am satisfied that environmental factors are adequately covered as an important element of the development principles which underpin the spatial strategy.

## Recommendation

- 4.4 **I recommend that no modification is made to the Local Plan in response to Objection 95/3301.**

## Development principles (Paragraphs 4.5 to 4.9 and Policy DS1)

### Objections

20/1095	Mr D Pearce (Section 4)
37/3142	Crofton Place Developments Ltd
41/3481	Friends of Brede Valley
44/1209	Councillor Mrs Prochak
45/1210	Mr S Hardy
45/1211	Mr S Hardy
45/1212	Mr S Hardy (see also policy GD1)
45/1219	Mr S Hardy (see also policy GD1)
81/3518	East Sussex County Council T&E
86/1462	The House Builders Federation (Conditionally withdrawn)
86/3061	The House Builders Federation
95/1534	English Heritage (Conditionally withdrawn)
95/1536	English Heritage (Conditionally withdrawn)
95/1538	English Heritage (Conditionally withdrawn)
95/1543	English Heritage (Conditionally withdrawn)
95/3302	English Heritage
124/1878	CPRE Sussex Branch
129/3429	Crowhurst Parish Council (see also policy GD1)
129/3430	Crowhurst Parish Council
138/1940	British Gypsum Ltd.
140/3936	BT plc
168/3414	Wm. Morrison Supermarkets plc
190/2329	Pett Parish Council (see also policy GD1)
206/3177	Metacre Ltd. (see also policy GD1)
208/3193	Howard Hutton & Associates
211/3213	Sussex Wildlife Trust
271/3383	Town & Country Planning Solutions
290/3464	DEFRA (See also Policy GD1)

### Supporting Statements

23/3319	The Woodland Trust
116/1792	English Nature
167/2137	Sport England South East Region
167/3681	Sport England South East Region
290/1566	DEFRA

### Comments

23/1059	The Woodland Trust
111/1756	Rye Town Council

### Issues

- a. Overlap between DS1 and GD1
- b. Emphasis on making the best use of urban Land
- c. Reference to a continuing housing supply
- d. Supporting local needs and services



- e. Conversion of rural buildings for housing
- f. Employment development
- g. Accessibility
- h. Protection of the High Weald Area of Outstanding Natural Beauty (AONB)
- i. Protection of Nature Conservation Sites
- j. Protection of the built heritage
- k. Ancient woodland
- l. Protection of the best and most versatile agricultural land
- m. Flood risk
- n. Infrastructure – rural sewers
- o. Development on unstable land

## Reasoning and Conclusions

### *Overlap between Policies DS1 and GD1*

- 4.5 As both Policies relate to issues of development, it is inevitable that there will be a degree of overlap between the issues covered. I acknowledge that this may lead to some slight confusion. However, their roles are quite distinct. Policy DS1, which reflects the aims of Structure Plan S1, sets out broad, strategic planning principles which underpin the location of development. Policy GD1, on the other hand, lists a range of detailed criteria against which development proposals have to be assessed. Policy DS1 focuses on assessing the location for development, as opposed to the content of a proposed scheme on a particular site. The principles it addresses have a ‘spatial’ basis. In my view, it is appropriate that this should stand separately from the development control context of Policy GD1 and should ‘lead-in’ to the distribution considerations which follow in Section 4. Consequently, I do not consider that they should be amalgamated.

### *Emphasis on making the best use of urban land*

- 4.6 The first principle underlines the emphasis to be given in making the best use of urban land. I do not agree that this priority should be removed. It chimes with the need to promote more sustainable forms of development and reflects a number of the aims set out in paragraph 27 of *PPS 1*. I consider that this principle is of critical importance.

### *Reference to a continuing housing supply*

- 4.7 I have noted principle (iii) of Policy DS1 which seeks to ensure a sufficient continuing supply of employment sites and premises to foster economic regeneration. A principle relating to housing supply is absent. I acknowledge that the main context of this Policy is the location of development. However, it seems to me that the provision of a continuing supply of housing, in accordance with the housing supply requirement of the Structure Plan and the spatial strategy of the Plan, is of critical importance. I consider that it should be incorporated as a key principle.

### *Supporting local needs and services*

- 4.8 I consider that principle (ii) encapsulates an important sustainable principle in relation to local needs. I accept that in some cases development would not necessarily meet

this principle, whilst according with other criteria. Nevertheless, it is seeking to highlight an issue which is a recurring theme throughout the Plan, particularly in terms of housing. If it were to be expressed in a qualified form its fundamental importance would be undermined.

#### *Conversion of rural buildings for housing*

- 4.9 I accept that schemes for the conversion of rural buildings to housing uses may, on occasions, meet genuine housing needs in rural areas but I am not convinced that this issue is of such overarching significance as to justify its inclusion as a strategic development principle as sought by Objection 86/1462. Section 6 of the Revised Deposit version of the Plan in Policies HG10 & HG11 addresses the question of residential dwellings in the countryside. Objections to these Policies are examined later in the report.

#### *Employment development*

- 4.10 Bearing in mind that economic regeneration is a regional priority in a significant part of the Plan area (Bexhill and Hastings Fringe), I am convinced that principle (iii) is an important and essential component of the development principles in this Policy. I do not accept the proposition made in Objection 41/3481 that this principle should be deleted. I understand the concerns expressed in relation to the possibility of further employment development on greenfield sites. However, it would be inappropriate for the Policy to rule out any future employment development in greenfield locations, notwithstanding the implicit recognition, guided by principle DS1(i), that priority will be given to the re-use of previously developed sites.
- 4.11 In relation to Objection 140/3936 I acknowledge the possibility that ‘sui-generis’ employment uses, with low employment generation, may in some circumstances be suitable for redevelopment by other non-employment uses. However, principle (iii) is a statement of general principle, which is seeking to highlight the importance of fostering economic regeneration. I am satisfied that this emphasis is correct. If it were to address such supplementary issues as ‘sui-generis’ uses, its necessary focus would be blurred. Detailed criteria for the redevelopment of sites currently or last in employment-creating use are set out in Section 9 of the Revised Deposit Plan and I address those policies later in the report.

#### *Accessibility*

- 4.12 Principle (iv) seeks to ensure a good level of accessibility to a range of services and jobs by public transport. Again, I consider this to be an important principle in the context of encouraging sustainable development. It reflects objective (vii) in paragraph 27 of PPS1. If it were to be deleted as sought by Objection 208/3193, in my view, the Policy would be weakened.

#### *Protection of the High Weald Area of Outstanding Natural Beauty (AONB)*

- 4.13 The boundary of the AONB has been set by the Government, not by the Council, and must be defined on the Proposals Map. As an AONB, Government policy in *PPS7* confirms that it has the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside must be given great weight in planning policies and development control decisions in this area. Consequently, the references to the importance of this designation in both the development principles (Policy DS1) and general development considerations (Policy GD1) are essential.

- 4.14 Concerns were expressed at the Initial Deposit stage as to the extent of various employment allocations within the AONB. Although some were based on existing sites, the allocations have now been reviewed and scaled down considerably in the Revised Deposit Plan, including the removal of some allocations. *PPS7* states that major developments should not take place in these areas, except in exceptional circumstances. However it must be emphasised that national policy does not set out a blanket presumption against development in designated AONBs and it requires that consideration be given to the economic and social needs of the area. I am satisfied that the Plan places appropriate weight upon the AONB and sets out a robust framework of control surrounding development in this designated area. I address objections to the allocation or omission of specific development sites within the AONB elsewhere in the Report.
- 4.15 I do not consider that there would be a benefit in the addition of a policy requirement that regard be had to the character of existing development in the AONB when considering new proposals on that site. The character of the site and its surroundings will be material considerations in any event and the policy tests for new development in the AONB would remain the same.

#### *Protection of Nature Conservation Sites*

- 4.16 Notwithstanding the use of the word ‘demonstrable’ in Structure Plan Policy EN17, the use of the word ‘recognised’ in principle (vii) in the context of sites of nature conservation importance, in my view, is appropriate. It reflects the fact that this principle is aimed at sites which are specifically designated as such whether locally, nationally or internationally. The protection of other non-designated areas, which may have some ecological value, is addressed in Policy GD (vii). The fact that the extent of environmental designations may change over time is proposed to be recognised in the Plan through Proposed Change PC/00/01 which would add an appropriate note to the list of Inset Maps as follows:-.

#### **Pre-Inquiry Change – PC/00/01**

Add a note to the List of Inset Maps stating: **‘NB. The extent of environmental designations is correct at the time of printing but may be checked with the Local Planning Authority or relevant agency.’**

*Reason: To guard against misinformation on scope of designation.*

- 4.17 I consider this to be a sensible amendment. I do not consider a cross-reference to the relevant Structure Plan policy necessary, as the Plan is in general conformity with the Structure Plan and already contains references in Sections 1 and 3 to the fact that Structure Plan policies apply. The suggested replacement of ‘protects’ by the word ‘respects’ in principle (vii) would weaken the necessary control and would conflict with national policy which seeks to ensure, among other things, the protection of nature conservation interests.
- 4.18 The former Policy CNE9 in the initial Deposit Plan was deleted in the substantive Revised Deposit stage and replaced by Policy DS1. Suggested minor wording amendments to Policy CNE9 thus do not require to be considered.

#### *Protection of the built heritage*

- 4.19 Principle (viii) of the Policy refers specifically to historic parks and gardens and the Battle battlefield, but does not mention other aspects of the built heritage. However,

this Policy is focused on principles of location, in the context of both nature conservation and the built heritage. The relevant principles refer to areas which are defined in specific areas on the Proposals Map so that an initial broad assessment of whether development is appropriate in a particular location can be made. I accept that other aspects of the built heritage, such as scheduled ancient monuments and sites of archaeological interest, are equally important, particularly in the context of development control. These are covered in criterion (viii) of Policy GD1. I agree that there is some overlap between the two Policies on this issue, but I am satisfied that the Plan correctly distinguishes between matters which need to be highlighted in terms of broad locational principles and those which require to be identified in the context of development control.

- 4.20 English Heritage made a series of objections at the Initial Deposit stage of the Plan in respect of certain elements of the then Chapter 4 – ‘The Built and Historic Environment’. The Revised Deposit version has a radically different format. In association with Policy GD1, the explanatory text in paragraphs 5.18 – 5.25 covers various aspects of the built heritage, with appropriate references to relevant national guidance and Structure Plan policies. In addition, existing designated Conservation Areas are shown on various Inset Maps. Bearing in mind the advice in paragraph 3.1 of *PPG 12* that Plans should avoid being over-elaborate and detailed, I conclude that Policy GD1 and the associated text adequately addresses the issue of built heritage and provides sufficient clear guidance as to the Plan’s approach.
- 4.21 As with the issue of nature conservation, the suggestion has been made that the word “protects” in this principle should be substituted with “respects”. I repeat my conclusion that this would unacceptably weaken the thrust of the principle and would conflict with national policy on this issue.

#### *Ancient woodland*

- 4.22 Both national and Structure Plan policy seeks to protect ancient woodland, as opposed to the description of “ancient semi-natural woodland” in principle (x) of the Policy. The Council, in Proposed Change PC/04/03, correct this as follows:

#### **Pre-Inquiry Change – PC/04/03**

Delete the words '**semi-natural**' from criteria (x) of Policy DS1.  
*Reason: To be consistent with the Structure Plan.*

- 4.23 I consider this change necessary and acceptable. The loss of the word “protects” from this principle and the substitution of “respects” would undermine the basic aim and run counter to national policy.

#### *Protection of the best and most versatile agricultural land*

- 4.24 *PPS7* in paragraph 28 advises that the presence of the best and most versatile agricultural land should be taken into account alongside other sustainability considerations when determining planning applications. This is important guidance, but a reference to this issue in those terms in this Plan would sit most comfortably under General Development Considerations in Policy GD1, which provides the general framework to be applied in development control. At present, however, there is no such reference. In my view, that is a weakness which must be rectified. Policy DS1 in criterion (ix) requires that development should respect the importance of the countryside in terms of, among other things, agriculture. As a statement of principle

in the context of the location of development generally, I consider this to be appropriate.

#### *Flood risk*

- 4.25 The Council has proposed a minor and appropriate wording change to bring the Local Plan into line with the title of relevant Government guidance in *PPG25 ‘Development and Flood Risk’* as follows:-

##### **Pre-Inquiry Change – PC/04/01**

Delete the word ‘flooding’ in paragraph 4.7 and replace with **‘development and flood risk’**.

*Reason: Amendment brings wording into line with PPG25.*

- 4.26 As *PPG25* states, the susceptibility of land to flooding is a material planning consideration. The Guidance Note defines areas at high risk and these are shown on the Proposals Map, in accordance with the advice in paragraph 51 of *PPG25*. Consequently, it is right, in my view, that Policy DS1 should make reference to this issue. The Proposed Change PC/04/04 amends the wording of principle (xi) to the Policy appropriately to emphasise the issue of increasing the risk of flooding elsewhere, as follows:-

##### **Pre-Inquiry Change – PC/04/04**

Amend criteria (xi) of Policy DS1 to read:

**‘it ensures that development is safe from flooding, including by restricting development in flood risk areas and not increasing such risk elsewhere’.**

*Reason: To reflect increased risk of flooding elsewhere.*

- 4.27 *PPG25* requires that policies in development plans should outline the consideration which will be given to flooding issues, recognising the uncertainties that are inherent in the prediction of flooding and that flood risk is expected to increase as a result of climate change. As flood risk is highlighted as a development principle under DS1 and there is some discussion of flooding issues in paragraphs 5.33 and 5.34 of the Plan, I would have expected a specific reference to flooding in Policy GD1 in relation to general development considerations. I consider that this omission must be rectified, with appropriate additions made to the text in paragraph 5.34 in accordance with advice in *PPG25*.
- 4.28 At the Initial Deposit stage a number of objections were received which referred to flooding problems in Robertsbridge. The Inset Map for the village clearly defines the extent of the flood plain and I am aware that a scheme of flood control works has recently been implemented. Flooding considerations are highlighted as part of the discussion on the sites allocated for development. The Local Plan could not be used to introduce controls over agricultural practices as a means of reducing flood risk. Accordingly, I am satisfied that, if the general policies are modified in accordance with my recommendations below, this issue would be adequately covered in respect of that settlement.

#### *Infrastructure – rural sewers*

- 4.29 The Policy is concerned with the general principles which underpin development. A specific reference to the rural sewerage system, as sought by Objection 129/3430, would not be appropriate. However, principle (v) sets out a principle of making the best use of existing infrastructure, including, among other things, main drainage. In

addition criteria (ix) and (x) of Policy GD1; Policy GD2 and the associated text refer in detail to the importance of the availability of infrastructure, including foul drainage. In my view, these references adequately address this issue.

#### *Development on unstable land*

- 4.30 The Council has proposed a Pre-Inquiry Change that would add a further criterion to Policy DS1 as follows:-

##### **Pre-Inquiry Change – PC/04/02**

Add a new criterion (xiii) to Policy DS1 which states;

**‘it avoids development on unstable land’**

*Reason: To include an omitted locational determinant.*

- 4.31 No representations were made when this change was advertised. Structure Plan Policy S1(h) includes as a criterion to be taken into account in development decisions that of ‘avoiding the development of land which is unstable.’ This reflects Government advice in *PPG14 ‘Development on Unstable Land’* that Structure Plans should highlight the issue. However, whilst *PPG14* points to circumstances where a presumption against development may be appropriate, such as in an area suffering coastal erosion, it also includes as an aim that of bringing unstable land back into productive use, wherever possible. Thus whilst I support the proposed change, I consider that it should be qualified by allowing for development where it can be demonstrated that actual or potential instability can reasonably be overcome.

#### **Recommendations**

- 4.32 **I recommend that Policy DS1 is modified by**

**(a) the addition of a further principle as follows:-**

**‘it ensures a sufficient continuing supply of housing land in accordance with the Structure Plan housing supply requirement and the spatial strategy of the Plan’;**

**(b) the Proposed Change PC/04/03;**

**(c) the Proposed Change PC/04/04;**

**(d) the Proposed Change PC/04/02 with the addition of the following phrase:-**

**‘except where the proposal demonstrates that actual or potential instability can reasonably be overcome’;**

- 4.33 **I recommend that Paragraph 4.7 is modified by the Proposed Change PC/04/01.**

- 4.34 **I recommend that the list of Inset Maps is modified by the addition of a note, as set out in Proposed Change PC/00/01;**

- 4.35 **I recommend that Policy GD1 is modified by the addition of a further criteria relating to the protection of agricultural land and to flood risk (See Section 5).**

- 4.36 **I recommend that Paragraph 5.34 is modified in relation to flood risk (see Section 5).’**

## **Housing Land Requirements (Paragraphs 4.10 to 4.20 including Table 1); and Summary of Housing Land Provision (Paragraphs 4.59 to 4.64 including Table 3 and Table 4).**

### **Objections**

20/3234	Mr. D. Pearce
37/1164	Crofton Place Developments Ltd
37/3141	Crofton Place Developments Ltd
41/2334	Friends of Brede Valley
41/3474	Friends of Brede Valley
68/3200	Mr. and Mrs. P. Rigby
78/3694	Countryside Residential (South Thames) Ltd.
78/3695	Countryside Residential (South Thames) Ltd. (Paragraph 4.63)
78/3699	Countryside Residential (South Thames) Ltd. (Paragraph 4.64 including Table 4)
84/1454	Millwood Designer Homes Ltd.
86/1460	The House Builders Federation
86/1463	The House Builders Federation
86/1486	The House Builders Federation
86/3062	The House Builders Federation
86/3064	The House Builders Federation (Paragraphs 4.59-4.64)
105/3459	Government Office of the SE
111/4047	Rye Town Council
208/3183	Howard Hutton & Associates
208/3184	Howard Hutton & Associates
230/3042	George Wimpey UK Ltd.
237/3133	Lucas Land & Planning (See Housing Land Requirements above)
237/3134	Lucas Land & Planning
238/3131	The English Courtyard Association (Paragraph 4.62)
271/3381	Town & Country Planning Solutions
316/3626	Persimmon Homes (South East) Ltd. (Omission)
368/3746	Mrs. P. Ward-Jones & Bellhurst Homes Ltd.
524/2297	DMH

### Inspector’s Note

Under this heading and in relation to Table 3, a series of objections were made to the omission of suggested development sites, principally to the west of Bexhill. I address these later in the report in the relevant site-specific sections.

#### **FOR THE FOLLOWING OMISSION SITES SEE SECTION 10**

9/1016	Mrs. P. Ward-Jones (Land fronting Maple Walk, Cooden)
9/1017	Mrs. P. Ward-Jones (Land at Old Harrier Kennels fronting Maple Walk, Cooden)
9/1018	Mrs. P. Ward-Jones (Land fronting Maple Walk, Cooden)
9/1019	Mrs. P. Ward-Jones (Table 3 Oakleigh Drive and Spring Lane, Little Common))
9/1021	Mrs. P. Ward-Jones (Table 3 Oakleigh Drive and Spring Lane, Little Common))
9/1022	Mrs. P. Ward-Jones (Table 3 Spindlewood Drive, Cooden) (See Section 10)
9/1024	Mrs. P. Ward-Jones (Table 3 Spindlewood Drive, Cooden) (See Section 10)

#### **FOR THE FOLLOWING OMISSION SITES SEE SECTION 13**

83/1446	Scaling Limited (Flimwell)
122/1861	Mr. Daniels (Pett)

## Comments

86/3063	The House Builders Federation
124/1875	CPRE Sussex Branch
233/3075	New Downlands HA, Orbit HA & Rother Homes

## Issues

- a. Relationship between the Structure Plan housing requirement and the Local Plan’s housing land provision
- b. Housing Land Supply Components and Assumptions:-
  - Large site commitments
  - Small windfall sites
  - Urban Capacity Study windfall sites
  - New allocations at NE Bexhill and elsewhere
- c. Alternative approaches to housing land provision
- d. The Ministerial Statement of July 2003

## Reasoning and Conclusions

### *Relationship between the Structure Plan housing requirement and the Local Plan’s housing land provision*

- 4.37 Legislation requires Local Plans to generally conform to the relevant Structure Plan. The Government advice in *PPG 3 ‘Housing’*, paragraph 30, clearly states that Local Plans should seek only to identify sufficient land to meet the housing requirement set as a result of the Regional Planning Guidance and strategic planning processes. *Regional Planning Guidance 9 for the South East (RPG9)* was approved in March 2001. A review is underway through the development of a new Regional Spatial Strategy – *The South East Plan*. However, this is at an early stage and there is no current indication of what the housing requirements at a district level are likely to be. The *East Sussex and Brighton and Hove Structure Plan* was adopted in December 1999. Although this pre-dated the current RPG, the annual housing requirement for the County contained in the 1994 version of RPG9, on which the Structure Plan was based, was little different to the present requirement. The Structure Plan has not been reviewed. As a result of the recent reform of the development plan system, a review will not be put in hand. The future strategic housing requirement will be embodied in the new Regional Spatial Strategy. Consequently, I am satisfied that the Local Plan must conform to the adopted Structure Plan requirement of 5,500 dwellings over the period 1991-2011. As this is already a clear imperative arising from both a statutory requirement and national policy advice, I do not consider it necessary for the Local Plan to add a specific policy to this effect.
- 4.38 Structure Plan Policy H1 splits the 5,500 provision figure into two periods; 3,900 dwellings to be provided from 1991-2006, and 1,600 from 2006-2011. I acknowledge the strategic importance of the Structure Plan requirement. I further recognise that a breakdown of the provision into two distinct phases may provide a framework for monitoring housing delivery and may help to underpin the need to prioritise the development of brownfield sites. Nevertheless, the 2006 breakpoint is very close. The Local Plan is unlikely to be adopted before April 2006. In my view, this phasing structure will be redundant once the plan is adopted. However, the importance of



ensuring that the Plan provides a firm basis for the monitoring of the progress of housing provision remains. This objective would be met if the residual requirement were to be expressed as an annualised figure in the period up to 2011.

- 4.39 Paragraph 6.8 of *PPG 12 ‘Development Plans’* advises that the duration of a local plan should be for a period of 10 years from the forecast adoption date. The Ministerial Statement of July 2003 reflects this guidance. However, it also advises that plans should be prepared to the same period covered by the structure plan. The Regional Spatial Strategy beyond 2011 is far from being put in place and there is no indication as to its likely detail or emphasis. Once adopted, it will inform the preparation of the Local Development Framework that will follow the Local Plan, as will the emerging Government guidance on *‘Planning for Housing Provision’* that was issued for consultation purposes in July 2005.
- 4.40 In the meantime I am satisfied that this Local Plan must adhere to the same time frame as the current adopted Structure Plan, with 2011 as the end date. To attempt to formally extend the Plan period beyond that date would delay the Plan’s adoption and lead to serious procedural complications. Bearing in mind that this is the first statutory development plan for this District, a formal land-use planning framework is long overdue and desperately required. It is essential, in my view, that the statutory process involving this Plan, as constructed in general conformity with the present Structure Plan, must continue towards adoption on the present basis.

#### *Housing Land Supply Components and Assumptions*

- 4.41 The sources of housing land supply are set out in Table 1 of the Plan. Following some small corrections and further more recent monitoring of housing provision up to April 2004, the amended position has been set out in Appendix C of the Council’s Position Statement to the Round Table Session on Housing Land Supply as follows:-

<b>Table 1: Sources of Housing Supply (Amended – as at April 2004)</b>	<b>2004-2006</b>	<b>2006-2011</b>	<b>2004-2011</b>
Structure Plan housing requirement	960	1,600	2,560
Large sites commitment	677	165	842
Small windfall sites	142	355	497
Urban Capacity	57	300	357
New Allocations	<b>84</b>	<b>780</b>	<b>864</b>

- 4.42 This highlights a residual Structure Plan housing requirement, between 2004 and 2011, of 2,560 dwellings. This figure is made up of 842 dwellings on committed large sites (of at least 6 dwellings); an anticipated 497 dwellings from small windfall sites (under 6 dwellings); an estimated 357 dwellings from the windfall development of urban capacity sites, leaving 864 to be found through the mechanism of new allocations. These updated figures take account of the earlier problem of double-counting some small windfall and urban capacity study sites.

### Large site commitments

- 4.43 I consider that the inclusion within the large sites commitments schedule of those sites that are subject to the completion of a legal agreement is appropriate, as the principle of development, and the numbers of dwellings involved, has been accepted. The review of development rates contained in the schedule LPA/HLSRT/3 demonstrates that the completion rate in the Structure Plan period up to 2004 has fallen well short of what will be required in the remaining period to 2011. Among other things, this suggests that in the recent past those sites with permission have not been coming forward for development at the required and expected rate. Many objectors remain sceptical that the committed sites will make the required contribution to the housing provision.
- 4.44 However, robust evidence in support of the objectors’ doubts was limited. On the other hand, a significant number of the committed large sites are already under construction. Most of sites received permission in the last 3 years which suggests that they move towards development once an approval is in place. At April 2004, some 76% of the sites with permission have full planning permission. The largest site at Camber has recently received an Approval of Reserved Matters. The information from the developer, as reported by the Council, is that a start is expected in the spring of 2005 with completion anticipated in 3 years. In July 2005 I saw that work appeared to have commenced on site. Recent experience shows that the actual number of dwellings completed on these sites tends to increase beyond the original consented level, possibly as a result of PPG3 guidance on density, thereby providing a degree of compensation for any delay on some of the sites. I recognise that the historical rate of completions of 226 dwellings per year between 1991 and 2004 lies well below the Structure Plan requirement of 365 dwellings per year between 2004 and 2011. Nonetheless, the evidence that is before me tends to support the Council’s confidence that the permitted level of development on the committed sites will be implemented.

### Small windfall sites

- 4.45 The figure for small windfall sites assumes an annual completion rate of 71 dwellings, which reflects the annual average of completions from 1998-2003 and appears to be a generally reliable average over a much longer period. I accept that the trend towards increased densities may lead to a greater proportion of windfall sites moving into the large sites bracket. Nevertheless, the evidence is that completion rates on small sites have remained at a consistent level for a significant period. The latest completions confirm that the level of completions on small sites has been slightly above the assumed figure. I am satisfied that the Council’s assumption on this element of supply is sound.

### Urban Capacity Study windfall sites

- 4.46 In accordance with national guidance, the Council commissioned an Urban Capacity Study in 2001. The Council’s subsequent ‘Assessment of Urban Housing Capacity’ used this as a basis and this in turn informed the Revised Deposit Local Plan. Inevitably, there is a degree of uncertainty surrounding windfall housing assumptions, particularly on larger sites. I have some slight misgivings as to the possible effect of the 40% affordable housing requirement on the propensity for windfall developments to continue to come forward at a consistent rate. Furthermore, once an adopted Plan

is in place with the greater certainty of allocated sites and the application of adopted development control policies, it is conceivable that windfall rates may decline. Around one-third of the provision would be made through windfalls. This is a significant proportion on which to place reliance.

- 4.47 However, the Capacity Study estimates include an element of discounting, as advised in the Government document *‘Tapping the Potential’* and are, in that sense, conservative. The Urban Capacity Study Sites already committed or completed show an increase in actual capacities over the estimated figures. The rate of development on unidentified sites over the 5-year period prior to the Council’s Assessment in 2002 was higher than the assumed annual rate. Over the shorter period 2001-2004 completions were broadly consistent with the urban capacity allowance. I also agree with the Council’s judgement that on the basis of commitments now coming forward, the assumed figure is likely to be met. On the basis of this evidence, along with my examination of both the Urban Capacity Study and the Council’s Assessment, together with the absence of fundamental criticism of the Council’s overall approach from objectors, I consider that the assumptions made on this element of provision of some 600 dwellings between 2001 and 2011 are, on balance, reasonable and pragmatic.

#### New allocations at N.E. Bexhill and elsewhere

- 4.48 The most up-to-date figures relating to the sources of housing supply require 864 dwellings to be provided across the District between 2004 and 2011 through new allocations. As paragraphs 4.59 and 4.60 of the Revised Deposit Plan explain, the estimated net supply arising from the proposed allocations in the Plan is 1,168, an excess of around 300 dwellings over the amended Table 1 requirement for 864 dwellings as new allocations and an increase of 136 over the figure at April 2003. This suggests that the Plan’s provision may be over-generous, particularly in view of the advice in paragraph 30 of *PPG3* which states that local authorities should seek only to identify sufficient land to meet the housing requirement set as a result of the RPG and strategic planning processes.
- 4.49 Nevertheless, I consider that a degree of caution must be exercised in concluding that the level of allocations is generous. My doubts on the sufficiency of the proposed allocation figure largely stem from considerations surrounding the N.E. Bexhill provision which in total would eventually provide some 1105 dwellings. It is estimated that some 605 units would be completed after the Plan period with no more than 500 built and occupied by April 2011. I make further comments on the issue of development strategy below. However, I fully support the principle of development in this locality. Notwithstanding the potential risks associated with a strategy which relies heavily on provision from such a large source, the allocations focused on this area gain strong strategic support from the Structure Plan which identifies a major urban extension, planned as a new community, to the north east of Bexhill as part of the strategic pattern of growth. However, questions directed at the amount of housing development likely to come forward from this source within the Plan period need to be addressed. Many objectors express serious doubts as to the potential deliverability of as many as 500 dwellings prior to April 2011.
- 4.50 The proposed new Bexhill-Hastings Link Road is fundamental to the housing and business development proposals in N.E. Bexhill. It has received Provisional Approval from Ministers on the basis of the County Council’s funding bid as part of the Local

Transport Plan. Whilst I conclude in the Bexhill section of the Report that, subject to satisfactory Transport Assessments, some limited development may be possible in advance of the road’s completion (perhaps in excess of 100 dwellings), the balance of the proposed development allocation cannot be occupied until the road is open. Acting on advice from the County Council as the Highway Authority, the District Council has been working on the assumption that the completion date would be December 2008. The County Council provided to the inquiry an anticipated timetable of the road’s development setting out the timing of the various stages. Initially, this involved the submission of a planning application in Spring 2005. Shortly before the inquiry closed I was presented with updated information that the planning application has been delayed. It is now likely to be submitted towards the end of 2005. Consequently, the rest of the programme will slip by a similar amount. The County Council anticipate that the link is more likely to be open to traffic in early 2009, rather than the end of 2008. At best, this would be two years before the end of the Plan period on 31 March 2011. On the basis of the Council’s assumptions that the development would attract some 200 sales per annum, the amended estimated completion date would result in the development contributing approximately 400 dwellings. This would significantly reduce the apparent “surplus” provided by the allocation provision.

- 4.51 I have two fundamental concerns about these underlying assumptions. Firstly, the scheme is controversial and will be opposed by various groups and individuals. There are important environmental issues and compulsory purchase procedures involved. In my judgement, the County Council’s assumed timetable is tight and optimistic. To take one element, in my experience I would be surprised if the Secretary of State’s decision is published only 5 months after the opening of the planning inquiry. I accept that it is difficult to reach an informed assessment. Nevertheless, my judgement is that the weight of opinion expressed by objectors that the completion of the road is likely to be well beyond the end of 2008 is a more realistic stance.
- 4.52 Secondly, the Council’s assumed rate of 200 sales per annum is not conservative. It is based on the Savills’ study (CD1.10). In Section 4, the report concludes that there could be a potential for around 125-150 sales a year, given a spread of housing products and a number of developers. The report goes on to say that, with a carefully co-ordinated marketing strategy for the whole site, and strong market conditions, it could be possible to achieve sales rates of up to 200 units per annum. I accept that potential buyers are likely to be drawn from the Bexhill/Hastings catchment and that there is evidence of increasing confidence in this area, stemming from regeneration initiatives. I also recognise that the housing infrastructure works could progress well before the road completion, leading to occupation of more dwellings as soon as the road is completed. Moreover I refer in my Report on Section 10 of the Plan (and again in paragraph 4.50 above) to the change suggested by the Council’s Officers during the Inquiry which would allow for the occupation of a portion of the housing at N E Bexhill prior to the completion of the Link Road subject to a satisfactory Transport Assessment. That has the potential to off-set a delay in the completion of the road and in a broader context would provide a limited strengthening of the supply position in the District.
- 4.53 Nevertheless, the assumed level of sales, in my view, would be an optimum out-turn and would require the concatenation of various favourable factors. Bearing in mind that the annual level of completions through the whole of the Plan area between 1991

and 2004 was 226 dwellings, my judgement is that the level of sales at the new community would more likely lie within the range identified by Savills. If the Council’s assumption about the completion of the Link Road two years before the end of the Plan period proves to be correct, then a level of sales at the upper end of the range would contribute some 300 dwellings from the N E Bexhill source, a reduction of 200 from the Council’s current estimate of 500 units. Following my detailed assessment of all the objections in relation to both allocated and ‘omission’ sites, the only significant change recommended is the deletion of the Rye Marina proposal involving 100 dwellings (my recommendation to delete the Fairlight Gardens site would be more than counter-balanced by those relating to the inclusion of a site at Etchingham and the addition of a further small allocation within the Blackfriars site at Battle). If this recommendation were to be accepted, the reduction would rise, therefore, to some 300 units, which would equate to the Council’s current estimated surplus provided by the allocations over the most up-to-date requirement of 864 dwellings.

- 4.54 From these considerations, I draw the conclusion that the level of provision likely to result from the allocations would just about meet the figure required by the Structure Plan. I have noted the results of the Council’s sensitivity tests set out in Doc. LPA/HLSRT/4. These suggest that the housing land supply situation is robust, especially as the allocated and committed sites may produce more units as a result of the national emphasis on greater density which I recommend is reflected in the Plan. On the other hand, the tests do not seek to combine some of the impact scenarios. There would be little ‘headroom’ for the requirement to be met if NE Bexhill were to be further delayed or were other sites to fail to come on stream. In the context of the overall housing land supply picture, the situation is not entirely comfortable, with about one third of the total resource coming from windfalls and some uncertainty as to the rate of implementation of existing commitments.
- 4.55 However, the issue of density must be placed into the balance of considerations. The capacity estimates of the majority of the allocated sites listed in Table 3 of the Plan are based on a density of only 30 dwellings per hectare (dph). As the objection from the Government Office for the South East highlights, this is at the bottom of the range in paragraph 58 of *PPG3* which advises local authorities to encourage housing development at densities of between 30 and 50 dwellings per hectare, thereby making efficient use of land. This is a most important element of national policy guidance which must be taken on board. I consider that the Plan must clearly state that the density of development on the allocated sites must conform to national guidance, with the indicative figure of 30 dph firmly given as a minimum figure and explicit support given to more intensive developments. The ultimate figure should be determined at the planning application stage having regard to the housing mix and the design, access and other site-specific considerations set out in the Plan’s policies.
- 4.56 These density requirements should be explicitly set out in Table 3 and explained within the accompanying text. On this basis, it is likely that the realised capacity of the allocated sites would be greater than Table 3 indicates. It is difficult to arrive at a likely figure for the resulting enhanced capacity as a result of increased densities. However, sensitivity test (G) in Document LPA/HLSRT/4 increases the provision from the allocation sites by 15% to reflect the possibility of higher densities, resulting in approximately 180 additional dwellings over and above the 1168 figure. This seems to me to be a reasonable “ball-park” figure and provides an indication of the

possible scale of increased provision as a consequence of higher densities. In my view, these considerations introduce an important element of flexibility to the supply picture. Consequently, I do not consider that this picture is so gloomy as to require radical action at this stage. Nevertheless, various objections have argued that adjustments to the policy approach are necessary and I now turn to examine these suggested responses.

#### *Alternative approaches to housing land provision*

- 4.57 A clear theme running through many objections is the need to incorporate some further ‘headroom’ into the level of supply in order to accommodate the possibility that monitoring demonstrates a shortfall situation. Of the various options available to address this possibility, objections focus on three approaches:-
- (i) building into the supply figures some element of flexibility through a non-implementation allowance as a form of ‘discounting’;
  - (ii) the addition of further housing allocations; and
  - (iii) amending Policy DS6, as proposed to be changed, by altering the reserve site status of the Policy sites; or adding further reserve sites.
- 4.58 I accept that some form of discounting is sometimes a feature of other Plans elsewhere. However, I do not consider that this is necessary where a rigorous monitoring regime, following the principles of a Plan Monitor Manage (PMM) process, is in place and is committed in the Plan. The practice of introducing a non-implementation allowance should be redundant where a PMM approach to managing the release of housing land is followed meticulously.
- 4.59 I am not convinced that the uncertainties surrounding the potential housing supply are so pressing at this stage as to demand the definition of significant new allocations. My recommendations on objections relating to allocated sites would result in a limited decrease in supply from this source but the likely scale of the supply, taking account of density considerations, in my judgement, will provide some limited flexibility in terms of housing provision. I am further conscious that in a District with such stringent environmental constraints, bringing forward new allocations would require the most careful consideration, particularly as the most obvious candidates would be on greenfield sites beyond the present defined development boundaries. Consequently, this is likely to be a highly sensitive issue which should be addressed more appropriately as part of the work on the Local Development Scheme. Work has already commenced on this and the timetable indicates that the Council recognise the importance of proceeding expeditiously (CD1.36).
- 4.60 The issue of Reserve Sites is more complex. As it relates specifically to the issue of managing land release for housing, it is inextricably linked to Policy DS6. Consequently, I discuss that matter later in this Section.

#### *The Ministerial Statement of July 2003*

- 4.61 The Ministerial Statement of July 2003, among other things, stresses that plans should make provision for at least 10 years supply of housing. This is to ensure that there is continuity of supply. The calculations made by the Council suggest that the Plan would meet that requirement on the basis of an extrapolation of the housing requirement in the Structure Plan. This conclusion is supported by the scale of the major allocation at N.E. Bexhill, which would extend development substantially

beyond 2011, together with the likely level of windfalls. Moreover, the timescale set out in the *Local Development Scheme* (CD 1.36 – March 2005) indicates that the key Core Strategy, which would be the appropriate vehicle for taking a measured view of the longer term supply position in the District, would be in place well before 2011. That Core Strategy would need to take account of emerging Government guidance on “*Planning for Housing Provision*” (issued for consultation in July 2005) which seeks to extend provision to a 15 year timescale with a greater emphasis on actively managing the supply of identified sites.

- 4.62 In the meantime, paragraph 34 of *PPG 3* states that sufficient sites should be shown on the Proposals Map to accommodate at least the first 5 years (or the first two phases) of housing development proposed in the plan. I accept that existing commitments are not shown on proposals maps. I further recognise that the implementation of commitments cannot be controlled in the same way as allocated sites. However, according to the Ministerial Statement of July 2003 the purpose of this guidance is to safeguard against unrealistic windfall allowances. Essentially, this is aimed at removing undue reliance on unidentified windfalls. Clearly, existing commitments are identified sites which contribute towards meeting the strategic requirement. The description of identified sites in Box 5.1 on page 24 of the Government’s “*Planning to Deliver*” guidance includes a site with planning permission. The advice from the Government Office for the South East (GOSE) to the Council on this point was that commitments should be included as part of the 5-year supply which could be shown on a separate map along with a schedule. I am satisfied that the approach followed by the Council on this matter is appropriate. Notwithstanding the caveats I have raised regarding the deliverability of some of the allocations, the combined provision of the commitments and the net capacity of the allocated sites [2010 (1168+842) as at April 2004] within the Plan is well above the 5-year requirement of 1829 units [based on the average annual rate of 366 required over the remaining Structure Plan period (2560/7)].

## Recommendation

### 4.63 **I recommend that :**

- (a) the Structure Plan phasing basis with 2006 as a break point is deleted, and the residual Structure Plan requirement figure expressed as an annualised figure up to 2011, with consequential amendments to paragraph 4.18 of the text and Table 1 and a revised base date for the housing supply assessment of April 2004;
- (b) a new paragraph is inserted immediately before Table 3 which explains that, in accordance with the advice in paragraph 58 of *PPG 3*, the Plan seeks to encourage housing development which makes more efficient use of land, with a density figure of 30 dwellings per hectare applied as a minimum figure and that, generally, support will be given to developments with a density above the indicative minimum;
- (c) as a consequence of recommendation (b), the density figures given in Table 3 should be expressed as minimum figures;
- (d) in accordance with my recommendations that the proposed Rye Marina and Fairlight Gardens allocations are deleted, that land is allocated at the Lambing Field, Etchingham, and in accordance with my other

**recommendations concerning allocated housing sites, consequential amendments should be made to Table 3;**

- (e) the figures set out in Table 4 concerning the capacity of the N E Bexhill strategic allocation post-2011 be modified to reflect the likely completion of only 300-400 dwellings at the Bexhill Strategic allocation before April 2011.**

## **Business land requirements** (Paragraphs 4.21 to 4.29 including Table 2)

### **Objections**

41/3485 Friends of Brede Valley (paragraph 4.21)

### **Issues**

The inclusion of an employment floorspace requirement

### **Reasoning and Conclusions**

- 4.64 The Local Plan is required to generally conform to the Structure Plan, Policy E10 of which seeks the release of up to 15ha of land in Bexhill/Hastings for high quality business development. The Explanatory Memorandum of the Structure Plan translates this into a range of floorspace provision. There is a clear imbalance between the small existing local employment base and the large size of the residential population, particularly in Bexhill. Additional employment and economic regeneration is needed to create a more balanced community and to support the sustainable development of additional housing to meet identified housing needs, without encouraging growth in long distance commuting to workplaces outside Rother District and Hastings Borough.
- 4.65 Whilst it is true that not all employment provision is dependent on the development of additional new floorspace on greenfield sites, the Council has presented compelling evidence of a pent-up demand for new space from expanding local businesses. The creation of better quality accommodation and transport improvements can also be expected to make the area more attractive to inward investment and to discourage existing local businesses from relocating out of the District in search of better premises or more accessible locations.

### **Recommendations**

- 4.66 **I recommend that no modifications are made to the Local Plan in relation to Objection 41/3485.**

## **Towards a spatial strategy** (Paragraphs 4.30 to 4.51 and Policy DS2)

### **Objections**

20/1053	Mr D Pearce (Section 4)
20/1096	Mr D Pearce (Section 4)
20/1097	Mr D Pearce (Section 4)
20/1098	Mr D Pearce (Section 4)
20/1099	Mr D Pearce (Section 4)



20/1100	Mr D Pearce (Section 4)
20/1101	Mr D Pearce (Section 4)
20/1102	Mr D Pearce (Section 4)
20/1103	Mr D Pearce (Section 4)
20/1104	Mr D Pearce (Section 4)
20/1105	Mr D Pearce (Section 4)
20/1106	Mr D Pearce (Section 4)
20/1107	Mr D Pearce (Section 4)
20/1108	Mr D Pearce (Section 4)
20/1109	Mr D Pearce (Section 4))
20/1110	Mr D Pearce (Section 4)
20/1111	Mr D Pearce (Section 4)
20/1113	Mr D Pearce (Section 4)
20/1114	Mr D Pearce (Section 4)
20/1115	Mr D Pearce (Section 4)
20/1116	Mr D Pearce (Section 4)
20/1117	Mr D Pearce (Section 4)
20/1118	Mr D Pearce (Section 4)
20/1119	Mr D Pearce (Section 4)
20/1120	Mr D Pearce (Section 4)
20/1121	Mr D Pearce (Section 4)
20/1122	Mr D Pearce (Section 4)
20/1123	Mr D Pearce (Section 4)
20/1124	Mr D Pearce (Section 4)
20/1125	Mr D Pearce (Section 4)
20/1126	Mr D Pearce (Section 4)
20/1127	Mr D Pearce (Section 4)
20/1128	Mr D Pearce (Section 4)
20/1129	Mr D Pearce (Section 4)
20/1130	Mr D Pearce (Section 4)
20/1131	Mr D Pearce (Section 4)
20/1132	Mr D Pearce (Section 4)
20/1133	Mr D Pearce (Section 4)
20/1134	Mr D Pearce (Section 4)
20/1135	Mr D Pearce (Section 4)
20/1136	Mr D Pearce (Section 4)
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20/1141	Mr D Pearce (Section 4)
20/1142	Mr D Pearce (Section 4)
20/1143	Mr D Pearce (Section 4)
20/1144	Mr D Pearce (Section 4)
20/1149	Mr D Pearce (Section 4)
20/1150	Mr D Pearce (Section 4)
20/1156	Mr D Pearce (Section 4)
20/1158	Mr D Pearce (Section 4)
20/3231	Mr D Pearce (Policy DS2)
37/3143	Crofton Place Developments Ltd (Policy DS2)
39/3559	Mrs. J. Haddon (Policy DS2)
41/3482	Friends of Brede Valley (Policy DS2)
59/1250	Mr and Mrs Corin (Policy DS2)
83/3347	Scaling Limited (Policy DS2)
84/3328	Millwood Designer Homes Ltd (Policy DS2) (Includes Lilybank Farm Omission from Table 3 – See Section 11)
95/3303	English Heritage (Paragraph 4.49)
124/1866	CPRE Sussex Branch (Paragraph 4.36-4.37)
124/3175	CPRE Sussex Branch (Policy DS2)

144/3351	Westridge Construction Limited (Policy DS2)
210/3210	L. Cook (Policy DS2)
230/3041	George Wimpey UK Ltd. (Policy DS2)
242/3135	Mr D Baynton (Policy DS2)
250/3196	Mr Peter Venn (Policy DS2)
270/3377	Mr Bryan Eberli (Policy DS2)
316/3622	Persimmon Homes (South East) Ltd. (Policy DS2)
368/3742	Mrs. P. Ward-Jones & Bellhurst Homes Ltd. (Paragraph 4.37)
368/3745	Mrs P. Ward-Jones & Bellhurst Homes Ltd. (Policy DS2)

### Supporting Statements

5/1008	Mrs. G.M. Gough (Policy DS2)
78/3692	Countryside Residential (South Thames) Ltd. (Policy DS2)
118/1839	Redrow Homes (South) Limited (Paragraph 4.30)
213/3218	Trinity College (Policy DS2)
231/3057	Hillreed Developments Ltd (Policy DS2)

### Comments

165/3013	Environment Agency (Paragraph 4.32)
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### Issues

- a. Relationship between the Plan’s spatial strategy and national and strategic policy
- b. Focus and location of development at Bexhill
- c. Development at Battle and Rye
- d. Development on the fringe of Hastings
- e. Development in the countryside and the balance of development between urban and rural areas
- f. Pre Inquiry Proposed Change to Paragraph 4.32

### Reasoning and Conclusions

#### *Spatial Strategy*

- 4.67 The Plan’s Spatial Strategy provides the crucial framework for housing provision. National policy is of critical importance to this issue. *PPG3* requires that a sustainable pattern of development be achieved by concentrating most housing development in urban areas, making efficient use of previously-developed sites and buildings and adopting a sequential approach to the allocation of land that makes urban extensions the next most sustainable option. The application of this policy approach is vitally important in Rother, bearing in mind that 80% of the area falls within the defined High Weald Area of Outstanding Natural Beauty (the AONB) where the conservation and enhancement of natural beauty is a primary purpose. *PPS7* has recently confirmed that AONBs have the highest status of protection in relation to landscape and scenic beauty. A key development principle of *RPG9* is that urban areas should become the main focus of development. A further principle states that development on greenfield land should only be acceptable when other options have been considered. The Guidance also recognises that special consideration should be given to the economic and social needs of defined Rural Priority Areas. It is to be noted that the rural parts of the District, excluding Bexhill, are so defined.

- 4.68 The spatial strategy of the Structure Plan embodied in Policy S4 reflects these principles. Development is to be guided by focusing most development and change in existing towns; the implementation of existing commitments for development at N. Bexhill; providing limited allocations for housing in selected smaller towns and villages in Rother; ensuring that housing development is well related to the availability of sufficient existing and planned local employment opportunities and strongly protecting the AONB from major development. These guiding principles are reinforced by further more specific policies relating to: Bexhill (S25), where reference is made to a new community specifically to the north east of the town; Battle (S26) and Rye (S27), where their roles as towns are to be maintained as far as is compatible with their environmental constraints; and rural areas (S7,8, 9 & 10). The aim here is to support the development of balanced rural communities, particularly in terms of providing homes, jobs, services and facilities; the accommodation of change within defined development boundaries of villages and the strict control of development in the countryside.
- 4.69 It is clear to me that the spatial strategy of the Plan has been carefully tailored to reflect both national and regional guidance, together with the strategy laid down in the Structure Plan.

*Focus and location of development at Bexhill*

- 4.70 Within the District, Bexhill is the dominant urban area and it is the main settlement outside the AONB. Development should be focused on the town, as the Structure Plan recognises in its requirement for a new community to the north east of the town. The principal allocation for housing development follows this lead, with its scale and extent a reflection of its key role in the future planning of Rother.

*Development at Battle and Rye*

- 4.71 Battle and Rye are towns of modest size. Both are subject to strong environmental constraints and yet play an important role in serving their respective hinterlands and as major tourist attractors. I accept the need for some further development here so that these roles can be maintained. Nevertheless, I am acutely conscious of the key elements of their constraints. Battle’s ridge setting and location within the AONB and the setting of the Citadel at Rye above the surrounding levels are critical factors which have influenced my recommendations on various site-specific objections.
- 4.72 My overall conclusion is that the scale of the Plan’s allocation for Battle is proportionate in terms of the need for further development vis-à-vis its defined role, bearing in mind the physical and environmental constraints to which it is subject. I find the circumstances at Rye more complex. I do not dissent fundamentally from the Council’s approach in seeking a greater level of housing provision in order to maintain the role of the town in serving the local community and as a focus for tourism, and to meet an acknowledged need for affordable housing. Indeed, I do not take issue with the overall scale of provision proposed in the Plan as such. The difficulty stems from the environmental constraints placed upon the town, with the setting of the Citadel of critical importance. In certain areas there are major obstacles in locating new development outside the confines of the developed area of the town. Nevertheless, I am satisfied that there are no objections to the principle of development at Udimore Road, although other factors have led me to recommend that it retains its reserve site status, as I explain later when I consider objections to Policy

DS6. However, I have reached the conclusion that, because of the site’s sensitive location in relation to the setting of Rye, it would be inappropriate to develop the proposed Marina housing site to the south of Rock Channel. I accept that, as a consequence, the Plan’s proposals for the immediate release of land for housing are limited. I believe that on the basis of the proposals before me this is the correct approach. Nevertheless, the circumstances pertaining to Rye demand that urgent consideration is given to the scale and direction of its long-term future development as part of the work on the Local Development Framework proposals.

*Development on the fringe of Hastings*

- 4.73 I recognise the pressures for the expansion of Hastings where to the north and west development already extends largely up to the administrative boundary with Rother. However, much of that boundary also coincides with the defined boundary of the AONB or lies within the critically important open break between St Leonards and Bexhill where, in my view, the rigorous control of development is essential. Moreover Structure Plan Policy S24 includes the statement that ‘No further outward expansion of the town [of Hastings] beyond existing commitments will be allowed, except for that permissible for early economic development in policy E10.’
- 4.74 In Section 14 I address those objections which concern specific sites in the Hastings Fringe area.

*Development in the countryside and the balance of development between urban and rural areas*

- 4.75 A key issue for the Plan, as the Council accepts, is the balance to be struck between development in the towns and in the rural areas. The cumulative thrust of a range of objections suggests that the Plan should adopt a more flexible approach towards development in rural areas with some objections seeking new greenfield allocations for development whilst others seek more modest amendments to development boundaries or to the criteria-based policies for development outside such boundaries. Section 6 of the Plan contains specific policies relating to dwellings in the countryside. Other parts of the Plan include specific allocations or criteria-based policies for development in the rural area, I comment further on these issues when the report addresses objections to those policies. However, the constraints imposed by the large extent of the AONB; the settlement pattern of well-dispersed, generally small villages and hamlets; the narrow range of services provided by most villages and the generally poorly developed transport infrastructure, clearly point to a policy of limited development in the rural area. Yet the distribution of housing development in the period 1991-2003 shows a high level of development in rural parishes in excess of the combined scale of development in the three towns. Notwithstanding the respective population levels, this is not consistent with the principles of sustainable development and has imposed an excessive degree of change within the AONB in particular.
- 4.76 Paragraph 21 of the Government’s *PPS7* policy statement published in 2004 confirms that AONBs, alongside National Parks, have the highest status of protection in relation to landscape and scenic beauty and that the conservation of the natural beauty of the landscape and the countryside should therefore be given great weight in planning policies. Some objections seek to exclude all development in the AONB or countryside for these reasons. However *PPS7* also goes on to say that policies should

support suitably located and designed development necessary to facilitate the economic and social well-being of these designated areas and their communities, including the provision of adequate housing to meet identified needs. This approach is reflected in the Council’s proposed change to paragraph 4.49 as follows:-

#### **Pre-Inquiry Change – PC/04/06**

Add the following sentences after the first sentence in paragraph 4.49:

**‘Protecting the character of the countryside, especially given that, for the greater part, it is within an Area of Outstanding Natural Beauty, is very important. At the same time, a living and working countryside should be maintained’.**

*Reason: To clarify the context for the approach to specific forms of development referred to in the paragraph.*

- 4.77 The Council has assessed all rural settlements in detail and has considered a range of strategies for the distribution of development, including: focusing substantial development on one settlement in particular; dispersing new development amongst a large number of villages; and seeking limited growth in villages that provide a range of services, with carefully delineated development boundaries applied to the other settlements within which limited internal growth could occur. The Plan reflects this third option. In the light of the need to carefully control development in the AONB and the open countryside generally, and to apply sustainability principles to the spatial strategy, this approach is sound and pragmatic and most closely reflects the strategic policies outlined above. The anticipated distribution of housing development between 2003 and 2011, as a result of the implementation of the various housing supply elements, would result in double the amount of development taking place in the three towns over that in the rural parishes. This would be a complete reversal of the unsustainable pattern of development between 1991 and 2003. Whilst I have limited reservations about some of the Plan’s specific development allocations and policies for the rural areas, which I address later in the Report, I am satisfied that the overall spatial strategy embodied in Policy DS2 and the supporting text is carefully balanced and appropriate.

#### *Pre-Inquiry Proposed Change to paragraph 4.32*

- 4.78 The Council proposed the following appropriate minor wording change and no representations were received when this was advertised before the Inquiry:-

#### **Pre-Inquiry Change – PC/04/05**

Delete the word **‘flooding’** in paragraph 4.32 and replace with **‘flood risk’**.

*Reason: Amendment brings wording into line with PPG25.*

### **Recommendation**

- 4.79 **I recommend that no modifications are made to Policy DS2.**
- 4.80 **I recommend that paragraph 4.32 is modified in accordance with Pre-Inquiry Change PC/04/05.**
- 4.81 **I recommend that paragraph 4.49 is modified in accordance with Pre-Inquiry Change PC/04/06.**

## Development Boundaries (Paragraphs 4.52 to 4.55 and Policies DS3 and DS4)

### Paragraphs 4.52 to 4.55

#### Objections

208/3185

Howard Hutton &amp; Associates

#### Issue

Whether development boundaries should be coincident with property boundaries to make best use of previously developed land

#### Reasoning and Conclusions

- 4.82 I accept that in many instances property boundaries will justifiably coincide with the alignment of development boundaries. However, development boundaries are intended to reflect policy lines on the ground and they seek to provide a clear indication of whether the principle of development would be acceptable. In some cases property boundaries may not provide an appropriate policy line, particularly where redevelopment would be encouraged that would be harmful to the character and appearance of the area. As a result of this I do not accept that all development boundaries must coincide with property boundaries, notwithstanding the policy imperatives of *PPG 3* with regard to making the best use of previously developed land.

#### Recommendation

- 4.83 **I recommend that no modification is made to the Plan in response to Objection 208/3185:**

### Policy DS3

#### Objections

37/1163	Crofton Place Developments Ltd
37/3144	Crofton Place Developments Ltd
39/1174	Mrs. J. Haddon
39/1175	Mrs. J. Haddon
41/3483	Friends of Brede Valley
43/1208	Mrs. Joyce Hare
86/1473	The House Builders Federation (See also Policy DS4)
129/1896	Crowhurst Parish Council (See Policy DS5)
130/3698	Peasmarsh Village Society
220/3255	Mrs. R. Chavasse (See Section 15 Inset Map 35)
271/3389	Town & Country Planning Solutions

#### Inspector’s Note

The following objections under this heading relate to sites in, or adjacent to, particular settlements. I address these elsewhere in the report when I consider the policies and proposals in relation to those settlements as follows:-

FOR THESE OMISSION SITES SEE SECTION 10

13/3416	Mr. G. Marchant (Barnhorn Road, Bexhill)
13/3417	Mr. G. Marchant (Coneyburrow Lane, Bexhill)

368/3744	Mrs. P. Ward-Jones & Bellhurst Homes Ltd. (Land West of Bexhill)
368/3746	Mrs. P. Ward-Jones & Bellhurst Homes Ltd. (Land West of Bexhill)
462/3916	Southern Maple Estates Ltd. (Land N of Kites Nest Walk and Oakleigh Road, Bexhill)

## FOR THESE OMISSION SITES SEE SECTION 11

84/3328	Millwood Designer Homes Ltd (Policy DS2) (Includes Lilybank Farm Omission Table 3)
171/2359	Tabfern Ltd
208/4070	Howard Hutton & Associates

## FOR THESE OMISSION SITES SEE SECTION 12

121/3209	Cinque Port Leisure Group (Frenchman’s Beach Caravan Park, Rye Harbour)
219/3558	Mr. and Mrs. K. Hall (See Section Omission – Land at Rolvendene Farm, Love Lane, Rye)

## FOR THESE OMISSION SITES SEE SECTION 13

68/3201	Mr. and Mrs. P. Rigby (Friars Cote Farm, Northiam)
74/1281	Newcombe Estates Co – Land at Darwell Down, Netherfield
83/3348	Scaling Limited (North of Union Street, Flimwell)
101/1573	Harper & Eede Limited (See Section 13 Omission Sites– Land r/o Meadow View Hurst Green)
136/3919	Grampian Country Food Group (Omission – Land at Northbridge Street, Robertsbridge)
180/2283	Mr. S.G. Cornford. (See also Policy DS4) (Land r/o Braemar, Mafeking, Eastern House and Ivydene, High Street, Etchingham)
182/2287	Dr. C. Ahrens (See also Policy DS4) (Land at Church Farm Etchingham)
221/3265	Mr. D. Gammon (Omission – Land to the East of The Street, Sedlescombe)
264/3346	Etchingham Primary School (Lambing Field, Etchingham)
265/3344	Etchingham P. C. & E. Trust for Sport & Rec. (Lambing Field, Etchingham)
381/3780	Mr. D. Hall (Omission – Land at Grove Farm, Iden)

## FOR THESE OMISSION SITES SEE SECTION 14

210/3211	L. Cook (Land at Chowns Hill, Hastings)
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## FOR THIS SITE SEE SECTION 15 INSET MAPS

467/3926	Mr. G. Sharman (Land rear of Beech House, Langham Road, Robertsbridge)
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**Supporting Statements**

236/3892	Red Barn Developments Ltd
268/3360	Miss R. H. Feeny-Brown

**Issues**

- a. The principle of, and need for, defined development boundaries including the relationship of the policy to Structure Plan policy
- b. Provision for variation of Development Boundaries to fulfil a local need
- c. Removal or expansion of Development Boundaries and development within other undefined settlements
- d. Exclusion of Peasmarsh from list of settlements

## Reasoning and Conclusions

### *The principle of, and need for, Development Boundaries including the relationship of the policy to Structure Plan policy*

- 4.84 Structure Plan Policies S5 & S8 require Local Plans to define development boundaries around settlements in order to differentiate between those areas where development would be acceptable in principle and those where it would not. The Plan has rightly adopted this approach as it provides an appropriate mechanism for assessing this issue. In addition to promoting new development allocations in 8 villages, it seeks to maintain development boundaries around a further 25. This would not prevent some opportunities arising for limited development within the countryside, such as sites for affordable housing and community facilities in accessible locations adjacent to settlements.
- 4.85 Local housing need is only one factor in the overall consideration of the scale and distribution of housing provision. The Plan addresses this issue in Section 6. I do not consider that it would be sensible to dispense with the concept of development boundaries and rely on an assessment of local need for housing or consider development proposals on their merits. This would remove an important control mechanism in the context of the scale and location of housing development. Furthermore, the concept of development boundaries is a well understood expression of planning policy in the District, which would provide an element of clarity within the Plan. Consequently, I take the view that Policy DS3 is appropriate and necessary.

### *Provision for variation of Development Boundaries to fulfil a local need*

- 4.86 I have given careful consideration to the suggestion that the Policy should be broken down in order to distinguish between settlements where limited growth will be provided for and those where internal growth only will be allowed. In my view, this would be unnecessary, given the strategic approach embodied in Policy DS2 and the spatial strategy which underpins the new allocations proposed. The approach adopted by the Plan in terms of its housing allocations focuses attention on the main towns and medium-sized villages which provide a reasonable range of services. Consequently, the Plan achieves what Objection 37/3144 is seeking.

### *Removal or expansion of Development Boundaries and development within other undefined settlements*

- 4.87 Objections 39/1174 and 39/1175 are recorded against Policy DS3 but were originally submitted in relation to different Initial Deposit Plan policies. They generally seek the removal or expansion of defined development boundaries (previously ‘settlement policy areas’) or the modification of the policies to allow for more development in other settlements that lack such boundaries. Elsewhere in the Report, I address similar objections from the same and other persons to other policies and text. For the above reasons I consider that the use of development boundaries is appropriate and that they are generally appropriately located. Previous Government guidance in PPG7 that supported infilling in isolated groups of houses has been withdrawn and is not repeated in PPS7 which places greater emphasis on convenient access to employment, services and facilities in the interests of sustainable development. The Local Plan suitably reflects that approach.



*Exclusion of Peasmarsh from list of settlements*

- 4.88 I see no reason why Peasmarsh should be excluded from the list of settlements in the Policy. It is an identifiable settlement, incorporating considerable development, with clearly defined development limits and a satisfactory range of services including a school and a large supermarket. It would be suitable for ‘internal’ growth. Consequently, a defined development boundary is appropriate. Should proposals be brought forward for development within the boundary, they would still need to be assessed against other plan policies and any other material considerations.

**Recommendation**

- 4.89 **I recommend that no modification be made to the Plan with regard to Policy DS3.**

**Policy DS4****Objections**

20/3232	Mr. D. Pearce
39/4067	Mrs. J. Haddon
68/1262	Mr. and Mrs. P. Rigby
68/1264	Mr. and Mrs. P. Rigby
86/1461	The House Builders Federation
86/1473	The House Builders Federation (See also Policy DS3)
140/4066	BT plc
271/4068	Town & Country Planning Solutions
524/2291	DMH

**Inspector’s Note**

Some objections under this heading relate to omission sites in particular settlements. I address these in the report when I consider the policies and proposals in relation to those settlements in Section 13.

FOR THESE OMISSION SITES SEE SECTION 13

180/2283	Mr. S.G. Cornford. (See also Policy DS3) (Etchingham)
182/2287	Dr. C. Ahrens (See also Policy DS3) (Church House Farm, Etchingham)

**Supporting Statements**

17/1248	Ms. Phoebe Cameron
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**Issues**

- a. Housing development outside development boundaries
- b. Flexibility of the policy
- c. Approach to previously developed (brownfield) sites

**Reasoning and Conclusions***Housing development outside development boundaries*

- 4.90 In supporting the Plan’s approach set out in Policy DS2, I have stressed the importance of strictly controlling development in the countryside. I consider that Policy DS4 is an integral and essential element of the overall spatial strategy and underpins the sustainable approach towards development set by the Plan. It would

assist in achieving the *PPG3* objective of creating a more sustainable pattern of development in the District. The Policy clearly reflects Structure Plan Policy S10.

- 4.91 I acknowledge that Policy DS4, together with Policy HG10, imposes strict control over new development in the countryside. This not only reflects the Structure Plan policy, but also chimes with the advice in *PPS7*, in particular paragraph 9 (ii) which requires the strict control of new house building, including single dwellings, in the countryside, away from established settlements or from areas allocated for housing in development plans. Guidance in the former *PPG7* that supported some infilling in isolated groups of dwellings has been withdrawn.

#### *Flexibility of the policy*

- 4.92 The policy does not rule out development altogether. Some limited flexibility is built into the Plan’s approach including: Policy HG2, which exceptionally permits local needs housing; Policy HG10, which allows some other new dwellings in the countryside; and other Section 9 policies that provide for some employment and leisure or tourism related development. Other Plan policies in Sections 6, 7 and 9 set out criteria for new dwellings in the countryside and for the acceptable re-use of existing buildings in the countryside and thereby provide flexibility in that regard. However, if Policy DS4 were to incorporate a wide range of other flexible elements in order to exceptionally allow for development outside the defined boundaries, as some objectors have suggested, in my view, this would seriously weaken the Plan’s approach and undermine the Plan’s ability to protect the countryside and to control and direct development in a sustainable manner.
- 4.93 The requirement to demonstrate that a countryside location is necessary should not apply to development that is specifically allowed for by other policies. In particular, Structure Plan Policy S10(b) provides that, subject to other criteria, conversions and/or changes of use for employment and other purposes specified in the policy do not require that a need for a countryside location be demonstrated. Other local plan policies similarly provide for exceptions without including the need for a countryside location as a criterion. I consider that Policy DS4 should be modified to reflect this position.

#### *Approach to previously-developed sites in the countryside*

- 4.94 Notwithstanding the policy priority given to the redevelopment for housing of previously-developed (brownfield) sites, in the countryside these are likely to occupy unsustainable locations that would provide residential occupiers with poor access to employment, services and facilities by means other than the car. Their redevelopment in open countryside also risks an adverse impact on the landscape and rural character. In respect of other uses, Policy EM1 does allow for the re-use or redevelopment for business of existing previously-developed business sites in the countryside. This helps to maintain a balance of employment and housing in the rural areas.
- 4.95 The definition of previously-developed land in Annex C of *PPG3* excludes agricultural land and buildings. The Plan allows for the re-use of suitable agricultural buildings, (subject to criteria) with a preference for employment use over housing. But to generally allow their replacement by housing or other forms of built development would result in an unsustainable dispersed pattern of development and would risk serious harm to the valued rural character of the landscape, particularly if

the agricultural buildings were not redundant and needed to be replaced elsewhere on the agricultural unit.

- 4.96 I recognise that a difficulty can nevertheless arise where unsightly and genuinely redundant agricultural buildings (which may have been erected many years ago under permitted development rights) are physically unsuitable for re-use for business or residential purposes. They may become derelict and unsightly if no use can be found for them. Such matters would be material considerations to be argued on their merits having regard to the general policy background and objectives.
- 4.97 In Section 9 I refer to Government advice in *PPS7* which would in some circumstances support the replacement of buildings in the countryside for economic development purposes. But I conclude that it is too late in the Local Plan process to introduce potentially contentious new policies in this regard and that this matter would be better reviewed in the context of the preparation of the forthcoming Local Development Framework.

### Recommendation

- 4.98 **I recommend that Policy DS4 is modified by the deletion of the final sentence and the substitution of the following sentence:**

**‘Proposals for new development therein will be required to accord with relevant Structure Plan and Local Plan policies and, unless there is specific provision in these policies for the proposed form of development to be located in the countryside, the proposals will also be required to demonstrate that a countryside location is necessary for the development.’**

### Strategic gaps

(Paragraphs 4.56 to 4.58 and Policy DS5)

### Objections

112/1761	Sedlescombe Parish Council
129/1896	Crowhurst Parish Council (Policy DS3 but relates to Policy DS5)
183/2288	Reprotech (Pebsham) Ltd.
524/2294	DMH

### Supporting Statements

40/1177	Guestling Parish Council
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### Issues

- a. Relationship between the Policy and the Structure Plan
- b. Whether the Strategic Gaps in the Local Plan have been appropriately defined
- c. Control of development in the Strategic Gap between Crowhurst and Hastings
- d. Need for a defined Strategic Gap between Sedlescombe and Hastings

### Reasoning and Conclusions

#### *Relationship between the Policy and the Structure Plan*

- 4.99 Within East Sussex the protection of strategic gaps is considered to be an important strategic planning principle that appears as one of the criteria in Structure Plan Policy

S1 which sets out a strategy for a more environmentally sustainable future. Criterion (k) of the Policy seeks to prevent development which would reduce strategic and other important gaps of valued countryside between settlements. Policy DS5 of the Local Plan lists a number of gaps which have for long been considered vulnerable to development pressure and seeks to ensure that their open character is retained. Given the importance placed on the concept of strategic gaps in the Structure Plan, it is essential that the Plan contains an appropriate policy reference. Policy DS5 meets that requirement.

*Whether the Strategic Gaps in the Local Plan have been appropriately defined*

- 4.100 From my careful observations on the ground, the 5 gaps listed in the Policy and defined on the Proposals Map all provide critically important breaks between settlements. Their protection would not only preserve the belts of countryside, but would also assist in ensuring that the adjoining settlements retained their distinct character. In my view, their open character must be retained. I consider that the policy imperative, as applied to all the defined gaps, is justified.
- 4.101 This is exemplified by the narrow break between the east side of Bexhill and St.Leonard’s which would be highly vulnerable to the intrusion of significant additional built development, particularly if this resulted in the joining of existing built development within the gap to the adjacent built-up area with a resulting substantial loss of openness.
- 4.102 Further north, the gap between the northern part of St Leonards and Battle is much broader and the Strategic Gap designation overlaps the AONB. However, whilst the AONB already provides strong landscape protection, the Strategic Gap underlines the vulnerability of this exposed high ground to the intrusion of built development, particularly in views from adjacent ridge-top roads and the railway, and the risk that increased urbanisation within the gap would blur the separate identities of the towns.

*Control of development in the Strategic Gap between Crowhurst and Hastings*

- 4.103 The concerns of Crowhurst Parish Council in relation to development in the defined strategic gap between Crowhurst and Hastings, in my view, are met by the terms of the Policy. Development is to be carefully controlled and will be permitted only in exceptional circumstances.

*Need for a defined Strategic Gap between Sedlescombe and Hastings*

- 4.104 I recognise that there are considerable development pressures on land close to the tightly constrained boundary on the northern side of Hastings. Nevertheless, the countryside between Sedlescombe and the northern limit of the urban area occupies a wide belt of land. No evidence has been placed before me that this wider stretch of countryside is seriously threatened by development. In my view, it does not function as a recognised fragile open break between two settlements where their distinctive character is in danger of being fundamentally eroded. Moreover, it falls within a defined area of AONB and is subject to development controls built into Policies DS1 and GD1. I see no reason to add this area to the list of strategic gaps.

**Recommendation**

- 4.105 **I recommend that no modification is made to the Plan with regard to Paragraphs 4.56 to 4.58 and Policy DS5.**

## Summary of Housing Land Provisions (Table 3, Paragraphs 4.59 to 4.64 and Table 4)

### Inspector’s Note

Objections relating to Paragraphs 4.59-4.64 and Table 3 (Summary of Housing Land Provisions) and Table 4 are addressed above alongside objections to paragraphs 4.10-4.20 and Table 1 (Housing Land Requirements)

## Managing land release (Paragraphs 4.65 to 4.69 and Policy DS6)

### Objections

20/3235	Mr. D. Pearce
37/3146	Crofton Place Developments Ltd
41/3484	Friends of Brede Valley
78/3701	Countryside Residential (South Thames) Ltd.
83/1444	Scaling Limited
84/1451	Millwood Designer Homes Ltd.
86/1471	The House Builders Federation
86/1478	The House Builders Federation
86/1480	The House Builders Federation
86/1481	The House Builders Federation
86/3065	The House Builders Federation
111/4046	Rye Town Council
137/3266	Southern Water
144/3352	Westridge Construction Limited
230/3043	George Wimpey UK Ltd.,
234/3089	Udimore Developments Ltd.,
234/3090	Udimore Developments Ltd.,
234/3093	Udimore Developments Ltd.,
238/3130	The English Courtyard Association
271/3390	Town & Country Planning Solutions
316/4078	Persimmon Homes (South East) Ltd.

THE FOLLOWING OBJECTIONS CONCERN THE PROPOSED CHANGE (PC/04/08) TO POLICY DS6

3/9037	Exeter College
86/9031	The House Builders Federation
137/9029	Southern Water
144/9026	West Kent Housing Association
230/9034	George Wimpey UK Ltd
234/9035	Udimore Developments Ltd.,
237/9028	Lucas Land & Planning
464/9032	Mr. R. Hedger & Ms. J. Rogers

### Supporting Statements

213/3219	Trinity College
231/3058	Hillreed Developments Ltd
233/9033	New Downlands HA, Orbit HA & Rother Homes

### Issues

- a. The Council’s proposed change to Policy DS6
- b. Need for prioritising the release of sites
- c. Importance of reference to Plan, Monitor and Manage

- d. Review of the Plan
- e. The reference to 2006
- f. Reserve site status of Udimore Road, Rye/Additional Reserve Sites,
- g. Reserve site status of the AONB sites/Possible conflict with affordable housing requirements
- h. Infrastructure provision
- i. Footnotes

## Reasoning and Conclusions

### *The Council’s Proposed Change to Policy DS6*

- 4.106 Following the most recent monitoring and on the basis of the April 2004 figures, the Council has become concerned that the housing supply position adopted by the Plan would lead to an oversupply. The following Proposed Changes to Policy DS6 were designed to control this situation, with particular reference to the status of certain greenfield sites:-

#### **Pre-Inquiry Change – PC/04/07**

Amend criterion (i) of Policy DS6 to read:

**‘(i) wholly or substantially previously developed sites in urban areas, as indicated in Table 3, will not be subject to phasing restrictions;’**

*Reason: To clarify the scope of the criterion.*

No Representations

#### **Pre-Inquiry Change – PC/04/08**

Amend Policy DS6 to read:

**The release of sites allocated for housing purposes in the Local Plan will be on the basis of:**

**(i) wholly or substantially previously developed sites in urban areas as indicated in Table 3 will not be subject to phasing restrictions;**

**(ii) the strategic land releases at north east Bexhill will not be subject to phasing restrictions other than required to ensure road capacity and the release of employment land;**

**(iii) greenfield sites not covered by (iv) below will be released to meet the housing requirement for the period 2006-2011**

**iv) the following sites will only be released (i.e. granted planning permission) if found to be necessary to meet the Structure Plan housing requirements up to 2011:**

**(a) Land off Strand Meadow, Burwash (17 dwellings)**

**(b) Land at Old Wardsdown, Flimwell ( 9 dwellings)**

**(c) Land south of The Paddock Northiam (30 dwellings)**

**(d) Land adjacent to Grove Farm, Robertsbridge (27 dwellings)**

**(e) Land of Udimore Road, Rye (114 dwellings)**

**(Footnotes:**

**1. It is not anticipated that any of the sites at (iv) above would be released in advance of the consideration of the progress of housing development up to 2007/8, although the situation will be reviewed annually.**

- 2. In the event of a shortfall warranting further land releases, in the first instance, sites at (a)-(d) in (iv) above will be released.**
- 3. In the event that the release of the sites at (a)-(d) in (iv) does not appear sufficient to meet an anticipated shortfall against Structure Plan requirements, the additional release of land at Udimore Road would also be approved.**
- 4. A decision to release sites at (iv) above will be made by Full Council following an opportunity for public and other stakeholder comment on the findings of the annual monitoring that leads to such a conclusion.)**

Add the following sentences to the end of paragraph 4.65:

**‘The overall level of housing allocations includes an element of overprovision to cater for uncertainties, such as the rate of development on windfall sites. This provides a level of robustness to the Plan and helps to ensure a continuity of housing supply. The application of a phasing policy, as discussed below, will guard against an unwarranted scale of growth.’**

Add the following sentences to the end of paragraph 4.67:

**‘In addition, in order to better manage housing land release in the event of a higher rate of windfalls, it is also believed that the managed release of sites could be extended to include some other greenfield sites. Four such sites are identified on the basis that these are on the edges of villages in the High Weald AONB and, unlike other housing allocations, do not also contribute directly to local jobs or infrastructure.’**  
**Amend the second sentence in paragraph 4.68 by deleting ‘... the potential shortfall to 2006 is reduced to less than 80 dwellings.’ And replacing it with ‘... the potential shortfall to 2006 will be only marginal.’**

Add the following sentences after the second sentence of paragraph 4.69:

**‘Where monitoring points towards the need for release, account will be taken of key stakeholder views before a decision by the Council. If there is clear prospect of a shortfall against Structure Plan housing requirement to 2011 that is not likely to be addressed by other actions, then the villages sites would be released from the phasing restriction in the first instance. The site at Udimore Road would also be released if determined to be also necessary to meet the requirement. The village sites are prioritised because they are regarded as being more capable of being assimilated into the respective settlements and offer more opportunities for people in rural areas to be able to live locally.’**

Amend Table 3 in respect of Land at Old Wardsdown, Flimwell to recategorise the site as greenfield by replacing ‘B/G’ with ‘G’.

Amend the supporting text associated with each of the four village allocations listed (a) to (d) in Policy DS6(iv) above to make cross reference to the requirements of Policy DS6.

*Reason: To improve the Local Plan’s capability to respond appropriately to uncertainties in the rate of housing development.*

#### *Need for prioritising the release of sites*

- 4.107 I acknowledge the importance of Policy DS6. It is essential that a policy framework is clearly set down with priorities for the release of the defined allocated sites. The Policy rightly focuses on the allocated sites. This should not be diluted by including

vague references to the possibility of some development in rural areas if suitable applications were to emerge. If the Plan is to meet its strategic responsibilities in terms of housing provision and ensure that the housing development complies with sustainability principles, the emphasis on giving priority to the release of previously developed sites, the critically important strategic site at N E Bexhill and other greenfield sites in the towns is appropriate.

- 4.108 Notwithstanding the thrust of many of the objections, I do not consider that it should be recast as an unfettered allocations policy, as that would undermine the importance of the plan, monitor and manage (PMM) process. I concluded earlier that the housing land supply position overall is not entirely comfortable. In this situation regular monitoring will be crucial. This Policy provides the basis for a monitoring system, which would include as one factor in the process the progress being made towards meeting affordable housing targets, both district-wide and in particular areas. In my view, the Policy is an essential component of the Plan and would be an important tool in enabling the Council and the public to remain updated on all facets of housing provision.
- 4.109 In supporting the role and thrust of Policy DS6, I have borne in mind the Government’s recently published consultation paper *‘Planning for Housing Provision’*. This proposes a new policy approach to ensure that land is allocated in plans to better meet the need for housing, respond more effectively to changes in demand, and promote consumer choice. Among the key elements of the consultation document are the emphasis on the important role of Regional Spatial Strategies; the need for local authorities in their development plans to use plan, monitor and manage in order to maintain a rolling 5-year supply of housing land within a 15-year time horizon and the need for sites allocated in the first 5 years to offer the most sustainable option. The results of the consultation will feed into a draft revised *PPS3* which is expected to be published in Autumn 2005. The emerging process carries little weight at present and needs to be approached with caution. Nevertheless, the Council should be aware of the main thrust of this emerging guidance, especially as the final *PPS3* statement may be published prior to the adoption of the Plan.

#### *Importance of Reference to Plan, Monitor and Manage*

- 4.110 The monitoring process must be based on the advice on managing the release of housing sites contained in *‘Planning to Deliver’* which lays down a number of broad principles as to how this approach should be applied. Although I am aware that the Council undertakes an annual monitoring exercise, I am not convinced that the Plan sets out in sufficient detail how the Plan, Monitor and Manage system would operate. Monitoring is briefly mentioned in paragraph 4.69 of the text in the Plan and in the Proposed Change PC/04/08. The changes proposed to the text of this paragraph provide a little more detail as to the mechanics of the monitoring that would be undertaken. In addition, Footnote 1.to PC/04/08 mentions an annual review. Nevertheless, in my view the Plan must give greater prominence to the principles behind this and how the process will be implemented. Consequently, I consider that the Plan must embody a clear and explicit commitment to annual monitoring, preferably in the Policy itself and must set out in the text the detail of the process involved.
- 4.111 In so doing, the Plan must address an important concern which arises from the context of this Plan, because I am not wholly convinced that the Council’s monitoring system



would be able to act with the requisite speed in the circumstances which surround the issue of housing supply in this District. With only 5 years from plan adoption to the end of the Local Plan period, my main concern is with the amount of time it would take from, for example, the identification of a delay in the Link Road process to the end of that monitoring year, followed by the public consultation on the contentious release of a site/s which had already received support from me through this report, to the preparation of a planning application and a start on site. If there are only one or two reserve sites to choose from, as presently recommended, and I have already considered all objections to them, I am not sure that a further public consultation on their release can be justified. Detailed site specific matters can be reviewed at the planning application stage. A confirmed delay in the Link Road (or its abandonment) may warrant an immediate review of the supply situation without waiting until the following April or whenever. In any explanation of the mechanics of the monitoring system, the Plan must address this issue.

#### *Review of the Plan*

- 4.112 Moreover, if at some stage the monitoring were to show serious shortfall problems emerging, with radical action required, then some form of fundamental review may be required. However, this is likely to be part of the work on the new Local Development Scheme, as paragraph 4.69 of the text makes clear. Work has already commenced on this Scheme as part of a formally agreed timetable. Given the limited length of this Plan period, it is essential that the Council pushes forward expeditiously with this timetable.

#### *The Reference to 2006*

- 4.113 In the light of my earlier conclusion in respect of the 2006 phasing date, the reference in DS6 (iii) to the Structure Plan period 2006-2011 should be deleted. In my view, the key reference should be related solely to the Plan period. Accordingly, the comments contained in paragraph 4.68 of the text would be unnecessary and the paragraph should be deleted.

#### *Reserve site status of Udimore Road, Rye/Additional Reserve Sites*

- 4.114 I address the detailed arguments regarding merits of the greenfield Udimore Road site in Section 12. However, I have no objections to the principle of its development, bearing in mind that it is located outside the AONB and would be within the development boundary of one of the District’s main towns. Moreover, it is immediately available for development. However, bearing in mind its greenfield status and the implications of the sequential test in *PPG3*, I consider that it must remain as a reserve site. This conclusion is given added force in the light of my comments and recommendation below in relation to the village reserve sites, as the site would be the remaining key element of the reserve site strategy. In the light of my general support for a policy which seeks to manage housing land release, then it has to contain some source of supply which could realistically be used in the event of a shortfall emerging. Udimore Road would fulfil that role.
- 4.115 I recommend that the site at Grove Farm, Robertsbridge also be a reserve site. It lies within the AONB where development needs to be carefully controlled but it has the potential to contribute to meeting local housing needs in the northern part of the District including a proportion of affordable housing and housing for the elderly. However Robertsbridge has experienced considerable recent development and there

are potential alternative opportunities for development involving previously developed land which merit priority over this greenfield site. These merit further investigation which may show that the needs can be met without the Grove Farm site. I address this matter further in Section 13.

- 4.116 I acknowledge that these two reserve sites would provide only a limited supply. Ideally, a greater range of reserve sites should be identified if the PMM process is to operate effectively. However, from my careful assessment of the many sites which have been put before me, there is lack of suitable locations that do not carry significant constraints and/or are not subject to objection. To elevate some to reserve site status at this stage, although a legitimate approach, would almost certainly lead to a modifications inquiry, thereby significantly delaying the adoption of the Plan. In my view, this would be unacceptable, bearing in mind the urgent need for district-wide statutory development plan to be put in place. The reserve site issue highlights the importance of the new system embodied in the Local Development Framework. I refer to the importance of this process in my covering letter to this report. The work that the Council will undertake as part of this process will be crucial in identifying and assessing potential sites for future development. My comments on the range of omission sites may assist in this process.
- 4.117 The status of Udimore Road only as a reserve site would carry with it considerable disadvantages. Given my recommendation in respect of the proposed Rye Marina housing site to the south of Rock Channel, Rye would be left with a limited provision of housing allocated in the Plan. This would run counter to my general support for a reasonable level of development in the town and the acknowledged need for a significant increase in affordable housing provision in the eastern part of the District. I have had to balance these considerations, however, against the need to ensure that the reserve sites would be of sufficient scale to provide an effective ‘back-up’ source were a shortfall to be identified. I see Udimore Road as an important element of provision in the event of a delay in the release of the strategic N E Bexhill development or the lack of progress in providing affordable housing elsewhere in the eastern part of the Plan area, factors which may warrant an accelerated review of the supply position.

*Reserve site status of the AONB sites/Conflict with Affordable Housing Requirements*

- 4.118 I have serious concerns about the principle of the other AONB village sites performing the function of a housing supply reserve. Firstly, with the exception of the Robertsbridge site, they would not provide sufficient numbers to compensate for under-provision in the towns. Secondly, I do not consider that the AONB is an appropriate location for developments intended to make up a shortfall of provision in housing supply throughout a District where most of the population, employment and facilities are located in towns outside the AONB. The focus of development must be in the towns. Finally, development in the AONB is limited to that derived from the qualities of the countryside, having regard to the social and economic well-being of the areas (my emphasis). Holding the AONB sites in reserve to meet a possible shortfall in general housing provision means that local needs in the AONB for affordable or special needs housing may not be addressed when required. The evidence before the Inquiry suggests that both the Burwash and Northiam sites may provide affordable housing and specialist housing to meet needs in the AONB. The Flimwell site is small and any delay here may prevent a contribution being realised

towards community development. Consequently, I intend to recommend that the development of these 3 sites is not held back by Policy DS6.

#### *Infrastructure provision*

- 4.119 In my view, it would be unnecessary for a specific policy reference to be made to the provision of adequate service infrastructure prior to sites being released. The text to this Policy refers to this requirement in paragraph 4.67. More particularly, the Plan covers this point in Policy GD1 (ix).

#### *Footnotes*

- 4.120 On the basis of these conclusions, I have looked again at the footnotes below the Policy, as set out in the Proposed Change. Bearing in mind my view that DS6 (iv) should relate only to sites (d) and (e), I consider that Footnote 1 can be retained, with Footnotes 2 & 3 deleted. Provided the text of the Plan explains fully the monitoring process, then Footnote 4 would be redundant.

#### **Recommendation**

- 4.121 **I recommend that the Local Plan is modified in accordance with PC/04/07.**
- 4.122 **I recommend that, subject to the following recommendations, the Plan is modified in accordance with the Proposed Change (PC/04/08):**
- (a) at the beginning of Policy DS6 an explicit commitment is set out to a process of annual monitoring of the housing supply position;**
  - (b) under the heading of “Managing land release” the explanatory text to the Policy sets out the principles of the plan, monitor and manage process and describes how the process would operate, taking account of the possible need to mount an immediate review in the event of a delay to the provision of the N E Bexhill strategic site;**
  - (c) the reference to the period 2006-2011 in criterion (iii) of Policy DS6 be deleted and replaced by “the Plan period”;**
  - (d) paragraph 4.68 of the explanatory text be deleted;**
  - (e) the references to Land off Strand Meadow, Burwash; Land at Old Wardsdown, Flimwell and Land south of The Paddock, Northiam in criterion (iv) of Policy DS6 be deleted;**
  - (f) the final sentence in paragraph 4.67 of the explanatory text be amended as follows:-**

**‘The greenfield site off Udimore Road, Rye and the site at Grove Farm, Robertsbridge are considered to be the most appropriate sites to be subject to a planning constraint’.**
  - (g) Footnotes 2, 3 & 4 to Policy DS6 are deleted;**
  - (h) The phrase ‘although the situation will be reviewed annually’ in Footnote 1 of the Policy should be deleted and replaced by ‘although the situation will be reviewed as part of the required on-going annual monitoring process.’**
  - (i) Modify DS6 (ii) to refer to the priority to be given to the BX2 Policy area over the BX3 Policy area.**

## Summary Employment Land Provision (Paragraphs 4.70 to 4.71 and Table 5)

### Objections

267/3359 Sea Space (Paragraph 4.71 Table 5)

### Comments

41/3475 Friends of Brede Valley

### Issue

Adequacy of employment land provision prior to the completion of the Bexhill-Hastings Link Road

### Reasoning and Conclusions

- 4.123 The objection relates in part to the Omission from the Plan of a suggested allocation of employment land at Ivyhouse Lane, Hastings. I address that site specific issue elsewhere in the report in my recommendations on Section 14 of the Plan where I also examine relevant employment land supply considerations in some detail.
- 4.124 I conclude there that the implementation of the N E Bexhill employment allocations and other lesser allocations would satisfy the Structure Plan requirements for employment land provision. However the N E Bexhill development is heavily dependent upon the construction of the Bexhill-Hastings Link Road and the employment development there is unlikely to come on stream until about 4 years after the adoption date for the Local Plan. As a result I acknowledge that the present position in terms of employment site provision may not be wholly comfortable, but in reaching this view I have taken particular note of the active involvement of the SEEDA Task Force in the Bexhill and Hastings area and the fact that within this period the Council’s work on the emerging Local Development Framework will be progressed when further thought would be given to the issue of employment land supply. In the meantime I do not consider that the need for additional employment sites is so pressing as to justify the release of further sites, particularly in locations such as Ivyhouse Lane, Hastings where they would cause substantial harm to a protected landscape or where they would exacerbate existing traffic problems.

### Recommendation

- 4.125 **I recommend that the Local Plan is not modified in respect of Objection 267/3359.**

## Section 4 Omissions

### Objections

41/3490 Friends of Brede Valley

### Comments

290/3466 DEFRA

### Issue

Policy to accord a special status to the Brede Valley

## Reasoning and Conclusions

- 4.126 The Objector seeks the addition of a policy designating the Brede Valley for special status or protection on account of its location within the High Weald AONB, its emerging nature conservation value, and its partial National Trust ownership. However existing policies in the Structure and Local Plan already afford considerable protection to this area. These include Policies DS1 and GD1 which restrict development in the countryside, the High Weald AONB, and sites of recognised nature conservation importance. AONB designation is already the highest form of landscape protection and there would be no purpose in adding a local designation. Moreover such landscape designations are discouraged by Government policy in *PPS7*. National Trust ownership would be more appropriately regarded as a means of landscape protection itself rather than as indicating a need for further intervention by the Local Planning Authority. No policy wording is offered by the Objector and neither are the boundaries of the area clearly defined. There is a lack of justification as to why this area merits a different status from other parts of the AONB. A Local Plan policy could not have the effect of removing existing permitted development rights within the area, as the Objector would wish.

## Recommendation

- 4.127 **I recommend that no modification of the Plan be made in respect of Objection 41/3490.**

## SECTION 5 – GENERAL DEVELOPMENT CONSIDERATIONS

### General Development Considerations (Paragraphs 5.1 to 5.4 and Policy GD1)

#### Objections

20/3236	Mr. D. Pearce
20/3237	Mr. D. Pearce
29/1079	Martin Grant Homes Limited (See also Policy EM2)
45/1212	Mr. S. Hardy (see also policy DS1)
45/1219	Mr. S. Hardy (see also policy DS1)
81/1421	East Sussex County Council T&E (Policy GD1 omission)
81/3500	East Sussex County Council T&E
81/3503	East Sussex County Council T&E
81/3504	East Sussex County Council T&E (Policy GD1 omission)
86/1465	The House Builders Federation (Conditionally withdrawn)
86/1467	The House Builders Federation (Conditionally withdrawn)
86/1472	The House Builders Federation (Conditionally withdrawn)
86/1474	The House Builders Federation (Conditionally withdrawn)
95/1541	English Heritage
95/1547	English Heritage
95/1549	English Heritage
95/3304	English Heritage
129/3429	Crowhurst Parish Council (Policy DS1)
140/1957	BT plc (General)
178/2199	Rye Conservation Society (Section 5)
178/2200	Rye Conservation Society (Section 5)
178/2201	Rye Conservation Society (Section 5)
178/2202	Rye Conservation Society (Section 5)
190/2329	Pett Parish Council (Policy DS1)
206/3177	Metacre Ltd. (Policy DS1)
211/3216	Sussex Wildlife Trust (Policy GD1 omission)
215/3452	Mike Slavin
234/9024	Udimore Developments Ltd. (PC/05/02)
287/3435	Rye Harbour Nature Reserve (Policy GD1 – See paragraphs 5.9-5.25)
290/3464	DEFRA (Policy DS1)

#### Supporting Statements

45/1214	Mr. S. Hardy
95/1544	English Heritage
137/3267	Southern Water
137/9002	Southern Water (PC/05/03)
167/2135	Sport England South East Region

#### Comments

137/1936	Southern Water
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#### Issues

- a. Overlap of policies DS1 and GD1.
- b. Sustainable access to development (Criterion iii)
- c. Protection of the natural environment (Criterion v)
- d. Tree protection (Criterion vi)
- e. Redevelopment for housing of sites in other use
- f. Protection of the historic environment

- g. Water quality
- h. Landfill gas
- i. Omissions from Policy GD1
  - Safeguarding redundant transport routes
  - Access needs of the disabled (See also paragraphs 5.5-5.8)
  - Development affecting protected species
  - Division of the countryside into smaller units
  - Lighting advertisements and supplementary planning guidance in Conservation Areas
  - Sustainable Energy
  - Protection of agricultural land
  - Risk of flooding

### **Reasoning and Conclusions**

- 5.1 Following the publication of the substantive Revised Deposit Draft Local Plan, the House Builder’s Federation has conditionally withdrawn its objections to the Initial Deposit Local Plan numbered 1465, 1467, 1472 and 1474 subject to there being ‘no further changes’. I take that as support for the Revised Deposit wording of Policy GD1. The HBF has not objected to the Council’s published Pre-Inquiry Changes (see below).

#### *Overlap of policies DS1 and GD1*

- 5.2 As both Policies relate to issues of development, it is inevitable that there will be a degree of overlap between the issues covered. I acknowledge that this may lead to some slight confusion. However, their roles are quite distinct. Policy DS1, which reflects the aims of Structure Plan S1, sets out broad, strategic planning principles which underpin the location of development. Policy GD1, on the other hand, lists a range of detailed criteria against which development proposals have to be assessed. Policy DS1 focuses on assessing the location for development, as opposed to the content of a proposed scheme on a particular site. The principles it addresses have a ‘spatial’ basis. In my view, it is appropriate that this should stand separately from the development control context of Policy GD1 and should ‘lead-in’ to the distribution considerations which follow in Section 4. Consequently, I do not consider that they should be amalgamated.

#### *Sustainable access to development*

- 5.3 Objection 20/3236 seeks that a requirement for all development to provide adequate and safe access by all modes of transport should only apply to large developments of the size of a village or greater. In other related objections the same objector is seeking a general relaxation on the control of development in the countryside.
- 5.4 The Council has published the following Pre-Inquiry Change PC/05/01 which would resolve the Objector’s obvious point that not all development can or should be accessible by all modes of transport:-

**Pre-Inquiry Change PC/05/01**

Amend criterion (iii) to read:

**(iii) it provides for adequate and safe access by all relevant modes of transport, appropriate parking provision in accordance with Policy TR3 and does not result in unacceptable traffic or transport conditions.**

*Reason: To recognise the range of transport issues.*

No representations

- 5.5 However neither the reworded criterion, nor the supporting text, provide a clear policy objective. This is instead to be found in Policy TR2 and the supporting text which generally seeks to promote sustainable transport including the location of development where a choice of adequate access can be achieved by means other than the car, such as by walking, cycling and public transport. That reflects relevant objectives in the Structure Plan and in national and regional policy. To be effective in reducing travel by less sustainable means, the objective should apply to all forms of development and not only to the large developments to which the Objector refers. However, how the policy criterion is applied would necessarily vary according to the type and scale of the development proposed and the associated travel needs that would be generated. To assist understanding of the objectives whilst avoiding their repetition, I consider that the supporting text to Policy GD1 at paragraph 5.6 should include a clearer cross reference to the sustainable transport objectives of Section 8 (see below).

*Protection of the natural environment*

- 5.6 Criterion (v) reflects national policy to accord priority to the conservation of the natural beauty of the High Weald AONB. Objection 81/3503 seeks that the criterion should include provision for compensation for environmental loss as a result of necessary development, in line with Structure Plan Policy EN2f. However I do not consider that it is necessary to repeat policy EN2f which is already part of the development plan. Moreover in this case, the proposed additional wording would only serve to unnecessarily complicate the matter.
- 5.7 The original objection 81/3503 also seeks a reference to the ‘enhancement’ of the natural beauty of the landscape of the High Weald AONB. In this regard the Council has published Pre-Inquiry Change PC/05/02 as follows:

**Pre-Inquiry Change PC/05/02**

Amend criterion (v) to read:

**‘(v) it is compatible with the conservation and enhancement of the natural beauty of the High Weald Area of Outstanding Natural Beauty;’**

*Reason: To be consistent with legislation.*

- 5.8 Objection 234/9024 opposes PC/05/02 as the Objector does not consider that enhancement of the AONB is an appropriate objective having regard to recently published Government Policy in *PPS7* requiring positive policies for development necessary to facilitate the economic and social well-being of these areas including the provision of affordable housing.
- 5.9 Whilst there should be no objection to measures that positively enhance the natural beauty of the AONB, the proposed additional wording risks unreasonably creating a higher test than that set out by Government for development in these nationally-designated areas. The wording could be interpreted as excluding development that



conserved the natural beauty of the AONB on the basis that it did not also enhance that quality. This would potentially exclude necessary development such as that described by the Objector and which is supported by *PPS7*. I therefore do not support the proposed change PC/05/02

#### *Tree protection*

- 5.10 Objection 29/1079 refers in part to a criterion of Policy H8 of the Initial Deposit Local Plan which, amongst other things, sought the retention of important trees and tree groups. However that policy is no longer in the Plan. Policy GD1(vi) requires the retention of ‘site features that contribute to the character and amenities of the area’. That could include trees. Policy HG4 includes relevant criteria for landscaping and trees in housing developments.
- 5.11 The objection seeks to confine consideration to those trees which are visible from ‘public places’. However whilst the availability of such views may be a material consideration, the precise identification and definition of all such views would create practical difficulties, not least because views may change as a result of the development. Moreover to confine consideration to such trees would be a narrower definition than the ‘amenity’ test which legislation sets out for the use of tree preservation orders. In this regard Paragraph 3.2 of the Government’s ‘*Tree Preservation Orders – A Guide to the Law and Good Practice*’ advises that, exceptionally, the protection may be justified of trees that are not visible from a public place. The amenity value of trees that are not already subject to a TPO is also a material consideration and one that is better determined on its merits at the planning application stage. I conclude that the Plan should not be modified in this regard.

#### *Redevelopment for housing of sites in other use*

- 5.12 Objection 29/1079 is also concerned with the redevelopment for housing of sites in other uses that currently have a detrimental impact on residential amenity or where there is an oversupply for their present use. I address that matter in relation to objections to what is now the Local Plan policy for the redevelopment of employment sites (Policy EM2 in Section 9). No modification of Policy GD1 is recommended in this regard.

#### *Protection of the historic environment*

- 5.13 Objection 95/1541 seeks the naming in the Plan of 5 towns and villages referred to in the Initial Deposit Local Plan as of archaeological interest. However those references have been removed from the Revised Deposit Local Plan. Policy GD1(viii) instead requires (amongst other things) that development should not prejudice sites of archaeological importance. I consider that this together with the related Structure Plan policies and the cross references to *PPG16* provides an adequate policy context for the protection of archaeological features.
- 5.14 Objections 95/1547 and 95/1549 seek the amendment of text in Policies CBE8 and CBE10 of the Initial Deposit Local Plan. However those policies have been deleted and were also replaced in the Revised Deposit Local Plan by GD1(viii). This no longer contains the wording to which English Heritage had objected and it now includes appropriate references to the setting of listed buildings and conservation areas.

- 5.15 Objection 95/3304 claims that Policy GD1(viii) provides inadequate protection for the historic environment as not adequately reflecting Government guidance in *PPG15* and *PPG16*. However I support the Council’s wish to make the Local Plan brief and succinct. To this end I do not consider that it should include detailed policies to cover every eventuality, particularly where to do so would only repeat Structure Plan policy or Government guidance in summary form. The supporting text includes appropriate cross references. I do not find any conflict between that policy or guidance and Policy GD1 and its supporting text and the Objector has not suggested specific additions. Thus no modification is needed.
- 5.16 Objection 140/1957 related to Policy CBE15 in the Initial Deposit Local Plan which sought to limit the circumstances in which buildings in conservation areas might be demolished. However that policy was deleted from the substantive Revised Deposit Local Plan and the replacement Policy GD1 contains the only policy requirements for Conservation Areas. It does not include the text to which objection was raised and no thus further modification is necessary in respect of this objection.

#### *Water Quality*

- 5.17 The Council has proposed the following change. When advertised this was supported by Southern Water and was not the subject of any objections:-

##### **Pre-Inquiry Change PC/05/03**

Amend criterion (x) by adding the words

**‘, and does not prejudice water quality,’**

*Reason: To acknowledge this impact as a material planning consideration.*

- 5.18 This is a reasonable and necessary requirement and I support the change.

#### *Landfill Gas*

- 5.19 The Council has proposed the following change:-

##### **Pre-Inquiry Change PC/05/04**

Add a new criterion (xiii) to read:

**‘(xiii) it properly addresses any known or suspected contamination of the site, or threat from landfill gas, through site investigations and suitable remediation.’**

*Reason: To clarify the Local Plan’s regard to contamination.*

No representations.

- 5.20 No objections were made when the proposed change was advertised and I support the change as a reasonable and necessary requirement.

#### **Omissions from Policy GD1**

##### *Safeguarding redundant transport routes*

- 5.21 The original objection 81/1421 from the County Council seeks to expand what is now Policy GD1 to reflect Structure Plan Policy TR13. That policy aims to safeguard redundant or disused transport routes until it has been established that they are no longer required as a route by any means of transport. It seems to me that if there were any which merited safeguarding from development, then they ought to be highlighted specifically. The County Council has not drawn any to my attention. Apart from sections of the former railway route between Robertsbridge and Bodiam, which is addressed by Policy EM8, the District Council has stated that it is not aware of any

specific redundant or disused transport routes that need to be protected for the purpose set out in Policy TR13.

- 5.22 In supplementary representations, the objector is seeking the insertion of an additional criterion to the Policy which would ensure that development would not prejudice safeguarded (proposed) transport routes. This is a different issue from that in Policy TR13, so the additional suggested wording would not reflect the requirement of that strategic policy. The Plan already specifically includes policies for two proposed potential transport routes in the District (Policy TR1 – Bexhill-Hastings Link Road and Policy EM8 dealing with an extension between Bodiam and Robertsbridge of the Kent and East Sussex Railway). The line of the long-standing Westfield Diversion route has recently been deleted by the Highway Authority.
- 5.23 I thus conclude that the addition of either suggested criterion is unnecessary.

#### *Access needs of the disabled*

- 5.24 I acknowledge that access needs for the disabled is an issue largely covered by other legislation. However, paragraph 39 of *PPS1*, reflecting one of the key principles of national planning policy set out in paragraph 13 of the Statement, states that development plans should contain clear and comprehensive inclusive access policies and that such policies should consider people’s diverse needs and aim to break down the unnecessary barriers and exclusions in a manner that benefits the entire community. The guidance goes on to highlight the problems caused by ill-conceived design to disabled people among others.
- 5.25 Structure Plan Policy TR3 requires amongst other things that all developments make appropriate provision for access for people with disabilities. However the only reference in the Local Plan to the needs of disabled people is found in Policy TR3 concerning the more narrow issue of disabled parking space.
- 5.26 The Government has published ‘*Planning and access for disabled people: a good practice guide.*’ However whilst this advocates the inclusion of access criteria in policies for all types of development rather than a single policy, that would run counter to this Local Plan’s succinct approach to policy which I support and which reflects more recent official Government guidance on plan preparation. Whilst it is thus unnecessary to add such access criteria to every development policy, I am satisfied that Policy GD1, which sets out general development considerations, must make reference to the access needs of disabled people. I also recommend below that the text of Section 5 includes a reference to a provision of the Planning and Compensation Act 2004 that specified forms of development be accompanied by an access statement.

#### *Development affecting protected species*

- 5.27 Policy CNE11 in the Initial Deposit Local Plan would not have permitted development adversely affecting protected species where harm to the species can be avoided. However this was withdrawn from the Revised Deposit Local Plan and replaced by a textual reference in paragraph 5.16 which requires an ecological survey and by Policy GD1(vii) which (amongst other things) requires the protection of habitats of ecological value and full compensation for any necessary loss. Protection for specified species is provided by other legislation. The requested reinstatement of Policy CNE11 is thus unnecessary.

*Division of the countryside into smaller units*

- 5.28 Objection 20/3237 seeks that the Plan should promote the division of the countryside into smaller units and that the Plan should also require small areas of maintained land to accompany any dwellings. This is to counter the large scale farming practices which the Objector says are harmful to the landscape. However land ownership cannot be controlled by the planning system. Moreover to encourage such fragmentation would itself risk harm to the landscape with the erection of visually intrusive new dwellings and the likely domestication of attached land. I do not consider any modification of the Plan to be warranted in this respect.

*Lighting, advertisements and supplementary planning guidance in conservation areas*

- 5.29 Objections 178/2199-178/2202 were submitted in respect of Policy CBE25 in the Initial Deposit Local Plan. That Policy concerned advertisements and signs but has since been withdrawn together with its reference to the preparation of supplementary planning guidance. Legislation defines the form of control which exists over advertisements and the safety and amenity considerations which can be material. The Government’s *PPG19 ‘Outdoor Advertisement Control’* provides guidance on the exercise of these powers. This confirms amongst other things that the presence of a listed building or conservation area is a relevant consideration. However the Local Plan may not extend the statutory powers, as the Objector would wish, and to merely repeat the national guidance is unnecessary and would unduly complicate and lengthen the Plan.

*Sustainable Energy*

- 5.30 Criterion (xii) requires that all development: ‘promotes the efficient use of energy and water through the layout and design of buildings’. Objection 215/3452 seeks more specific requirements to encourage developers to install heat pumps and low water temperature space heating systems.
- 5.31 Whatever the merits of these specific measures in making more efficient use of energy, the Local Plan is necessarily limited to land use considerations. The encouragement of particular forms of heating system is a matter for the Building Regulations. Paragraphs 5.36-5.38 make appropriate reference to those matters which the planning system can influence.

*Protection of agricultural land*

- 5.32 When addressing Objection 290/3464 by DEFRA to Policy DS1 I referred to advice in *PPS7* in paragraph 28 which advises that the presence of the best and most versatile agricultural land should be taken into account alongside other sustainability considerations when determining planning applications. This is important guidance, and a reference to this issue in those terms in this Plan would sit most comfortably in Policy GD1, which provides the general framework to be applied in development control. At present, however, there is no such reference. In my view, that is a weakness which must be rectified.

*Risk of flooding*

- 5.33 In relation to objections that have been assigned to Policy DS1 of the Plan I refer to *PPG25* which requires that policies in development plans should outline the consideration which will be given to flooding issues, recognising the uncertainties that are inherent in the prediction of flooding and that flood risk is expected to increase as

a result of climate change. As flood risk is highlighted as a development principle under DS1 and there is some discussion of flooding issues in paragraphs 5.33 and 5.34 of the Plan, I would have expected a specific reference to flooding in Policy GD1 in relation to general development considerations. I consider that this omission must be rectified, with appropriate additions made to the text in paragraph 5.34 in accordance with advice in *PPG25*.

## Recommendation

5.34 **I recommend** that Policy GD1 is modified as follows:

- (a) **modify criterion (i) by the addition of the following words:-**  
**‘and the provision of appropriate means of access for disabled users’**
- (b) **modify criterion (iii) in accordance with PC/05/01;**
- (c) **modify criterion (x) in accordance with PC/05/03;**
- (d) **add a criterion (xiii) in accordance with PC/05/04;**
- (e) **add as criterion (xiv) the following words:**  
**‘where significant development of agricultural land is unavoidable, it makes use of poorer quality land (grade 3b, 4 and 5) in preference to that of higher quality except where this would be inconsistent with other sustainability considerations.’**
- (f) **add as criterion (xv) the following words:**  
**‘it takes account of flood risk and in the areas of flood risk, as shown on the Proposals Map, it is expected to minimise and manage the risk to flooding’**

## Protecting amenities (Paragraphs 5.5 to 5.8)

### Objections

45/3264	Mr S Hardy (Paragraph 5.5 - See paragraphs 5.9-5.25))
81/1380	East Sussex County Council T&E (Section 5 Omissions)
81/1425	East Sussex County Council T&E (Section 5 Omissions)
81/1426	East Sussex County Council T&E (Section 5 Omissions)
86/1493	The House Builders Federation (Paragraph 5.5 - Conditionally withdrawn)
86/1494	The House Builders Federation (Policy HG2 – Conditionally withdrawn)

### Issues

- a. Access for the disabled (see also Policy GD1- Omissions)
- b. Revised cross referencing to other sections of the Local Plan and the development plan:-
  - Waste Recycling and recovery facilities on land allocated for industrial use
  - Facilities within developments for recycling/composting waste and for source separation and storage of waste for collection, re-use or composting.

- Minimisation, re-use and recycling of waste generated during demolition and construction
- Transport
- Open space

## Reasoning and Conclusions

### *Access for the disabled*

- 5.35 Objections 86/1493 and 86/1494 sought the removal of references to disabled access from the text of the Initial Deposit Local Plan. These do not now appear in the substantive Revised Deposit version. The objections have been conditionally withdrawn subject to no further changes to the wording and I take that as support for the Revised Deposit wording. However I address above another objection which seeks the modification of Policy GD1 to include a reference to access for the disabled and I support that proposal for the reasons stated. I also recommend below the addition of a reference to a provision in the Planning and Compensation Act 2004 that specified forms of development proposal are accompanied by an access statement.

### *Revised cross referencing to other parts of the local plan or the rest of the development plan*

- 5.36 The Council has proposed the following changes to paragraph 5.6.

#### **Pre-Inquiry Change – PC/05/05**

Amend second sentence of paragraph 5.6 to read:

**‘Further elaboration is given to open space in Section 7 and to transport matters in Section 8, while the Waste Local Plan refers to the provision of recycling facilities.’**

*Reason: To cross-reference the Local Plan with the Waste Local Plan.*

No representations

- 5.37 The proposed change would correct an error in the text since paragraph 5.6 of the Revised Deposit Local Plan incorrectly states that Section 6 elaborates on recycling facilities in new housing developments. Whilst that error needs to be corrected and cross-referencing to other Development Plan documents helps to make the Local Plan succinct, I consider that more information would be necessary in this case in respect of waste, transport, open space and other recreational facilities.

### Waste

- 5.38 Objection 81/1426 seeks the inclusion in the Local Plan of Structure Plan policy W10 and emerging Waste Local Plan Policy WLP 11. These policies seek to minimise, re-use, and recycle waste generated during the demolition and/or construction phase of any development.
- 5.39 Objection 81/1425 similarly seeks a reference to the provisions of Policy WLP 12 of the emerging Waste Local Plan which in summary seeks regard to the provision of facilities for waste recycling and/or separation and storage for collection in developments employing, attracting or accommodating large numbers of people. The Council’s response is that it is unnecessary to repeat in the District Local Plan matters that are already covered by the Structure Plan and Waste Local Plan.
- 5.40 Whilst the Structure Plan and Waste Local Plan respectively are, or will be, part of the statutory development plan, these policies concern forms of development which are usually matters for the district planning authority to control. Their subject matter is

relatively novel but important to sustainable development and one of which many prospective developers are unlikely to be aware unless it is drawn to their attention. This would help to maximise recycling opportunities and avoid late amendments of development scheme.

- 5.41 Most developers would rely on the Local Plan for their main source of policy information. Whilst duplication of the Structure Plan and Waste Local Plan should be avoided, I consider that in this case there should be a cross reference in the text to the relevant Waste Local Plan policies. The Waste Local Plan policies (if adopted, if not then the Structure Plan policy ) should be included in Appendix 3 of the Local Plan which already lists a number of Structure Plan policies.
- 5.42 Objection 81/1380 relates to Structure Plan Policy W9(a) and emerging Waste Local Plan Policy WLP 13. It seeks that waste recycling and recovery facilities are acknowledged as acceptable on land allocated for industrial use. Within Rother District, proposals for waste development on existing industrial sites would be determined by the objector as the waste planning authority having regard mainly to this and other Waste Local Plan policies. That is of only marginal relevance to the District Local Plan. If the proposal instead concerned an industrial reprocessing activity it would, like any other industrial activity be determined by the District Planning Authority having regard mainly to generic Local Plan policies such as Policies GD1 and EM1.
- 5.43 On sites allocated for business development in the Local Plan, the allocation policy may already specify the form of development as being within a particular Use Class or Classes. Proposals for the forms of development envisaged in WLP 13 may then be in conflict with the Local Plan unless the activities can be shown to fall within that Class. That is unlikely to be the case for the sites allocated for B1 business development where that use has been proposed either because of a need for a form of high quality business environment that is not currently available in the area or because of sensitive adjoining uses. There is a lack of evidence before me to demonstrate that waste recycling or reprocessing activities would necessarily be compatible with other development in those locations and I therefore do not consider that the Plan should be modified so as to favour such developments on all allocated sites, as implied in the objection. .
- 5.44 At the time of writing the Waste Local Plan and the final wording of Policies WLP 11 and WLP 12 have yet to be adopted. However if this appears likely to occur before the District Local Plan is adopted, I recommend that those policies are included in Appendix 3 of the Local Plan. Whether or not the Waste Local Plan has been adopted I consider there needs to be modified reference in paragraph 5.6 which should expand on the general intentions of those policies and the related adopted Structure Plan policies.

#### Transport

- 5.45 When addressing Objection 20/3236 to Policy GD1 (above), I referred to the lack of a clear objective for that policy in relation to sustainable travel. I thus consider that the cross reference in paragraph 5.6 to Section 8 should include a brief reference to the sustainable travel objectives there which might otherwise be overlooked.

## Open Space

- 5.46 Having regard to the above recommended elaboration on other matters, I consider that the reference in PC/05/05 to ‘open space’ is too narrow a reference to the provisions of Section 7 and should be widened to encompass the retention and provision of open space and other recreational facilities.

## Recommendations

- 5.47 **I recommend** that paragraph 5.6 is modified by the deletion of the second sentence and the substitution of the following wording:

‘Further elaboration is given in Section 7 to the retention and provision where necessary of open space and other recreational facilities. Section 8 elaborates on transport matters including sustainable travel objectives. The Structure Plan and Waste Local Plan include policies to minimise waste during development and to have regard to the provision of facilities within developments so as to assist recycling; relevant adopted Waste Local Plan [or Structure Plan] policies are included in Appendix 3 of this Plan.’; and

- 5.48 **I recommend** that Appendix 3 is modified by the inclusion of Waste Local Plan policies WLP11 and WLP12 (if adopted – otherwise the relevant Structure Plan waste policies).

## Design and respecting local character (Paragraphs 5.9 to 5.25)

### Objections

95/1542	English Heritage (Paragraph 5.25)
95/1545	English Heritage (Paragraph 5.21)
95/3305	English Heritage (Paragraph 5.9)
95/3307	English Heritage (Paragraph 5.21)
95/3308	English Heritage (Paragraph 5.24)
208/3182	Howard Hutton & Associates (Paragraph 5.20)

### Supporting Statements

69/1267	Mr. J.R. Boyle
70/1268	Mrs. M.R.A. Boyle
95/3306	English Heritage

### Comments

95/3309	English Heritage
116/1797	English Nature
116/3544	English Nature
116/3546	English Nature
165/3467	Environment Agency
165/3468	Environment Agency
165/3469	Environment Agency
290/1569	DEFRA

### Issues

- a. Shoreline Management Plan
- b. Biodiversity Action Plan



- c. The treatment of external areas and lighting
- d. Impact of new development on historic landscape character
- e. Listed buildings
  - Reference to appropriate materials for extensions to listed buildings
  - Distinguishing listed buildings from other buildings of local importance
- f. Archaeological matters
  - Nationally important archaeological sites
  - Extent of area for archaeological investigation
- g. Design statements for householder development

## Reasoning and Conclusions

### *Shoreline Management Plan*

5.49 The Council has proposed the following change:-

#### **Pre-Inquiry Change – PC/05/06**

Add the following sentence to the end of paragraph 5.10 as follows:-

**‘The District’s coast is covered by the South Foreland to Beachy Head Shoreline Management Plan which addresses coastal protection issues’.**

*Reason: To acknowledge the role of the SMP.*

No representations

5.50 I support the change which provides helpful information and, when advertised, was not the subject of any objections.

### *Biodiversity Action Plan*

5.51 The Council has proposed the following change:-

#### **Pre-Inquiry Change – PC/05/07**

Amend paragraph 5.14 to read:

**‘The Sussex Biodiversity Partnership has produced the Sussex Biodiversity Action Plan that provides a framework for conservation within the County. As part of this process the Partnership is producing a series of Habitat and Species Action Plans, which deal with the conservation of selected habitat types and species. The Council would have regard to the Sussex Biodiversity Action Plan when dealing with development proposals. In their absence regard would be had to the relevant national Action Plan.’**

*Reason: To correct an error and omissions in text.*

No representations

5.52 I support the change which provides additional information and, when advertised, was not the subject of any objections.

### *The treatment of external areas and lighting*

5.53 Objections 128/4075, 45/3264 and 287/3435 all seek either a policy or additional text for the control of light pollution. The Council’s response acknowledges light pollution as an issue, especially in rural areas. Further Government guidance is anticipated. In the meantime, although some forms of floodlighting may require

planning permission, planning control over lighting is mainly limited to circumstances involving new development when there may be an opportunity to impose relevant planning conditions concerning lighting.

- 5.54 Paragraph 5.7 of the Revised Deposit Local Plan refers to lighting as a possible cause of intrusion on the amenities of neighbouring properties. Such amenities are protected from unreasonable harm by Policy GD1(ii). The Council also considers criteria (iv) and (v) to be relevant. These concern respectively the character and appearance of the locality and the conservation of the natural beauty of the AONB. The Council has also proposed the following change to paragraph 5.19 to refer to the impact of lighting on landscape character.

**Pre-Inquiry Change – PC/05/08**

Add the following sentence to the end of paragraph 5.19:

**‘This will bear upon not only the layout and design of buildings, but also the treatment of external areas and lighting, which should respect landscape character.’**

*Reason: To recognise the impact of lighting on landscape character.*

No representations

- 5.55 Objection 128/4075 seeks additional protection for the night sky to include a presumption against sodium lighting in the open countryside and for lights to be angled downwards wherever compatible with safety. However the choice of lighting technology and angling of lights are matters of detail which would not be appropriate to prescribe in the Local Plan. Moreover, as the Council points out, much lighting of this type is installed using permitted development rights. Nevertheless I consider that, where control does exist, the effect on the night sky can be a material consideration and that a textual reference would help to ensure that such impacts are taken into account.
- 5.56 Objection 45/3264 seeks the designation of ‘light sensitive areas’ with measures to restrict, reduce and inhibit light pollution. However there is a lack of evidence to identify specific areas in the Local Plan. Moreover no particular measures are identified for such areas that would achieve the desired effect having regard to the limited control available through the planning system and to the competing interests including those of safety and security.
- 5.57 Objection 287/3435 seeks additional control on inappropriate and intrusive lighting to reduce negative impacts on designated European wildlife sites and on the public enjoyment of those areas. Policy DS1(vii) already requires that development proposals protect sites of recognised nature conservation importance whilst Policy GD1(vii) requires the protection of habitats of ecological value. Using these existing policies, the impact of lighting can be a material consideration where planning control is available. However I share the Council’s concern to avoid excessive detail in the Local Plan and do not consider a specific reference is needed to wildlife impact.
- 5.58 Structure Plan Policy EN14 addresses light pollution and would merit being referred to in the text and included alongside the other Structure Plan policies that are listed in Appendix 3 of the Local Plan.
- 5.59 I conclude that there should be additional reference in the text to the issue of light pollution to include the proposed change PC/05/08, and references to the relevant Structure Plan policy and to the consideration of lighting impact on the night sky.

*Impact of new development on historic landscape character*

- 5.60 Objection 95/3305 seeks clarification that historic landscape character forms part of the Council’s assessment of the impact of new development proposals. However I consider that this is already apparent from the reference in paragraph 5.9 to historic influences on landscape character and in paragraph 5.10 to the pressures on the landscape from new development. Reference is also made to related structure plan policies. No modification is necessary.

*Listed buildings*

## Reference to appropriate materials for extensions to listed buildings

- 5.61 Objection 95/1545 relates to a policy in the Initial Deposit Local Plan which has since been deleted. The replacement Policy GD1 is less detailed but paragraph 5.23 provides a cross reference to Government guidance in *PPG15* which includes adequate guidance on materials.

## Distinguishing listed buildings from other buildings of local importance

- 5.62 Objection 95/3307 seeks the amendment of paragraph 5.21 to distinguish between (nationally) listed buildings and those of ‘local’ importance. In response the Council has proposed the following change which I consider adequately resolves the matter:-

**Pre-Inquiry Change – PC/05/09**

Amend the second sentence of paragraph 5.21 to read:

**‘A considerable number of buildings are ‘listed’ (currently 2,114) by government, as being of special architectural or historic interest.’**

*Reason: To clarify the basis of listing.*

No representations

*Archaeological matters*

## Nationally important archaeological sites

- 5.63 Objection 95/3308 seeks the amendment of RDLP paragraph 5.24 to overcome a claimed implication that the only archaeological sites of national importance are those that are scheduled.
- 5.64 I consider the present wording of the paragraph unfortunate in that it can imply not only that the identified Sites of Archaeological Interest (SAI) are of only local interest but also that nationally important Ancient Monuments are not of local interest. I consider that this can be resolved by using a more neutral form of wording. As the wording already points out that the SAI sites are designated by the County Council, it is not necessary to state that they are of local interest.

## Extent of area for archaeological investigation

- 5.65 Objection 95/1542 seeks the deletion of part of an Initial Deposit Local Plan policy that has since been deleted in its entirety. The policy has been replaced by the less detailed Policy GD1(viii) and by a reference in paragraph 5.25 to Government guidance in *PPG16*. No further modification is necessary to resolve this objection.

*Design statements for householder development*

- 5.66 The objection seeks to exclude householder development from the paragraph 5.20 reference to the Council normally seeking a design statement to accompany development proposals.

- 5.67 The Council’s response refers to advice in the former *PPGI* which recommended (as a minimum) the provision of short written statements of design principles for all developments (but with less detail for straightforward or small-scale proposals). That guidance has since been replaced by *PPSI* which omits a specific reference to design statements but does support robust policies on design. Moreover Section 42 of the Planning and Compulsory Purchase Act 2004 provides that development orders will prescribe that specified forms of planning application are accompanied by a statement of the design principles and concepts that have been applied to development.
- 5.68 I consider that design statements can be very useful tools and that their preparation encourages developers to give greater thought to the design and context of development before proposals enter the planning system. Such development can vary from small-scale to quite large developments that would have a significant impact on their surroundings. Householder developments account for a large proportion of all development proposals and they would benefit from the greater employment of design skills. It is reasonable that householder development should be included in this process unless it has been specifically excluded by a development order from the application of Section 42(5) of the Planning and Compensation Act 2004. I recommend a minor amendment to the wording of paragraph 5.20 to reflect the legislative position.

### **Recommendation**

5.69 **I recommend that:**

- (a) paragraph 5.10 is modified in accordance with PC/05/06;
- (b) paragraph 5.14 is modified in accordance with PC/05/07;
- (c) paragraph 5.19 is modified in accordance with PC/05/08 but subject to the deletion of the words ‘and lighting’ and the addition of the following sentence: ‘Where a development proposal would be likely to require external lighting that can be subject to planning control, regard is to be had to its impact on the character and appearance of the surroundings to include the avoidance of unnecessary light spillage into the surrounding area and into the night sky. Structure Plan policy EN14 is also relevant (see Appendix 3)’.
- (d) paragraph 5.20 is modified by the deletion of the second sentence and the substitution of the following wording:

‘The Planning and Compensation Act 2004 provides for development orders to require that specified types of planning application be accompanied by a ‘statement of design principles and concepts that have been applied to the development’ and by a ‘statement of how issues relating to access to the development have been dealt with’
- (e) paragraph 5.21 is modified in accordance with PC/05/09;
- (f) the second sentence of paragraph 5.24 is modified by replacing the words ‘Also, of more local interest are numerous Sites of Archaeological Interest ...’ with ‘Also, there are numerous Sites of Archaeological Interest ...’.

5.70 **I recommend that Appendix 3 is modified by the inclusion of Structure Plan policy EN14.**

## Ensuring availability of infrastructure and services (Paragraphs 5.26 to 5.35 and Policy GD2)

### Objections

6/1012	Mr. A. Dunlop (Section 5 omission)
20/3238	Mr. D. Pearce (Policy GD2)
81/3506	East Sussex County Council T&E (Omission from Policy GD2)
81/3510	East Sussex County Council T&E (Paragraph 5.31)
137/3269	Southern Water (Paragraph 5.33)
139/1947	Land Securities plc (Paragraph 5.28)
139/3006	Land Securities plc (Policy GD2)
167/3683	Sport England South East Region (Policy GD2)
186/3752	Highways Agency (Omission from Policy GD2 – See also Section 8)
186/3753	Highways Agency (Paragraph 5.35)
190/2331	Pett Parish Council (Paragraph 5.26)
271/3380	Town & Country Planning Solutions (Policy GD2)

### Supporting Statements

116/3547	English Nature
137/3268	Southern Water
246/3168	Strategic Rail Authority
271/3379	Town & Country Planning Solutions

### Issues

- a. Need for infrastructure and facilities
- b. Assessment of infrastructure requirements prior to granting planning permission
- c. Timescale for infrastructure provision
- d. Ransom situations and land acquisition
- e. Transport assessments and travel plans
- f. Government *Planning Policy Guidance 17 ‘Sport and Recreation’ (PPG17)*
- g. Mains drainage
- h. Flood defences
- i. Definition of infrastructure
- j. Provision of land and alternatives to legal agreements
- k. Supplementary Planning Guidance for infrastructure provision
- l. Sustainable Drainage Systems and efficient water use
- m. Flood risk
- n. Highways improvements

### Reasoning and Conclusions

#### *Need for infrastructure and facilities*

- 5.71 Objection 20/3238 seeks to permit development whether or not infrastructure or services are available. This relates in part to a series of other objections which generally seek a relaxation of control over development in the countryside. I address

those objections elsewhere in this report and particularly in Section 4. There I endorse the Council’s spatial strategy which includes the restriction of development in the countryside in accordance with national, regional and structure plan objectives to protect the landscape and to support a sustainable pattern of development that reduces the need to travel, especially by car.

- 5.72 The Objector considers that the availability of infrastructure should be a matter for individual choice. However this approach disregards the external consequences of inadequate provision. On the one hand current legislation provides that the individual may require the provision by public bodies or private utilities of certain services such as water, electricity, education, health services and postal services. Meeting such demands from the occupiers of overly dispersed new development in rural areas would result in inefficient distribution and high costs of service provision. On the other hand going without services can also have adverse external consequences for the community such as increased traffic on inadequate rural roads and flooding or pollution resulting from inadequate provision for surface water drainage and foul water. There are many examples from the past of such harmful impacts. *PPG12 ‘Development Plans’* stresses at paragraph 6.15 that it has always been an important purpose of the planning system to co-ordinate new development with the infrastructure it demands. I therefore do not recommend any modification in respect of this objection.

*Assessment of infrastructure requirements prior to granting planning permission*

- 5.73 Objection 139/1947 refers to wording in paragraph 4.10 of the Initial Deposit Local Plan that required a ‘detailed’ assessment of infrastructure requirements before planning permission is granted. The substantive Revised Deposit Local Plan does not use the word ‘detailed’. However it is essential that infrastructure requirements are adequately assessed before planning permission is granted in order to identify any deficiencies and so, where necessary, that a planning condition or legal agreement can be framed in order to remedy them. Planning permission may need to be refused if there is no prospect of providing the infrastructure or facilities necessary to serve the development. No modification is recommended.

*Timescale for infrastructure provision*

- 5.74 Objection 271/3380 seeks in part to add the words ‘within an appropriate timescale’ to the final sentence of Policy GD2. The Council responds that the timescale is implicit in the policy and can be addressed further in the supplementary planning guidance (SPG) to which paragraph 5.31 refers. I agree except that changing legislation and transitional measures mean that the guidance will need to be prepared as a ‘Supplementary Planning Document’ (SPD). Paragraph 5.31 should be modified accordingly.

*Ransom situations and land acquisition*

- 5.75 Objection 271/3380 also seeks a policy commitment by the Local Planning Authority to use its statutory powers if required to (compulsorily) acquire land to secure the proper co-ordination and orderly development of land allocated in the Local Plan and to secure other planning objectives where specifically referred to in the Local Plan.
- 5.76 The Council’s response refers to advice in Paragraph 43 of *PPG3* concerning land assembly. That guidance advocates that wherever possible this should be by negotiated agreement. However it recognises that compulsory purchase powers may

be necessary and it encourages Council’s to take a more pro-active approach to land assembly. Nevertheless I consider that the use of such powers must necessarily remain a matter for the Council’s discretion and that a policy modification in this regard is not necessary. Moreover the suggested wording creates an ambiguity as to the circumstances in which the authority would be ‘required’ to exercise its powers.

#### *Transport assessments and travel plans*

- 5.77 Objection 186/3752 from the Highways Agency concerns the omission of a criterion linking Policy GD2 to an appendix or table establishing the circumstances where a development application should be accompanied by a transport assessment and/or a travel plan. However the Objector does not suggest what those circumstances might be.
- 5.78 The Council’s response draws attention to Paragraph 5.35 which highlights that a transport or travel plan may be needed. There is also a brief reference to ‘company’ travel plans in paragraph 8.23 of Section 8 Travel Developments. I address this matter further in the context of Section 8 which is the appropriate location for any further references and where the Council has proposed changed wording of the supporting text to Policy TR2. The Council considers that more detailed advice would be a matter for supplementary planning guidance (SPG). However there is no reference in Section 8 to the preparation of such guidance (or of the Supplementary Planning Documents (SPD) that are replacing SPG). I consider that SPD is needed in this regard and should be referred to in the Plan but more appropriately in Section 8 in relation to Policy TR2 and its supporting text.

#### *Mains drainage*

- 5.79 Objection 190/2331 to the Initial Deposit Local Plan seeks a very high priority to mains drainage. However I consider that this is already incorporated in Paragraph 5.32 of the Revised Deposit Local Plan which expects that foul sewerage is to be connected to the mains system and only exceptionally will alternative provision be allowed. Circular 03/99 advises on relevant criteria when considering exceptions.
- 5.80 Objection 6/1012 seeks to use the Local Plan to press for the provision of mains drainage. However whilst the Council can exercise control over new development in relation to the availability of main drainage, it has no powers itself in relation to foul drainage provision and the Local Plan is not a lobbying document.

#### *Government Planning Policy Guidance 17 on Sport and Recreation (PPG17)*

- 5.81 Objection 167/3683 seeks a reference to *PPG17* in the text. However there is already adequate reference elsewhere in the Local Plan and especially in Section 7. No further reference is necessary in the context of this policy.

#### *Flood defences*

- 5.82 The Council has proposed the following change:-

##### **Pre-Inquiry Change – PC/05/10**

Add the words ‘**flood defences**’ in the first sentence of paragraph 5.26 after ‘water supply’.

*Reason: Flood defences are a form of infrastructure and should be included in paragraph.*

No representations

- 5.83 No objections were received when the change was advertised. The change is appropriate as a statement of fact.

*Definition of infrastructure*

- 5.84 The Council has proposed the following change:-

**Pre-Inquiry Change – PC/05/11**

Amend paragraph 5.26 by deleting the word 'relate' in line 1 and replacing it with **'include'**.

*Reason: To recognise that the list may not be exhaustive.*

No representations

- 5.85 No objections were received when the change was advertised. The change is appropriate as there may potentially be other forms of necessary infrastructure and services which are not described in the text.

*Provision of land and alternatives to use of legal agreements*

- 5.86 The Council has proposed the following change:-

**Pre-Inquiry Change – PC/05/12**

Amend the last sentence of paragraph 5.28 to read:

**'Such provision may require funding contributions, off-site works, the provision of land or phasing which will be secured normally by legal agreements'**

*Reason: To recognise that land may be provided to achieve the necessary infrastructure. The word 'normally' is added to recognise that infrastructure provision may not always require legal agreements.*

No representations

- 5.87 No objections were received when the change was advertised. The change adds appropriate flexibility in the manner of securing necessary infrastructure and services.

*Supplementary Planning Guidance for infrastructure provision*

- 5.88 Objections 3506 and 3510 (and the related objection 3527 which concerns paragraph 10.27 and is addressed in Section 10) essentially seek to incorporate references to the County Council's interim Supplementary Planning Guidance '*A New Approach to Development Contributions*'. Objection 3506 focuses on Policy GD2 and seeks an additional sentence referring to the SPG in relation to the provision of County Council services and infrastructure.

- 5.89 Looking first at objection 3506, I do not support the inclusion of a specific reference to Supplementary Planning Guidance within the Policy itself. This would effectively elevate the status of the Guidance to that of a formal policy which, in my view, would be inappropriate, bearing in mind the clear advice in paragraphs 3.15, 3.16 and 3.17 of *PPG12* that SPG does not form part of the plan and that plan policies should not attempt to delegate the criteria for decisions on planning applications to SPG or development briefs. Proposed Change PC/05/12 in relation to paragraph 5.28 incorporates the phrase 'the provision of land'. Although Policy GD2 repeats the wording of this paragraph in the Revised Deposit Local Plan, the Proposed Change to the text is not carried through to the Policy. I consider that this should be rectified and I recommend that this amendment be made.

- 5.90 Objection 3510 seeks the deletion of paragraph 5.31 and its replacement by a more detailed form of words, which, among other things, explicitly highlights the County



Council’s SPG. The fundamental question to be answered is whether the principle of such a reference would be appropriate. In reaching my conclusion, I must emphasise that I have made no assessment or formed any judgement of the thrust or content of the SPG. I am aware that the District Council retains various reservations about it, but this has not influenced my consideration.

- 5.91 There are a number of factors which are crucial. The SPG is principally concerned with the delivery of the County Council’s own services and is an interim guide pending further national guidance on the subject. The District Council has not adopted the SPG and, therefore, it is not a document that they ‘own’, and it has not informed the Plan during its preparation. The District Council has now committed itself, via its Local Development Scheme, to the early preparation of an over-arching Supplementary Planning Document (SPD) on the issue of development contributions. Work on this was due to commence in July 2005 and to reach adoption by November 2006. The Government is reviewing the planning obligations system and issued a consultation paper in November 2003. In addition, Circular 05/2005, published in July 2005, sets out some of the reforms proposed in the consultation paper and essentially clarifies the basis on which planning obligations should be assessed for their acceptability in policy term and gives further guidance on the process of securing obligations.
- 5.92 I acknowledge that the County Council’s SPG would be a material consideration in the assessment of individual development proposals. I consider it likely that some of the detailed guidance within it would influence the thoughts of the District Council in preparing their own document. Nevertheless, in the light of all the above factors, I am convinced that references to the SPG would not be appropriate.
- 5.93 The District Council has proposed the following change to paragraph 5.29:-

**Pre-Inquiry Change – PC/05/13**

Add a new sentence to paragraph 5.29 to state:

**‘These will be kept under review and may be updated by the Local Planning Authority, informed by assessments undertaken by the relevant infrastructure and service providers’.**

*Reason: To highlight the potential for changes in circumstances.*

No representations

- 5.94 The reference to relevant infrastructure providers would certainly include the County Council in its role as education and highways authority and in the provision of other services and infrastructure to which the County Council’s SPG refers. No objections were made to this wording when the proposed change was advertised and I consider that it appropriately provides for infrastructure needs to be addressed during the local plan period.

*Sustainable Drainage Systems/ Water efficiency*

- 5.95 Objection 137/3269 seeks qualification to the reference in paragraph 5.33 to Sustainable Urban Drainage Systems (SUDS) by adding the following words to the end of paragraph 5.33: ‘National multi-agency discussions are currently underway to agree criteria for assessing the suitability of SUDS and standards for design, maintenance and legal responsibility. Approval of SUDS will be consistent with these guidelines where possible.’ The objector is concerned that premature implementation of SUDS without adequate maintenance arrangements may lead to inundation of the public sewerage system and subsequent foul water flooding of properties.

- 5.96 In further representations an alternative wording is suggested as follows: ‘Sustainable drainage systems require on-going maintenance to ensure their successful operation, and thus prevent inundation of public sewers. Approval is therefore dependent on legal agreements being in place for ownership, maintenance and operation after construction.’
- 5.97 I share the Council’s concern that the originally suggested wording is likely to be overtaken by events. I acknowledge that inadequate maintenance arrangements may create problems but do not consider that this inevitably requires the preparation of a legal agreement. I therefore recommend a minor modification of paragraph 5.33 to highlight the need to identify maintenance arrangements for SUDS systems.

#### *Efficient water use*

- 5.98 The Council has proposed the following change:-

##### **Pre-Inquiry Change – PC/05/14**

Amend the last sentence of paragraph 5.33 by deleting the word 'urban' and adding the words '**... and other water efficiency techniques**' at the end of it.

*Reason: To reflect best practice in the sustainable use of resources.*

No representations

- 5.99 No objections were received when the change was advertised. The deletion of the word ‘urban’ from ‘sustainable urban drainage systems’ does recognise that such systems can have applications in non-urban areas and I note that the Environment Agency and others now use the term ‘sustainable drainage systems’ whilst continuing to abbreviate this to SUDS. The Council has not suggested what ‘water efficiency techniques’ may be available beyond rainwater and grey water recycling but I accept that there may be other forms which should not be excluded. I therefore endorse the change.

#### *Flood risk*

- 5.100 The Council has proposed the following change:-

##### **Pre-Inquiry Change – PC/05/15**

Amend second sentence of paragraph 5.34 to read:

**'PPG25 defines areas at flood risk associated with main rivers and these are shown on the Proposals Map'.**

Insert new sentence in paragraph 5.34 after '...for a particular development' to read:

**'Any flood risks associated with ordinary watercourses, or problems with surface water drainage, will also be considered in relation to any development proposal'.**

Add a new sentence at the end of paragraph 5.33 to state:

**'Adequate access should be retained to all watercourses for maintenance purposes'**

*Reason: To be consistent with PPG25.*

No representations

- 5.101 No objections were received when the change was advertised. It appropriately addresses concerns about flooding that were raised by objectors to other parts of the Plan. However as stated in relation to objections to Policies DS1 and GD1, PPG25 requires that policies in development plans should outline the consideration which will be given to flooding issues, recognising the uncertainties that are inherent in the prediction of flooding and that flood risk is expected to increase as a result of climate

change. I have recommended modifications to Policy GD1 above and also here recommend associated modifications to the text in paragraph 5.34.

#### *Highways improvements*

5.102 186/3753 seeks a re-draft of the second sentence of Paragraph 5.35 to make a more positive reference to the possible need for highways improvements. As worded to promote journeys other than by car, the sentence could be interpreted as excluding any highway improvements for vehicles as a way of dealing with access demands. Whilst it is proper that the Local Plan should promote sustainable alternatives to journeys by car, new highways and appropriate highway improvements are still likely to be necessary to accommodate that proportion of journeys which will continue to be made by car and other vehicles and to address safety issues. Indeed some such works are indicated in other plan policies. I therefore recommend a minor modification of the wording.

#### **Recommendation**

5.103 **I recommend** that:

- (a) **paragraph 5.26 is modified in accordance with PC/05/10 and PC/05/11;**
- (b) **paragraph 5.28 is modified in accordance with PC/05/12 and the second sentence of Policy GD2 is similarly modified to read:**  
**‘Such provision may require funding contributions, off-site works, the provision of land or phasing which will be secured normally by legal agreements’**
- (c) **paragraph 5.31 is modified by deleting the words ‘supplementary planning guidance’ and substituting the words ‘a supplementary planning document’;**
- (d) **paragraph 5.29 is modified in accordance with PC/05/13;**
- (e) **paragraph 5.33 is modified by deleting the final sentence and substituting the following sentence – ‘The use of appropriate sustainable drainage systems (SUDS) will be encouraged in this respect (to include adequate arrangements for their future maintenance), as would rainwater and grey water recycling and other water efficiency techniques’;**
- (f) **paragraphs 5.33 and 5.34 are modified in accordance with PC/05/15;**
- (g) **paragraph 5.34 is further modified by the addition of the following sentences:**  
**‘The uncertainties that are inherent in the prediction of flooding must be recognised and that flood risk is expected to increase as a result of climate change. The Council will apply the precautionary principle to the issue of flood risk, using a risk-based search sequence to avoid such risk where possible and managing it elsewhere.’**
- (h) **paragraph 5.35 is modified by deleting the second sentence and substituting the following sentence – ‘These should be met in ways that take account of the need to promote journeys other than by car but may also entail highway improvements where necessary to avoid prejudice to road safety or unacceptable harm to the free flow of traffic.’**

## Making best use of environmental resources (Paragraphs 5.36 to 5.40)

### Objections

95/3310 English Heritage (Paragraph 5.37)

### Issues

Solar panels on listed buildings and in conservation areas

### Reasoning and Conclusions

5.104 The objection concerns what is said to be an ambiguous reference in paragraph 5.37 to solar panels in the context of Listed Buildings and Conservation Areas. As worded the paragraph highlights a potential issue regarding the impact of such proposals in such sensitive contexts. It does not state whether planning permission (or listed building consent) will or will not be granted. However there are other plan policies for development affecting conservation areas and listed buildings and there are specific statutory duties in that regard. It would not be appropriate for the Local Plan to oppose such proposals if they were designed and sited so as not to harm the character or appearance of such buildings or areas. No change is recommended.

### Recommendation

5.105 **I recommend that the Local Plan is not modified in respect of this objection**

## Section 5 Omissions

### Objections

6/1012	Mr. A. Dunlop (See paragraphs 5.26-5.35 above)
45/1220	Mr. S. Hardy
75/1282	Mr. I. Castleden
81/1380	East Sussex County Council T&E (see paragraph 5.6 above)
81/1425	East Sussex County Council T&E (see paragraph 5.6 above)
81/1426	East Sussex County Council T&E (see paragraph 5.6 above)
100/1572	General Aviation Awareness
128/4075	Bodiam Parish Council (See paragraphs 5.9-5.25 above)
157/2027	Mr. and Mrs. M.S. Wallis
166/2115	Mr. M. Worssam
166/2117	Mr. M. Worssam
166/2121	Mr. M. Worssam

### Supporting Statements

31/1090 Brightling Parish Council

### Comments

178/2194 Rye Conservation Society

### Issues

- a. Aviation
- b. Existing facility at Spilstead Farm
- c. Remote and tranquil areas
- d. Agricultural matters

## Reasoning and Conclusions

### *Aviation*

- 5.106 Objection 100/1572 seeks a criteria-based policy covering aviation activity whilst Objection 75/1282 seeks provision for general aviation and for helicopters.
- 5.107 In addressing these objections I acknowledge the advice in *PPG13* concerning the enhancement of aviation infrastructure and the responsibility placed upon local planning authorities to consider the role of small airfields in serving business, recreational, training and emergency service needs. However, I am conscious of the overall rural character of the District, with some 80% of the area designated as AONB, which would suggest that a cautious approach must be adopted to the provision of aviation facilities. I note that there are no aviation sites licensed by the Civil Aviation Authority in the District. The airstrip at Spilstead Farm is unlicensed and is subject to a number of conditions which impose restrictions on its operation. Although some people wishing to fly apparently exercise the rights available for the temporary use of land, I have no evidence of any pressure for the provision of a specific site in the District. I am, therefore, not convinced that there is a need for the Plan to incorporate a policy relating specifically to general aviation. In reaching this conclusion, I am also conscious of the good practice advice in *PPG12* which, in the context of plans, places emphasis on the need to focus on matters that are likely to require considerable attention in terms of day-to-day planning decisions.

### *Spilstead Farm*

- 5.108 I do not doubt that this facility has an important role in meeting the needs of local owners and operators and visiting light aircraft. It is regularly used by a limited group of pilots. It has a good safety record and comprises a grass strip of good proportions. However, it has a rural location within the AONB. It retains its appearance of undulating farmland and there is little visual evidence of aviation activities. A specific policy reference would draw more attention to its presence which may lead to an increase in activity, with adverse consequences for its rural setting and the amenities of people who live in the relatively scattered properties nearby. Accordingly, I do not consider that it warrants either a specific policy or textual reference, particularly as it is the subject of a temporary planning permission that will require further consideration before the end of the plan period.

### *Remote and tranquil areas*

- 5.109 Objection 157/2027 seeks a reference to the Structure Plan Policy EN8 proposal to identify areas of relative remoteness and tranquillity where measures to protect and extend such areas will be sought and where there will be a presumption against development, (subject to exceptions). The Objection specifically seeks the identification of the parishes of Ashburnham and Penshurst as such a protected area.
- 5.110 The Council responds that rural areas are protected by policies DS1, DS2, DS4 and GD1 and that there is no need to repeat Structure Plan policies.
- 5.111 The Local Plan does not appear to include any proposals for development in these parishes and its policies are already generally restrictive of development outside defined development boundaries (as these parishes appear to be). The policies require consideration of the effect of development on the character and amenity of areas and

although not specifically referred to, that might reasonably include considerations of tranquillity, as was demonstrated in the appeal decision to which the objectors refer.

- 5.112 There is no relevant objection before me from the County Council as joint author of the Structure Plan. Neither is there evidence before me that any work has been carried out by either Council to identify remote and tranquil areas and to define their extent. There is thus no objective basis before me to so identify Ashburnham and Penshurst parishes or to distinguish them from other areas in the District. It would thus be unreasonable to introduce a presumption there or elsewhere against development which might otherwise be acceptable, particularly as this might be construed as excluding development that would not itself have any effect on tranquillity.

#### *Agricultural matters*

- 5.113 Objection 45/1220 seeks the inclusion of a definition of development to include agricultural activities such as hedgerow removal or the ploughing of pasture. Some hedges are already subject to protection as a result of the Hedgerow Regulations 1997. However the legal definition of development is a matter for national legislation and cannot be changed by the Local Plan.
- 5.114 Objection 166/2115 concerns contradictory wording about agricultural development in Policy CNE4 of the Initial Deposit Local Plan. That policy was deleted from the substantive Revised Deposit Local Plan and no further modification is necessary to resolve the contradiction. Policy DS4 and general plan policies including GD1 now cover agricultural and other development outside development boundaries.
- 5.115 Objection 166/2117 seeks the deletion of part of Policy CNE12 from the Initial Deposit Local Plan which opposed the fragmentation, severance or disruption of farm units. However that policy was entirely deleted from the substantive Revised Deposit Local Plan and no further modification is necessary.
- 5.116 Objection 166/2121 concerns wording in the title of Policy CBE24 of the Initial Deposit Local Plan which related to the re-use of recently erected rural buildings for another purpose but did not define ‘recently’. However that policy too has been deleted from the Revised Deposit Local Plan and no further modification is necessary.

#### **Recommendation**

- 5.117 **I recommend that no modifications are made in respect of these objections.**

## SECTION 6 – HOUSING DEVELOPMENTS

### Section 6 – (Whole Chapter)

#### Objections

187/2326	Laurence Keeley
187/3557	Laurence Keeley

#### Supporting Statements

233/3077	New Downlands HA, Orbit HA & Rother Homes
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#### Comments

177/3788	McCarthy & Stone
233/3076	New Downlands HA, Orbit HA & Rother Homes

#### Issues

- a. A different financial approach to housing provision
- b. Larger houses for extended families
- c. Priority to housing people already living in the District

#### Reasoning and Conclusions

##### *A different financial approach to housing provision*

- 6.1 Amongst other things, Objection 187/2326 seeks an end to open market housing provision and the purchase of land at below open market development values to provide affordable fixed cost housing.
- 6.2 In preparing and adopting this Local Plan, the Council is required to operate within the provisions of current planning and compensation law including the statutory development plan system. In particular, the Council cannot compel landowners to sell land for housing development at less than its market value. Neither can it compel developers to sell dwellings at a fixed price. There are also financial, legislative and regulatory constraints on the Council’s ability to develop new housing itself, particularly where this would require an element of subsidy. Whatever the merits of an alternative financial system of housing provision may be, it would for these reasons be irresponsible for me to recommend, or for the Council to adopt, a Local Plan which proposed the financial measures suggested by the objector.

##### *Larger houses for extended families*

- 6.3 Objection 187/2326 also seeks the provision of larger houses to include accommodation for older retired parents under one roof. There is evidence from the Council’s Housing Needs Survey [Core Document 1.6] that the existing housing stock in the District already includes a high proportion of large dwellings when compared to the generally small size of most households. Policy HG3 seeks a mix of dwelling sizes which can include larger dwellings subject to a minimum proportion of smaller dwellings. However a policy to require large new dwellings with the intention of accommodating elderly relatives could not ensure that the houses were so occupied or that they remained in such occupation as family circumstances change. Where a demand to add such accommodation to existing houses exists, it is allowed for by Policy HG8.

*Priority to housing people already living in the District*

- 6.4 On the grounds of an alleged lack of adequate infrastructure, Objection 187/3557 seeks priority in housing provision to people already living in the District, with provision only exceptionally for outsiders. However Policy GD2 will not permit new development unless it is demonstrated that the necessary infrastructure is available or will be provided. Also the Local Plan is required to conform to the Structure Plan and its housing provisions. These already take account of inward migration. There is thus no justification to give priority in new housing to people already living in the District. Such a policy would be difficult to implement, particularly having regard to the identification of qualifying residents and to a housing market that crosses district boundaries at Hastings and elsewhere. Such a policy would also distort the market in the existing private housing stock, the occupation of which could not be controlled by the local planning authority.

**Recommendation**

- 6.5 **I recommend that no modification is made to the Local Plan in response to these objections.**

## **Housing Developments (Paragraphs 6.1 to 6.3)**

**Objections**

238/3126

The English Courtyard Association (Paragraph 6.3)

**Issues**

Improving the range of housing.

**Reasoning and Conclusions**

- 6.6 Paragraph 6.3 sets priorities for improving the quality and affordability of housing in the District. Objection 238/3126 proposes to add a further priority of improving the ‘range’ of housing. This is resisted by the Council on the basis that there are subsequent references to an improved ‘mix’ of housing in Policy HG3 and its preceding paragraphs. However the same could be said concerning affordability which appears both as a priority and in subsequent references. As paragraph 6.3 is part of an introductory section which is defining priorities, I consider that it would be appropriate to include there a reference to the range of housing to be provided.

**Recommendation**

- 6.7 **I recommend that paragraph 6.3 is modified by amending ‘the local priority to improve the quality and affordability of housing’ to ‘the local priority to improve the quality, range, and affordability of housing’.**



## Affordable Housing

(Paragraphs 6.4 to 6.14 and Policies HG1 and HG2)

### Paragraphs 6.4 to 6.14 and Policy HG1

#### Objections

16/3052	Network Rail (Policy HG1)
20/1145	Mr D Pearce (ID para 5.69)
20/3240	Mr D Pearce (Paragraph 6.10)
20/3248	Mr D Pearce (Policy HG1)
29/1081	Martin Grant Homes Limited (Policy HG1)
37/1168	Crofton Place Developments Ltd (Policy HG1)
37/3147	Crofton Place Developments Ltd (Policy HG1)
45/3256	Mr S Hardy (Policy HG1)
47/3706	Mrs Alexandra Bayley (Policy HG1)
78/3733	Countryside Residential (South Thames) Ltd. (Policy HG1)
84/3326	Millwood Designer Homes Ltd. (Policy HG1)
86/3066	The House Builders Federation (Policy HG1)
103/1575	Mr R Vidler (Policy HG1)
105/3460	Government Office for the SE (Policy HG1)
118/1840	Redrow Homes (South) Limited (Policy HG1)
135/1914	Bexhill College (Policy HG1)
140/1951	BT plc (Policy HG1)
144/3355	Westridge Construction Limited (Policy HG1)
170/3035	Bellwinch Homes (Policy HG1)
177/2191	McCarthy & Stone (Policy HG1)
187/3554	Laurence Keeley (Policy HG1)
213/3220	Trinity College (Policy HG1)
229/3038	BRB (Residuary) Ltd. (Policy HG1)
230/3044	George Wimpey UK Ltd. (Policy HG1)
231/3055	Hillreed Developments Ltd (Policy HG1)
232/3070	Mr D Smith (Paragraph 6.11)
232/3071	Mr D Smith (Policy HG1)
233/3078	New Downlands HA, Orbit HA & Rother Homes (Paragraph 6.13)
236/3123	Red Barn Developments Ltd (Policy HG1)
236/3894	Red Barn Developments Ltd (Policy HG1)
238/3128	The English Courtyard Association (Policy HG1)
239/3125	Mr D.L. Redhead (Policy HG1)
244/3137	Central & Provincial Properties Ltd. (Policy HG1)
245/3164	Westbury Homes (Holdings) Ltd. (Policy HG1)
261/3295	Glyndebourne Discretionary Trust (Policy HG1)
271/3378	Town & Country Planning Solutions (Policy HG1)
281/3420	Rydon Homes Ltd (Paragraph 6.13)
285/3426	S Dunkley and Downoak Trust (Policy HG1)
316/3623	Persimmon Homes (South East) Ltd. (Policy HG1)
THE FOLLOWING OBJECTIONS CONCERN THE PROPOSED CHANGE PC/06/02	
76/9020	Battle Town Council (PC/06/02)
111/9003	Rye Town Council (PC/06/02)
178/9005	Rye Conservation Society (PC/06/02)
230/9016	George Wimpey UK Ltd. (PC/06/02)
234/9023	Udimore Developments Ltd. (PC/06/02)
236/9017	Red Barn Developments Ltd (PC/06/02)
239/9027	Mr D L Redhead (PC/06/02)

## Supporting Statements

76/3040	Battle Town Council
233/3080	New Downlands HA, Orbit HA & Rother Homes

## Comments

233/3079	New Downlands HA, Orbit HA & Rother Homes
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## Issues

- a. Government guidance
- b. The level of need for affordable housing
- c. The economics of provision.
- d. Site size and suitability including appropriate minimum thresholds
- e. Management of the affordable housing element
- f. Off-site provision
- g. References to tenure
- h. Proximity to services

## Reasoning and Conclusions

- 6.8 Objection 20/1145 seeks the deletion of text in the Initial Deposit Plan that opposed affordable housing in scattered or isolated locations. However that text no longer appears in the substantive Revised Deposit Plan and thus no further modification needs to be considered.

### *Government Guidance*

- 6.9 *PPG12* includes the advice that when preparing development plans local planning authorities should take account of social considerations. These include social exclusion and the social need for housing which may include the need for affordable housing. More detailed Government guidance on affordable housing provision is currently set out in *Circular 6/98 ‘Planning and Affordable Housing’* and in *Planning Policy Guidance Note 3 ‘Housing’ (PPG3)*. *PPG3* is under review and draft changes were published in 2003. These include the consideration of lower site size thresholds than those advised in *Circular 6/98*. Further draft changes relating to affordable housing provision were published in January 2005 in the *‘Planning for Mixed Communities – Consultation Paper’*. The consultation paper proposes the replacement of paragraphs 9-17 of *PPG3* with additions to *PPG3 Annexes C and D* and the cancellation of *Circular 6/98*. In July 2005 the Government also published the *‘Planning for Housing Provisions – Consultation Paper’*.
- 6.10 Amongst other things, the draft guidance is supportive of a maximum 15 dwelling/0.5ha threshold with the possibility of different (lower) thresholds where the majority of supply comes from small sites. It restates the need to have regard to the economics of provision and other specified factors, suggests new definitions for various types of housing, requires the preparation of local housing assessments of the needs of various groups (including the need for market housing), and advises the use of fallback or cascade mechanisms should adequate subsidy for affordable housing not be forthcoming. The July paper seeks to address a worsening affordability situation by improving the supply of housing with a greater use of housing market information.

- 6.11 The revised Government Circular 05/2005 *Planning Obligations* was published in July 2005. It includes advice in Annex B paragraph B12-B14 on the use of agreements or undertakings to secure the provision of affordable housing. These include the use of Local Development Frameworks (LDF) for the identification of need, for the setting of site size thresholds, and for specifying the proportion of affordable housing which would be expected. In the interim pending the preparation of the LDF, I consider this advice also to be relevant to the preparation of the Local Plan.
- 6.12 Only limited weight may yet be attached to the draft papers and both the approved and draft Government guidance is mainly directed at the preparation of the Local Development Documents which will follow the adoption of this Local Plan. However it is relevant to the issues which have been raised by objectors to the Local Plan policies. I consider below several specific matters relating to the Government guidance to which objection has been raised.

*The level of need for affordable housing*

- 6.13 Whilst the Plan itself includes only limited information on housing need, the affordable housing policies are underpinned by the Housing Needs Survey referred to in paragraph 6.6 of the Plan. Although prepared in 2001, it has been partially updated to 2004 to include the consideration of the effects of recent rises in house prices and a lengthening housing waiting list. I consider that the Housing Needs Survey is adequately up-to-date and robust for its present purpose. However further and more detailed housing assessments, to include market housing and the needs of specific groups, will be required to inform the forthcoming Local Development Framework.
- 6.14 Reference should be made in the text to the most recent information on need. The existing survey identifies the need for affordable housing as 200 units per annum. For the 8-year period between 2003 and 2011 this level of need would total 1600 dwellings. This is much higher than the overall target for the provision of affordable dwellings which paragraph 6.10 sets at only 620. Even if it were to be met the target for provision would not satisfy the identified needs. Raising the thresholds for qualifying sites or reducing the percentage of affordable dwellings on each site would further cut the supply. Moreover the Council has issued in Document LPA/AHHMTR/4 a revised target estimate of only 603 dwellings. The text should be amended to reflect this change which is based upon the expected contribution from both allocated and as yet unidentified housing sites but excluding existing commitments.
- 6.15 Objection 20/3240 seeks an increase to 1000 in the above target for provision. This would remain below the identified overall need for 1600 affordable dwellings. However it would be an unrealistically high target in relation to the overall new housing supply figure established for the District by the Structure Plan. The supply of affordable housing is highly dependent on the contribution of units as a proportion of open market housing developments. Raising the percentage requirement of affordable housing would be likely to progressively undermine the viability of many such developments.
- 6.16 I acknowledge that the same objector is, in other related objections, seeking a general increase in the supply of housing to well above Structure Plan levels. In particular he is seeking to permit many more individual dwellings in the countryside and additional

development on the fringes of Hastings. One intention of these measures would be to seek a general fall in house prices. These objections are addressed in Section 4 where I conclude for stated reasons that the Local Plan should generally conform to the Structure Plan housing requirement with the plan period ending in 2011. I also support the Plan’s spatial strategy to concentrate development in and adjoining the towns and to limit development elsewhere and particularly in the countryside of the designated High Weald AONB.

- 6.17 Most affordable housing is proposed to be provided on the larger housing allocation sites in the three towns, where it would benefit from being close to concentrations of employment and services. Objection 20/3248 refers to the need to address the shortage of affordable housing in the rural areas. However, the Plan already requires affordable housing to be included in several housing allocations in villages and in other developments there of 5 or more dwellings. In addition, Policy HG2 provides for exception sites outside the development boundaries of towns and villages on which all the housing would be affordable. I thus consider that the Plan makes appropriate provision for affordable housing in rural areas whilst recognising that, as in the towns, the full level of identified need is unlikely to be met.
- 6.18 Some objections query whether the Plan’s District-wide approach to need and supply accords with Circular 6/98 advice concerning the identification of local need. Whilst some variation in the level of need can be expected in different parts of the District, there are other planning aims to protect the landscape and also to achieve a sustainable pattern of development by placing housing near employment and services. This means that an exact locational match between need and provision is unlikely to be achieved, even if the Plan were to seek to fully satisfy the identified need, which it does not. In these circumstances I consider the Plan’s District-wide approach to need to be correct.

#### *The economics of provision*

- 6.19 Objections to the specific requirements for affordable housing on individual allocated sites are addressed in the relevant Sections of the Report where those site-specific allocations are set out.
- 6.20 In the absence of legislative change to bar other forms of housing development and a major increase in public subsidy, neither of which is in prospect, the 100% provision of affordable housing sought by Objection 187/3554 is unrealistic. The Plan instead seeks 40% provision of affordable housing on all allocated housing sites. Policy HG1 would also apply that figure to developments above the defined threshold on other housing or mixed use development sites which may come forward on unidentified sites. Many objectors are critical of this approach and seek that the 40% percentage figure be reduced or abandoned or made more flexible as a matter for negotiation. In response, the Council has advertised a pre-inquiry change as follows:-

#### **Pre-Inquiry Change – PC/06/02**

Amend Policy HG1 by the addition of the following paragraph at the end of the Policy:

**‘Affordable housing provision below 40% of the total number of dwellings will only be accepted where the applicant fully and financially demonstrates that 40% provision will make the development of the whole site uneconomic based on the current housing market.’**

Add the following paragraph after paragraph 6.8:

**‘6.8a Affordable housing provision at a rate below 40% will only be acceptable if to meet the 40% requirement would render the development of the whole site uneconomic. In such circumstances, applicants will be required to provide clear evidence that the development of the site would be unviable, including by the submission of financial information as necessary.’**

Delete the words ‘for similar reasons’ from the first sentence of paragraph 6.9.

*Reason: To allow overall site viability to be taken into account in the provision of affordable housing.*

- 6.21 The Plan’s target figure for affordable housing provision is dependent upon achieving 40% of affordable dwellings on all qualifying sites. Thus a lower percentage figure on some or all sites would result in under-provision. However 40% is a higher percentage than in some other development plans. For example in the adjacent Hastings Borough Local Plan (which is within the same housing market area as defined in the draft South East Plan) the percentage is 25% on previously developed sites and 30% on greenfield sites (albeit all as social rented housing).
- 6.22 Too high a percentage coupled with an inflexible application of the 40% figure would risk undermining the viability of some developments. For this reason *Circular 6/98* and the ‘*Planning for Mixed Communities- Consultation Paper*’ advise that regard be had to the economics of provision. The emerging advice in the earlier draft amendments to PPG3 also warns against rendering developments unviable. To do so would risk an undersupply of both general and affordable housing. This could occur in a weak housing market or in projects involving particularly high costs of site preparation or a need for substantial contributions to fund the infrastructure and facilities necessary to support the development. Viability is thus affected by development costs as well as by the housing market to which PC/06/02 refers.
- 6.23 PC/06/02 would allow a landowner or developer to argue for a lower level of provision on economic grounds. This would provide for the negotiated approach which some objectors seek and would also allow for the inevitably varying economic circumstances on each site. It is preferable to the application of a different, but still fixed, lower percentage of affordable housing as suggested by some objectors. To do so could reduce the supply from sites where economic viability is not at issue whilst still risking a stalemate situation on more marginal sites that could not support even the lower percentage.
- 6.24 I understand the concerns of some objectors that the negotiation process can contribute to delay. However this will be avoided in cases where there is no dispute that 40% provision can be achieved. I acknowledge that the negotiation process is also vulnerable to ‘creative’ accounting to massage figures in a way that would suggest a site would not be viable with a large proportion of affordable housing. The residual land valuations often used in development site valuation are particularly susceptible to the variation of the cost and value assumptions on which they are based. However I consider that this can be addressed if the Council employs the necessary skills to critically assess the financial information with which it is presented. What is important is to establish the costs and values at an early stage in the development process.

- 6.25 As some objectors point out, the desirability of achieving other planning objectives may also affect the consideration of the appropriate level of affordable housing provision. These objectives might include: achieving the overall housing supply target; the provision of necessary supporting infrastructure; and sustainable development objectives such as the provision of employment as part of integrated sustainable developments. However, where there is a financial basis to such matters they can be taken into account in the financial negotiation.
- 6.26 From the Council’s evidence at the Inquiry it is clear that PC/06/02 is intended to apply to developments on allocated sites as much as to proposals for windfall development on unallocated sites. I consider that this needs to be clearly expressed in the revised wording as the allocation policies are not accompanied by the same qualification.

*Site size and suitability including appropriate minimum thresholds*

- 6.27 As several objectors point out, the Plan’s minimum 15-dwelling/0.5ha site size threshold for affordable housing on sites in the towns of Bexhill, Battle and Rye is lower than the usual 25-dwelling/1.0ha threshold advised by Circular 6/98 for urban sites outside Inner London. The Circular does however allow for a threshold this low where a local planning authority can demonstrate ‘exceptional local constraints’ and justifies them through the local plan process. Moreover, the emerging draft changes to *PPG3* would endorse a usual 15 dwelling/0.5ha threshold.
- 6.28 The Council points out that raising the threshold would significantly reduce the provision of affordable housing below a Plan target that is already well below the identified level of need. Moreover, a Joseph Rowntree Foundation study (Document LPA/AHHMRT/3) which compares mean house prices and household incomes indicates that the affordability situation in Rother District is worse than in all but 3 of the Inner London Boroughs where Circular 6/98 already advises a 15 dwelling threshold.
- 6.29 In settlements with a population of 3000 or less, Circular 6/98 advises at Paragraph 10(i)(c) that local planning authorities should adopt ‘appropriate’ thresholds based on an assessment which includes local needs and the available supply of land for housing. The *Planning for Mixed Communities* consultation paper also allows for different (lower) thresholds where most housing provision comes from small sites. All Rother District villages have populations of less than 3000 and the Revised Deposit Plan there proposes a 5-dwelling minimum threshold. At 40% provision, a 5 dwelling site would thus need to incorporate 2 affordable dwellings. The justification offered in the Local Plan at paragraph 6.9 is that the threshold has regard to the generally smaller size of sites which come forward in villages and which, collectively, can make a worthwhile contribution towards affordable housing needs. In villages without allocated housing sites or exceptions sites, this would be the only source of affordable housing provision.
- 6.30 Some objectors argue that 5 dwellings would not constitute ‘development on a substantial scale’. This refers to general wording in paragraph 2 of *Circular 6/98*. However that reference is in my view outweighed by the more specific advice at paragraph 10(i)(c) of *Circular 6/98*. Coupled with the Policy HG3 requirement for a mix of housing types and sizes, I consider that a site of 5 dwellings can contribute to the Circular’s paragraph 2 objective of providing a reasonable mix and balance of

house types and sizes to cater for a range of housing needs.’ *Circular 6/98* is likely to be superseded by new national policy or guidance which is likely to refer to specific thresholds and housing mix rather than to the vaguer term of development ‘on a substantial scale’.

#### *Management of the affordable housing element*

- 6.31 *Circular 6/98* acknowledges that care is needed in the subsequent management of the affordable housing element of a mixed scheme. This is a matter which some objectors raise in relation to sheltered housing schemes and some other flatted developments. It is usually related to alleged management difficulties where different types of tenure are mixed and particularly where service charges need to be shared. Whilst these may be material considerations when negotiating development schemes and PC/06/02 would allow consideration of their effect on viability, footnote 2 on page 1 of *Circular 6/98* makes clear that special needs housing, high density housing and housing for the elderly are not excluded from the requirement for affordable housing provision where a local need exists. Imaginative solutions may be needed such as mixing shared equity units with other flats or providing separate blocks for different types of accommodation. A final resort that is referred to in the draft ‘*Planning for Mixed Communities*’ would be off-site provision of affordable housing (whether newly built or purchased second hand). A modification of the text at paragraph 6.11 is recommended below in respect of such provision. However there is no further need to modify the policy or text in this regard.

#### *Off-Site Provision*

- 6.32 Paragraph 21 of *Circular 6/98* points out that the objective of providing mixed and balanced housing types and sizes means that affordable housing provision should normally be on-site alongside other types of housing. However paragraph 22 allows exceptionally for off-site provision where the local planning authority and the developer agree that this is preferable. No criteria are suggested for this decision in the Circular. It is not unreasonable for the Local Plan to include criteria in order to promote certainty and consistent decision-making. The *Planning for Mixed Communities* consultation paper indicates that Local Development Documents should set out the circumstances where provision may not need to be on site.
- 6.33 As worded, paragraph 6.11 of the Local Plan provides that off-site provision will only be acceptable if it makes a significantly greater contribution to meeting local needs or where management issues cannot be satisfactorily addressed by potential registered social landlords. Given the preference for on-site provision, the text should make clear that off-site provision will only be acceptable where there is agreed to be a genuine and insurmountable obstacle to satisfactory provision on-site. That might include an issue with the management of the affordable housing element (to which paragraph 10(c)(ii) of Circular 6/98 refers and which is not necessarily confined to schemes involving registered social landlords) or there could be an issue of economic viability or of another overriding planning objective. However, there is a risk that the criteria as worded would encourage developers to offer a contribution to increased off-site provision in order to enhance the profitability of a development but in circumstances where on-site provision could also be successful and viable. That would risk social division and exclusion.

- 6.34 I therefore consider that paragraph 6.11 should be reworded. The revised wording should not require a greater contribution to local needs than on-site provision but equally it should not result in an overall reduction in provision (unless warranted on proven viability grounds in accordance with PC/06/02). Thus for example if there were an insurmountable but non-financial obstacle to on-site provision in a development of 10 dwellings, it would be insufficient to make off-site provision for only 4 dwellings since there would then be a total of 14 dwellings of which 5 or 6 should be affordable if the usual 40% target is to be met.

#### *References to Tenure*

- 6.35 Paragraph 9(a) of *Circular 6/98* includes the advice that plans should state what the local planning authority defines as affordable housing and that this should include both low-cost market and subsidised housing. The definition should endure for the life of the plan ‘...for instance through references to the level of local incomes and their relationship to house prices or rents, rather than to a particular price or rent.’ Paragraph 4 includes the advice that affordable housing encompasses ‘both low-cost market and subsidised housing (irrespective of tenure, ownership – whether exclusive or shared – or financial arrangements)’.
- 6.36 *Planning for Mixed Communities* proposes changes to *PPG3* that would supersede *Circular 6/98*. These include a definition of affordable housing that excludes all market housing whilst allowing for ‘intermediate’ forms of housing such as sub-market renting, low-cost home ownership, and shared ownership at prices or rents above social rent levels but below open market levels. This would avoid current confusion about the meaning of low-cost market housing and suggests that the latter term would be better avoided in the Pre-inquiry Change wording.
- 6.37 The only definition of affordable housing in the Revised Deposit Plan is at paragraph 6.5 where it is regarded as ‘that which is provided for local people (or key workers) who are unable to meet their housing needs in the housing market without a level of subsidy because of the relationship between housing costs and incomes’. This is not specific about what relationship between incomes and costs determines whether the accommodation is affordable. In this regard I note that the *Rother District Housing Needs Survey 2001* [Core Document 1.33] at Table 1b assumed that housing becomes unaffordable when more than 25% of income has to be spent on accommodation.
- 6.38 Such a fixed proportion may require refinement in negotiation on individual schemes. I am aware that ratios of 25-30% of net household income are typically employed for this purpose and are supported by the research document prepared for the Office of the Deputy Prime Minister entitled ‘*Local Housing Needs Assessments – A Guide to Good Practice*’. That is not adopted as Government policy. However it includes the advice that it may be necessary according to the responsibility for maintenance and insurance costs. Also that within such a range the appropriate ratio may arguably also need to be lower for households on the lowest incomes and for those in rented accommodation who have nothing to gain from appreciating asset values. Unless more detailed and up-to-date local financial information is available, I recommend that the text include a range of a maximum 25-30% of net household income as a guide to affordability and that this be elaborated in the Supplementary Planning Document which should replace the Supplementary Planning Guidance to which paragraph 6.14 refers (in accordance with the transitional arrangements for the introduction of Local Development Frameworks).



- 6.39 Paragraph 6.13 seeks that affordable housing should consist primarily of housing for rent. The Council has published a Pre-inquiry Change which allows that this may be managed by bodies other than a registered social landlord:

**Pre-Inquiry Change – PC/06/01**

Amend the second and third sentences of paragraph 6.13 to read as follows:

**‘However, it should primarily consist of housing for rent, typically managed by a Registered Social Landlord (and in all circumstances with the prior approval of Rother District Council) since this is the only option available to a large proportion of people identified as being in greatest housing need. An element of shared equity housing (normally also provided by a Registered Social Landlord and always with the prior approval of Rother District Council), and suitably discounted low cost market housing may be considered but must be accessible to people on lower local incomes.’**

*Reason: To clarify the need for RDC approval.*

No Representations

- 6.40 This would address Objection 233/3078 and it would also address the criticism in Objection 177/2191 that the Plan should allow for provision by a wider range of agencies.
- 6.41 Objection 133/3355 seeks amongst other things the inclusion in Policy HG1 itself of a reference to key workers. However key workers are already included in the paragraph 6.5 definition of those qualifying for affordable housing if they are unable to meet their housing needs in the market. It is thus unnecessary to repeat this reference in the Policy.
- 6.42 At the Round Table Session some objectors were reassured by comments from the Council that key worker housing and shared equity ownership could be taken into account as part of the provision when considering viability. Whilst the need for affordable housing may be primarily for rented housing, it would be preferable to include some other forms of affordable housing in a development if a lack of subsidy or other economic considerations meant that 40% provision of rented housing could not be achieved. This accords with the approach in the emerging draft of the South East Regional Spatial Strategy (the South East Plan – Paragraph 1.6.2) which identifies an overall need across the Region for 25% social rented accommodation with a further 10-15% as shared-ownership, low-cost home ownership and sub-market rent.
- 6.43 Objection 281/3420 seeks the amendment of paragraph 6.13 to meet the local need in villages for open market and low cost first time buyer and retirement properties for residents who wish to remain in the village to which they already have links. To the extent that this is seeking affordable provision for first time buyers and retired people unable to compete in the open market, this is already provided for in the text. Policy HG1 refers to affordable housing for ‘local people’ and how that would be achieved would be a matter for negotiation. Often the occupancy qualification would be a management matter for a registered social landlord but other arrangements are possible. Other plan policies provide for some open market housing development in villages and Policy HG3 requires the inclusion of smaller dwellings in schemes above a defined threshold size. These may suit first time buyers or the retired subject to considerations of affordability.

- 6.44 If the Objector is instead seeking priority for local buyers when purchasing otherwise open market properties, that would require an additional policy and the imposition of occupancy restrictions by means of planning conditions or a legal agreement or undertaking. There is a lack of evidence before me to justify such measures. Such controls would also raise difficult issues of: equity; of the definition of a qualifying person (and any other members of the household); of future monitoring and enforcement of how a property is occupied; and of how to deal with situations where there is a lack of qualifying purchasers for a house with an occupancy condition.

#### *Proximity to Services*

- 6.45 Circular 6/98 includes the advice that the proximity of local services and facilities and access to public transport be taken into account as a criterion when assessing the suitability of sites for affordable housing. Some objectors maintain that direct reference should be made to this in the plan. However, in the years since 1998 when the Circular was published, proximity to local services and facilities and access to public transport has moved to a more central position in planning policy and is now a criterion for all housing developments. This is reflected in several policies of the Revised Deposit Plan including Policy DS1 and it is not necessary to repeat it in Policy HG1.

#### **Recommendation**

- 6.46 **I recommend that:**

**(a) paragraph 6.5 is modified by the substitution of the following wording:**

**‘Affordable housing is regarded as that which is provided for local people (or key workers) who are unable to meet their housing needs in the housing market without a level of subsidy because to do so would require more than 25-30% of their net household income.’**

**(b) the text at paragraph 6.6 is modified to identify the most recent Housing Needs Survey information at the time that the Plan is to be adopted;**

**(c) paragraph 6.8 is modified by the insertion of the word ‘target’ before ‘proportion’ in the first line’;**

**(d) paragraph 6.8a is inserted after paragraph 6.8 as proposed by PC/06/02 but with the addition of the sentence: ‘These provisions apply to housing sites allocated in this Plan as well as to housing developments elsewhere in the Local Plan area for which planning permission is sought’;**

**(e) the words ‘for similar reasons’ are deleted from the first sentence of paragraph 6.9 as proposed by PC/06/02;**

**(f) the text at paragraph 6.10 is modified to correct to 603 the target figure for the provision of affordable housing;**

**(g) the text at paragraph 6.11 is modified by the deletion of the second sentence and the substitution of the following wording:**

**‘A financial contribution to off-site provision in lieu of on-site provision will only be acceptable where the proponent demonstrates that there is a genuine and insurmountable obstacle to satisfactory provision on site and where off-site provision will result in at least as great a contribution to meeting local needs. In**

this context, regard should be had to the amount of affordable housing to be achieved as a percentage of the overall housing numbers both on- and off-site.’

(h) the following paragraph is added to the end of Policy HG1 (modification of PC/06/02 wording):

‘Affordable housing provision below 40% of the total number of dwellings will only be accepted where the applicant fully and financially demonstrates that 40% provision will make the development of the whole site uneconomic based on the current housing market and all the costs of the development.’

(i) the second and third sentences of paragraph 6.13 are modified to read as follows:

‘However, it should primarily consist of housing for rent, typically managed by a Registered Social Landlord (and in all circumstances with the prior approval of Rother District Council) since this is the only option available to a large proportion of people identified as being in greatest housing need. An element of shared equity housing (normally also provided by a Registered Social Landlord and always with the prior approval of Rother District Council), and other ‘intermediate’ forms of housing such as sub-market renting, low-cost home ownership, and shared ownership may be considered but must be accessible to people whose low household incomes prevent them from competing in the open housing market.’

(j) paragraph 6.14 is modified by the substitution for ‘Supplementary planning guidance’ of the term ‘Supplementary planning document’.

## Policy HG2 (Exceptions Sites)

### Objections

20/1146	Mr. D. Pearce (Initial Deposit para 5.70)
86/1494	The House Builders Federation (Conditionally withdrawn) See Section 5 Omissions)
112/1775	Sedlescombe Parish Council

### Supporting Statements

233/3081	New Downlands HA, Orbit HA & Rother Homes
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### Comments

76/1289	Battle Town Council
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### Issues

- a. Deletion of policy in favour of open market housing in the countryside
- b. Alternative policy wording

### Reasoning and Conclusions

#### *Deletion of policy in favour of open market housing in the countryside*

- 6.47 As a claimed means of improving affordability, Objection 20/1146 seeks increased open market housing in the countryside in preference to the HG2 exceptions policy. This is one of a series of related objections seeking to relax the control of housing development outside development boundaries. However the Objector’s proposed

policy modifications are qualified by an acknowledged need to limit the scale of such development by various means. These include limiting each development to no more than three houses and avoiding larger clusters from developing. However there is no evidence that this amount of additional housing would have any appreciable effect on market prices or on the affordability of housing in the countryside. I consider that the exceptions policies such as that proposed in Policy HG2 have been shown to be effective in providing modest amounts of affordable housing in the countryside adjacent to settlements. This provides the occupiers with better access to employment, services and facilities than would be the case in the more isolated rural locations preferred by the objector that would be highly car-dependent as well as visually intrusive.

#### *Alternative policy wording*

- 6.48 Objection 112/1775 suggested an alternative wording for the equivalent Initial Deposit policy. The Policy was renumbered and entirely reworded in the substantive Revised Deposit Plan and now includes some of the suggested wording. Considerations of accessibility are covered by other plan policies that apply to all housing. Requiring that there be public transport in all cases would unreasonably rule out exceptions schemes in some otherwise suitable settlements. However the wording does not limit the occupation of such housing to those who, in the objector’s words, need to live in the area because of their employment or last employment and where there is no suitable housing in a nearby town or village’.
- 6.49 I do not consider that the location of employment or last employment should be a determining factor for qualifying occupiers as suggested. Many of those already living in a settlement but who are in need of affordable housing may not work in the same settlement. Also it would be difficult or impossible to apply a test that required occupiers to demonstrate a need to live in the place where they last worked but no longer do so. I consider that the criteria for occupation would be better left to a registered social landlord or, where no registered social landlord is to be involved, for determination during the development control process by a planning agreement or otherwise.

#### **Recommendation**

- 6.50 **I recommend that no modification is made to Policy HG2 or its supporting text.**

### **Housing Mix (Paragraphs 6.15 to 6.17 and Policy HG3)**

#### **Objections**

20/3241	Mr. D. Pearce
37/3148	Crofton Place Developments Ltd
47/3705	Mrs. Alexandra Bayley
78/3734	Countryside Residential (South Thames) Ltd.
84/3327	Millwood Designer Homes Ltd.
86/3067	The House Builders Federation
170/3036	Bellwinch Homes
231/3056	Hillreed Developments Ltd
232/3072	Mr. D. Smith
233/3083	New Downlands HA, Orbit HA & Rother Homes

244/3138	Central & Provincial Properties Ltd.
271/3387	Town & Country Planning Solutions
316/3624	Persimmon Homes (South East) Ltd.,

**Comments**

233/3082	New Downlands HA, Orbit HA & Rother Homes (Paragraph 6.15)
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**Issues**

- a. Conformity with Government guidance and whether the policy requirement for 30% one and two bedroom dwellings is necessary
- b. Flexibility of the requirement
- c. Potential for conflict with other local plan objectives
- d. Appropriateness of the 5-dwelling threshold to select sites
- e. Whether the policy should include a requirement for special needs housing provision

**Reasoning and Conclusions**

*Conformity with Government guidance and whether the policy requirement for 30% one and two bedroom dwellings is necessary*

- 6.51 *PPG3* emphasises the Government’s objective of seeking mixed and balanced communities. Paragraph 11 of *PPG3* particularly charges local authorities to secure an appropriate mix of dwelling size, type and affordability in both new developments and conversions to meet the changing composition of households in their area in the light of the likely assessed need. These objectives are not qualified as applying only to developments on a substantial scale. Such a qualification was included in the earlier Circular 6/98 but that Circular was directed at affordable housing provision and not at other issues of housing mix. The ‘*Planning for Mixed Communities*’ Consultation Paper proposes that Local development documents set out a broad balance between the numbers of different household types to be provided with possible variations between different locations. Not all sites are expected to replicate this mix precisely.
- 6.52 There is as yet no detailed local housing assessment for the district. However, the Council’s Position Statement for the Affordable Housing and Housing Mix Round Table session (Document LPA/AHHMRT/1) points out that, at 2.17 persons per dwelling, Rother District had one of the lowest average household sizes in the south east at the 2001 census and that 73% of all dwellings were occupied by one or two people. The Housing Needs Survey 2001 also found that 83% of those expressing a need for accommodation were seeking a one or two bedroom dwelling. *PPG3* points out at paragraph 9 that the majority of projected household growth will be in one-person households.
- 6.53 There is no statistical information before me on the size of dwellings in the current stock. However from observation there appears to be a higher proportion of larger dwellings than would be suggested by the average household size. It is appropriate for the Local Plan to seek to better match the size of new dwellings with the type of household which prevails in the area and which is likely to grow in number. The inclusion of smaller dwellings in developments makes more efficient use of land and promotes social inclusivity by varying the mix of accommodation and household type in any one area. This is particularly important in villages where a lack of smaller (and

hence cheaper) dwellings could force some types of household out of the area including single persons and first-time buyers.

*Flexibility of the requirement*

- 6.54 The exact appropriate proportion of smaller dwellings is not easily defined, particularly as some small households would still prefer to occupy a larger dwelling. It is therefore reasonable that a minimum provision of 30% smaller dwellings is used rather than the 70%-80% proportion which the above figures might suggest.
- 6.55 Some flexibility is provided for in the policy which provides for variation of the requirement subject to a local housing needs assessment. It would also be open to a developer to put forward any material considerations that might indicate that the minimum 30% should not be applied in a particular case.
- 6.56 However the removal from the policy of a minimum figure would be likely to undermine the objectives of the policy and result in only token provision being made in cases where alternative forms of development are more profitable. Once a local housing assessment has been prepared that provided a more precise analysis of household needs, the emerging local development documents could provide for any necessary variation or substitution of the policy.

*Potential for conflict with other local plan objectives*

- 6.57 Were a particular mix of dwellings or the inclusion of small dwellings to conflict with other Plan objectives such as the protection of the character of an area, it would be necessary for the local planning authority to weigh one policy objective against the other in the usual way. The Plan is to be read as a whole and it is not necessary to qualify every policy to cover all possible circumstances.

*Appropriateness of the 5-dwelling threshold to select sites*

- 6.58 In towns, the minimum site size threshold for the inclusion of smaller dwellings would be 15 dwellings. Objection 244/3138 seeks to apply a similar threshold elsewhere. However that would result in very few smaller dwellings being built in the villages where so few developments are likely to be of 15 dwellings or more. Those seeking smaller (and hence cheaper) dwellings would thus risk being forced to move away from these villages, harming social inclusivity.

*Whether the policy should include a requirement for special needs housing provision*

- 6.59 Objection 233/3083 acknowledges that paragraph 6.15 includes references to the housing needs of people with various special needs and especially those with disabilities and the frail elderly. However the objection seeks the extension of the list of groups referred to there and the inclusion of a reference within Policy HG3.
- 6.60 As it stands, the Policy HG3 requirement to include small dwellings in developments would have only a marginal and uncertain impact on the supply of housing for the groups currently specified in the text. I acknowledge: that some improved provision would be desirable; that individual development proposals for minority groups can be contentious; and that, in the interests of inclusivity and social cohesion, special needs groups should not be excluded from private developments. However there is a lack of information before me to assess in what way provision may be lacking and how it should be improved. It would be impractical to seek some provision for every special needs group on every housing development. Moreover, no particular policy

requirement for the provision to be made for the various groups has been suggested by the objector. In these circumstances there is no modification to Policy HG3 or the supporting text which I consider appropriate and which would achieve any useful objective. Nevertheless I give further consideration at the end of this section of the report to objections which seek an additional policy concerning housing for the elderly.

### Recommendation

6.61 **I recommend that no modification is made to Policy HG3 or its supporting text.**

### Layout and design (Paragraphs 6.18 to 6.22 and Policy HG4)

#### Objections

20/3242	Mr. D. Pearce
95/3311	English Heritage (criterion HG4(iv))
208/3179	Howard Hutton & Associates
316/3625	Persimmon Homes (South East) Ltd.,

#### Supporting Statements

233/3085	New Downlands HA, Orbit HA & Rother Homes
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#### Issues

- a. Application to individual rural developments
- b. Application to infill and minor development
- c. Potential conflict of criterion (iv) with Government guidance in Planning Policy Guidance note 15
- d. Housing mix and cross reference to Policy HG3

### Reasoning and Conclusions

#### *Application to individual rural developments*

6.62 Policy HG4 is a wide-ranging policy that includes considerations of housing design, density and sustainable access, amongst other things. Objection 20/3242 seeks that it be not applied to individual rural developments and is one of a series of related objections which promote the building of houses in the countryside. Elsewhere in this report I support the objectives of other plan policies that, with limited exceptions, restrict such development for reasons which include the protection of the rural landscape and the maintenance of a sustainable pattern of development that avoids over-reliance on the car to access services and employment. This also reflects national, regional and structure plan policy objectives. To allow such development and to exclude it from the application of Policy HG4 would risk serious harm to the appearance of the countryside and to the objectives of sustainable development.

*Application to infill and minor development*

- 6.63 Objection 208/3179 seeks to confine the application of Policy HG4 to ‘major’ housing developments and to provide exceptions to the application of criterion (vi) (housing mix) and criterion (x) (open space provision). The suggested modifications do not include a definition of major development. That could prove contentious and, if applied, would leave the Plan without any layout or design policy for other minor housing development. A large proportion of all housing development in the District is expected to be on small and infill sites and the absence of a design and layout policy for such development would risk serious harm to the appearance of the area and to considerations of sustainability. I refer to considerations of housing mix in relation to Policy HG3 above. The threshold in that policy already excludes the application of housing mix criteria from many small developments. I conclude below that criterion (vi) is unnecessarily repetitive of Policy HG3 and would be better omitted.
- 6.64 In relation to open space provision, there is no obvious reason why the occupiers of a dwelling on a small development would have any less need for such provision than those occupying a dwelling on a larger development. The important consideration is what provision is already available in the area and whether additional off-site provision is necessary to serve the development. Such provision might involve improving an existing facility to permit more intensive use or combining financial contributions from a number of small developments to achieve a new or extended facility. Policy HG4 is not prescriptive in this regard and allows for appropriate negotiation according to the local circumstances. I address this issue further in relation to objections to Section 7.

*Potential conflict of criterion (iv) with Government guidance in Planning Policy Guidance note 15*

- 6.65 Criterion (iv) requires that new housing development demonstrates the principle of ‘respect for vernacular building designs, styles, traditional forms of construction and materials.’ The meaning and objective of this phrasing is not entirely clear. It does not actually require all new housing development to be carried out in a vernacular style, construction or materials. Moreover there are many urban and suburban parts of the District where such development could appear in conflict with surroundings that do not exhibit these vernacular characteristics. Objection 95/3311 is particularly concerned with development in conservation areas where Government guidance in *PPG15 Planning and the Historic Environment* at paragraph 4.17 does not require that new buildings imitate earlier styles but advises respect for the ‘context’. In Rother that context may or may not include the rural vernacular. I consider that the wording of criterion (iv) needs to be amended to make clear that it is not seeking to impose a particular style but to require that the design of development respects its context.

*Housing mix and cross reference to Policy HG3*

- 6.66 Objection 316/3625 opposes policy control of the mix of housing and seeks the deletion of the cross reference to Policy HG3 in criterion (vi). I conclude above that Policy HG3 is an appropriate policy, subject to a minor modification. It would still apply to all housing development above the stated threshold even if criterion (vi) were deleted. In fact criterion (vi) is needlessly repetitive of Policy HG3 and would be better omitted for that reason.



## Recommendation

### 6.67 **I recommend that Policy HG4 is modified by**

- (a) **the omission of criterion (vi) and**
- (b) **the substitution of the following wording for criterion (iv):**  
**‘(iv) respect for the context of the development including, where appropriate, for local vernacular building designs, styles, traditional forms of construction and materials.’**

## Residential mobile homes (Paragraphs 6.23 to 6.24 and Policy HG5)

### Objections

20/1147	Mr. D. Pearce
20/1148	Mr. D. Pearce (ID Policy H16)
81/1369	East Sussex County Council T&E

### Issues

- a. New mobile homes in the countryside
- b. Replacement of mobile homes in the countryside

### Reasoning and Conclusions

#### *New mobile homes in the countryside*

- 6.68 In relation to the use of land for residential mobile homes, planning permission is only likely to be required for new sites, for the extension of existing mobile home sites, or where the number of mobile homes on an existing site is to be increased above a ceiling imposed by a planning condition on a previous planning permission. Amongst other things, Policy HG5 would permit residential mobile homes in the countryside where the proposal forms a ‘rationalisation of the site’ and where significant environmental benefits would result. However it is not clear in the wording what is meant by ‘rationalisation’ or what would qualify as ‘the site’.
- 6.69 Objection 81/1369 seeks to address this ambiguity by only permitting residential mobile homes in the countryside on ‘existing mobile home sites’. That would rule out the extension of existing sites or the creation of new sites. The Council’s response suggests that it envisages that residential mobile homes might be permitted on sites in the countryside not currently used for residential mobile homes if there is a significant environmental benefit. However it is not obvious how that would satisfy the ‘rationalisation’ requirement. Also, as paragraph 6.23 refers to the form and appearance of ‘residential caravan sites and [mobile] homes’ as being incompatible with the character of rural areas, the circumstances in which a significant environmental benefit might be achieved by a change from another use in the countryside are likely to be exceptionally rare. If the land or buildings in question comprises an unsightly brownfield site, there are likely to be other forms of development which would achieve greater environmental benefit than would residential mobile homes.

- 6.70 Policy EM10 of the Local Plan has a different set of criteria for sites for holiday caravans. These also usually oppose new development in the countryside but they include a reflection of Government advice in Annex B of *PPG21 Tourism* that additional accommodation might be acceptable if it would result in a significant improvement in the appearance of an existing [caravan] site. Whilst there is no similar advice for permanent residential mobile homes, the visual impact of such developments is not dissimilar and there would be merit and consistency in employing similar criteria.

*Replacement of mobile homes in the countryside*

- 6.71 Policy HG5 also includes the statement that: ‘The replacement of existing mobile homes by permanent dwellings will not be permitted.’ As worded this would apply both within and outside development boundaries. However the supporting text lacks an explanation of the objective of this restriction. The most likely reason would be to maintain the supply of a source of affordable housing. If so, this should be explained. One exception should be where the replacement permanent dwelling would itself satisfy the tests set out in Policy HG10 for dwellings in the countryside.
- 6.72 Objections 20/1147 and 20/1148 are part of a series of related objections which generally seek to modify the Local Plan to permit small scale residential development in the countryside (but not as mobile homes). In this context they seek to resist the development of mobile homes in favour of permanent dwellings and to permit their replacement with permanent dwellings (subject to scale limits) or their replacement with other mobile homes if there would be environmental enhancement. In relation to Policy HG10 below, I conclude that the presumption against new dwellings in the countryside should be retained (subject to the listed exceptions). In that context, there is no need to favour permanent dwellings over mobile homes and both would be subject to similar controls. The replacement of a mobile home with another mobile home is unlikely to require planning permission as it is the use of the land rather than the form of construction which is subject to planning control. To allow the general replacement of existing mobile homes with permanent dwellings would be likely to diminish the supply of affordable dwellings and should not be encouraged.

**Recommendation**

- 6.73 **I recommend** that paragraph 6.23 is modified by including the following wording (underlined):

**Many existing residential mobile homes provide a valuable source of affordable housing which should not be diminished by their replacement with permanent dwellings. However, in general, new residential caravan sites and mobile homes would not be in keeping with the environment of the District. Their form and appearance are incompatible with the character of rural areas, especially the countryside of the High Weald, and they constitute inappropriate, sporadic and unsustainable development. New development for this purpose will thus usually be unacceptable unless it would significantly improve the appearance of an existing mobile home site and would otherwise accord with Plan policies including Policy GD1. The Plan seeks to ensure that housing needs are met by the construction of permanent dwellings.**

- 6.74 **I recommend** that Policy HG5 is replaced by the following wording:

**‘Within development boundaries, proposals for residential mobile homes will be considered on their merits against the other policies set out in the Plan.**

**Outside development boundaries, additional residential mobile homes will not be permitted unless the development would accord with Policies HG6 or HG10 or would result in a significant improvement in the appearance of an existing mobile home site and otherwise meets the policies of the Plan.**

**The replacement of existing residential mobile homes by permanent dwellings will not be permitted unless the mobile home was provided outside a development boundary on a temporary trial basis under Policy HG10 (iii) and the proposed permanent replacement would satisfy the same policy criterion.’**

### **Sites for gypsies and travelling showpeople (Paragraphs 6.25 to 6.26 and Policy HG6)**

No representations

- 6.75 Whilst no representations have been submitted in relation to this policy or text, I would draw to the attention of the Council the Government’s recent *‘Planning for Mixed Communities - Consultation Paper* which proposes the replacement and expansion of existing *PPG3* advice on this subject. In particular it provides that local planning authorities should assess the accommodation needs of specific groups including the needs of Gypsies and Travellers for sufficient land for permanent residential, transit and temporary stopping places for caravans.

### **Retention of housing stock (Paragraphs 6.27 to 6.28 and Policy HG7)**

No representations

### **Extensions to dwellings (Paragraphs 6.29 to 6.31 and Policy HG8)**

#### **Objections**

41/3486	Friends of Brede Valley
271/3388	Town & Country Planning Solutions

#### **Issues**

- a. Volume limits for extensions
- b. Criteria for extensions to properties previously converted to residential use.

#### **Reasoning and Conclusions**

##### *Volume limits for extensions*

- 6.76 Extensions to dwellings may have a significant effect on the character and appearance of the dwelling and its surroundings. Policy HG8 appropriately highlights the need to

consider these effects. Nevertheless I do not consider that the addition of a 30% volume limit, as sought by Objection 41/3486, would be helpful. In my experience, a concentration on measurable dimensions can allow harmful, but less easily defined, visual impacts to be overlooked, whilst preventing some development which is not harmful.

*Criteria for extensions to properties previously converted to residential use*

- 6.77 When referring to extensions to properties previously converted to residential use, the Policy’s use of the term that they may ‘exceptionally’ be permitted confuses the meaning of the test which requires that it be demonstrated that the extension will not adversely affect the building’s character or appearance as a rural building. It is possible that this may only rarely be achieved. However including the word ‘exceptionally’ implies that there may be circumstances where the test is satisfied but that permission will still not be granted other than in exceptional circumstances which are not elaborated on. I therefore support Objection 271/3388 which seeks the deletion of the word.

**Recommendation**

- 6.78 **I recommend that Policy HG8 is modified by the deletion of the word ‘exceptionally’ from the final sentence.**

**Extensions to residential curtilages  
(Paragraphs 6.32 to 6.33 and Policy HG9)**

**Objections**

20/1154	Mr. D. Pearce (ID Policy H20)
20/1155	Mr. D. Pearce (ID Policy H20)
20/3243	Mr. D. Pearce
45/1217	Mr. S. Hardy
45/3258	Mr. S. Hardy

**Supporting Statements**

41/3487	Friends of Brede Valley
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**Comments**

41/3488	Friends of Brede Valley
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**Issues**

- a. Criteria for domestic curtilage extensions.

**Reasoning and Conclusions**

*Criteria for domestic curtilage extensions*

- 6.79 Objection 20/1154 seeks to enlarge upon a criterion of the equivalent Initial Deposit Local Plan policy that would permit a domestic curtilage extension that ‘does not create opportunities for new dwellings or buildings to be implemented’ by adding the words ‘without planning permission’. However the original criterion was deleted from the substantive Revised Deposit Local Plan. In practise the construction of an additional dwelling using an extended curtilage would invariably be subject to planning control and could be considered on its own merits. It is thus unnecessary to include reference to it here. However domestic curtilages enjoy extensive permitted development rights for the construction of outbuildings, garages, swimming pools and

other structures. The objector’s wording would thus arguably prevent most if not all curtilage extensions. This is unlikely to be the intention as this is one of series of related objections which oppose the combination of farms into large landholdings and which support the development of isolated rural dwellings with attached land.

- 6.80 I consider that criterion (i) of the policy, which includes consideration of the potentially harmful effects to character of domestic paraphernalia, adequately addresses this risk. Where planning permission is granted, there would be an opportunity to withdraw permitted development rights using planning conditions.
- 6.81 Objection 20/1155 would amend a criterion of the Initial Deposit Local Plan for domestic curtilage extensions such that they would not be required to enhance the appearance of the countryside but must not detract from it. However the enhancement criterion was deleted in the substantive Revised Deposit version and the same objector’s Objection 20/3243 seeks its reinstatement. The land to be used for curtilage extensions will typically be in agricultural use and the objective of the Policy is to conserve the character and appearance of the countryside. There is a risk that a positive requirement for enhancement would encourage misguided proposals to alter the appearance of the land by giving it a tidier and more domestic appearance, for example by replacing pasture with a mown lawn or a hedge with a wall or close boarded fence. That would risk suburbanising the landscape and would contradict the objective of the policy. In most cases a minimal change to appearance would be preferable. Thus the Policy should not include an enhancement criterion.
- 6.82 Objection 45/1217 seeks that the criteria for curtilage extensions set out in the Initial Deposit version of the local plan be cumulative. Objection 45/3258 seeks the deletion of criterion (ii) of the Revised Deposit policy on the grounds that it may allow oversized enlargements. In fact the amended criteria in the substantive Revised Deposit version of the Plan are cumulative and, as this requires proposals to comply with the criterion (i) requirement of being modest in area, this should already exclude oversized enlargements.

### Recommendation

- 6.83 **I recommend that no modification is made to Policy HG9:**

### Dwellings in the countryside (Paragraphs 6.34 to 6.38 and Policy HG10)

#### Objections

20/1153	Mr. D. Pearce (ID para 5.94)
20/1151	Mr. D. Pearce (ID Policy H19)
20/1152	Mr. D. Pearce (ID Policy H19)
20/3244	Mr. D. Pearce (Policy HG10 and paragraph 6.36)
41/3499	Friends of Brede Valley

#### Supporting Statements

24/1067	Cinque Ports Leisure Limited
201/2348	Mr. P. Jackson (see also Policy CF1)

#### Issues

- a. Widening of qualifying criteria for dwellings in the countryside

b. Relationship of Policy HG10 to Policy HG2

**Reasoning and Conclusions**

*Widening of qualifying criteria for dwellings in the countryside*

- 6.84 Objection 20/1152 seeks to permit isolated dwellings of traditional style in the countryside where they would not substantially affect the character of the immediate area. Objection 20/1151 seeks to permit dwellings in the countryside that are essential for running rural enterprises but are not directly related to them. Objection 20/1153 seeks the addition of text to support the development in the countryside of dwellings with attached buildings in large gardens. Objection 20/3244 seeks to add criteria Policy HG10 to permit any dwelling in the countryside that is in keeping with local building style and practice and maintains the area’s character and also to permit the replacement of existing non-residential buildings in the countryside by dwellings of comparable size.
- 6.85 Rother District, and especially the High Weald is notable for the number of isolated dwellings to be found in the countryside. Many of these are hundreds of years old and they are part of the established rural scene. They include attractive listed buildings which were typically developed in association with local activities including agriculture, forestry and iron-working. However the scale of such employment has declined and a large proportion of these traditional rural dwellings are now occupied by those who commute to urban areas or by the retired who are willing to pay high prices for the beauty and peace of the buildings and their surrounding.
- 6.86 Between the first and second world wars, here and elsewhere across the south east there was further building in the countryside unrelated to rural employment. This included uncontrolled ribbon development and the construction of seaside or woodland holiday homes. This was widely held to be damaging to the rural scene and was an important factor in the decision to introduce the Planning Acts and the associated strict controls on housing development in the countryside. In recent years, concern about the adverse environmental and congestion consequences of the growth in road traffic, and particularly cars, has led to national, regional and local policies to further restrain development in isolated rural locations which lack ready access to services, employment and facilities by means other than the car.
- 6.87 Policy HG10, as worded, does allow for some residential development in the countryside including: replacement dwellings; the conversion of some buildings to residential use; affordable housing; and essential dwellings for rural enterprises. However an objector seeks that the Plan should additionally permit isolated dwellings in groups of up to 3 with large gardens and constructed in traditional styles and materials. He also seeks that existing non-residential buildings might be replaced with dwellings of comparable size. Finally he seeks a de-coupling of the Policy’s provision for dwellings for rural enterprises from the requirement that the dwelling be directly related to an identified enterprise.
- 6.88 By substantially weakening the strict control of rural housing, the suggested modifications would contravene national policy in PPS7 and the Structure Plan. They would in my view lead to extensive and unsustainable development across the countryside that would harm and suburbanise the landscape. The suggested limit to the scale of each development is unlikely to be effective in this regard as it would not take account of the cumulative impact of multiple developments. The references to

traditional and local building styles are undefined and would be likely to give rise to considerable dispute. The suggested avoidance of development ‘clusters’ lacks definition and would to my mind be unworkable. The suggested limit of 3 dwellings in one location would give rise to disputes about the definition of a ‘location’. Without local employment in the countryside, and with the loss of non-residential buildings that might provide limited employment, the occupiers would necessarily have to travel long distances to access employment, increasing car use with its associated greenhouse gas emissions and congestion. Services would be costly and difficult to provide efficiently.

- 6.89 One of the objector’s suggested modifications would remove the requirement that dwellings to support rural enterprises are to be directly related to an identified enterprise. However that would make that need test impossible to apply. No dwelling could be said to be essential to an enterprise if the identity of the enterprise is unknown.

#### *Relationship of Policy HG10 to Policy HG2*

- 6.90 Objection 41/3499 seeks to delete criterion (iv) of Policy HG10 on the basis that it duplicates Policy HG2. Whilst there is some repetition and it is not strictly necessary to include this criterion, I consider that it helps understanding for those who may not otherwise be aware of Policy HG2 which is an exceptions policy for affordable housing outside development boundaries.
- 6.91 For the above reasons I conclude that there are no grounds for modifying Policy HG10 or its supporting text.

#### **Recommendation**

- 6.92 **I recommend that no modification is made to Policy HG10.**
- 6.93 **I recommend that paragraph 6.38 is updated to reflect the replacement of PPG7 by the Government’s *Planning Policy Statement 7 ‘Sustainable Development in Rural Areas.’***

#### **(Paragraph 6.39 and Policy HG11)**

#### **Objections**

68/1263	Mr. and Mrs. P. Rigby (Policy CNE2 - See also Policy EM13)
81/1362	East Sussex County Council T&E (Policy CBE22)
140/1952	BT plc (Policy CBE22)
140/1958	BT plc (Policy CBE22)
524/2295	DMH (Supporting text Policy CBE22)

#### **Issues**

Objections to the relevant Initial Deposit Policies and supporting text

#### **Reasoning and Conclusions**

- 6.94 All of the outstanding objections listed above were submitted at the Initial Deposit stage. Most refer to Policy CBE22 which however was replaced at the Revised Deposit stage by Policy HG11 insofar as the policy relates to the residential re-use of rural buildings. Several of the objections refer to Government guidance in *PPG7* which has itself recently been revised and replaced by *Planning Policy Statement 7*

*‘Sustainable Development in Rural Areas.’ (PPS7).* PPS7 supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Economic development purposes will usually be preferable but residential conversions may be more appropriate in some locations and for some types of building. The re-use of buildings close to country towns and villages is particularly supported. PPS7 also revised the suggested detailed policy criteria for building re-use.

- 6.95 Objection 68/1263 sought the removal from the equivalent policy (CNE2) of the Initial Deposit Local Plan of a test requiring that an agricultural building be demonstrated to be surplus to requirements. However that test has been removed and thus no modification is necessary.
- 6.96 Objections 140/1958 and 140/1952 oppose the requirement (now in criterion (i)) that the subject building ‘makes a valuable contribution to the rural scene’. Although this phrase no longer appears in Government guidance, it is here used as part of a series of criteria to favour economic uses over residential uses. That accords with the preference expressed for such uses in PPS7. Moreover PPS7 also refers to the desirability of preserving buildings which ‘contribute to local character’. That is a very similar phrase and I do not consider that a modification is necessary.
- 6.97 The Revised Deposit wording for the policy does partly address Objection 524/2295 in providing that an inappropriate location for business use might instead justify a residential conversion. However the objection also seeks that the supporting text should specify the requirements for demonstrating that every effort has been made to secure business use. In its response, the Council suggests that this might be a subject for supplementary planning guidance (SPG). I consider that greater certainty is needed in this matter including, for example, specifying that the property would need to be adequately advertised on the open market for a specified minimum time at a reasonable price or rent in order to allow potential business occupiers (including employment, tourist accommodation or recreational uses under Policy EM3) the opportunity to secure the property for their own use. As part of the emerging Local Development Framework process, SPG is to be replaced by Supplementary Planning Documents (SPD). I therefore consider that the supporting text should specify that a Supplementary Planning Document will be published for this purpose. The Local Plan text should also explain the reasons why employment, tourism uses or recreational uses will usually be preferred.
- 6.98 As worded the Policy offers two alternative scenarios for the residential re-use of ‘rural buildings’. Criteria (i) and (ii) together provide for the independent residential re-use of buildings which are unsuitable for employment or tourism use whilst criterion (iii) provides for the residential re-use of buildings where necessary as part of a mixed business use. Criterion (iv) which opposes the creation of extensions and harmful residential curtilages properly applies to both scenarios. Objection 81/1362 seeks to amend the policy criteria by the addition of the word ‘and’ between (iii) and (iv) to ensure that proposals have to meet all the criteria. However, that would result in ambiguous wording which would either mean that all residential re-use had to involve a mixed business use or that criterion (iv) would only apply to mixed use proposals. I am sure that is not the objector’s intention. However I consider that the policy as a whole would be clearer if criteria (i) and (ii) were to be joined together with the addition of the word ‘or’ and then followed by the criterion (iii) [renumbered



as new criterion (ii)] with the addition of the word ‘and’ as requested by the objector. Criterion (iv) should be reworded to make it clearer.

- 6.99 The rewording of the Policy should also correct an ambiguity in that whereas the sub-section heading refers to ‘Dwellings in the countryside’ and Policy HG10 refers to ‘new dwellings in the countryside’, Policy HG11 refers to ‘rural’ buildings which might be interpreted as buildings within rural settlements as well as those in open countryside. To resolve this and to accord with my recommendation for Policy EM3, I consider that the term ‘rural buildings’ should be replaced by ‘buildings in the countryside’.

### **Recommendation**

- 6.100 **I recommend** that Policy HG11 is modified by its deletion and the substitution of the following wording:

**‘Residential re-use and adaptation of buildings in the countryside will not be permitted unless:-**

**(i) the building makes a valuable contribution to the rural scene and residential re-use is the only means of retaining it including the demonstration by the applicant that every attempt has been made to secure suitable employment or tourism re-use unless such a use would be inappropriate in that location; or**

**(ii) residential re-use and adaptation is demonstrated to be an essential part of a scheme for business re-use which must be in a countryside location and the residential element of the scheme must be of an appropriate size and directly related to the enterprise; and**

**(iii) in either case it does not involve the creation of a residential curtilage harmful to the character of the building or the extension of the building or the addition of new buildings.**

**Any permission will be subject to conditions requiring strict adherence to the deposited proposals, landscaping, and the removal of permitted development rights for alterations, extensions and buildings within the curtilage.**

- 6.101 **I recommend** that the following wording is added to paragraph 6.39:

**‘There is a preference for employment, tourism or recreational re-use of buildings in the countryside over residential re-use. This is to benefit rural economic and community activity and because of the potential for residential conversions to harm the fabric and character of historic buildings. However exceptions may be justified including where employment or tourism re-use cannot be secured. Further guidance will be set out in a Supplementary Planning Document.’**

## Section 6 Omissions

### Objections

45/1216	Mr. S. Hardy
283/3422	Hon. T.G. & Lady Sackville

### Issues

- a. Policy for the provision of sheltered accommodation for the elderly
- b. Policy for the provision of close care housing for the frail elderly

### Reasoning and Conclusions

#### *Policy for the provision of sheltered accommodation for the elderly*

- 6.102 Objection 45/1216 to the Initial Deposit Local Plan sought a specific policy that requires the consideration of the provision of sheltered accommodation for elderly people. This was sought to apply to any form of residential development in a village and for larger residential developments in the towns. The Objector draws attention to the ageing population of Rother and claims an overwhelming desire by older people to stay within their community. The Council’s response was that the requirement for sheltered housing in a particular location would be informed by the result of the Housing Need Study.
- 6.103 Paragraph 6.12 of the Revised Deposit Local Plan refers to the identification of the need for different types of affordable housing including housing for the elderly but does not apply to the open market housing that is also sought by the elderly. Paragraph 6.15 recognises that the Study illustrated a local need for housing for people with special needs, especially people with disabilities and the frail elderly and refers to the forecast growth during the Local Plan period in the number of people over 85. The more detailed local housing assessments foreshadowed in the Government’s ‘*Planning for Mixed Communities*’ and ‘*Planning for Housing Provision*’ (July 2005) – Consultation Papers should provide fuller information on the extent of the need for accommodation for these groups in different areas of the District. However the Local Plan needs to be sufficiently flexible to accommodate these needs as and when they are identified.
- 6.104 Policy H6 of the Structure Plan is a material development plan policy which includes encouragement and support for sheltered housing (as well as for other special forms of housing). However the Revised Deposit Local Plan makes no specific provision for sheltered accommodation for the elderly or disabled. The Council instead relies on Policy HG3 which normally seeks at least 30% one and two bedroom dwellings in schemes above set thresholds. Whilst such dwellings may suit some elderly persons seeking a small manageable home, the Policy would not necessarily achieve the provision of any sheltered accommodation for the more frail elderly or the disabled.
- 6.105 A particular characteristic of sheltered accommodation is that a minimum threshold of unit numbers is usually needed if there is to be a full-time manager or other full-time staff assistance. This should be achievable on the larger residential allocations such as at North East Bexhill. The accommodation needs to be in the most accessible location close to shops, bus services and other relevant facilities. However the provision and location can be addressed in the proposed North Bexhill Master Plan SPD.

- 6.106 A more difficult situation is likely to arise in the villages and the smaller towns. Some settlements lack the supporting services needed by the elderly and are therefore likely to be unsuitable locations for sheltered housing schemes. In other larger settlements there may be only a single housing allocation site of a scale large enough area to accommodate a full sheltered housing scheme. Even here, any density restrictions could inhibit such developments. The usually specialist developers of sheltered schemes will be in competition for these sites with general housing developers. There was evidence before the Inquiry that the Policy VL5 allocated site at Northiam is currently controlled by a specialist developer of sheltered housing. I recommend above that the site is not placed on a reserve list partly because of its relatively small size and partly because it would help to meet housing needs in the AONB.
- 6.107 The only alternative means of sheltered provision for which the Revised Deposit Local Plan would normally allow is that of the redevelopment of windfall previously-developed sites within development boundaries. In practice this is likely to mean redundant business sites with no prospect of employment re-use, the redevelopment of lower density housing areas, or the redevelopment of some other non-residential premises, subject to various plan policies. The opportunities for such development are more likely to arise in the towns than in the villages and developers would still be in competition with other housing providers.
- 6.108 Thus, whilst the Plan does not actually prevent the development of sheltered housing schemes, there are a number of obstacles for developers to overcome. These make the actual supply and location of such developments hard to predict. That in turn creates a risk of under-provision of accommodation for which there appears to be a growing need.
- 6.109 I conclude that whilst an additional policy is not required, further text should be added to the Local Plan to refer to the preparation of a Local Housing Assessment to identify the needs of different groups and to encourage the development of sheltered housing on suitable sites. When available the Local Housing Assessment should inform the Plan Monitor Manage process and the preparation of the forthcoming Local Development Framework.
- 6.110 When addressing specific housing allocations I recommend that minimum densities be set without a set maximum. As well as encouraging the efficient use of housing sites, this is also intended to support the development on allocated sites of sheltered housing schemes. These are typically of a higher density than other forms of development but can be expected to generate lower levels of traffic movement than most other forms of dwelling.

*Policy for the provision of close care housing for the frail elderly*

- 6.111 Objection 283/3422 seeks a criteria-based policy that would exceptionally allow for the provision of close-care housing for the frail elderly outside development boundaries. This may be contrasted with the provision of sheltered housing in that, like a nursing home, it involves development within Use Class C2. The objector points out that, although a proportion of the frail elderly population would require subsidised or affordable accommodation, a significant element are now able to afford to purchase at ‘market’ rates but wish to live in an environment where individual

choice and personal control are as important as the knowledge that immediate physical and healthcare needs are met.

- 6.112 Existing developments in the country that provide this type of extra-care accommodation tend to take the form of a campus-style development linked to a central resource centre offering a range of support services. They have been developed as stand-alone institutional schemes, which in character straddle sheltered housing developments and nursing homes. The concept is market-driven and is a specialised form of private residential accommodation. Nevertheless, because of the additional costs involved with the provision of extra-care facilities, I can understand that organisations seeking to deliver private housing development of this nature find it difficult to compete for sites in the open market with traditional housing developers.
- 6.113 I agree that the Plan does not specifically address this type of development. Policies HG1 and HG2 do not strictly apply as they are concerned with the issue of affordable housing. Policy HG3 is addressing the issue of housing mix on new housing developments generally. I also acknowledge that national policy guidance on stand-alone exceptions policies is specifically directed at affordable housing and provides no explicit support to the application of such a policy approach in terms of privately-based close-care housing schemes. Nevertheless, the demographic profile of the District and the results of the Housing Needs Survey suggest that developments of this type for the frail elderly would make a contribution towards meeting an identified need.
- 6.114 However, in my view, an exceptions-type policy which would provide for developments of this type to be permitted outside defined development boundaries requires the most careful consideration. A likely consequence of a policy framed in this way would be that some of the proposals which would seek to comply would be located either in rural areas or on sites located some distance from the focus of services and public transport. There is a danger that a policy of this nature would be seen as providing encouragement for developments which would not be sustainable and would, therefore, run counter to a basic theme of the Plan. There is no evidence before me that demonstrates that such schemes inherently require a rural setting. I consider that such a policy would only be justified where the scale of this need and, more particularly, that element who would seek to have the need met in privately developed close-care schemes, has been conclusively demonstrated and where it is likely that, within the Plan period, a number of schemes would be coming forward for assessment. I am not convinced that these pre-requisites have yet been established. I see the more comprehensive Local Housing Assessment that I have referred to earlier and which I cover in my recommendation below as the starting point.

## **Recommendation**

### **6.115 I recommend that**

- (a) paragraph 6.15 is modified by the deletion of the second and third sentences and by its merger with paragraph 6.16;**
- (b) paragraph 6.17 is modified by the deletion of the first sentence and by its re-numbering as paragraph 6.16;**
- (c) a new paragraph 6.17 is added with the following wording:**

**‘The Housing Needs Survey illustrated a local need for housing for people with special needs, especially people with disabilities and the frail elderly. This can be expected to increase as the number of people over 85 years old is forecast to increase by 13% up to 2011. The quantification of the housing needs of these and other groups, including the need for market housing, and its distribution across the District, will be the subject of a more comprehensive Local Housing Assessment that will inform the Plan Monitor and Manage process for housing provision and the preparation of the forthcoming Local Development Framework. In the meantime the inclusion of smaller units in most housing developments in accordance with Policy HG3 would help to meet the need of the elderly as well as other small households. However the need for further provision of sheltered housing for people with special needs is likely to be identified by the Assessment. Whilst some provision can be expected on windfall sites, it will also be encouraged on allocated housing sites in the towns and villages where a need exists and the sites are suitable having regard to considerations of design, layout and accessibility to services and facilities.’**

## SECTION 7 – COMMUNITY FACILITIES

### Community Facilities

(Paragraphs 7.1 to 7.8 and Policies CF1 and CF2)

### Paragraphs 7.1 to 7.8 and Policy CF1

#### Objections

265/3343	Etchingham P. C. & E. Trust for Sport & Rec. (Paragraph 7.8)
167/3684	Sport England South East Region (Policy CF1)
181/2284	Etchingham Parish Council (Policy CF1)
225/3323	The Northridge Trust (Conditionally withdrawn - Policy CF1)
524/2299	DMH (Policy CF1)

#### Supporting Statements

64/1258	John Fleming (Policy CF1 see also Policy HG10 and Section 13)
80/1327	Johanna Jackson (Policy CF1 see also Policy HG10 and Section 13)
129/3428	Crowhurst Parish Council (Policy CF1)
201/2348	Mr. P. Jackson (Policy CF1 see also Policy HG10 and Section 13)
203/2350	Mr. and Mrs. J. Crane (Policy CF1 see also HG10 and Section 13)
225/3321	The Northridge Trust (Paragraph 7.7)
225/3322	The Northridge Trust (Paragraph 7.5)

#### Issues

- a. Use of the term ‘local’ need
- b. Criteria for development outside development boundaries

### Reasoning and Conclusions

#### *Use of the term ‘local’ need*

- 7.1 Objection 167/3684 seeks clarification or deletion of the word ‘local’ in Policy CF1 Criterion (i) which refers to the provision of community facilities outside development boundaries subject (amongst other criteria) to there being a demonstrable local need.
- 7.2 The Council’s response refers to local needs as being the needs of that community or communities. It also refers to paragraph 7.15 of the Plan. That provides in part that ‘Recreational and leisure facilities in rural areas should be related to local needs and the generally quiet enjoyment of the countryside.’ The Council has proposed a change to the latter wording as PC/07/03 (see below) which, however, I do not support.
- 7.3 As paragraphs 7.1 and 7.2 confirm, Policy CF1 applies potentially to a very wide range of facilities extending well beyond the sporting and recreational facilities with which the objector is primarily concerned. These will serve different populations according to the particular function. Thus I do not consider that it is possible to apply an all-embracing definition of local. Neither however should the word local be deleted. *PPS7 ‘Sustainable Development in Rural Areas’* has replaced Government guidance in *PPG7* to which the objector refers. Paragraphs

- 6 and 7 of *PPS7* now emphasise the need for services and facilities to be accessible by walking, cycling and public transport and therefore favour the provision of facilities within or adjacent to settlements.
- 7.4 In AONBs such as the High Weald AONB (which covers Battle and most of the rural areas of the District) paragraph 21 of *PPS7* seeks to conserve the natural beauty of the landscape whilst also supporting suitably located and designed development to facilitate the economic and social well-being of that area. The retention of the word ‘local’ helps to favour development to meet the needs of those living within the AONB or other rural area. It also allows for the provision of facilities close to the towns in accessible locations to meet the needs of those who live there. Where it is an issue, exactly how far the local area extends can be determined on a case by case basis having regard to the type of facility. For example *PPG17* includes the advice at paragraph 26 that sports and recreational facilities that are likely to attract significant numbers of participants or spectators should be located in or on the edge of towns but smaller scale facilities will be acceptable where they are located in or on the edge of villages to meet the need of the local community.

*Other criteria for development outside development boundaries*

- 7.5 Objections 167/3343 and 181/2284 seek to allow mixed developments outside development boundaries where necessary facilities would be funded by other development. These objections relate mainly to a particular mixed development proposal at Etchingham which is the subject of a change proposed by the Council to the Local Plan and which I address in Section 13. In that case the Council is proposing to amend the development boundary.
- 7.6 Insofar as other developments are concerned, I do not consider that a general exemption to allow for ‘enabling development’ in the countryside would be appropriate. That would have uncertain and potentially seriously harmful consequences both for the character and appearance of the countryside and for a sustainable pattern of development.
- 7.7 Objection 225/3323 seeks the deletion of Criterion (iii) of Policy CF1. The Council has proposed to instead substitute the following wording:-

**Pre-Inquiry Change – PC/07/01**

Amend criterion (iii) of Policy CF1 to read:

**‘(iii) the proposal is demonstrated to provide significant community benefits.**

*Reason: To more appropriately focus on planning matters.*

No Representations

- 7.8 This change would more suitably concentrate on the planning merits of the development.
- 7.9 Objection 524/2299 was submitted in respect of Policy PS1 of the Initial Deposit Local Plan and referred to a conflict with Policy PS3. However Policy PS3 has been deleted and Policy PS1 was replaced by the differently worded Policy CF1. No further modification is needed in respect of this objection.

## Recommendation

7.10 **I recommend that Policy CF1 is modified in accordance with PC/07/01.**

## Policy CF2

### Objections

81/3511	East Sussex County Council T&E (Policy CF2)
86/1492	The House Builders Federation (Policy CF2 – Conditionally withdrawn)
105/3456	Government Office of the SE (General objection and Policy CF2)

### Supporting Statements

111/1741	Rye Town Council (Policy CF2)
167/2144	Sport England South East Region (Policy CF2)
167/3685	Sport England South East Region (Policy CF2)
328/3640	Rock Channel Quay Management Co Ltd (Policy CF2)
344/3666	The Boathouse (Rye) Management Co. Ltd. (Policy CF2)
500/4024	Mr. and Mrs. R. Bromley (Policy CF2)

### Issues

- a. Vague and imprecise wording
- b. Loss of community facilities in association with school expansion
- c. Alternative criteria for loss of facilities

### Reasoning and Conclusions

#### *Vague and imprecise wording*

7.11 Objection 105/3456 criticises vague and imprecise wording in some policies including Policy CF2. I consider that the policy would be clearer and more precise if it stated that development resulting in the net loss of the stated facilities would not be permitted unless the stated criteria are met.

#### *Loss of community facilities in association with school expansion*

7.12 Objection 81/3511 refers to a particular situation where proposed additional educational accommodation on a school site (which may be required to meet identified local community needs) may entail the loss of playing fields, playgrounds or ‘amenity areas’ on that site. As currently worded, Policy CF2 would accord priority to the retention of these existing open areas unless it either is shown to be surplus to the requirements of the community as a whole or would be replaced by a significantly improved facility elsewhere.

7.13 To exempt school development from the policy, as requested, would reasonably allow for development on little used areas of school grounds of limited amenity value. However a total exemption would also risk the loss of school playing fields in areas with a general shortage of playing field facilities. This can be addressed by adding specific reference to playing fields and allowing that alternative forms of necessary community facility can be acceptable uses (that would allow for school development).



- 7.14 There is an ambiguity in the Policy’s reference to there being no ‘net loss’ of community facilities as it is not clear whether that means no net loss of the facility in question or that the loss could be accepted if replaced by an alternative facility that may serve a different community purpose. Having regard to the wording of the criteria, I interpret the intention as being to prevent a net loss of the facility in question. My recommended wording would address this point.
- 7.15 The objection also highlights a wider problem with the policy wording. Paragraphs 7.1 and 7.2 provide a broad definition of community facilities that includes shops, local services, education, primary health, leisure and recreational facilities. Policy CF2 as worded would literally apply to all such ‘community facilities’. There may be a justification for a policy that includes protection for all or most such services although other criteria such as economic viability may also be relevant. However the policy wording confusingly also refers specifically to a shorter list comprising only open space, sport and recreational facilities. This is similar to the facilities covered by *PPG17 ‘Sport and Recreation’* which advises the application of particular tests for the assessment of such facilities when their redevelopment is proposed.
- 7.16 I conclude that Policy CF2 should be modified to apply only to the recreational and open space facilities which it specifies and that the policy should be moved to the next subsection where it would follow paragraph 7.12. If it is desired to also protect the other community facilities referred to in the supporting text such as shops, public houses and filling stations, then that should be the subject of a separate policy with appropriate criteria including a test of the viability of continued provision.

*Alternative criteria for loss of facilities*

- 7.17 Objection 86/1492 was originally submitted in respect of Policy SR3 of the Initial Deposit Local Plan which specifically resisted the loss of recreational facilities. The objection seeks qualitative assessments of provision as well as the quantitative tests indicated in the original policy. *PPG17* encourages such qualitative assessments. The Council’s response to the objection accepted the thrust of the comments and the objection was conditionally withdrawn. However the only reference to qualitative assessments in Policy CF2 is the requirement that alternative replacement provision for lost facilities should result in a significant improvement in the level and quality of facilities and not merely result in the (at least) equivalent replacement which the objection proposes.
- 7.18 *PPG17* at paragraph 13 similarly advises that the new land and facility should be at least equivalent in terms of size, usefulness, attractiveness and quality whilst also advising that:- ‘Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities’. Whilst that is a laudable aim, I do not consider that it is reasonable to require a qualitative improvement as a minimum in every case. However the quantitative and qualitative assessments of provision may conclude that a modified form of provision would better meet local needs thereby resulting in an improvement.

Enhanced provision may also be necessary in respect of the additional demand for facilities to be generated by the development in question.

### **Recommendation**

7.19 **I recommend that Policy CF2 is moved to a position following paragraph 7.12 and is modified by the substitution of the following wording:-**

**‘Development which would result in the loss of a recreational facility, playing field, play space, amenity open space or allotments will not be permitted unless:-**

**(i) an assessment has been undertaken which has clearly shown the facility or area to be surplus to the requirements of the community which it serves; and**

**(ii) the facility or area is not needed for an alternative form of community facility provision which is in deficit locally and for which the site is suitable; or**

**(iii) alternative provision is made elsewhere in the locality that is at least equivalent in terms of size, usefulness, attractiveness and quality or which would result in a net improvement in the quality of the facilities.**

7.20 **I recommend that consideration is given to inserting a new policy after Policy CF1 (or in the forthcoming Local Development Framework) that would afford protection to the other forms of community facility referred to in paragraph 7.1 and which includes an economic viability criterion.**

### **Recreation standards and open space facilities (Paragraphs 7.9 to 7.15 and Policies CF3 and CF4)**

#### **Objections**

81/1393	East Sussex County Council T&E (Conditionally withdrawn - Paragraph 7.12)
81/1394	East Sussex County Council T&E (Conditionally withdrawn Paragraph 7.12)
81/1395	East Sussex County Council T&E (Conditionally withdrawn Paragraph 7.12)
105/3457	Government Office of the SE (General)
131/1903	Mr. C.H. Harmer (Paragraph 7.12)

#### **Supporting Statements**

167/2152	Sport England South East Region
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#### **Issues**

- a. Criteria for recreation facilities in the countryside
- b. Exceptions to meeting local need for facilities
- c. Provision for noisy sports

## Reasoning and Conclusions

### *Criteria for recreation facilities in the countryside*

- 7.21 The Council has proposed the following change to paragraph 7.9 which would suitably correct a factual inaccuracy.

**Pre-Inquiry Change – PC/07/02**

In the first sentence of paragraph 7.9, delete the words 'are presently' and replace with '**have been**'.

*Reason: To correct the tense of the sentence.*

- 7.22 Objections 81/1393, 81/1394, and 81/1395 related to policies in the Initial Deposit Local Plan that have been withdrawn and replaced by paragraph 7.12, to which these objections have been assigned. The objector has stated in a letter of 23 July 2004 that the objections are conditionally withdrawn subject to the text of paragraph 7.15 (not 7.12) being elevated to the status of a policy. However the Council has not proposed such a change and I have therefore taken the objections to be sustained.
- 7.23 The text at paragraph 7.15 is nevertheless part of the provisions of the development plan and would be a material consideration in the determination of any relevant planning application. Moreover it includes cross-references to other development plan policies. I thus do not consider it necessary to elevate the text to the status of a policy.
- 7.24 The Council has proposed a change to paragraph 7.15 which seeks to address Objection 167/3684 to Policy CF1 (see above) as follows:-

**Pre-Inquiry Change – PC/07/03**

Amend paragraph 7.15 by inserting the word '**normally**' between '**Recreational and leisure facilities in rural areas should .....**' and '**be related to local needs and the generally quiet enjoyment of the countryside**'.

*Reason: To allow for some recreational activities that serve more than a local area.*

- 7.25 I do not support this change as the use of the word 'normally' is generally to be avoided. It introduces uncertainty into the Plan as it does not indicate the circumstances in which exceptions may be made. The word is in any event unnecessary as it remains open to the determining authority to set the development plan policy aside in a particular case where this is justified by material considerations and subject to the publicity and other provisions for proposals that depart from the development plan.

### *Provision for noisy sports*

- 7.26 Objection 131/1903 was first submitted in relation to paragraph 8.69 of the Initial Deposit Local Plan. The objection seeks the identification in the Local Plan of suitable locations for the pursuit of noisy sports. However no particular sports or locations are identified in the objection. There is a wide variety of noisy sports including shooting, motorbike scrambling, stock car racing, jet skiing, and flying. These have very different site requirements with only very limited opportunities for site sharing. There may be no suitable sites in the District for one or more of

- these activities having regard to constraints such as the protection of the landscape and designated nature conservation sites and the protection of residential amenity.
- 7.27 There is no evidence before me to support the assertion that there is an unmet need for facilities. However Policy CF3 provides for a District-wide assessment to be undertaken of the need for provision for these and other sports. These could lead to proposals in a future statutory planning document. In the meantime it would be impractical to identify any sites and proposals for such development can be considered under the plan’s generic proposals including policies CF1, GD1 and DS1. Also material is Structure Plan Policy EN9, to which Local Plan paragraph 7.15 refers and which seeks to exclude noisy activities from remote and unspoiled landscapes. No modification of the Local Plan is recommended in this regard.

### Recommendation

- 7.28 **I recommend that paragraph 7.9 is modified in accordance with PC/07/02.**

## Policy CF3

### Objections

29/1085	Martin Grant Homes Limited (Policy CF3)
86/3068	The House Builders Federation (Policy CF3)
105/3457	Government Office of the SE (General)
167/3687	Sport England South East Region (Policy CF3)
224/3471	Pretious Project Committee (Policy CF3 – See Section 13 Northiam)

### Comments

167/2140	Sport England South East Region (Policy CF3)
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### Issues

- a. Commuted payments for off-site provision of facilities
- b. Need for policy and reasonableness of its requirements
- c. Objection to the minimum threshold for contributions to recreational facilities
- d. Contributions from commercial developments
- e. Policies for determining planning applications
- f. Shared community/sports hall at Northiam School

### Reasoning and Conclusions

#### *Commuted payments for off-site provision of facilities*

- 7.29 Objection 29/1085 was submitted in respect of an Initial Deposit Local Plan policy that has been replaced by Policy CF3. This seeks contributions to facilities but does not necessarily require them to be provided on site. It does not exclude commuted payments, however the current requirements for planning obligations mean that it will usually be necessary to ensure that the payment is put towards an

identified facility that will serve the needs of the occupiers of the subject development. This position may change if flat-rate contributions are brought in. In the meantime no associated modification is recommended to the Local Plan.

*Need for policy and reasonableness of its requirements*

- 7.30 Objection 86/3068 seeks the deletion of Policy CF3 pending a district-wide assessment of needs to replace the NPFA standard with development only being required to meet the need for facilities that it generates. However, the policy already requires a District-wide assessment of needs which the objection seeks. It also reasonably provides for interim arrangements pending such an assessment including regard to the long established and widely accepted NPFA standards. These will be necessary if the need generated by the development is to be assessed objectively. As worded the policy does not require contributions in excess of identified needs. However the final wording is meaningless when it refers to need being demonstrated in accordance with Policy CF3 and the wording after ‘demonstrated’ should therefore be deleted. No other modification is necessary in respect of this objection.

*Objection to the minimum threshold for contributions to recreational facilities*

- 7.31 Objection 167/3687 was originally a wide ranging objection to the wording of Policy CF1 but in further representations has been narrowed to only two matters. The first relates to the policy reference to the minimum threshold for seeking contributions from residential developments. The policy sets this at the same threshold level stipulated in Policy HG1 for the inclusion of affordable housing which is (in summary): 0.5ha or 15 or more dwellings in the towns of Bexhill, Battle and Rye; and 0.2ha or developments of 5 or more dwellings within the villages.
- 7.32 I address other objections to the Policy HG1 thresholds in section 6 where I do not recommend any amendment to the thresholds in respect of affordable housing provision. The main reason for different thresholds for the villages and towns for affordable housing provision is that much development in villages is on a smaller scale and the higher urban threshold would result in little or no provision of affordable housing in villages where the need for such housing is great. However I do not consider that the application of thresholds developed for that different purpose can necessarily be justified in respect of recreational provision.
- 7.33 I agree with the Objector’s point that residential developments below the threshold size could individually or collectively generate a need for additional recreational provision in parts of the District where facilities do not already exist or which lack spare capacity. The Council does not dispute this point. It instead resists the removal of the thresholds on the basis that the administrative cost of collecting contributions from small developments may be disproportionate to the benefits gained. That however does not account for the disparity between the towns and the villages. The administrative cost of collecting contributions from a 10-dwelling development in a village should be no different from those of a 10-dwelling scheme in a town and yet the policy would exempt the latter scheme.

- 7.34 The collection costs could be reduced by the application of a fixed levy per dwelling that reduces or avoids the need for individual negotiation. However the total sum to be raised in a smaller settlement from windfall development may be unpredictable and insufficient to fund significant local provision. Pooling such sums across the whole District may mean that facilities provided in one location are not accessible to all who contribute to them. Neither could flat rate contributions be justified from developments in areas with adequate facilities that already have spare capacity to accommodate new residents.
- 7.35 I am aware that some rural authorities group parishes together for the purposes of identifying what additional facilities are needed to serve all new development in those areas. They then use fixed levies to raise the necessary contributions. However that exercise has not been carried out here and would necessarily have to await the proposed District-wide needs assessment.
- 7.36 The Local Plan is expected to be replaced by a Local Development Framework well before the end of the Local Plan period. A more comprehensive assessment of recreational needs would by then be available to better inform an approach that would address the needs of all residents of new development and not only those occupying the larger schemes. The Government is also considering the issue of new guidance relating to fixed development contributions which is also likely to be available by then. In the meantime, to remedy the discrepancy between rural and urban development I consider that a single 5 dwelling threshold for contributions should be applied throughout the District. It would remain necessary to identify a need for the contribution in relation to each development.

*Contributions from commercial developments*

- 7.37 The second matter pursued in Objection 167/3687 seeks contributions to recreational facilities from commercial developments. I accept that there may be circumstances where the occupiers of a commercial development generate an additional demand for recreational facilities towards which contributions may be appropriate. That would be especially true of large commercial developments that draw workers from a large area. This Local Plan includes large mixed commercial and residential development allocations at N E Bexhill which already require extensive open space provision and contributions towards the proposed adjacent countryside park. However most other commercial development in the District is likely to be on a small scale and often will be only marginally viable. Also most employees will live locally and there will be opportunities for them to use existing facilities and those provided as part of new residential developments without generating significant additional demand that would warrant contributions. I thus do not consider that a policy modification is warranted in this respect.

*Policies for determining planning applications*

- 7.38 Objection 105/3457 objects to policies including Policy CF3 which it asserts do not state whether or not planning permission will be granted (that is, as a result of applying the policies).

- 7.39 Whilst that criticism may be levelled at some policies I consider that is clear from the wording of Policy CF3 that all residential developments above the relevant thresholds will be required to contribute to meeting the needs which they generate for recreation or play facilities and that it is unnecessary to spell out that planning permission will otherwise be refused.

*Shared community/sports hall at Northiam School*

- 7.40 Objection 224/3471 to Policy CF3 seeks that land at Northiam School is allocated in the Plan for a shared community/school sports hall. The intention of the objector was that a specific allocation would assist fund raising and taking the project forward. However, the Inquiry was told that, since the objection was lodged, the project had moved forward and funds had been identified. The site is already in community use as a school and it lies within the village’s development boundary. The Plan’s policies already allow for such developments and I conclude that there is no need for a specific allocation or any related modification to Policy CF3.

### Recommendation

- 7.41 **I recommend that Policy CF3 is modified by the deletion of the final sentence and the substitution of the following sentence:**

**‘Where a need is demonstrated planning obligations will be used to secure contributions to new or improved local recreation or play facilities, and access to them, from residential developments of 5 dwellings or more.’**

## Policy CF4

### Objections

86/1495	The House Builders Federation (Policy CF4)
86/3069	The House Builders Federation (Policy CF4)
140/1959	BT plc (Policy CF4)

### Supporting Statements

116/1793	English Nature (Policy CF4)
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### Issues

- a. Basis of thresholds for play area provision
- b. Compliance with Government guidance on contributions
- c. Compliance with Government guidance on standards and the efficient use of land

### Reasoning and Conclusions

*Basis of thresholds for play area provision*

- 7.42 Objection 86/1495 was submitted in relation to Policy ST9 of the Initial Deposit Local Plan which however was similar to Policy CF4. The objector claims that the play space requirement of 0.1ha for every 50 dwellings is excessive having

regard to what is said to be a recommended NPFA standard of 0.4ha per 1000 population. On the Objector’s estimates 50 dwellings would accommodate about 125 people. Therefore 1000 people would occupy 400 dwellings for which the policy would require 0.8ha of playspace.

- 7.43 However the NPFA standard as set out in Appendix 4 of the Local Plan recommends the provision of 0.6-0.8ha per 1000 population. Thus a requirement for 0.1h playspace per 50 dwellings is within the range recommended by the NPFA and therefore reasonable.

*Compliance with Government guidance on contributions*

- 7.44 Objection 86/3069 claims that it is unreasonable to require amenity provision on developments of less than 50 dwellings in circumstances where there is already a local shortfall. The objection refers to Circular 1/97 which has recently been replaced by *Circular 05/2005 ‘Planning Obligations’*. Nevertheless the position remains that contributions should be fairly and reasonably related in scale and kind to the proposed development and that planning obligations should not be used solely to resolve existing deficiencies in infrastructure provision. However, as worded, Policy CF4 does not impose such a requirement. It addresses the situation where a new development of less than 50 dwellings would not otherwise have access to adequate amenity space because of a local lack of provision.

*Compliance with Government guidance on standards and the efficient use of land*

- 7.45 Objection 140/1959 was also originally submitted in respect of the similar Policy ST9 of the Initial Deposit Local Plan. It seeks more flexibility in the provision of play areas on urban sites on the basis that this would allow more efficient use of land as sought by Government guidance in *PPG3*. However I can find no support in *PPG3* for a reduction in the standards of provision of play space. *PPG17* confirms a continuing objective to provide adequately for recreational needs. The higher housing densities encouraged by *PPG3* arguably increase the need for communal amenity space to offset what may be reduced private outdoor amenity space. The policy does suitably relate provision to the size of site according to the number of dwellings it contains.

**Recommendation**

- 7.46 **I recommend no modification to Policy CF4.**

**Equestrian development  
(Paragraphs 7.16 to 7.18 and Policy CF5)**

**Objections**

41/3479  
166/2125

Friends of Brede Valley (Paragraph 7.18)  
Mr. M. Worssam (Policy CF5)



## Supporting Statements

167/2151 Sport England South East Region (Policy CF5)

## Comments

186/2317 Highways Agency (Paragraph 7.17)

## Issues

- a. Compliance with national policy on dwellings in the countryside
- b. Reference to shared cycle use of bridleways and to bridleway maintenance obligations

## Reasoning and Conclusions

### *Compliance with national policy on dwellings in the countryside*

7.47 Objection 41/3479 seeks the deletion of any provision for dwellings in the countryside associated with equestrian enterprises. Paragraph 7.18 refers to Policy HG10 which, amongst other criteria, would require such a dwelling to be demonstrated to be essential for the running of an enterprise which must be in a countryside location and is of an appropriate size and directly related to the enterprise. The Objector refers to Government guidance in *PPG7*. However that has since been replaced by *PPS7* which at paragraph 15 allows for such occupational dwellings in the countryside subject to tests similar to those for agricultural dwellings. I consider the Local Plan generally accords with this approach and does not require modification.

### *References to shared cycle use of bridleways and to bridleway maintenance obligations*

- 7.48 Objections 166/2125 refers to similar wording in Policy SR12(v) of the Initial Deposit Local Plan to that at Policy CF5(v). This refers to the use and maintenance of bridleways in association with new development at equestrian establishments to include provision for joint use by walkers. On the one hand the objection seeks a reference to ensuring that bridleways can also be used by cyclists. On the other hand the objection asserts that it is unreasonable to impose maintenance obligations on an equestrian establishment in respect of the use of bridleways that are in other ownership.
- 7.49 However Policy CF5(v) does not refer to maintenance but to necessary improvements to accommodate increased use resulting from the establishment of expansion of the equestrian enterprise. It does not make any individual responsible for maintenance during the life of the enterprise - as the Objector claims. I consider it reasonable to seek contributions to such improvements where they are made necessary by the proposed development.
- 7.50 Bridleways are available for the use of horse-riders, cyclists and walkers and the policy should not discriminate between them. However the condition of bridleways varies and some may be more difficult for one or other group to use. Whilst it would be reasonable for a horse-riding establishment to contribute to works that would address anticipated deterioration as a result of its intensified use, I do not consider that it would necessarily be reasonable to require funding for works to improve the bridleway to a higher standard than in the past in order

to facilitate access by another group of users. I therefore recommend a rewording of criterion (v) which includes the removal of unnecessary phrasing that refers to roads and to the refusal of planning permission. The latter point is already covered in the wording of the policy which makes all the criteria a condition of approval. The roads reference is already covered by criterion (iv).

### Recommendation

7.51 **I recommend** that Policy CF5 is modified by the deletion of criterion (v) and the substitution of the following wording:

**‘where the enterprise will involve riders making additional use of bridleways in the area, they must be adequate in extent to accommodate that use without prejudicing their continued use by other users including walkers and cyclists. Where they are not, a planning obligation will be sought with the applicant and the County Highway Authority to secure necessary improvements to the routes.’**

## Renewable Energy (Paragraphs 7.19 to 7.24 and Policy CF6)

### Objections

20/3239	Mr. D. Pearce (Policy CF6)
41/3480	Friends of Brede Valley (Policy CF6)
105/3456	Government Office of the SE (General objection)
215/3451	Mike Slavin (Policy CF6)

### Supporting Statements

165/3020	Environment Agency (Paragraphs 7.19-7.24)
176/2180	Department of Trade & Industry (Paragraph 7.21)
176/2185	Department of Trade & Industry (Policy CF6)

### Comments

105/3461	Government Office for the South East
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### Issues

- a. Vague and imprecise wording
- b. Wind turbine trials
- c. Sustainable energy projects
- d. Landscape impact of windfarms

### Reasoning and Conclusions

#### *Vague and imprecise wording*

7.52 Objection 105/3456 criticises the wording of this and some other policies as vague and imprecise. By stating that renewable energy schemes ‘will be encouraged wherever appropriate’ the policy wording provides little clue as to the circumstances in which such schemes might not be appropriate. This creates

- considerable uncertainty as to what schemes (if any) will be permitted. The only clue in the supporting text is that schemes would ‘need to be compatible with the [AONB] designation’.
- 7.53 *PPS22 ‘Renewable Energy’* was published in 2004 to replace *PPG22* which is referred to in paragraph 7.21. *PPS22* seeks the inclusion of criteria-based policies for renewable energy in regional spatial strategies with other criteria based policies to reflect local circumstances to be set out in local development documents, concentrating on the key criteria with any more detailed issues being more appropriate to supplementary planning documents. *PPS22* goes on to advise on the types of consideration which might be relevant.

#### *Wind turbine trials*

- 7.54 Objection 20/3239 seeks the favourable consideration, where appropriate, of applications for such proposals as wind turbine trials. However, similar considerations apply here as to other forms of renewable development (see above) and I do not consider that a specific policy is warranted.

#### *Sustainable energy projects*

- 7.55 Objection 215/3451 appears to seek the review and identification in the Plan of sustainable energy projects. However no projects are suggested in the objection. Moreover the Local Plan is only concerned with the land-use implications of such proposals. It is not an appropriate mechanism to research and identify resource priorities, as the objection suggests. No modification is recommended in this regard

#### *Landscape impact of windfarms*

- 7.56 Policy CF6 encourages the harnessing of renewable energy sources and the development of renewable energy schemes ‘wherever appropriate’. Objection 41/3480 seeks to add the rider that, because of their landscape impact, windfarms are most unlikely to be acceptable within the District and particularly within the AONB or around Rye and Romney Marsh.
- 7.57 Without qualification, the term ‘wherever appropriate’ adds little to the understanding of the policy position. Some qualification is provided by paragraph 7.24 which appears to encourage wind turbine proposals along a ridge with favourable wind conditions whilst noting a necessity for them to be compatible with the AONB designation. I do not consider that the Plan should prejudge the acceptability or otherwise of wind turbine proposals in terms of their landscape impact or seek to define parts of the District from which they should be excluded. The Local Plan is to be read as a whole.

#### *Conclusion*

- 7.58 In the circumstances I consider that Policy CF6, as written serves no useful purpose and would be better deleted. Whilst it would be beneficial to include a detailed criteria-based policy in the forthcoming local development documents, the preparation of such a policy would require proper consultation and it is too late in the Local Plan process to initiate such a process. In the meantime I

recommend that paragraph 7.21 is updated to refer to PPS22 rather than the superseded PPG22.

### **Recommendation**

#### **7.59 I recommend that**

**(a) Policy CF6 is deleted; and that**

**(b) paragraph 7.21 is updated to refer to PPS22 rather than the superseded PPG22.**

### **Public Art**

**(Paragraphs 7.25 to 7.27 and Policy CF7)**

### **Objections**

45/3260  
105/1719

Mr. S. Hardy  
Government Office for the South East

### **Issues**

- a. Definition of appropriate public art provision
- b. Mandatory provision for public art

### **Reasoning and Conclusions**

#### *Definition of appropriate public art provision*

7.60 Objection 105/1719 was first submitted in respect of the Initial Deposit Local Plan and seeks that public art provision be limited to sculptures, statues and other structures covered by the planning regime whilst excluding matters outside the realm of land use planning. However the Revised Deposit wording at paragraph 7.26 arguably moves further away from land use matters and could be interpreted as supporting the subsidy of temporary exhibitions and displays of performance art.

7.61 I consider that the incorporation of art into developments can enhance the character and appearance of an area and a requirement to include art in developments can be justified but only where it relates to the use of land and is of permanent benefit. I therefore recommend revised wording for paragraph 7.26.

#### *Mandatory provision for public art*

7.62 Objection 45/3260 seeks mandatory provision of public art if the necessary criteria are met. In this case the only policy criteria relate to the scale of development. Whilst I understand the objector’s aim to increase the provision of art, I consider that a mandatory requirement could prove counter-productive if it resulted in bad art being offered by reluctant developers to comply with the letter of the policy rather than its spirit.

## Recommendation

7.63 **I recommend** that paragraph 7.26 be modified by the deletion of the substantive wording and the substitution of the following wording:

**‘Public art should be permanent and may include sculpture, street furniture, murals, stained glass or the involvement of professional artists and crafts people in the design of public spaces.’**

## Section 7 Omissions

### Objections

20/1112	Mr. D. Pearce
45/1221	Mr. S. Hardy
135/1918	Bexhill College
167/2142	Sport England South East Region
167/2143	Sport England South East Region
167/2148	Sport England South East Region
167/2149	Sport England South East Region
167/2150	Sport England South East Region
167/3689	Sport England South East Region
263/3341	Mobile Operators Association

### Comments

290/3465	DEFRA (see Section 9, paragraph 9.35)
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### Issues

- a. Public access to the countryside
- b. Policy for telecommunications development
- c. Policies for sports facilities.
- d. Bexhill College

## Reasoning and Conclusions

### *Public access to the countryside*

7.64 Objection 20/1112 seeks recognition in the Plan of a need to facilitate public access to the countryside. The Plan already includes specific proposals to enhance access to the countryside, notably in the Policy BX4 allocation of a major countryside park development. The objection does not include additional specific proposals and the aim is too vague to merit inclusion in the Local Plan.

### *Policy for telecommunications development*

7.65 Objections 263/3341 and 45/1221 both seek the addition of a policy for telecommunications development and propose (very different) detailed wording. The Council resists these proposals on the basis that there is sufficient Government guidance in *PPG8 ‘Telecommunications’* and that a Local Plan policy is thus unnecessary. In fact *PPG8* includes the advice at paragraphs 39-41 that local plans should set out policies and proposals for telecommunications development and has further advice on the matters that they should cover.

Nevertheless the detailed approach recommended there would be at odds with the concise format of this Local Plan which presages the move the Local Development Documents. Even so the content would necessarily remain less comprehensive than that in *PPG8*. Moreover this is a contentious subject and the addition of a policy at this late stage in the Local Plan process would be likely to incite strong arguments that would delay the adoption of the Plan. Some of the policy wording suggested in the objections already contradicts *PPG8*. In the circumstances I consider that no policy should be included.

#### *Policies for sports facilities*

- 7.66 Representations 167/2142-2143 and 167/2148-2150 originally related to the Initial Deposit Local Plan which contained more detailed policies and provisions relating to new sports development and the shared use of sports facilities. Those provisions have since been deleted and replaced by the much more general Policies CF1, CF2, CF3 and CF4 and by general criteria applicable to all development in Policies DS1 and GD1. This is part of a process of streamlining policy in the move towards a new system of Local Development Documents. The objections are now treated as objections seeking the reinstatement of more detailed policies. Objection 167/3689 relates to a specific reference in paragraph 7.15 to Structure Plan Policy EN9 which addresses the issues of noisy sports and of extensive land uses such as golf courses.
- 7.67 I support the move to a less complex and more succinct expression of policy and I consider that the revised policies provide an adequate framework for planning decisions.
- 7.68 In particular I do not consider that Structure Plan Policy EN9 is unduly negative. It does not exclude the development of golf courses or noisy sports but it reasonably seeks to direct these away from remote or unspoiled landscapes to areas of damaged or disturbed landscapes and the urban fringes. That would accord with other policy objectives to protect valued landscapes and to locate facilities where they are most accessible to users.

#### *Bexhill College*

- 7.69 Objection 135/1918 to the Initial Deposit Local Plan sought a reference to Bexhill College and support for its relocation. However this appears to be out of date as the College has moved to new premises since the objection was submitted. No purpose would now be served by a reference in the Local Plan.

#### **Recommendation**

- 7.70 **I recommend no modifications in respect of these representations.**

## SECTION 8 – TRANSPORT DEVELOPMENTS

### Section 8

#### Comments

290/1559	DEFRA
290/1560	DEFRA
290/1561	DEFRA
290/1562	DEFRA
290/1563	DEFRA
290/1564	DEFRA

### Introduction

#### (Paragraphs 8.1 to 8.3)

#### Objections

41/3497	Friends of Brede Valley (Paragraph 8.3)
178/9008	Rye Conservation Society (Paragraph 8.3 - PC/08/01)

#### Issues

- a. References to the emerging Regional Transport Strategy
- b. Reference to lobbying for rail improvements

### Reasoning and Conclusions

#### *Reference to the Regional Transport Strategy*

8.1 Objections 41/3497 concerns the reference in paragraph 8.3 to Hastings as a regional transport ‘hub’. The *Regional Transport Strategy* was published by the Government Office for the South East in July 2004 as a replacement for Chapter 9 of *Regional Planning Guidance for the South East (RPG9)* [Core Document 3.1]. The final document deleted Hastings as a hub whilst retaining three ‘Regional Spokes’ within Rother District. These correspond roughly to the corridors of: the A21; the A259 east of Hastings; the A259 west of Hastings; and the railways that run parallel to those 3 roads.

8.2 The Council has proposed a change to reflect this position as follows:-

#### **Pre-Inquiry Change – PC/08/01**

Amend paragraph 8.3 to read:

**‘The emerging Transport Strategy identifies the A21 as a Regional Spoke between Hastings and the Transport Interchange near Tonbridge and the A27/A259 as Regional Spokes between Brighton (a Regional Hub) and Hastings and between Ashford (a Regional Hub) and Hastings’.**

*Reason: To represent the most recent Regional Transport Strategy*

8.3 Objection 178/9008 wrongly claims that the Strategy and the Regional Spokes have not been approved. I support the Council’s proposed change except that it would now be more appropriate to refer to the ‘Regional Transport Strategy’ rather than to the ‘emerging Transport Strategy’ and to include reference to the rail routes that follow the same corridors.

8.4 At the time of the inquiry, the Highways Agency was investigating safety improvements to the A259 between Pevensey and Brenzett, as referred to in Table 4

of the Strategy. This is appropriately referred to in the proposed modification of paragraph 8.9 (see below).

## Recommendation

### 8.5 **I recommend that Paragraph 8.3 is modified to read:**

**‘The Regional Transport Strategy identifies as ‘Regional Spokes’ the road and rail corridors between Hastings and Tonbridge, Hastings and Ashford, and Hastings and Brighton. Within Rother District these correspond approximately to the routes of the A21, the A259 east of Hastings and the A259 west of Hastings’.**

## Transport infrastructure (Paragraphs 8.4 to 8.14 and Policy TR1)

### Objections

4/1006	Mr. R.M. Batcheller (General)
41/3493	Friends of Brede Valley (Paragraph 8.9)
41/3496	Friends of Brede Valley (Paragraph 8.12-8.14)
81/3512	East Sussex County Council T&E (Paragraphs 8.1-8.15)
139/3007	Land Securities plc (Paragraph 8.10)
246/3166	Strategic Rail Authority (Paragraph 8.10)
246/3167	Strategic Rail Authority (Paragraph 8.11)
23/3320	The Woodland Trust (Policy TR1)
41/3498	Friends of Brede Valley (Policy TR1)
109/1725	A27 Action Group (Policy TR1)
109/1726	A27 Action Group . (Policy TR1)

### Comments

20/3245	Mr. D. Pearce
41/3494	Friends of Brede Valley
41/3495	Friends of Brede Valley

### Issues

- a. Proposed changes to paragraph 8.6
- b. Reference in paragraph 8.9 to A259 Pevensey-Brenzett
- c. Reference to improvements to A21 in paragraphs 8.12-8.14
- d. Reference in paragraph 8.10 to parking for a Glyne Gap railway station
- e. References to opening and improvement of local railway services and to the SRA Regional Planning Assessment process
- f. Safeguarding route for Hastings-Bexhill link road
- g. Hastings-Bexhill by-passes
- h. Need for highway improvements before further development
- i. Bexhill Northern Approach Road



## Reasoning and Conclusions

### *Proposed changes to paragraph 8.6*

- 8.6 The following proposed change to paragraph 8.6 would suitably correct a factual error:

**Pre-Inquiry Change – PC/08/02**

Amend 'June' in paragraph 8.6 to '**July**'

*Reason: To correct a date error.*

### *Reference to lobbying for rail improvements*

- 8.7 Objection 81/3512 seeks a reference in the text to reflect the joint efforts of East Sussex County Council, Rother District Council, Hastings Borough Council and South East England Development Agency in lobbying for improvements to rail services and capacity along the South Coast between Rother District and Ashford. However I agree with the District Council that the Local Plan is not a lobbying document and that such a reference is inappropriate. Nevertheless the Council has proposed the following textual amendment which is both relevant and appropriate:-

**Pre-Inquiry Change – PC/08/03**

Amend the penultimate sentence of paragraph 8.6 to read:

**'Rail investment in particular, such as better links to Ashford, is heavily constrained for funding reasons \*although the introduction of new rolling stock and some service improvements are being progressed by the local rail franchises\*'**.

*Reason: To recognise improvements that are in hand.*

### *Reference in paragraph 8.9 to A259 Pevensey-Brenzett*

- 8.8 Objection 41/3493 draws attention to the fact that the Department of Transport is only pursuing safety improvements to the A259 between Pevensey and Brenzett. The Council has accordingly proposed the following change to paragraph 8.9 which accurately reflects the position:-

**Pre-Inquiry Change – PC/08/04**

Amend paragraph 8.9 to read '**The Government also accepted a recommendation for safety improvements to the A259 between Pevensey and Brenzett. It is likely....**'

*Reason: To accurately represent the Department of Transport decision.*

### *References in paragraph 8.10 to railway stations at Glyne Gap and Wilting Farm, St Leonards*

- 8.9 Objections 139/3007 and 246/3166 seek the qualification of references to the development of future railway stations and associated parking provision.
- 8.10 In response, the Council has proposed two briefer changes to the wording as follows:

**Pre-Inquiry Change – PC/08/05**

Add into paragraph 8.10 after ...St Leonards. The sentence '**These possibilities need to be investigated further**'.

*Reason: For clarification of the current position.*

**Pre-Inquiry Change – PC/08/06**

Amend the last sentence of paragraph 8.10 to read '**it is anticipated that a new station at Glyne Gap would be accommodated within existing railway land with car parking on the adjoining development**'.

*Reason: To better explain the position*

- 8.11 I consider that these modifications would adequately qualify the general support for these proposals and that the additional detail sought by the Objectors is unnecessary.

*References to opening and improvement of local railway services and to the SRA Regional Planning Assessment process*

- 8.12 Objection 246/3167 seeks the inclusion in paragraph 8.11 of a reference to the former Strategic Rail Authority (SRA) Regional Planning Assessment process and to its investigation of service enhancements via its Integrated Kent Franchise. However the latter point is adequately covered by the proposed change to paragraph 8.6. The other matters are more appropriately considerations for the Local Transport Plan prepared by the County Council. The role of the former SRA in these matters has now been assumed by the Government’s Department for Transport.

*Reference to improvements to A21 in paragraphs 8.12-8.14*

- 8.13 Objection 41/3496 seeks the amendment of references to improvements to the A21 and that the Local Plan should not rely upon such improvements coming forward during the local plan period due to claimed difficulties in improving that road.
- 8.14 In fact the A21 Lamberhurst by-pass opened recently and the A21 Tonbridge-Pembury and A21 Kippings Cross to Lamberhurst have already been added to the Highways Agency’s Targeted Programme of Improvements. The Highways Agency also published a preferred route for further improvements between Flimwell and Robertsbridge in February 2005. Decisions on the actual funding and timing of these measures would depend in part upon regional priorities and it is possible that one or more sections of the improved road will not be open before the end of the Local Plan period. However it is likely that construction will by then have commenced on one or more sections and it is appropriate to retain the Local Plan references. No Local Plan allocations are directly dependent on the completion of the schemes.

*Safeguarding route for Bexhill-Hastings link road*

- 8.15 Objections 23/3320 and 41/3498 oppose the safeguarding by Policy TR1 of an area of search for the Bexhill-Hastings Link Road. The latter objection instead proposes a wider policy about transport in the Bexhill-Hastings area. However the road proposal follows the South Coast Multi-Modal study which has already examined the broader picture. The Link Road is not a local plan proposal but is being pursued by the County Highway Authority as part of the Local Transport Plan.
- 8.16 Some Local Plan development allocations would depend upon the construction of the road and it is proper for the Local Plan to safeguard its route from other development. The final route would only occupy part of the area of search. The environmental consequences are being examined as the scheme is taken forward through the necessary processes.
- 8.17 I therefore support the retention of Policy TR1.

*Hastings-Bexhill by-passes*

- 8.18 Objection 109/1725 opposed references in the Initial Deposit Local Plan to the then proposed Hasting Western and Eastern bypasses. However those proposals have since been abandoned by the Government and are not included in the substantive Revised Deposit Local Plan. No further modification is thus necessary.

*Need for highway improvements before further development*

- 8.19 Objection 4/1006 was made to the Initial Deposit Local Plan at a time when the Government was proposing the substantial reconstruction and re-routing of the A27/A259 as part of a comprehensively upgraded coastal trunk road. Those proposals have since been abandoned or scaled back because of a shift in national transport policy towards reducing travel needs and favouring alternative modes of transport and because of the environmental impact of the road works. Those matters are outside the control of the District Council and depend on decisions taken at the national and regional level. The local plan takes into account the more modest road proposals which include improvements to the A21 trunk road and the proposed construction by the local highway authority of the Bexhill-Hastings Link Road. There would be no justification in delaying development pending the completion of other road schemes that are unlikely to be implemented. In the interim the lack of necessary development would result in economic and social harm to the District.

*Bexhill Northern Approach Road*

- 8.20 Objection 109/1726 opposed references in the Initial Deposit Local Plan to the then proposed Bexhill Northern Approach Road. That scheme has been subsumed into the Bexhill-Hastings Link Road and the area of search is safeguarded by Policy TR1. I support that designation for the same reasons referred to above.

**Recommendation****8.21 I recommend that**

- (a) paragraph 8.6 is modified in accordance with PC/08/02 and PC/08/03;
- (b) paragraph 8.9 is modified in accordance with PC/08/04; and
- (c) paragraph 8.10 is modified in accordance with PC/08/05 and PC/08/06.

## **Promoting sustainable transport (Paragraphs 8.16 to 8.20 and Policy TR2)**

**Objections**

16/1048	Network Rail (Section 8 Policy Omission)
16/3053	Network Rail (Policy TR2)
81/1412	East Sussex County Council T&E (Section 8 Policy Omission)
81/3513	East Sussex County Council T&E (Paragraph 8.18)
105/3456	Government Office of the SE (General & Policy TR2)
105/3457	Government Office of the SE (General & Policy TR2)
124/3176	CPRE Sussex Branch (Policy TR2 - See Section 8 Omissions)
178/9009	Rye Conservation Society (PC/08/07)
186/3752	Highways Agency (Omission from Policy GD2)
186/9018	Highways Agency (PC/08/06 & PC/08/07)
246/3169	Strategic Rail Authority (Policy TR2)

**Supporting Statements**

167/2145	Sport England South East Region (Policy TR2)
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## Issues

- a. Wording of proposed change to paragraphs 8.17-8.20 and the requested reference to the County Council’s Supplementary Planning Guidance
- b. Wording of proposed change to Policy TR2
- c. Improvements to railway and developer contributions to station enhancements
- d. Freight movements by rail or water
- e. Reference to County Council Strategy on freight
- f. Clarifying the scope of developer contributions required by the proposed change to Policy TR2

## Reasoning and Conclusions

*Wording of proposed change to paragraphs 8.17 -8.20 and the requested reference to the County Council’s Supplementary Planning Guidance*

- 8.22 Objection 81/3513 seeks reference in paragraph 8.18 to the County Council’s supplementary planning guidance (SPG) on infrastructure provision and especially to provision for on- and off-site transport measures to meet sustainable access requirements. I recognise that the Guidance was subject to a consultation process and that some District Councils are apparently applying it prior to its formal adoption at district level. Nevertheless, in Section 5 I have already set out my conclusions on the principle of incorporating references to the County Council’s SPG in the Plan. For a number of reasons I do not consider that such references would be appropriate. In reaching that view, I have not been swayed either way by the District Council’s detailed concerns on certain aspects of the Guidance, with particular reference to Local Sustainable Accessibility Improvement Contributions (LSAICs). I am satisfied that the references in both the text and Policy TR2, as proposed to be changed, together with the recommendations set out below, would suffice.
- 8.23 The District Council has proposed the following change which does not refer to the County Council’s SPG but which outlines similar sustainable travel requirements.

### **Pre-Inquiry Change – PC/08/07**

*Delete the sub-section 'Promoting sustainable transport and replace with the following:-*

#### **Promoting sustainable transport**

**8.16 The motor vehicle will continue to be the principal means of transport in Rother for both freight and passengers, particularly in the rural areas, for the foreseeable future. But careful planning can help to reduce the need to travel, reduce the length of journeys and make it safer and easier for people to access jobs, shopping, leisure facilities and services by public services, walking and cycling. If a shift from the motor vehicle to other modes of transport is to be achieved people must be encouraged and enabled to make sustainable transport choices. This means that opportunities for using modes of transport other than the car need to be improved and made safer as part of a balanced transport system.**

**8.17 To achieve this, planning policies can require (either by condition or a legal agreement) the developer to provide, pay for or contribute to sustainable transport measures which are reasonably required to serve the proposed development. These may be on-site or off-site and cover a wide range of infrastructure, facilities and services. For example, planning policies can support adequate provision for buses, bicycles and cars at or**

close to railway stations, as well as attractive links to key destinations, such as town centres. It is considered appropriate to elaborate, in this section, upon Policy GD2 which contains a general provision to ensure the availability of infrastructure and services required to service a development.

8.18 It is recognised that the amount of new development that takes place in any year is small in comparison to the scale of existing development. It is important, therefore, that the measures required of new development are properly integrated with those measures being undertaken to promote sustainable transport generally. The Local Transport Plan produced by the East Sussex County has a central role in initiating and co-ordinating sustainable transport measures and in stimulating the partnerships between local authorities and public transport interests which are essential to promoting sustainable development. The County Council has recently approved strategies for both cycling and walking, copies of which are available on its website (see Appendix 2). Also important is good liaison and partnership working between the planning authorities, the highway authorities and those responsible for controlling, providing and operating public transport facilities and services such as trains and buses.

8.19 All development in Rother will be expected to contribute towards promoting sustainable transport. Criteria applicable to all development, set out at Policy GD1, include making proper provision for walking, cycling and public transport. Policy TR3 establishes the framework for car parking provision. Policy DS1 supports more sustainable travel patterns by focusing new development in accessible locations. Policies for individual sites (e.g. BX3) contain site specific requirements. Policy HG4 deals with accessibility within residential developments. Freight is dealt with in the Structure Plan where PolicyTR29 contains a general provision encouraging the use of rail, sea and pipelines as an alternative to road transport, safeguarding rail sites and facilities and resisting proposals generating significant road freight where this would give rise to problems or where there is scope for non-road based alternatives.

8.20 The Plan cannot, however, provide a detailed blueprint of all the measures necessary to properly promote sustainable transport. From time to time, Supplementary Planning Guidance will be produced and adopted for such matters as car parking standards, development contributions and requirements for individual sites or modes of transport. Where developments will have significant transport implications, Transport Assessments and Travel Plans will be required with the relevant planning application. Planning conditions and legal agreements will be used to ensure the sustainable transport requirements for individual developments are delivered. Planning permission will be refused if inadequate provision is made for sustainable transport measures or if development will result in the loss of sustainable transport facilities.’

*Reason: To improve the clarity and effectiveness of the approach to promoting more sustainable transport options.*

- 8.24 Objection 178/9009 criticises some of the amended wording. In respect of paragraph 8.17 I consider that that there should be a minor amendment to the opening phrase to improve the sense. However the more elaborate wording suggested by the objector would be unnecessarily complex and detailed. Neither, having regard to the wording of Policy TR2 and Policy GD2, is it necessary to add that development that does not

meet the criteria will not be permitted. For similar reasons, neither does paragraph 8.18 require strengthening as suggested in the objection.

- 8.25 In Section 5 in relation to Objection 186/3752 and the Council’s response thereto concerning travel plans and transport assessments, I concluded that a Supplementary Planning Document is needed in this regard and should be referred to in the Plan in relation to the supporting text to Policy TR2. I accordingly recommend a relevant modification below.

*Wording of proposed change to Policy TR2*

- 8.26 Objections 105/3456 and 105/3457 seek more precise wording for Policy TR2 (amongst others) with clear statements as to whether planning permissions will or will not be granted. I consider that the Council’s proposed changes to Policy TR2 suitably address these points as follows:-
- 8.27 The Council has proposed the following change to Policy TR2:

**Pre-Inquiry Change – PC/08/06**

*Replace Policy TR2 with*

**All development shall, wherever reasonably practicable, be carried out in a location and manner which will promote more sustainable travel choice. Applications for planning permission may be required to demonstrate how the proposed development will promote sustainable travel choice.**

**Improvements in the availability, quality and efficiency of sustainable transport opportunities including quality bus routes, cycle networks, priority for pedestrians and related facilities will be sought, including through supplementary guidance and in the determination of planning applications.**

**In particular, development proposals will only be permitted where they provide, or contribute to, the new or improved transport facilities and services (including improved links to bus, cycle and footpath networks that connect to local services such as shopping centres and schools) that are necessary to make the development acceptable in sustainable transport terms, and do not result in the loss of sustainable transport facilities.**

**Where the provision of infrastructure, facilities or improved services are required, the provision will be secured by planning condition or legal agreement in respect of funding contributions, off-site works or phasing.**

*Reason: To improve the clarity and effectiveness of the approach to promoting more sustainable transport options.*

- 8.28 I support the amended wording which, together with the amended supporting text, would contribute to a more positive approach to promoting sustainable travel with clearer justification than in the substantive Revised Deposit Local Plan.

*Improvements to railway and developer contributions to station enhancements.*

- 8.29 Objection 16/3053 seeks that Policy TR2 should also encourage improvements to the railway and should where appropriate seek developer contributions towards station enhancements.
- 8.30 Whilst the Council’s proposed change to TR2 does not specifically refer to railways or stations, I consider that the amended wording encompasses these amongst all forms of sustainable transport and, with Policy GD2, provides ample scope for requiring

developer contributions to such facilities where this can be justified according to the travel needs generated by the proposed development.

- 8.31 Objection 186/9018 expresses concern that the amended wording of Policy TR2 and the supporting text may be interpreted such that developments will be expected to contribute to measures beyond those needed in mitigation of their transport impacts. However the policy wording makes clear that developments only need to provide for the facilities and services that are necessary to make the development acceptable. Moreover Policy GD2 similarly limits provision according to that required to service the development. National policy and legal tests for the use of planning obligations and planning obligations would also be material to the consideration of relevant planning applications.

*Freight movements by rail or water*

- 8.32 Objections 246/3169, 16/1048 and 81/1412 variously seek the inclusion in the Plan of wording to encourage and support the movement of freight by rail or water.
- 8.33 In fact the above modified wording of paragraph 8.19 does already contain a reference to Structure Plan Policy TR29 which provides support for such development. Neither Rother District nor East Sussex are identified in the Regional Transport Strategy as having significant potential for enhanced rail freight and there is a lack of obvious opportunities. Paragraph 10.40 points out that the objector indicated after a review of freight movements that one of the few possible sites (the former Galley Hill Depot in Bexhill) would not be pursued for this purpose. It is therefore allocated for a housing development in Section 10. The main scope for freight movement by water is at Rye Harbour although that is strongly constrained by the tides, by the poor road access and by the proximity to sites of nature conservation value, amongst other considerations. It is excluded from the list of ports where Policies T7 and T8 of the Regional Strategy seek development plan policies for the development of shipping services
- 8.34 The County Council has accepted that the Proposed Change PC/08/07 has largely addressed the objection made to the Initial Deposit Local Plan (1412). However, paragraph 8.18 of the Proposed Change to the text omits to mention the County Council approved strategy for freight. The District Council agrees that this should be added. Both parties further agree that the following words in the paragraph ‘copies of which are available on its website (see Appendix 2)’ should be deleted as this is not yet the case.
- 8.35 In these circumstances I do not consider that other references to rail and water freight are necessary.

**Recommendation**

- 8.36 **I recommend that:**

- (a) paragraphs 8.16 to 8.20 are modified in accordance with PC/08/07 except that
- (i) the first sentence of paragraph 8.17 should read ‘In furtherance of the above objectives, planning policies can (by way of a planning condition or legal agreement) require the developer to provide, pay for, or contribute towards sustainable transport measures that are reasonably necessary to serve the proposed development’;

(ii) the fourth sentence of paragraph 8.18 should be replaced by ‘The County Council has recently approved strategies for cycling, walking and freight.’;

(iii) in paragraph 8.18, the words ‘copies of which are available on its website (see appendix 2)’ should be deleted.’;

(iv) in paragraph 8.20 the term ‘Supplementary Planning Documents’ should be substituted for the term ‘Supplementary Planning Guidance’ in order to reflect the transitional arrangements for the introduction of Local Development Frameworks and that the listed matters to be included in such SPDs should be extended to expand on the circumstances in which Travel Plans and Transport Assessments will be required.

(b) Policy TR2 is modified in accordance with PC/08/06.

## **Car and cycle parking standards (Paragraphs 8.21 to 8.25 and Policy TR3)**

### **Objections**

186/3756	Highways Agency (Policy TR3 and paragraph 8.25))
16/1046	Network Rail (Policy TR3 – See Section 8 Omissions)
81/3514	East Sussex County Council T&E (Policy TR3)
105/3457	Government Office of the SE (General Policy TR3)
135/1919	Bexhill College (Policy TR3)
135/1920	Bexhill College (Policy TR3)
168/2160	Wm. Morrison Supermarkets plc (Policy TR3)
168/3415	Wm. Morrison Supermarkets plc (Policy TR3)
208/3186	Howard Hutton & Associates (Policy TR3)
246/3170	Strategic Rail Authority (Policy TR3 – See Section 8 Omissions)
524/2301	DMH (Policy TR3)

### **Supporting Statements**

331/3645	The Sea Cadet Corps (Policy TR3)
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### **Comments**

20/3246	Mr. D. Pearce (Policy TR3)
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### **Issues**

- a. Out of date wording of paragraph 8.25
- b. Parking standards in relation to Government, Regional and Highway Authority guidance
- c. Practicality of parking and turning provision
- d. Exceptions to parking standards
- e. Development of car parks for other purposes

### **Reasoning and Conclusions**

#### *Out of date wording of paragraph 8.25*

- 8.37 The District Council has proposed the following change to the wording of paragraph 8.25 due to an incorrect date reference:



**Pre-Inquiry Change – PC/08/08**

*Amend final sentence of paragraph 8.25 to read:*

**‘These revised standards should provide for lower levels of off-street parking than those currently adopted by Rother District Council.’**

*Reason: To delete an incorrect date for publication of guidance.*

- 8.38 I consider that this change would suitably update the text. The reference in the paragraph to Supplementary Planning Guidance should also be replaced by the term ‘a Supplementary Planning Document’ to reflect the transitional arrangements associated with replacing Local Plans with Local Development Frameworks.

*Practicality of parking and turning provision*

- 8.39 Objection 208/3186 opposes the requirement in the first paragraph of Policy TR3 that: ‘All development shall provide sufficient space for the parking and turning of vehicles within the curtilage of the site’. The Council responds that exceptions to the policy will be allowed. However there is an obvious anomaly in that this statement requires ‘sufficient’ parking space on site (which implies a minimum requirement) whereas the policy seeks to impose ‘maximum’ standards for car parking.
- 8.40 Minimum standards for cycle parking provision would encourage sustainable travel and would reflect the County Highway Authority’s Supplementary Planning Guidance ‘*Parking Standards at Development*’ (2002). However *PPG13* advises at paragraph 52 that minimum car parking standards should not be applied (other than parking for disabled people). Also at paragraph 51 it advises that developers should not be required to provide more parking than they themselves wish other than for example where there might be significant implications for road safety that cannot be resolved by on-street parking controls. Neither should space on site for turning be necessary in every case but only where the absence of such space would result in significant harm to highway safety or to the free flow of traffic. I accordingly recommend associated modifications to Policy TR3.

*Parking standards in relation to Government, Regional and Highway Authority guidance*

- 8.41 Objections 1919, 1920 and 2301 relate to Policies ST2 and ST7 of the Initial Deposit Plan and express a number of concerns in respect of proposed parking standards. Policy TR3 of the Revised Deposit Local Plan supersedes the previous version. It contains a fundamental re-writing and up-date of the earlier Policies and takes account of the fact that work is being undertaken on revised Supplementary Guidance on parking standards. In general terms it meets the thrust of the above objections. Objection 3756 seeks amendments to both the Revised Deposit Policy and paragraph 8.25 to more closely reflect the Regional Transport Strategy which is said to be more restrictive than national guidance on parking in *PPG13*. In my view, the Proposed Change to paragraph 8.25 and my associated recommendation contained in paragraph 8.38 above, together with my recommendations in relation to the Policy itself set out in paragraph 8.53 below, would provide the basis for appropriate modifications to the Plan. They would ensure that the Policy would be satisfactorily updated and that it sets out a criteria-based approach which is robust and reflects national planning guidance.
- 8.42 Objection 81/3514 seeks amendment of Policy TR3 to refer to the County Highway Authority’s standards and to address a claimed inconsistency with Government guidance in *PPG13 ‘Transport’* and *PPG3*. In Section 5 of this Report I have addressed the principle of a policy reference to an SPG. Because of the guidance in

*PPG12*, paragraphs 3.15-3.17, I am satisfied that this approach should not be followed in development plan policies. Accordingly, in the context of Policy TR3, I do not recommend a modification on those lines. I am convinced, however, that my recommendations in respect of Policy TR3 would establish a firm foundation for the supplementary guidance on parking standards, currently under preparation, and would accord with the guidance in *PPG13* and the objectives that underpin the relevant policies of the Regional Transport Strategy and the Structure Plan.

- 8.43 The next question is whether references should be made in the associated text, in particular paragraph 8.25. I am aware that the County Council’s standards were adopted in 2002 following public consultation. It is clear that they accord with the objectives of the guidance in *PPG13* and reflect Policy TR16 of the Structure Plan. I note that there are no differences between the County Council and the District Council on the general direction of policy on parking standards. The District Council has indicated that it is minded to adopt much of the SPG.
- 8.44 However, the District has not yet adopted the County Council’s SPG, it has yet to reach a final view upon it, and the District is actively engaged in drafting its own guidance. There are disagreements between the two Authorities on two important issues in relation to the new maximum standards for small and affordable housing and the application of the zoning system for residential development. The draft standards published by the District Council, which were placed before me at the inquiry and which will ultimately lead to the adopted guidance of the Council, clearly build-in much of the content of the County Council’s own SPG.
- 8.45 I acknowledge that the District Council has the right to adopt standards which, in some respects, may differ from those of the County. Nevertheless, they must accord with the sustainability objectives of *PPG13*, Regional Transport Strategy, and the Structure Plan. Until these issues are resolved, however, and the District Council’s own guidance adopted, in my view, any reference in the text to supplementary guidance must remain couched in those general terms set out in paragraph 8.25.

#### *Policies or statements of intent*

- 8.46 Objections 105/3457 seeks that Policy TR3 (amongst others) states whether or not planning permission will be granted if it is applied. I consider that more certainty is desirable and that it can be achieved by means of my recommended wording modification

#### *Exceptions to parking standards*

- 8.47 Objection 168/3415 seeks the amendment of criteria (ii) and (iii) of Policy TR3 to allow a relaxation of maximum parking standards in some circumstances. The objection makes particular reference to support for town centre retailing and to advice in *PPG13*. However a quoted reference from *PPG6* which relates to additional parking that serves a town centre as a whole is no longer applicable since *PPG6* has been replaced by *PPS6* ‘*Planning for Town Centres*’ which does not contain a similar reference.
- 8.48 Paragraph 54 of *PPG13* however does include the advice that the maximum parking standards advised in Annex D of that document should apply unless the applicant has demonstrated (‘where appropriate through a Transport Assessment’) that a higher level of parking is needed. The objector seeks to reflect this in a rewording of Policy TR3 criterion (ii) that would always require a Transport Assessment to demonstrate

the need whilst retaining the qualification that over-provision should be avoided. I consider that there is an inherent contradiction in the latter suggested wording since it would be impossible then to define ‘over-provision’. That test is also blurred by the substantive wording. Over-provision would be better defined as provision exceeding the set maximum standard.

- 8.49 The Council acknowledges that exceptions may be warranted to allow for higher parking levels, but it resists allowing for them in the policy. However, having regard to the *PPG13* advice and to the clearly expressed need for a Transport Assessment, I consider that an amendment to the criterion would be justified subject to the addition of the qualifying requirement advised in paragraph 54 to show the measures to be taken to minimise the need for parking. This would assist developers in identifying the requirements at an early stage and would avoid the need to treat such applications as a departure from the development plan.
- 8.50 Objection 168/3415 also seeks the amendment of criterion (iii) by inserting the words ‘where appropriate’. However this would introduce an unexplained uncertainty into the policy test. I do not consider the claimed support of *PPG13* for this approach to be substantiated. Neither is there an alternative justification for not enforcing lower parking provision where there are adequate alternative means of access. To do so would seriously undermine sustainable travel objectives.

#### *Development of car parks for other purposes*

- 8.51 Objection 168/2160 relates to Policy TT4 of the Initial Deposit Local Plan which sought to protect named car parks from redevelopment. The objection puts forward policy criteria requiring either the replacement of the lost car parking or the maintenance of accessibility by means of non-car alternatives. Policy TT4 has however been deleted from the substantive Revised Deposit Local Plan and has not been directly replaced. The objection nevertheless draws attention to a number of ambiguities in the wording of the replacement Policy TR3 in respect of development on car parks.
- 8.52 In particular, criterion (viii) now includes the principle to ‘give consideration to the potential for building over car parks’. It is not clear if this refers to the potential loss of parking space or if it means giving consideration to built development that uses the airspace above an open car park. Criterion (i) may be relevant in that it seeks to ‘meet the basic needs of the development for off-street parking, having regard to the potential for access by means other than the car.’ However the term ‘basic needs’ is nowhere defined or amplified. It implies the application of minimum rather than maximum parking standards. Criterion (v) seeks to maintain ‘approved’ parking provision for the safe and effective operation of the development. However it is not clear whether that applies to parking that is already in existence when the Local Plan is adopted. The result is a lack of clear criteria with which to address development proposals that would involve the loss of existing car parking space. I accordingly recommend related modifications.

#### **Recommendation**

8.53 **I recommend**

**(a) that paragraph 8.25 is modified in accordance with PC/08/08 and that the term ‘a supplementary planning document’ be substituted for the existing reference to ‘supplementary planning guidance’.**

**(b) that Policy TR3 is modified by the substitution of the following wording:**

**‘Planning permission will be granted for development where the provision for parking accords with the following principles which will be elaborated upon in the form of a Supplementary Planning Document. Proposed development shall:**

- (i) meet the residual needs of the development for off-street parking having full regard to the potential for access by means other than the car and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street;**
- (ii) not exceed maximum parking standards adopted by the District Planning Authority unless a need for additional provision is identified in a transport assessment which includes the measures to be taken to minimise the need for parking;**
- (iii) provide for reduced parking provision where requisite accessibility to jobs, services and facilities exists or will be provided as a result of the development, including any off-site measures;**
- (iv) have regard to travel plans and transport assessments that will be required for developments that have significant transport implications;**
- (v) ensure that the approved parking provision is retained for the future where that would be necessary to prevent harm to the safety or free-flow of the highway;**
- (vi) include an adequate number of parking spaces designed and signed for disabled people;**
- (vii) maximise the potential for the shared use of car parks and, in particular, not allow large single-user car parks in town centres and other locations where a more efficient use of parking space may be achieved;**
- (viii) include consideration where appropriate to building above retained open car parks and to the re-development of car parks for other purposes if any residual need for parking can be replaced on-site or in a suitable alternative location or if improvements to non-car alternatives will maintain accessibility;**
- (ix) include adequate and secure cycle parking provision;**
- (v) provide for commuted payments towards providing and/or managing off-site parking, including on-street parking, where this is justified to meet the needs of the development;**
- (xi) be sited so as to minimise the visual impact of parked cars whilst having regard to necessary security;**
- (xii) have materials, lighting, and boundary treatments compatible with the character of the area; larger car parks and those in prominent locations shall incorporate trees and soft landscaping to reduce their impact; and**
- (xiii) include a suitable turning area where necessary to avoid unacceptably hazardous or obstructive reversing movements on the highway’.**

## Section 8 Omissions

### Objections

16/1046	Network Rail (Policy TR3)
16/1048	Network Rail (See paragraph 8.19)
41/3489	Friends of Brede Valley
81/1412	East Sussex County Council T&E (see paragraph 8.19)
83/1450	Scaling Limited
124/3176	CPRE Sussex Branch (Policy TR2)
129/1900	Crowhurst Parish Council
142/1972	The Battle Partnership (Section 11)
246/3170	Strategic Rail Authority (Policy TR3)

### Issues

- a. Railway station car park provision
- b. Policy to de-trunk A259 between Hastings and Kent boundary and to impose weight limits
- c. Policy to support private sector investment in necessary trunk road improvements
- d. Traffic calming in villages

### Reasoning and Conclusions

#### *Railway station car park provision*

- 8.54 Objections 16/1046 and 246/3170 seek encouragement in the plan for the expansion of car parking at railway stations as a means of encouraging travel by train.
- 8.55 Policy TR2 as proposed to be modified provides general policy support for improvements to sustainable transport opportunities. This may support additional parking at stations if, for example, it meant that the train were then used for journeys that would otherwise be made by car. However in some cases it could result in a switch from bus or cycle to use of the car to travel to the station. There may be other adverse consequences such as an increase in local road congestion or a harmful visual impact at stations, particularly in the AONB. For similar reasons, the provision of secure cycle parking facilities at stations may be more beneficial in sustainability terms than car parking. The Plan would not exclude consideration of parking proposals put forward by the rail companies. The County Council’s SPG *‘Parking Standards at Development’* (2002) advises that the amount should be determined by a Transport Assessment. Nevertheless I do not consider that there is a need for a specific additional policy when Policy TR2 already provides general support for measures which are agreed to improve sustainable travel opportunities.
- 8.56 Objections 124/3176 and 142/1972 refer more specifically to a consideration of car parking at stations at Battle and Bexhill. Although the issue is not defined, I take it that this Objector’s intention is also to increase parking provision at these sites.
- 8.57 From what I have seen there is little or no opportunity to create off-street parking exclusively for Bexhill station given its location within the heavily built up town centre and the need for parking for other town centre activities.
- 8.58 Neither is there an obvious area to extend the existing car park at Battle station. Moreover the District Council points out that increased parking at Battle would be

likely to increase the existing numbers who already drive there from Hastings and Bexhill and may exacerbate existing congestion problems in and around Battle. There is a lack of evidence before me to substantiate or refute this contention. Paragraph 8.10 of the Plan does refer to possible new stations where parking provision could be made. In this regard paragraph 3.3.2 of the County Council’s *Local Transport Plan Annual Progress Report* (2004) [CD 4.10] also refers to feasibility studies that are underway for the development of a railway station at Upper Wilting Farm. With the construction of the Bexhill-Hastings Link Road, such a station would be better located for access from Bexhill and northern Hastings Borough than would an expanded facility at Battle.

- 8.59 I conclude on the limited evidence before me that no modification to the Local Plan is currently warranted in respect of these objections.

*Policy to de-trunk A259 and to impose weight limits on the A259 and A28*

- 8.60 Objection 41/3489 seeks a policy to de-trunk the A259 trunk road between Hastings and the Kent boundary and to impose 17 tonne weight limits on that road and on the A28. However as a trunk road the A259 is controlled by the Highways Agency and the A28 is controlled by East Sussex County Council as the local highway authority. The District Planning Authority does not possess the necessary traffic management powers and the Local Plan is not a lobbying document. Thus no modification would be appropriate in respect of this objection.

*Policy to support private sector investment in necessary trunk road improvements*

- 8.61 Objection 83/1450 relates to a series of objections by the same objector which propose major housing and employment development at Flimwell associated with a suggested realignment of the A21 to be funded by that development. I consider the other objections in that part of my report dealing with omissions sites in Section 13 of the Local Plan where I do not support them. However this objection would also have a wider application and it suggests the modification of Policy TT6 in the Initial Deposit Local Plan. As that policy has since been withdrawn, I address it as an objection seeking an additional policy to generally support private sector investment in trunk road improvements.
- 8.62 Trunk roads are managed by the Highways Agency on behalf of the Government. Where a proposed development of land or buildings would require works to a trunk road that are acceptable to the Agency, Policy GD2 already provides that developer contributions can be sought for those or other works and may be required where necessary. Other forms of agreement may be possible under other legislation. I am for example aware from other evidence to the Inquiry that improvements were recently carried out to the A259 trunk road at Glyne Gap in association with additional private development at the Ravenside Retail Park which contributed funding to the project. As this matter is already covered, I do not consider an additional policy to be necessary in this regard.

*Traffic calming in villages*

- 8.63 Objection 129/1900 seeks that the District Council should work with the County Council and Parish Councils to bring about effective traffic calming in villages. Traffic management is primarily the responsibility of East Sussex County Council as the local highway authority. The County Council is responsible for preparing the *Local Transport Plan* which currently includes a speed management strategy that

covers traffic calming amongst other measures. The role of the District Planning Authority is limited and the individual traffic calming measures are too small-scale and detailed to be included in the District Local Plan. I conclude that no modification would be appropriate in respect of this objection.

### **Recommendation**

- 8.64 **I recommend that no modifications are made to the Local Plan in respect of these matters.**

## SECTION 9 – EMPLOYMENT DEVELOPMENTS

### New business development, including through mixed uses (Paragraphs 9.1 to 9.4 and Policies EM1 and EM2)

#### Policy EM1

##### Objections

138/1937	British Gypsum Ltd. (Policy EM1 - Also see Section 9 Omission Sites)
138/1938	British Gypsum Ltd. (Policy EM1 - Also see Section 9 Omission Sites)
138/1939	British Gypsum Ltd. (Policy EM1 - Also see Section 9 Omission Sites)
144/3356	Westridge Construction Limited (Policy EM1 – Also see Section 9 Omission Sites)

##### Supporting Statements

142/1971	The Battle Partnership (Policy EM1)
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##### Issue

New employment developments on established sites outside development boundaries.

##### Reasoning and Conclusions

- 9.1 Objections 138/1937, 138/1938 and 138/1939 are concerned with development on existing employment sites outside development boundaries. The objections originally related to policies E2, E4 and E9 of the Initial Deposit Local Plan. However these policies were withdrawn and do not appear in the substantive Revised Deposit Local Plan. The Objector’s written submissions therefore propose a rewording of Policy EM1 and other text to provide for the extension, intensification and diversification of established employment sites, and a comparison with the impact of the previous or existing uses when considering new employment uses. A listing of specific existing sites suitable for such development is also sought to include the above sites.
- 9.2 Policy EM1(iii) does already provide for the conversion, redevelopment or extension of [business] sites and premises outside development boundaries for ‘smaller-scale’ business activities subject to criteria which I consider to be necessary and reasonable. The Objector’s suggested rewording of Policy EM1 would firstly remove the ‘smaller-scale’ qualification, thereby potentially allowing for all scales of new business activity to be carried out on such sites and in the other locations referred to in the Policy.
- 9.3 ‘Smaller-scale’ is not defined in the policy or text, and thus may be open to interpretation according to the circumstances of each proposal; however, that allows for appropriate flexibility. The term remains appropriate in the Rother District context having regard to scale of existing development and the need to protect the landscape of the extensive AONB and other nationally designated areas. *PPS7* at paragraph 22 states that ‘Major developments should not take place in these designated areas, except in exceptional circumstances’ whilst paragraph 21 seeks to limit development in AONBs whilst supporting that necessary to facilitate the economic and social well-being of these areas. To remove policy limitations on the scale of redevelopment or expansion of established employment sites outside development boundaries would risk considerable harm to the environment of these areas and would conflict with Government, Regional, Structure Plan and Local Plan



objectives to concentrate development in sustainable locations to include convenient access for workers by means other than the car.

- 9.4 The Objector’s further suggested amendment would be to emphasise a comparison with previous or existing uses when assessing the impact on character and appearance. However, that would not in my view add anything useful to the policy. The existing context would always be relevant when assessing such impacts and does not require special reference. But the impact of previous but now defunct uses may or may not be relevant according to, amongst other things, whether a former use with an adverse impact is likely to be revived.
- 9.5 The suggested listing of all established business sites suitable for extension, intensification or diversification would present considerable practical problems of identification and would serve little useful purpose. The inclusion or exclusion of individual sites and the necessary definition of their boundaries on the Proposals Map would be a contentious exercise and a waste of resources. The Local Plan’s criteria-based approach is far more suitable and efficient.
- 9.6 Whilst there is a recent history of under-provision of new employment space in the District (and other parts of East Sussex) when compared to the Structure Plan provisions, I consider that the Local Plan generally makes adequate provision in suitable locations, including new allocations for large business development, and by allowing for smaller-scale business activities elsewhere.
- 9.7 At the end of this section of the Report when dealing with Omissions I address that part of these objections which seeks the specific listing and allocation of the Objector’s own existing sites at Mountfield and Brightling.

### Recommendation

- 9.8 **I recommend that Policy EM1 and its supporting text are not modified in respect of these objections.**

## Policy EM2

### Objections

47/3704	Mrs. Alexandra Bayley (Policy EM2)
68/1265	Mr. and Mrs. P. Rigby (Policy EM2)
86/1490	The House Builders Federation (Policy EM2)
104/1577	B & Q Ltd. (Policy EM2)
104/1578	B & Q Ltd. (Policy EM2)
140/1950	BT plc (Policy EM2)
140/1953	BT plc (Policy EM2)
166/2122	Mr. M. Worssam (Policy EM2)
233/3086	New Downlands HA, Orbit HA & Rother Homes (Policy EM2)

### Supporting Statements

275/3403	Ticehurst Parish Council (Policy EM2)
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### Issues

- a. Government guidance on the use of employment land for housing
- b. Criteria for the redevelopment of employment sites and buildings for other uses

- c. The definition of an employment creating use
- d. Retail use of sites and buildings that were formerly in other employment use
- e. Use of redundant employment sites for affordable housing

## Reasoning and Conclusions

### *Government guidance on the use of employment land for housing*

- 9.9 Several objections that are recorded against Policy EM2 were originally directed at differently worded policies in the Initial Deposit Local Plan. Policy EM2 in the Revised Deposit Local Plan seeks to resist the change of use of buildings or sites that are currently, or were last, in ‘employment creating’ use. This reflects the approach of Policies RE3 and RE5 of *RPG9* which seek development plan policies that help sustain economic activity and encourage enterprise in rural areas and to re-use and intensify existing employment land resources, particularly in locations that are accessible by environmentally friendly means of transport. It also reflects the objective of Structure Plan Policy E5 to protect the stock of suitably-located industrial and commercial sites. Policy RE4 of the Draft South East Plan similarly supports the protection of the existing stock of suitably-located premises where this is justified by local economic and employment evidence.
- 9.10 It is clear that Rother District has only a modest local employment base. A shortage of local employment risks a dependence on unsustainable long-distance commuting and the migration out of the area of people of working age resulting in unbalanced local communities. To address this and other effects, Bexhill and Hastings were identified in *RPG9* as a Priority Area for Economic Regeneration with the surrounding area identified as a Rural Priority Area.
- 9.11 I acknowledge that *PPG3* ‘*Housing*’ and related Government advice encourage the re-use for housing of previously-developed land and also encourage local planning authorities when reviewing their development plan to consider whether land allocated for employment and other uses might be better used for housing or mixed-use developments. This is because some authorities are believed to retain an excess supply of employment land. However I do not consider this to be the case in Rother District (or Hastings). Available land for new employment development has been scarce in recent years and several of the major allocations now proposed in the Local Plan currently face infrastructure constraints that may delay the commencement of their development until later in the Local Plan period with the larger strategic sites in Rother unlikely to be completed within that period. These sites include modified allocations carried forward from earlier proposals at North Bexhill. Neither are the proposed employment allocations over-generous since they are at the lower end of the range of floorspace requirements set out in the Structure Plan.
- 9.12 In this context it is particularly important that best use is made of established employment sites. It is not disputed that low commercial rental levels in the District typically make employment sites less valuable than housing sites. Left to market forces there is a strong risk that all employment sites in some areas would be replaced by housing, again resulting in less balanced communities and a less sustainable pattern of development with longer journeys to work. In all these circumstances I support Policy EM2 in principle.

*Criteria for the redevelopment of employment sites and buildings for other uses and the definition of an employment creating use*

- 9.13 As worded, Policy EM2 does not require that buildings or sites be retained in employment use in all circumstances. In particular it allows that there may be no prospect of continued business use of some sites or that such use may in some cases perpetuate serious harm to residential amenities. At the Inquiry, when considering Objection 47/3704, the Council nevertheless recognised that there is an anomaly between the wording of Policies EM1 and EM2. Policy EM1 can require the incorporation of business accommodation as part of residential developments on suitable sites where a need is identified. However where there are sound reasons not to continue exclusive use for employment purposes, Policy EM2 makes no explicit provision for mixed housing/employment developments. The Council’s officers therefore suggested the addition of an extra paragraph to Policy EM2 as follows:-

**Inquiry Change IC/2**

Add the following paragraph to the end of Policy EM2:-

**‘In the event of the above qualifications being met, first consideration will be given to a mixed use development in accordance with Policy EM1 and the criteria of Policies GD1 and DS1.’**

- 9.14 At the Inquiry the Objector supported this change but suggested that mixed use development should be acceptable whenever it would retain or improve the site’s existing or potential contribution to employment. However I consider that it would be impractical to apply that test, particularly in circumstances where employment has been recently run down to a low level as a declining business, which practice would indeed be encouraged by such a policy.
- 9.15 Objection 104/1577 seeks to limit the application of what is now Policy EM2 to circumstances where the redevelopment would harm the supply of employment land to meet strategic requirements. However that would probably negate the objective of the Policy to maintain employment provision in the rural areas where it would have a local but not strategic significance. There appear to be few individual employment premises in the District that would qualify as of strategic importance in scale.

*The definition of an employment creating use*

- 9.16 The Structure Plan, in a footnote to Policy E5, defines the existing industrial and commercial uses to be protected by that policy as those within Use Classes B1, B2 and B8. During the Inquiry, the Council’s officers suggested in Document LPA/P/119/1853/3 that a footnote be added to Policy EM2 to apply a similar definition in the Local Plan. However that proposed change was not included in the Council’s subsequent list of Inquiry Changes (Core Document 1.38) and I do not support it. In this District a significant proportion of existing employment is to be found on premises that would fall outside these Use Classes. These may include tourism, leisure, retail and ‘sui generis’ uses that are outside any Use Class. The loss of employment uses from these sites would have significant economic consequences, particularly in the rural areas. I therefore consider that the policy should apply to all employment uses.

*Retail use of sites and buildings that were formerly in other employment use*

- 9.17 Objection 104/1578 concerns a reference to retail uses in Policy E4 of the Initial Deposit Local Plan. However that reference does not appear in the substantive

Revised Deposit version and the policies for shopping development elsewhere in Section 9 concentrate on locational considerations for retail development rather than on the previous use of the site. As now worded Policy EM2 does not preclude retail redevelopment that creates employment and thus no modification is necessary in relation to this objection.

- 9.18 I acknowledge that redevelopment for retail use can be an important source of employment and may have the potential to maintain or even increase employment levels on a given site when replacing another business use. However this may be offset in whole or part by the loss of employment at other retailers in the area as the result of increased competition and it is the net employment effects of development which should determine whether there is an employment benefit. Paragraph 2.51 of *PPG6* makes a similar point in relation to the selection of retail sites in development plan documents.

*Use of redundant employment sites for affordable housing*

- 9.19 Whilst there is an acknowledged need for affordable housing there is also a need to maintain local employment provision, including employment for those who might occupy the affordable housing. Where it is accepted that employment use should not continue on a site or that a mixed employment/housing development would be acceptable, Policy HG1 would continue to seek the inclusion of affordable housing in the scheme where the relevant thresholds are exceeded. Policy HG2 of the Local Plan does exceptionally allow for affordable housing outside development boundaries in accordance with national policy. However, whilst Objection 233/3086 also seeks the positive allocation of sites exclusively for affordable housing, that does not currently accord with national policy and I do not support it.

## Recommendation

- 9.20 **I recommend that Policy EM2 is modified in accordance with Inquiry Change IC/2.**

## Employment use of rural buildings (Paragraphs 9.5 to 9.6 and Policy EM3)

### Objections

185/2310	The Beech Estate
68/1263	Mr. and Mrs. P. Rigby (see also Policy HG11)

### Issue

National Government guidance and policy

### Reasoning and Conclusions

#### *National Government guidance and policy*

- 9.21 Objection 185/2310 referred originally to Policy CBE21 (iii) in the Initial Deposit Local Plan but has been assigned to the similar Criterion (iii) of Policy EM3 in the substantive Revised Deposit Local Plan. This would exclude the re-use and adaptation of rural buildings for employment purposes where this would ‘lead to a dispersal of activity on a scale to prejudice town and village vitality or an over concentration of activity unrelated to employment needs of a locality.’ The wording

is drawn from sub paragraph (b) of paragraph 3.14 of former Government guidance in *PPG7*. However that guidance was withdrawn in 2004 and replaced by *PPS7* ‘*Sustainable Development in Rural Areas*’ which does not contain this wording. Instead paragraph 17 of *PPS7* seeks that, amongst other things, the criteria for the re-use of buildings in the countryside should take account of ‘specific local economic and social needs and opportunities’ and ‘settlement patterns and accessibility to service centres, markets and housing’. Support is encouraged for the re-use of buildings that are adjacent to or closely related to country towns and villages for economic or community uses.

- 9.22 In its response to the objection, the Council expresses concern about the sustainability implications of, for example, the conversion of a large complex of agricultural buildings in a rural area. However, having regard to what appears to be the relative scarcity of such large complexes within the District and to the high instance of out-commuting to employment from villages and from the District as a whole, I consider the risk of harmful consequences from a dispersal of activity arising from the re-use of existing buildings to be small. Conversely the potential benefits of enhancing local employment opportunities would be significant. Policy EM3 contains other criteria including considerations of traffic impact whilst Policies TR2 and TR3 have relevant criteria for sustainable transport provision. In these circumstances I consider Criterion (iii) to be unnecessary.
- 9.23 Objection 68/1263 was submitted in respect of a requirement of Policy CNE2 of the Initial Deposit Local Plan that agricultural land or buildings be shown to be surplus to requirements. This contravened Government policy in *PPG7* (now replaced by *PPS7*) and that test is not included in the replacement Policy EM3. No further modification is necessary in that regard.
- 9.24 Objection 68/1263 is related to Objection 68/1266 and other objections concerning derelict farm buildings which are in the countryside but adjoining the settlement of Northiam. The buildings are derelict and unsightly but are also ill-suited to conversion to employment (or residential) uses. There are similar examples elsewhere in the District. I would draw attention to Paragraphs 19 and 20 of *PPS7* which support the inclusion of policies in Local Development Documents concerning the replacement of suitably located existing buildings of permanent design and construction in the countryside for economic development purposes where this would result in a more acceptable and sustainable development than might be achieved through conversion.
- 9.25 A policy for the replacement of such buildings would need to address matters such as the scale of development and the circumstances in which replacement would not be acceptable. There are, however, no such proposals before me for the Local Plan and no criteria were suggested at the Inquiry. It is too late in the Local Plan process to recommend the introduction of potentially complex and contentious new policy criteria for replacement buildings and the matter would be better addressed in the forthcoming Local Development Documents to which *PPS7* is primarily directed.
- 9.26 The Council has proposed the following pre-inquiry change to include recreation in the list of permissible re-uses for rural buildings:-

**Pre-Inquiry Change – PC/09/04**

Amend first paragraph of Policy EM3 to read:

**‘Re-use and adaptation of rural buildings for employment, tourism or**

**recreation purposes, will be permitted provided:-**

*Reason: Amendment brings policy into line with PPG7 and the relevant Structure Plan policy.*

- 9.27 *PPG7* has been replaced by *PPS7*, which no longer refers to the re-use of rural buildings for sport and recreation purposes although it does include new advice at paragraph 18 that is supportive of community use of buildings that are adjacent or closely related to country towns and villages. In this regard the proposed change would risk creating an anomaly in that there would be an overlap with Policy CF1. Paragraph 7.1 includes recreation in the type of community facilities permitted by Policy CF1 outside development boundaries but subject to criteria that differ from those in Policy EM3 and which would apply to new buildings as well as to building re-use. In these circumstances I recommend that Policy EM3 is amended to refer to all community facilities with a cross reference to Policy CF1 and its criteria (which include that of accessibility by means other than the car).
- 9.28 Paragraphs 17 and 18 of *PPS7* revise the Government policy on the re-use of buildings in the countryside whilst continuing to support economic development purposes as the usual preferred use for such buildings. Paragraph 17 sets out matters to be taken into account by policy criteria. I do not consider that the policy revisions necessitate the immediate modification of Policy EM3 or the equivalent housing policy HG11. The guidance is directed at the preparation of Local Development Documents and that would be the time to thoroughly review the conversions policies. However in the meantime, to accord with my recommendations on Policy HG11 and the wording used in *PPS7*, I consider that the wording of Policy EM3 and the subsection heading should both refer to ‘buildings in the countryside’ rather than to the more ambiguous ‘rural buildings’.

**Recommendation**

- 9.29 **I recommend the modification of the Local Plan by:-**

(a) the deletion of Criterion (iii) of Policy EM3;

(b) the modification of the first phrase of Policy EM3 to:

**‘Re-use and adaptation of buildings in the countryside for employment purposes, including tourism, or as community facilities that accord with Policy CF1, will be permitted provided ...’**

(c) the replacement of the subsection heading ‘Employment use of rural buildings’ by ‘Employment use of buildings in the countryside’.

## **Marley Lane –Land at Rutherfords Business Park and at DB Earthmoving (Inset Map 23, Paragraphs 9.7 to 9.17 and Policies EM4 and EM5)**

**Objections**

- 32/1091 Mr. and Mrs. R. Brown (Policy EM5)
- 42/1200 Captain P.J. Morgan (Policy EM5)
- 42/1201 Captain P.J. Morgan (Policies EM4 and EM5)
- 124/1868 CPRE Sussex Branch (Policy EM4)
- 151/2021 Mr. M. P. Burge (Policy EM5)
- 188/2327 Richard Collins (Policy EM5)

196/2342 Mrs. M. Davis (Policy EM5)

### Comments

42/1181 Captain P.J. Morgan (Policy EM4)  
186/3757 Highways Agency (Policy EM4)

### Supporting Statements

116/3536 English Nature (Policy EM5)

### Issues

- a. Policy amendments in the Revised Deposit Local Plan
- b. Impact on natural environment
- c. Impact on High Weald Area of Outstanding Natural Beauty including the landscape and social and economic considerations
- d. Infrastructure and accessibility
- e. Flood risk and aquifer protection

### Reasoning and Conclusions

#### *Policy amendments in the Revised Deposit Local Plan*

- 9.30 All of the above objections were submitted in respect of Policy E2 or its supporting text in the Initial Deposit Local Plan which proposed 3 employment allocations in Marley Lane. In the substantive Revised Deposit Local Plan, the Blackman, Pavie and Ladden site north of Marley Lane was deleted and the remaining 2 sites at the existing Rutherfords Business Park north of Marley Lane and adjacent to DB Earthmoving south of Marley Lane were considerably reduced in their extent.
- 9.31 Policy EM4 now provides only for the enlargement of the Rutherfords Business Park to the north by 0.75ha to provide what the supporting text estimates as some 2,700 sq m of business accommodation. Policy EM5 provides for 0.6ha of industrial/storage development to provide for up to 1,900 sq m of accommodation.

#### *Impact on the natural environment*

- 9.32 In contrast to the earlier proposal which would have directly adjoined a large ancient woodland, the Policy EM4 site now proposed would be well separated from that woodland. The Policy EM5 site would be separated from the ancient woodland to the west and the policy provides for enhanced tree planting on 2 sides.
- 9.33 There is now no evidence before me of any particular adverse impact on the natural environment that would warrant the deletion of either allocation. On the contrary the Policy EM5 proposals have attracted support from English Nature and criterion (b) of Policy EM5 requires an ecological survey. Any impact which may be identified would need to be assessed against the criteria of Policy GD1 at the planning application stage.

#### *Impact on High Weald Area of Outstanding Natural Beauty including the landscape and social and economic considerations*

- 9.34 Both sites lie within the AONB as do the nearest settlements including the town of Battle. Development on either site would be screened from many viewpoints by trees and on the Policy EM5 site by existing development. The reduction in the scale of each allocation has substantially reduced their potential impact on views. Moreover, whereas national policy in *PPS7* attaches great weight to the conservation of the

natural beauty of the landscape and countryside in the AONB, it also supports suitably located and designed development necessary to facilitate the economic and social well being of these areas.

- 9.35 The town of Battle and other nearby settlements evidently have a relatively small economic base and there are few opportunities to add to local economic activity. This must inevitably contribute to either a high incidence of commuting to other areas or risks an unbalanced community where people of working age are under-represented (or both). Whereas it appears that the original Marley Lane proposals arose from a wider search for sites in the Hasting and Bexhill area, the reduced scale of these proposals is in my view appropriate to the more modest economic needs of the AONB communities and would have an acceptable landscape impact subject to detailed design and layout considerations at the planning application stage. I also consider that the economic merits outweigh the loss of greenfield land.

#### *Infrastructure and accessibility*

- 9.36 Both proposed sites are well-located to benefit from the proposed improvements to the A21 trunk road without drawing traffic movements through local settlements. I acknowledge that accessibility on foot or by bus is poor, as it is for the existing business park, however that disadvantage is offset by the benefit of providing employment in a rural area as an alternative to long distance commuting out of the area. Moreover the sites are, unusually, within 2-3km of a mainline railway station. Furthermore the concentration of employment at one location alongside existing businesses boosts the prospect of shared or communal travel arrangements or bus links being achieved in the short or longer term.
- 9.37 I note that both policies include requirements for a transport assessment. However there is an inconsistency in that only Policy EM5 (which concerns a smaller development) also requires a travel plan to minimise traffic generation. I consider that requirement should apply to both proposals. I also consider that the final sentence of Policy EM5 requires modification to correct an ambiguity in this regard. The present wording appears to require that there be no significant increase in traffic but then requires a travel plan to deal with such an increase. It is unrealistic to require that there be no significant increase in traffic when the site is currently vacant and generates no traffic. Neither could a contribution to highway works be justified if there were no significant traffic generation. I recommend modified wording which would delete the final sentence and modify the related Criterion (e).
- 9.38 There is a lack of evidence before me to fully substantiate assertions of other infrastructure deficiencies. Policy GD2 and the policy criteria would require in any event that all needs such as drainage works or highway improvements were addressed before planning permission was granted. The Highways Agency comments that it does not object to the allocations and that there may be a need for an improvement to the A21/Marley Lane junctions, the costs of which would need to be shared by the developers

#### *Flood risk and aquifer protection*

- 9.39 The original Initial Deposit allocation site at DB Earthmoving lay partly within the identified floodplain. Criterion (d) of Policy EM5 requires that the development does not encroach into that area at risk of flooding. However it should also address any associated problems of increased run-off of surface water that might exacerbate local



flooding problems. Criterion (c) requires that the development does not prejudice ground water. These matters would need to be addressed at the planning application stage but are likely to be capable of a technical solution.

- 9.40 I conclude that the proposed allocations are appropriate and merit support subject to the recommended modifications.

### **Recommendation**

#### **9.41 I recommend that:-**

(a) Policy EM4 be modified by inserting the following words between the asterisks: ‘... and should demonstrate \*by means of a travel plan\* how additional traffic generation will be minimised.’

(b) Policy EM5 be modified by adding the following words to Criterion (d) ‘... and should employ measures to minimise the risk of increased flooding due to surface water run-off;’ and

(c) the final sentence of Policy EM5 is deleted and Criterion (e) is modified by substituting the following wording:

‘ be accompanied by travel plan to show how the traffic to be generated is to be minimised and by a transport assessment that would, amongst other things identify whether improvements are in consequence required to the junction of Marley Lane for which an appropriate contribution will be required from the development.’

### **Business in residential areas**

(Paragraphs 9.18 to 9.19 and Policy EM6)

No representations

### **Tourism**

(Paragraphs 9.20 to 9.29 and Policies EM7 to EM12)

#### **Paragraphs 9.20 to 9.24 and Policy EM7)**

#### **Objections**

105/3457	Government Office for the South East
166/2126	Mr M. Worssam (Policy EM7)
260/3334	Tourism South East (Policy EM7)

#### **Supporting Statements**

120/1856	Camber Sands Holiday Park (See also Policy EM9)
121/1857	Cinque Port Leisure Group (See also Policy EM9)
121/1858	Cinque Port Leisure Group (See also Policy EM9)
167/2147	Sport England South East Region (Policy EM7)
260/3335	Tourism South East

#### **Comments**

116/3548	English Nature (Policy EM7)
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## Issues

- a. Access to tourist attractions
- b. Support for new tourist accommodation
- c. Caravan sites in flood risk areas
- d. Precision of policy wording

## Reasoning and Conclusions

### *Access to tourist attractions*

- 9.42 Objection 166/2126 seeks the deletion of criterion (i) of Policy T1 in the Initial Deposit Local Plan on the grounds of vagueness. It referred to a requirement for access to tourist attractions and facilities by a choice of means of transport. However that policy has been deleted in its entirety and replaced by Policy EM7 which, amongst other things, requires compliance with the access criteria of Policy GD1. I consider the wording of Policy GD1 in that part of this Report dealing with Section 5 of the Plan. No modification to Policy EM7 is necessary in respect of this objection.

### *Support for new tourist accommodation*

- 9.43 Policy EM7 would permit proposals for new or extended tourist attractions or visitor facilities subject to criteria. Objection 260/3334 seeks in addition an explicitly positive stance to the provision of new tourist accommodation by new build and conversion. However the accommodation of tourists is already addressed elsewhere in the Plan. Policy EM3 would support tourist accommodation as a re-use of buildings in the countryside. Policy EM9 supports an appropriate range and quality of tourist accommodation. And Policy EM10 specifically addresses the provision of caravan, chalet and tented accommodation. Thus no modification of Policy EM7 is necessary or appropriate in this respect.

### *Caravan sites in flood risk areas*

- 9.44 Paragraph 9.21 of the Revised Deposit Local Plan refers to a constraint on the use of caravan sites within flood plain areas during the winter. The Council has proposed a change which would clarify that this refers to sites that are not adequately defended against the risk of flooding as follows:-

#### **Pre-Inquiry Change – PC/09/01**

Amend paragraph 9.21 by deleting the second sentence and replacing it with:

**'Many existing caravan sites lie within flood risk areas that are not defended against the 1 in 100 year fluvial or the 1 in 200 year tidal flood event. In these instances the need to ensure the safety of occupants will constrain use during the winter.'**

*Reason: To clarify flood risk areas.*

- 9.45 I consider this to be an appropriate and necessary clarification which accords with relevant wording in Policy EM11.

### *Precision of policy wording*

- 9.46 Objection 105/3456 concerns whether the wording of Policy EM7 (and other policies) is adequately precise. The first sentence of the policy provides that the stated attractions and facilities will be permitted if they accord with Policies DS1 and GD1. This might imply that such development will be acceptable both in the countryside

and within settlements subject only to a preference for urban locations that is expressed in Policy DS1. However that is not expressly stated and it is not clear how Policy DS4 is intended to apply to such development as that policy seeks to actively restrict development outside development boundaries.

- 9.47 Policy EM7 could potentially apply to new developments of significant landscape impact and which generate large numbers of trips to locations that may not be readily accessible by means other than the car. For similar reasons some extensions that are not merely ancillary to existing attractions or facilities in the countryside might be better located as stand-alone developments in more accessible locations in urban areas. In Section 4 I recommend the modification of Policy DS4 to require that it be demonstrated that a countryside location is necessary for development that is not specifically provided for by other policies. For the sake of clarity I consider that such a requirement should be expressly stated in Policy EM7.
- 9.48 The second sentence of Policy EM7 is a particularly vague aspiration that offers no basis for the assessment of what might be a ‘good quality attraction’ or how that might be recognised as supporting the ‘built and natural qualities of the area’. Neither is there any clarification in the supporting text. I consider that this sentence would be better deleted from the policy. If necessary, a clearer aim could be included as part of the supporting text.

### **Recommendation**

- 9.49 **I recommend that paragraph 9.21 is modified in accordance with Pre-Inquiry Change PC/09/01.**
- 9.50 **I further recommend that Policy EM7 is modified by the deletion of the second sentence and by the substitution of the following wording for the first sentence:-**
- ‘Proposals for new or extended tourist attractions or visitor facilities will be permitted where they accord with Policies DS1 and GD1. In the countryside outside development boundaries, if the development is not clearly ancillary to an existing visitor facility or tourist attraction, it will be necessary to demonstrate that a countryside location is necessary’.**

### **Paragraphs 9.25 and 9.26 and Policy EM8**

#### **Objections**

105/3456	Government Office for the South East
166/2127	Mr. M. Worssam (See Policy EM9)
294/3560	Mr. Brian Adam
360/3718	Mr. and Mrs. H. G. Bowring
459/3912	Mr. A. Pritchett
460/3913	Mr. L. Donaldson
461/3914	Mr. R. Bailey
525/4081	A.H. Hoad & Son

#### **Supporting Statements**

45/3261	Mr. S. Hardy
116/3549	English Nature
216/3297	K.W. Harriss
260/3336	Tourism South East
303/3578	Mr. P. Steeds

414/3854	The National Trust
415/3855	Mr. A. Dinwoodie
416/3856	Mr. A. Bancroft
417/3857	Tenterden Town Council
418/3858	Ronald Bryans
419/3859	Mr. M. Searle
420/3860	Mr. P.W. Coombs
422/3862	Mr. C. Wilson
423/3863	Mr. and Mrs. K. Staiger
424/3864	Rother Valley Railway
425/3865	Rother Valley Railway Heritage Trust
426/3866	Dr. K. Hammond
427/3867	Damian Green MP
428/3868	Mr. R. Gills
429/3869	Ashford Borough Council
430/3870	James Provan MEP
431/3871	The Occupier
432/3872	Rother Valley Railway Supporters Association
433/3873	Kent & East Sussex Railway
434/3874	Mr. A. Knight
435/3875	Mr. S. Woods
436/3876	Mr. and Mrs. O’Sullivan
437/3877	Mr. T. Lewis
438/3878	Mr. E.C.H. Ryley
439/3879	Admiral Sir Lindsay Bryson DCB FREng FRSE
440/3880	1066 Country Marketing
441/3881	Mr. S. Chatfield
442/3882	Mr. G. Biggs
443/3883	East Sussex Rural Transport Partnership
458/3909	Mr. L. Skinnerton
458/3910	Mr. L. Skinnerton
459/3911	Mr. A. Pritchett
468/3931	Salehurst and Robertsbridge Parish Council
520/4060	Mr. M.L. Jary
526/4083	Simon Fisher

**Comments**

16/3047	Network Rail
128/4076	Bodiam Parish Council
165/3023	Environment Agency
303/3579	Mr. P. Steeds
360/3719	Mr. and Mrs. H. G. Bowring

**Issues**

- a. Economic and sustainable transport considerations
- b. Impact on the character and appearance of the area
- c. Impact on the living conditions of adjoining occupiers
- d. Highway Safety
- e. Impact on wildlife
- f. Precision of policy wording

## Reasoning and Conclusions

### *Economic and sustainability considerations*

- 9.51 The Kent and East Sussex Railway operates mainly steam-hauled passenger services for the tourist market. It is evidently a popular local attraction that draws people to the area and creates spin-off economic benefits for related local businesses. The railway currently has no connection to the national rail network. This means that visitors either arrive by car or, if travelling by rail, they have to find a scarce bus service or other means of reaching one of the line’s stations, resulting in long and inconvenient journeys. Policy EM8 would support the extension of the railway line westwards from Bodiam to the mainline station at Robertsbridge on the Hastings-London line. This would facilitate the arrival of visitors by train with the potential to reduce the proportion travelling by less sustainable means of transport such as the car. Direct rail access is likely to be particularly attractive to rail enthusiasts and to those in London or elsewhere who do not possess a car but who can readily travel by train to Robertsbridge. The enhancement of the service would potentially increase overall visitor numbers with economic benefits for the railway and for associated local businesses. There may be some other local benefits in terms of enhanced public transport along the route but these are less certain and depend on matters such as pricing and service frequency. I nevertheless conclude that there would be economic and sustainable travel benefits were the railway to be extended as proposed. However a number of other important matters require to be taken into account.

### *Impact on the character and appearance of the area*

- 9.52 During the Inquiry the Council’s officers proposed a modification of the intended route of the railway where it would cross farmland to the east of the A21 bypass. This would remedy an inaccuracy in the Proposals Map. The change is numbered IC/3 and is accompanied by a larger scale and more accurate plan.
- 9.53 The proposed route would substantially follow the original route of the railway along the floor of the valley of the River Rother. However most of the former railway infrastructure such as embankments, bridges and level crossings has been removed and new works would be needed. Planning permission has previously been granted to reconstruct a section of line eastward from Robertsbridge Station to a point where the railway formerly crossed Northbridge Street at Robertsbridge. Permission has also been granted to extend the railway westward from Bodiam Station to a point close to the river. From there the westbound Policy EM8 route would deviate from the original route by taking the railway first north of the river and then back to the south bank to avoid Udiam Farm. That would entail the construction of two bridges over the river and would involve crossing the B2244 road further north than the original route. Continuing westwards, the railway would again cross to the northern bank of the river, resuming its original route. That would require another bridge and the reinstatement of embankments across farmland. Entering Robertsbridge, the railway would need to traverse the single carriageway A21 bypass, which did not exist when the railway was previously in operation and which crosses the river flood plain on a low embankment and a series of bridges. The route would then cross Northbridge Street to join the approved extended line from Robertsbridge Station.
- 9.54 The entire valley lies within the designated High Weald AONB, as does the eastern part of the valley through which the railway has previously been reinstated. Services

on this single track railway would necessarily be relatively infrequent and there is a lack of evidence before me to support assertions that the operation of the railway would destroy the peace or tranquillity of the valley or that the previous extension to Bodiam had such an effect. The low embankments and suitably-designed river bridges would have a limited visual impact on what is a large scale open landscape.

- 9.55 However it is more difficult to predict the visual impact of the works that would be necessary to cross the various roads since these crossings have not been designed. If, as appears likely (see below), the relevant authorities would only sanction a bridge crossing of the A21 and B2244, that would require considerable engineering structures to take the road over the railway or vice versa. These works would include the bridge itself and necessary associated cuttings or embankments. Embankments appear to be the more likely given the location of the crossings within the river flood plain where cuttings could take the road or railway below the level of the water table. To achieve the necessary clearance, embankments would probably be significantly taller and wider than the original railway embankments with a greater landscape impact. However the actual impact on the AONB cannot be predicted without a designed scheme.

*Impact on farming operations and on the living conditions of adjoining occupiers*

- 9.56 Subject to detailed consideration at the planning application stage, I consider that the proposed route is likely to be sufficiently remote from residential property that the noise or other emissions from the railway would not be unacceptably harmful to the living conditions of the occupiers.
- 9.57 Sections of the original railway embankment were removed by the farmer who now owns much of the route in order to improve access and drainage on the farm. The restoration of the embankments and the other necessary new works could have disadvantages in this respect. The present landowner opposes the scheme, as apparently do some other current landowners. However these landowning interests are a matter primarily for negotiation and have little bearing on the planning considerations. Were the landowners to remain opposed to the scheme, the Council could consider whether it wished to seek the use of compulsory purchase powers and would have to weigh up the planning issues and other relevant considerations. Landowners could pursue any objections through the formal statutory processes.

*The safety and flow of road traffic*

- 9.58 Whilst a modest level crossing is likely to be acceptable to cross the now lightly-trafficked Northbridge Street, the Council has proposed a Pre-Inquiry Change which highlights the County Highway Authority’s opposition on safety grounds to such a crossing of what is a busy, fast and straight section of the B2244. Neither is the Highways Agency likely to sanction a level crossing of the A21 trunk road bypass. The Agency is actively preparing proposals to realign and improve the A21 north of Robertsbridge to improve access to the coast with enhanced safety and reduced congestion and is unlikely to support a level crossing that would have a contrary effect. Indeed the Agency is currently proposing to remove a level crossing of the A27 trunk road elsewhere in East Sussex for similar reasons and at substantial cost.
- 9.59 Neither body has opposed the extension of the railway in principle, but for these reasons the crossing of these roads is likely to require works that are both costly and of uncertain visual impact.

**Pre-Inquiry Change – PC/09/02**

Add a new sentence after the third sentence in paragraph 9.26 to read:

**‘The Local Highway Authority has similarly indicated that it does not favour a level crossing of the B2244.’**

*Reason: To represent the Highway Authority’s stated position.*

*Impact on wildlife*

- 9.60 The Environment Agency points to the possibility that the route could potentially affect wetland habitats and floodplain grassland but does not object in principle to the allocation. Otherwise the proposed route is mainly over open farmed land of little obvious wildlife value and there is a lack of evidence before me that it would harm protected species or their habitat. If it did, Policy GD1 provides for compensatory measures.

*Flood risk*

- 9.61 The proposed route passes through a flood plain. The Northbridge Street area has experienced recent damaging floods and extensive flood control works have been carried out to reduce the risk of renewed flooding. These have included the construction of new bunds. However Policy EM8 already requires that the development must not compromise the integrity of the floodplain and these flood protection measures. A flood risk assessment would be needed once a scheme had been designed.

*Precision of policy wording*

- 9.62 Objection 105/3456 concerns the vagueness and imprecision of this and other policies with particular reference to the use here of the phrase ‘will be supported’. There is an apparent anomaly between this wording and that of Policy TR1 which more precisely safeguards a potential road route from other development. However I consider that a formal safeguarding policy for the railway would require the identification of the maximum land take. Moreover the support expressed in the policy is conditional upon several factors which are not certain to be satisfied. I therefore conclude that in this case the wording reasonably reflects the actual situation and that any more formal safeguarding policy should await the further investigation of the technical and economic feasibility of the proposal.

*Overall conclusion*

- 9.63 Taking all of these considerations into account, I consider that the proposal has significant potential economic benefits but that there are also substantial technical and other issues to be resolved as set out in the policy. Further work is needed on the design of the scheme to address these issues and the solutions are likely to be costly. However it would be premature to conclude that the matters are incapable of resolution or that the finance could not be raised. I consider that the proposal should remain in the Local Plan which would allow for these issues to be taken forward. However should there be a lack of progress in resolving these issues, the proposal should be reviewed when the relevant local development framework is prepared. In the meantime the risk of harmful blight is small having regard to the location of the route in open countryside.

## Recommendation

### 9.64 **I recommend that**

- (a) **Policy EM8 is retained;**
- (b) **paragraph 9.26 is modified in accordance with PC/09/02**
- (c) **the Proposals Map is modified in accordance with IC/3.**

## Paragraphs 9.27 and 9.28 and Policy EM9

### Objections

124/1879	CPRE Sussex Branch
166/2127	Mr. M. Worssam (Incorrectly recorded against Policy EM8)
177/2189	McCarthy & Stone
145/1979	South East England Tourist Board
145/1980	South East England Tourist Board
260/3337	Tourism South East (Paragraph 9.27)
271/4069	Town & Country Planning Solutions

### Issues

- a. Provision of tourist accommodation in new buildings in the countryside
- b. Criteria for the conversion of tourist accommodation to other uses
- c. Extension of tourist accommodation

### Reasoning and Conclusions

*Provision of tourist accommodation in new buildings in the countryside and by the extension of tourist accommodation*

- 9.65 Objection 124/1879 was originally submitted in respect of Policy T4 in the Initial Deposit Local Plan but was amended to seek the following rewording of Policy EM9: ‘The construction of new buildings in the countryside to provide tourist accommodation will not normally be permitted and any proposal must accord with other policies in this Plan and not adversely affect the character of the area and will not give rise to unacceptable traffic conditions.’ Objection 145/1980 seeks a more permissive approach to the provision of new and extended accommodation to include new buildings in the countryside that replace existing buildings.
- 9.66 In its Written Statement of response to Objection 1879 the Council claims that Policy EM9 would only allow new buildings to accommodate tourists within development boundaries and that in the countryside only changes of use of existing buildings or the development of camping and (touring) caravan sites would be allowed (subject to criteria). However this is not clear in the wording of the Policy and the preceding text refers to all types of tourist accommodation throughout the District. I agree that the policy should be reworded. However the suggested wording in Objection 1879 would delete any policy context for new accommodation within development boundaries and would also delete the protection which Policy EM9 provides for existing tourist accommodation. I therefore recommend amended wording.
- 9.67 The most likely circumstance in which an existing building in the countryside would be proposed for replacement by new tourist accommodation would be where the



existing agricultural or other building were either too small or too poorly constructed to be suitable for conversion. It is conceivable that a replacement building could have visual and economic benefits in some circumstances. However there is also a risk that a policy to encourage such developments would lead to unsuitable and damaging proposals for large intrusive new buildings in remote locations and sensitive landscapes with individual or cumulative harm. I thus do not recommend a present modification in that respect but the subject merits consideration as part of the review of conversions policy for the local development framework that I recommend above in relation to the replacement of buildings for economic development purposes as proposed in *PPS7*.

- 9.68 The reference to ‘limited extensions’ which was in Policy T4 of the Initial Deposit Local Plan and which was objected to in objection 145/1980 does not appear in the substantive Revised Deposit Local Plan.

*Criteria for the conversion of tourist accommodation to other uses*

- 9.69 Earlier in this report when I addressed objections to Policy HG11 in Section 6, I concluded that there was a need for greater certainty as to how it might be demonstrated that a rural building could not be secured for employment or tourism re-use and should instead be converted to residential use. This might include, for example, specifying that the property would need to be adequately advertised on the open market for a specified minimum time at a reasonable price or rent in order to allow potential occupiers (including employment or tourist accommodation or community uses under Policy EM3) to bid for the property. To this end I recommended the preparation of guidance in the form of a Supplementary Planning Documents (SPD) and that the Local Plan text should also explain the reasons why employment, tourism or community uses will usually be preferred.
- 9.70 Similar considerations apply concerning the intention of Policy EM9 to prevent the loss of ‘good quality visitor accommodation’. The Policy only states that such losses will be ‘refused unless it can be demonstrated that there is no longer a demand for this type of accommodation’. On its own the policy and its supporting text are too vague in that they give no indication as to what might constitute good quality accommodation or how a lack of demand is to be demonstrated. Again I consider that additional text should be introduced to clarify the policy goals and that a Supplementary Planning Document should be prepared to set out the test to be applied.
- 9.71 I note the advice of Tourism South East and the former South East England Tourist Board that: there should be a report of the marketing carried out over a 1 or 2 year period; that the accommodation should be in a good state of repair at the time it was marketed; and that there should be evidence of lack of demand for the facility based on the preceding 3 years. However, there has been some variation in this advice during the preparation of the plan and different criteria are suggested by another objector. I consider that it would be premature to introduce a detailed test into the Local Plan but the text of the Plan needs to refer to the preparation of the SPD and to the nature of the problem which the policy is addressing. The preparation of an SPD would allow for consultation to include other interested persons. The SPD should indicate what would qualify as good quality accommodation.

- 9.72 Objection 166/2127 seeks the addition to what is now Policy EM9 of wording to the effect that it would need to be demonstrated that there is no longer a demand for the tourist accommodation ‘at this locality’. However as the test should apply to the accommodation in question which is unique and fixed in location, I consider this unnecessary. The evidence should relate to a marketing or other test of the subject property, not a general review of the demand for similar property in an undefined area.

### Recommendation

- 9.73 **I recommend that the Local Plan is modified by**

**(a) the deletion of Policy EM9 and the substitution of the following wording:**

**‘Within development boundaries, proposals for the provision of an appropriate range and quality of tourist accommodation will be permitted subject to other policies of this Plan. In the countryside, tourist accommodation will only be permitted if specifically provided for by other Plan policies and in accordance with them. In all parts of the District, proposals for the loss of good quality visitor accommodation will be refused unless it can be demonstrated that there is no longer a demand for that accommodation’;**

**(b) the addition of the following supporting text as Paragraph 9.27A:**

**‘Visitors staying in the area bring important benefits for the local economy. Therefore the loss of existing tourist accommodation to other uses will be resisted unless it is of unacceptably poor quality or where a genuine lack of demand for the accommodation is demonstrated. A Supplementary Planning Document will be published with further advice on the relevant tests. To reduce unnecessary journeys and to protect the landscape which is itself an important visitor attraction, new tourist accommodation will be concentrated within development boundaries except where allowed for in the countryside by other plan policies including Policy EM3 and Policy EM10.’**

### Paragraph 9.29 and Policy EM10

#### Objections

81/3524	East Sussex County Council T&E
120/1860	Camber Sands Holiday Park (See Policy EM11 below)
121/3205	Cinque Port Leisure Group
121/3207	Cinque Port Leisure Group (Policy EM10 Omission)
145/1981	South East England Tourist Board (See Policy EM11 below)
166/2128	Mr. M. Worssam
209/3202	Leisure Great Britain Ltd.
260/3338	Tourism South East
209/3204	Leisure Great Britain Ltd. (Policy EM10 Omission)

#### Issues

- a. The principle of developing or extending static caravan parks
- b. Tourist accommodation within development boundaries
- c. Visibility from open spaces
- d. Accommodation for site management

- e. Flood risk
- f. Long term management of site landscaping
- g. Typing error

## Reasoning and Conclusions

### *The principle of developing or extending static caravan parks*

- 9.74 The District already has a large concentration of static caravans including sites that are likely to have been established many years ago in prominent locations where they may detract from their landscape setting. Policy EM10 already provides for the identified need for seasonal sites for touring caravans and tents. It also allows that additional static caravans may be acceptable where that would result in a significant improvement in the appearance of an existing site or where caravan accommodation is essential in association with a rural enterprise. I support that approach and consider that any encouragement for new static caravan sites or for chalet developments in other circumstances would risk significant harm to the appearance of the countryside. It is not warranted by any economic benefits since this form of accommodation is already well represented in the District and because unsightly development would risk eroding the area’s attractiveness to other tourists.

### *Tourist accommodation within development boundaries*

- 9.75 Objections 121/3207 and 209/3204 seek the reinstatement of an Initial Deposit Local Plan policy concerning new tourism development (including caravan parks) within settlement boundaries. However I consider that the original Policy was unnecessarily detailed and that the Plan’s generic policies now adequately address relevant issues.

### *Visibility from open spaces*

- 9.76 Objection 166/2128 relates to text in Policy T5 of the Initial Deposit Local Plan. That Policy does not appear in the substantive Revised Deposit Local Plan and thus no modification would be appropriate.

### *Accommodation for site management*

- 9.77 Pre-Inquiry Change PC/09/05 would amend criterion (v) of Policy EM9 as follows:

#### **Pre-Inquiry Change – PC/09/05**

Amend criterion (v) of Policy EM10 to read:

**‘(v) suitable residential accommodation that is operationally necessary for site management may be permitted with appropriate conditions and safeguards’**

*Reason: To recognise that a single caravan may not always be adequate or appropriate.*

- 9.78 The amendment would allow for more than one caravan which may be necessary in some circumstances. I consider the change to be appropriate.

### *Flood risk*

- 9.79 Camping and caravan sites can be vulnerable to flooding and in recent years there have been well-publicised examples of flooding occurring even in the summer season when touring sites are most likely to be operational. I thus support the Council’s proposed change to limit such developments to lower risk areas as follows:

**Pre-Inquiry Change – PC/09/06**

Amend Policy EM10 by adding the following criterion:-

**‘(viii) would not be in an area that is not defended against the 1 in 100 year fluvial or 1 in 200 year tidal flood event’**

*Reason: To add a criterion that presumes against caravan and camping sites in flood risk areas.*

*Long term management of site landscaping*

- 9.80 Whilst legal agreements can be useful to ensure the long term management of site landscaping, I do not consider that they are always necessary or that Policy EM10 should require them in all cases as Objection 81/3524 would seek. The requirement for comprehensive landscaping proposals can embrace the use of legal agreements or unilateral legal obligations where necessary.

*Typing error*

- 9.81 There is an obvious typing error in Policy EM10(vi) which should cross refer to Policy EM11 but actually refers to Policy EM10 itself.

**Recommendation**

- 9.82 **I recommend that:**

**(a) Policy EM10 is modified in accordance with PC/09/05 and PC/09/06;**

**(b) Policy EM10(vi) is modified to correct a typing error by substituting ‘Policy EM11’ for ‘Policy EM10’.**

**Policy EM11****Objections**

24/1065	Cinque Ports Leisure Limited
24/3115	Cinque Ports Leisure Limited
24/9022	Cinque Ports Leisure Limited (Objection to PC/09/07)
120/1860	Camber Sands Holiday Park (Policy EM10)
121/3206	Cinque Port Leisure Group
145/1981	South East England Tourist Board (Policy EM10)
207/3178	Pontins Ltd.
209/3203	Leisure Great Britain Ltd.
260/3339	Tourism South East

**Issues**

Length of season and Government guidance in PPG21

**Reasoning and Conclusions**

- 9.83 My consideration here includes two objections that were recorded against Policy EM10 but which concern a criterion of that Policy which should refer to Policy EM11 but has been mistyped as a reference to EM10.
- 9.84 The Council has proposed the substitution of the following wording for that which appeared in the Revised Deposit Local Plan:-

**Pre-Inquiry Change – PC/09/07**

Delete Policy EM11 and replace with:

**‘Outside high flood risk areas\*, the occupation of holiday chalets and static caravans will be limited to between 1st March in any one**

**year and to the 14<sup>th</sup> January the following year, while the use of land for touring caravans and camping will be limited to between 1st March and 31st October in each year.**

**Planning applications which seek to extend the occupancy period will be considered on their individual merits having regard to other Plan policies.**

**Extensions of existing occupancy periods will not be agreed in Undefended areas of high flood risk\* unless a flood risk assessment has satisfactorily demonstrated that the appropriate minimum standard of flood defence will be provided and it would not impede flood flows or otherwise prejudice floodplain storage.’**

**(\* ‘high flood risk’ relates to areas not having protection against a 1 in 100 year fluvial or 1 in 200 year tidal flood event)**

*Reason: To be consistent with Government guidance in PPG21.*

- 9.85 Existing sites will either already be subject to specific occupation limitations or will have been established before such controls were introduced. The policy would thus apply only to new permissions, whether for new sites or where permissions are issued in respect of changes to existing sites. Whereas the policy and the supporting text only refer to flood risk as a reason for limiting the period of occupation, other plan policies seek to protect the stock of tourist accommodation and there is a risk acknowledged in the representations that holiday accommodation may become subject to permanent residential use, denying its availability to holidaymakers.
- 9.86 Relevant Government advice is set out in Annex C of *PPG21 ‘Tourism’*. This advises the use of holiday occupancy conditions but also advises the use of seasonal occupancy conditions (as proposed here) to prevent the permanent residential use of accommodation which by the character of its construction or design is unsuitable for continuous occupation, especially in the winter months. The ability to effectively enforce relevant conditions is an important consideration and a seasonal occupancy condition can be readily monitored whilst acting as a disincentive to continuous residential occupation.
- 9.87 The Council’s proposed wording change extends the usual season for the occupation of static caravans and holiday chalets whilst maintaining a shorter season for touring caravans and tents. However it effectively invites applications to extend the season and states that these will be considered on their individual merits having regard to other Plan policies. Such a provision to my mind negates the purpose of including a season of fixed length in the policy.
- 9.88 Whether or not a seasonal condition is imposed, I consider that a condition would be necessary, as *PPG21* advises, to limit occupation to holiday purposes. If not, the accommodation could be used for most of the year for ordinary residential purposes with the residential occupier timing their own holiday or other absence to coincide with the closed season.
- 9.89 Whilst camping remains a highly seasonal activity, I acknowledge that the market for short break holidays in the winter has grown and that the insulation and general accommodation standards of chalets and of static and touring caravans now may facilitate year round use of such accommodation for holiday use. Even so, the limited space, an inconvenient location relative to employment or facilities or other factors make the accommodation unsuited to full-time residential use. Winter occupation for tourism purposes has potential benefits for the local economy which should not be discarded without good reason.

- 9.90 I thus consider that the objectives of the policy should be to allow for the maximum period for holiday use that is consistent with ensuring that the accommodation is not used for other residential purposes and with minimising the risk both of harmful flooding of the accommodation and of the visual intrusion of touring caravans (or tents) at times of year when sites are poorly screened by the vegetation that would create an effective screen in the summer. To this end I recommend modified wording for the policy and its supporting text. This would include the limitation of occupancy of all the relevant accommodation to holiday purposes so as to maintain the stock of such accommodation and would also advise of the use of seasonal occupancy conditions to aid enforcement. The supporting text would advise on the typical length of the closed season whilst indicating that this would be adjusted where necessary to reduce flood risk, to limit visual intrusion, to accord with other provisions of the Plan or where an alternative effective means of ensuring holiday use had been secured.

### **Recommendation**

9.91 **I recommend**

**(a) that Policy EM11 be modified by substituting the following wording**

**‘To prevent the ordinary residential use of accommodation intended for tourists, the occupation of holiday chalets, static holiday caravans, touring caravans and camping sites will be restricted to holiday purposes only and will also be subject to seasonal occupancy conditions. Where a seasonal condition is not also needed to prevent visual intrusion in the winter months or to address a seasonal risk of flooding, alternative means of occupancy control will be considered subject to their being both effective and readily enforceable.**

**(b) that Policy EM11 is preceded by two additional paragraphs of supporting text as follows:-**

**9.29A**

**To ensure that caravan, holiday chalet and camping accommodation remains available as tourist accommodation and is not used for other residential purposes, the occupancy of such accommodation will be limited to holiday use. Additional seasonal occupancy conditions serve a similar purpose and are readily enforceable. They can also prevent the use of accommodation at unsuitable times of year, for example in locations that are at high risk of seasonal flooding or where a lack of screening in the winter months would make touring caravans and tents visually intrusive. Seasonal occupancy of holiday chalets and static caravans would typically be limited to between 1st March in any one year and to the 14th January the following year, while the use of land for touring caravans and camping would typically be limited to between 1<sup>st</sup> March and 31st October in each year with those sites being cleared of caravans and tents in the winter months. Alternative means of occupancy control may be considered if they would be effective.**

**9.29B**

**The extension of existing seasonal occupancy periods is unlikely to be agreed in undefended areas of high flood risk\* unless a flood risk**

**assessment has satisfactorily demonstrated that the appropriate minimum standard of flood defence will be provided and it would not impede flood flows or otherwise prejudice floodplain storage.’ (\* ‘high flood risk’ relates to areas not having protection against a 1 in 100 year fluvial or 1 in 200 year tidal flood event)**

## Policy EM12

### Objections

24/1066	Cinque Ports Leisure Limited
24/3121	Cinque Ports Leisure Limited
105/3456	Government Office for the South East

### Issues

- a. Year round storage of touring caravans
- b. Precision of policy wording

### Reasoning and Conclusions

#### *Year round storage of touring caravans*

9.92 The objections seek that Policy EM12 be modified to allow for the year round storage of touring caravans on touring sites as well as on (or adjoining) static caravan sites. However, whereas static caravan sites are occupied by caravans all year round, touring caravan sites would otherwise typically be vacant or little used in the winter months. The Council points out that many of these sites are in locations that are vulnerable to winter flooding or which become conspicuous in the winter months when there is less screening foliage. Moreover to allow for the use of land adjoining static or touring sites as suggested would risk even more visual intrusion in the landscape.

9.93 The wording of Policy EM12 also allows for the storage of touring caravans in appropriately located buildings that are not necessarily located on or adjacent to caravan sites. That provision would be unreasonably removed by the Objector’s suggested rewording

#### *Precision of policy wording*

9.94 Objection 105/3456 concerns the vagueness and imprecision of this and other policies with particular reference to the use here of the phrase ‘favourable consideration will be given to’. I consider that the policy would provide the requisite certainty if these words were to be replaced by the words ‘Planning permission will be granted for’.

### Recommendation

9.95 **I recommend that Policy EM12 is modified by deleting the words: ‘Favourable consideration will be given to...’ and replacing them with the words ‘Planning permission will be granted for...’.**

## Shopping

(Paragraphs 9.30 to 9.37 and Policies EM13, EM14 and EM15)

### Paragraphs 9.30 to 9.37

#### Objections

104/1579 B & Q Ltd.

#### Comments

290/3465 DEFRA (see Section 7)

#### Issues

- a. Redrafting of policies to refer to need and the sequential test
- b. Farm Shops

#### Reasoning and Conclusions

*Redrafting of policies to refer to need and the sequential test*

9.96 Objection 104/1579 is made to the general shopping policies of the Initial Deposit Local Plan. They have since been deleted and replaced by Policies E13-E15 in the Revised Deposit Plan. These meet the thrust of the objection in that they adopt a more simplified wording and approach and address the issues of need and the sequential test. Moreover, with regard to the Revised Deposit Policies, I agree with the Council’s decision to avoid duplicating the wording of the strategic policies of the Structure Plan.

#### *Farm Shops*

9.97 Paragraph 9.37 of the Plan is setting out important cross-references to policies in the Structure Plan. The Pre-Inquiry Change PC/09/03 rectifies an omission in respect of small-scale shopping proposals, including farm shops.

#### **Pre-Inquiry Change – PC/09/03**

Add the following sentence to the end of paragraph 9.37:

**'Policy SH5 provides for small-scale shopping proposals, including farm shops'.**

*Reason: To recognise that farm shops are within the scope of the policy.*

9.98 In my view, this is appropriate and I support this proposed Change.

#### Recommendation

9.99 **I recommend that no modifications are made in respect of objection 104/1579.**

9.100 **I recommend that paragraph 9.37 is modified in accordance with Proposed Change PC/09/03.**

## Policy EM13

#### Objections

71/1275	Budgens Stores Ltd.
105/3456	Government Office for the South East
139/3008	Land Securities plc (See also Section 9 Omissions – Shopping Policy)



## Supporting Statements

226/3003

The British Land Corporation

### Issues

- a. Redrafting of policies to refer to need and the sequential test
- b. Creation of a hierarchy of town centres, retail centres and local centres
- c. Refurbishment of existing retail premises outside the identified main shopping areas.
- d. Precision of policy wording

### Reasoning and Conclusions

#### *Redrafting of policies to refer to need and the sequential test*

9.101 I have commented on this issue above (in paragraph 9.96) in discussing the revised and simplified Policies now put forward in the Revised Deposit Local Plan. I consider that the concerns raised in this objection have been met in the drafting of the revised Policies.

#### *Creation of a hierarchy of town centres, retail centres and local centres*

9.102 The need to identify a clear hierarchy of retail centres may well arise in areas where there is a more complex pattern of retail provision, including a wide range of centres of different sizes, fulfilling distinct functions. This is not the case in this District where there are only 3 town centres and 2 district centres. These are defined on the Inset Maps. All the village centres are of small size. There are no substantial retail groups in Battle and Rye except in their town centres. Outside the town centre of Bexhill, the only group of conventional shops in that town is at London Road, but its size does not meet the Structure Plan threshold for a district centre classification. I address the issue of the Ravenside Retail and Leisure Park later in this Section.

#### *Refurbishment of existing retail premises outside the identified main shopping areas*

9.103 Proposals for the refurbishment of existing retail premises outside the defined main shopping areas, which require planning permission, would be judged against Policies EM14 or EM15.

#### *Precision of policy wording*

9.104 Objection 105/3456 relates to the vagueness and imprecision of this and other policies, with particular reference here to the use of the phrase ‘... favourable consideration will be given to...’. Again, I consider that the policy would provide the requisite certainty if these words were to be replaced by the phrase ‘... planning permission will be granted for ...’.

### Recommendation

9.105 **I recommend that Policy EM13 is modified by deleting the words ‘favourable consideration will be given to’ and the substitution of the phrase ‘planning permission will be granted for’.**

## Policy EM14

### Objections

71/1276	Budgens Stores Ltd.
71/1277	Budgens Stores Ltd.
71/3251	Budgens Stores Ltd.
140/1956	BT plc
184/3171	Sainsbury's Supermarkets Ltd.

### Issues

- a. Simplification and redrafting of policies;
- b. Reference to need and the sequential test
- c. Criteria and tests for development outside defined centres
- d. Definition of the term ‘significant’

### Reasoning and Conclusions

#### *Simplification and redrafting of policies*

9.106 Objections 71/1276 & 71/1277 seek the simplification of certain shopping Policies in the Initial Deposit Local Plan. As I explained earlier, these have been deleted and redrafted in the Revised Deposit Local Plan and are now expressed in a much more simplified form. I am satisfied with the general approach adopted, which, in my view, meets the thrust of the objections. I do not agree with the argument that Policies EM13 and EM14 should be combined. They seek to distinguish between retail proposals within and outside defined centres. The distinction they draw reflects the policy structure contained in strategic guidance and the sequential test theme which is strongly emphasised in the latest national guidance in *PPS6*.

#### *Reference to need and the sequential test*

9.107 Revised Deposit Policy EM14, which deals with retail proposals for development outside defined centres, explicitly refers to need and the sequential test. Furthermore, in this context, the Proposed Change PC/09/08 appropriately clarifies the point that need is concerned with both qualitative and quantitative factors.

#### **Pre-Inquiry Change – PC/09/08**

Amend 3rd line of Policy EM14 to read:

**'...Proposals Map, where a quantitative and qualitative need for the development is demonstrated...'**

*Reason: To clarify that the policy relates to smaller scale developments.*

9.108 I consider that the concerns expressed on this issue have been addressed.

#### *Criteria and tests for development outside defined centres*

9.109 Policy EM14 deals with proposals outside defined centres. Through its cross-references to Structure Plan Policy SH3 and national guidance (an approach which follows Government advice on the structuring of policies) this Policy effectively provides a criteria-based approach. Policy EM15, as proposed to be changed (see below), deals with small-scale proposals within defined development boundaries in both towns and villages. Again, the Policy contains a series of criteria which will be applied to individual schemes.

*Definition of the term ‘significant’*

9.110 The Council explains that this term is based on the definition of large shopping proposals covered by Policy SH6 in the Structure Plan. Similarly, small-scale developments conform to the definition in Policy SH5. This consistent approach is sensible. However, it would be helpful if this was clarified in paragraph 9.37 where cross-references to the Structure Plan are explicitly set out.

**Recommendation**

9.111 **I recommend that Policy EM14 is modified in accordance with the Proposed Change PC/09/08.**

9.112 **I recommend that paragraph 9.37 is modified by explicit references to the definition of small-scale and large shopping proposals contained in Policies SH5 and SH6 of the Structure Plan :**

**Policy EM15****Objections**

131/1902	Mr. C.H. Harmer
168/2154	Wm. Morrison Supermarkets plc
168/2155	Wm. Morrison Supermarkets plc
168/2156	Wm. Morrison Supermarkets plc
168/2157	Wm. Morrison Supermarkets plc (See Section 10 Bexhill - Policy BX2)
168/2158	Wm. Morrison Supermarkets plc (See Section 10 Bexhill - Policy BX2)
168/2159	Wm. Morrison Supermarkets plc
168/3412	Wm. Morrison Supermarkets plc
168/9019	Wm. Morrison Supermarkets plc (PC/09/09)

**Supporting Statements**

129/1897	Crowhurst Parish Council
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**Issues**

- a. Role of the Policy
- b. Identification of need for retail development
- c. Identify sites for retail development in District and Town Centres where a need exists
- d. Provision for retail use of land allocated for other purposes where a retail need exists
- e. Loss of key rural services

**Reasoning and Conclusions***Role of the Policy*

9.113 A number of the objections made by Wm Morrison Supermarkets plc raise general concerns about how the Plan addresses retail need. Some of the objections are made in the wider context of the group of shopping policies in Section 9, whereas others are focused on Policy EM15. I address these arguments under the heading of the issue immediately below. However, in terms of Policy EM15, firstly, its precise role needs to be clarified. It is now clear from the Council’s evidence that the Policy is intended to relate to small-scale development, as defined in Structure Plan Policy SH5. I have

recommended above that this ought to be made clear in paragraph 9.37 where the cross-references to Structure Plan Policies are set out. Proposed Change PC/09/09 seeks to clarify this role as follows:-

**Pre-Inquiry Change – PC/09/09**

Amend 1st line of Policy EM15 to read:

**'Proposals for new or improved small-scale retail development within town, and village development boundaries...'**

*Reason: To clarify that the policy relates to smaller scale developments.*

- 9.114 I consider that this is necessary and appropriate, bearing in mind the clearly distinct purposes of the two preceding Policies.

*Identification of the level of need for retail development*

- 9.115 Some of the objections argue that the considerations of retail need should be explained in the Plan, with the precise level of need explicitly stated. As the Plan area will be subject to economic and demographic changes throughout the Plan period, it would not be appropriate for an estimate of need at one point in time to become enshrined in the Plan. *PPS6*, albeit providing guidance in the context of the new local development framework process, in paragraph 2.16 advises that local planning authorities should work in conjunction with stakeholders and the community to assess the need for new floor space for retail and other town centre uses, taking account of both quantitative and qualitative considerations. In paragraph 2.32 the policy guidance requires that need assessments for the plan period should be carried out as part of the plan preparation and review process, and updated regularly. It goes on to explain that these assessments should form part of the evidence base of the development plan documents. The guidance does not suggest that the result of the need assessment should form part of the Plan. Consequently, I do not consider that the Plan itself should contain a detailed exposition of the current assessment of retail need, or that an estimate of the present level of need should be included. Finally, Policy SH2 of the Structure Plan requires that Local Plans should include policies to maintain and enhance the role of existing shopping centres based on assessments of vitality and viability, future needs and the capacity for further retail development.
- 9.116 There is an implication in paragraph 9.33 of the Plan that the Council has undertaken some form of need assessment in terms of the three towns. With the exception of Rye, I have not been provided with any detailed evidence that enables me to confirm that approach. There are no Core Documents specifically concerned with retail issues. On the basis of comments made in the context of various other objections, particularly in terms of Rye, my impression is that any retail needs assessment undertaken by the Council in order to inform the Plan has not followed the open, inclusive consultative approach advised in paragraph 2.16 of *PPS6*. In passing, it should be noted that the process of assessing retail need is a particularly important ‘live’ issue in the context of Rye and I address that in Section 12 of the Report.
- 9.117 In the Initial Deposit Local Plan there are references to a 1999 shopping survey in relation to Bexhill and conclusions on retail need are expressed in subsequent paragraphs. In the Revised Deposit Local Plan there are general references to the question of retail need in each of the three relevant settlement Sections. The Council’s evidence in respect of the objections 168/2155 & 2156 indicates that detailed floor space needs are to be monitored continuously in parallel with the Local Plan, as *PPS6* advises. However, in order to comply with the requirements of

national guidance and the policy imperative of the Structure Plan, I consider that the Plan should incorporate an explicit reference to the process of retail need assessment. It should also be made clear in paragraph 9.33 that this retail need assessment process will be regularly updated and will be undertaken in conjunction with relevant stakeholders and the communities in accordance with the guidance in *PPS6*.

*Identification of sites for retail development in District and Town Centres where a need exists*

- 9.118 In terms of the three town centres the Plan, in the Revised Deposit version, has addressed the concerns which underpin this issue. In Bexhill, Policy BX5 allocates land in the town centre for a mixed-use development, including retail. Policy RY6 extends the defined shopping area in Rye town centre in order to facilitate future improvements. In paragraph 11.27 of the Plan relating to Battle, the conclusion is reached that the assessment undertaken does not show any need for further significant retail floor space in the Plan period. Accordingly, the Proposals Map does not contain a specific allocation for further retail development.

*Provision for retail use of land allocated for other purposes where a retail need exists*

- 9.119 Objection 168/2159 was made in respect of Policy S4 of the Initial Deposit Local Plan. This Policy, along with other related shopping policies has been deleted and superseded by completely new Policies in the Revised Deposit version. Policy EM14, relating to proposals for significant retail development outside defined centres, requires that, among other things, regard is paid to criteria (a) – (j) in Structure Plan Policy SH3. Criterion (b) of the Policy states that proposals for shopping development outside defined main shopping centres will be supported only if the proposal would not lead to significant losses of land available for housing and would not use land identified in local plans to be protected for business, industrial and warehousing development. The indirect consequence of supporting this objection would be to subvert the Structure Plan policy through this Local Plan process. I understand the reasons behind this objection, but I cannot sanction that approach which would be inappropriate.

*Loss of key rural services*

- 9.120 The concerns expressed in objection 131/1902 are aimed at Policy S9 of the Initial Deposit Local Plan. This policy has been deleted and superseded by the shopping policies of the Revised Deposit version. The final paragraph of Policy EM15 addresses this issue and, in my view, adequately meets the essence of the objection.

**Recommendation**

- 9.121 **I recommend that the Local Plan is modified in accordance with the Proposed Change PC/09/09.**
- 9.122 **I recommend that following the first sentence in paragraph 9.33 an additional sentence is inserted as follows:-‘In accordance with Policy SH2 of the Structure Plan and guidance in *PPS6*, the retail floor space needs of the towns will be assessed as part of a process which includes regular monitoring and review. The process will be undertaken in conjunction with relevant stakeholders and the communities’.**

## Section 9 Omissions – Shopping Policy

### Objections

119/1853	Hastings Borough Council
139/1948	Land Securities plc
139/3008	Land Securities plc (Policy EM13)

### Issues

Reference to Ravenside Retail and Leisure Park

### Reasoning and Conclusions

- 9.123 Ravenside Retail and Leisure Park stands in Bexhill close to the boundary with Hastings Borough. It includes a Tesco superstore, an Iceland frozen food store, several large non-food stores and some leisure facilities including fast food restaurants. Planning permission has recently been issued to extend the Tesco store and to enlarge the retail park. These works were underway during the Inquiry.
- 9.124 Objection 139/1948 seeks the identification of a clear hierarchy of centres to include District Centres with the Retail Park itself to be classified as a ‘District Centre’. The Structure Plan does not use the term District Centres but refers to existing main shopping centres as including ‘nucleated suburban centres in urban areas, having over 50 shops (retail and service trade)’. In Bexhill, the Local Plan Proposals Map defines Sidley as a ‘District Shopping Area’ and Little Common as a defined ‘Shopping Area’. The Council’s Proposed Change PC/PM/03 would also describe Little Common as a District Shopping Area [See Section 15]. The Local Plan refers to the Bexhill district centres in plural as ‘main shopping centres’ for the purposes of applying the Structure Plan’s shopping policies. I take it from this and the Council’s written representations that Little Common and Sidley are to be regarded as District Centres but that Ravenside is excluded. Ravenside would thus be subject to Structure Plan policy SH3 which applies to retail development proposals not within or on the edge of existing main shopping centres and to Local Plan Policy EM14.
- 9.125 Annex A of *PPS6 ‘Planning for Town Centres’* states that District Centres ‘will usually comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library’. Whilst it has a number of large stores selling a variety of goods, Ravenside has less than 50 shops for the purposes of the Structure Plan definition of nucleated suburban centres. It is particularly weak in the provision of non-retail services for the purposes of the *PPS6* definition of a District Centre. Neither the Government’s definition of a District Centre, nor the range of non-retail services at Ravenside has changed materially since a Planning Inspector concluded at an appeal in 2002 that the Park is not a convincing ‘District Centre’. He based this conclusion largely on the lack of non-retail services. Whilst the Objector claims that the Park serves a local district function, I note the Council’s evidence that it draws customers principally by car from a much wider area than the local area or district. In particular the recorded proportion of walk-in customers is only about 4-6%. The proposed urban extension at N E Bexhill is to have its own local facilities to meet day-to-day needs and will also be served by the nearby Sidley district centre. I conclude that priority should continue to be accorded in the hierarchy to the Town Centre and existing District Centres over development at the Retail Park and that the Park should not be accorded District Centre status.

9.126 Objection 119/1853 by Hastings Borough Council originally sought a specific additional policy to control development at Ravenside Retail Park. This was because of concern about the impact of development there on St Leonards and at Hastings Town Centre. At the Inquiry the Objector conceded that a policy was not needed but sought wording in the supporting text to the effect that further development at Ravenside would be resisted. However the recent extension of the Park which was allowed on appeal was considered under existing Structure Plan policies and the emerging provisions of the Local Plan. After applying the necessary and objective sequential test, the Inspector concluded on the facts that there would be no harm. If a new development proposal were to pass that policy test again without demonstrable evidence of harm, it would be illogical to then refuse planning permission on the basis of an unsubstantiated presumption against such development in the supporting text to the policy. I thus conclude that such wording could not be justified.

### Recommendation

9.127 **I recommend that the Local Plan is not modified in respect of these objections.**

## Section 9 Omissions - Rural Employment

### Objections

6/1011	Mr. A. Dunlop
20/1157	Mr. D. Pearce
190/2330	Pett Parish Council

### Issues

Employment in rural areas

### Reasoning and Conclusions

9.128 Objections 190/2330, 6/1011 and 20/1157 were submitted in relation to the Initial Deposit Local Plan and they variously seek greater support for new or existing employment in villages or the countryside.

9.129 Insofar as the objections seek a reduction in business rates, that is not a matter for the Local Plan. In other respects I consider that the Revised Deposit Local Plan is already generally supportive of rural business in that: Policy EM1 provides for the extension of existing businesses (subject to criteria); Policy EM2 seeks to protect existing employment sites from other forms of development; Policy EM3 accords priority to employment or tourism uses in the re-use of rural buildings; and Policy EM6 supports business uses operating from residential properties (subject to criteria). However to also encourage the location of businesses at new locations in the countryside would risk serious individual or cumulative harm to the rural environment and the creation of unsustainable travel patterns that were heavily reliant on movement by car.

### Recommendation

9.130 **I recommend that the Local Plan is not modified in respect of these objections.**

## Section 9 Omission Sites

### Objections

119/3271	Hastings Borough Council (See Section 14 Omission Site – Ivyhouse Lane)
138/1937	British Gypsum Ltd. (Also see Policy EM1)
138/1938	British Gypsum Ltd. (Also see Policy EM1)
138/1939	British Gypsum Ltd. (Also see Policy EM1)
144/1977	Westridge Construction Limited (Bodiam Business Park)
144/1978	Westridge Construction Limited (Bodiam Business Park)
144/3356	Westridge Construction Limited (Bodiam Business Park - Also see Policy EM1)

### Supporting Statements

45/1218	Mr. S. Hardy (Bodiam Business Park)
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FOR THE FOLLOWING REPRESENTATIONS SEE SECTION 14 OMISSIONS SITES - IVYHOUSE LANE

149/2019	Mr. Roy Higgs
150/2020	Mrs. Julie Higgs
154/2024	Mrs. M. Roberts
155/2025	Mr. D. Gore
156/2026	Mr. R.W.N. Scollay

### Issues

- a. Employment Omission Sites - Robertsbridge Works and Brightling Mine.
- b. Employment Omission Site - Bodiam Business Park

### Reasoning and Conclusions

*Employment Omission Sites - Robertsbridge Works and Brightling Mine.*

9.131 I address above in relation to objections to Policy EM1 the proposal by British Gypsum that established employment sites outside development boundaries be specifically identified where they are suitable for development. The same objections seek a listing in the Local Plan of specific existing employment sites suitable for development or extension to include the Objector’s sites at the Robertsbridge Works at Mountfield and the Brightling Mine, 5km to the northwest.

9.132 I conclude in relation to the Policy EM1 objections that the listing of such sites is not necessary and that the Plan’s criteria-based policies are adequate for the purpose of addressing proposals for their redevelopment or extension. Moreover in this case the suggested allocation is not accompanied by specific proposals for how these two sites might be redeveloped or extended or what areas of land should be included. Also, having regard to the national importance of the gypsum reserves and to the history of proposals for waste handling, there is a considerable overlap with matters that are properly the concern of the Minerals and/or Waste Local Plans.

### Recommendation

9.133 **I recommend that the Local Plan is not modified in respect of these objections**

### Reasoning and Conclusions

*Employment Omission Site - Bodiam Business Park*

9.134 Objections 144/1977, 144/1978 and 144/3356 specifically seek the identification and expansion of the existing Bodiam Business Park which stands in open countryside



outside any defined development boundary. A defined area is proposed for the expansion.

- 9.135 I address the general principle of identifying such sites in connection with objections to Policy EM1 above. I conclude there that it is not necessary to identify existing employment sites and that the criteria-based approach of Policy EM1 is preferable. This does allow for the expansion of existing sites to accommodate smaller-scale business activities but subject to general development considerations and to the development not detracting from the character or appearance of the area.
- 9.136 Bodiam Business Park is in a sensitive location in an open landscape within the High Weald AONB. I note that it was identified for some development in an earlier draft version of the Plan but that this allocation was deleted following the approval of a development there. The enlargement now proposed would more than double the total area of the site by extending development onto a prominent open field. I consider that such development would be visually intrusive in the AONB. Moreover whereas previous development appears to have included the efficient and sustainable re-use of redundant buildings, there would be no similar benefit here. There is no justification to support the location of new buildings on this relatively remote greenfield site. Such development would be better located within or adjacent to existing settlements where it would be more readily accessible by a choice of means of transport.

### **Recommendation**

- 9.137 **I recommend that the Local Plan is not modified in respect of these objections.**

## SECTION 10 – BEXHILL (Inset Map 1)

### General Section 10 Representations

#### Objections

124/1887

CPRE Sussex Branch

#### Issues

Compliance with Government Guidance

#### Reasoning and Conclusions

- 10.1 Objection 124/1887 relates to Chapter 13 of the Initial Deposit Plan and seeks that it be reviewed alongside the provisions of the Government’s *Planning Policy Guidance note 3 ‘Housing’*. Particular attention is drawn to paragraphs 37, 38 and 39 of *PPG3*.
- 10.2 Paragraph 38 refers to interim decisions on housing development before development plans can be reviewed and is thus of little relevance to the preparation of the development plans themselves.
- 10.3 Paragraph 37 stresses the need to keep development plans up to date and to properly reflect national policy guidance. Chapter 13 was substantially rewritten as Section 10 in the Revised Deposit Plan. The housing strategy is further explained in Section 4. Subject to my detailed recommendations elsewhere, I consider that the Plan does adequately reflect national policy guidance. In particular, whereas the Plan reflects national policy to accord priority to the use of previously-developed land, that does not preclude greenfield development such as that proposed at North-East Bexhill since the Urban Capacity Study [Core Document 1.5] has established that there is insufficient previously-developed land in the District to provide an adequate housing supply in accordance with the Structure Plan requirement. Additional specific reference in the Plan to *PPG3* is unnecessary and *PPG12 ‘Development Plans’* advises against the repetition of large sections of national policy in development plans.
- 10.4 Paragraph 39 requires the Secretary of State to be notified of any planning applications to develop greenfield land with 150 dwellings or more. That would apply even where such a site is allocated in the plan.

#### Recommendation

- 10.5 **I recommend that no modifications are made in response to this objection.**

#### Context

#### (Paragraphs 10.1 to 10.10)

No Representations

#### Planning Strategy

#### (Paragraphs 10.11 to 10.18 and Policy BX1)

#### Objections

230/3045

George Wimpey UK Ltd.,

## Supporting Statements

226/3002	The British Land Corporation
279/3391	Mr. J.H.W. Boeijink

## Issues

Timing of development north of Pebsham Lane.

## Reasoning and Conclusions

- 10.6 This is one of a number of objections by George Wimpey UK Ltd seeking the early release of housing land included in the Policy BX2 allocation (below). However, at the Inquiry, the Objector confirmed that no amendments are sought to Policy BX1 or its supporting text. Neither do I judge the policy or text to conflict with the aims of the Objector. I address the timing of the development in my recommendations of Policy BX2 below.

## Recommendation

- 10.7 **I recommend that no modification is made to Policy BX1 or to Paragraphs 10.11-10.18:**

## North-East Bexhill

(Paragraphs 10.19 to 10.27, Policies BX2, BX3 and BX4, Inset Map 1a)

## Paragraphs 10.19 To 10.27

### Objections

213/3221	Trinity College (Paragraph 10.23)
168/3413	Wm. Morrison Supermarkets plc (Paragraph 10.24)
279/3409	Mr. J.H.W. Boeijink (Paragraph 10.26)
524/2302	DMH (Paragraph 10.26)
81/3527	East Sussex County Council T&E (Paragraph 10.27)
231/3060	Hillreed Developments Ltd (Paragraph 10.27 - See also Policy BX3)

### Issues

- a. Paragraph 10.23 - Reference to landscape factors
- b. Paragraph 10.24 – Scale of shopping provision
- c. Paragraph 10.26 – Location of employment and housing and references to the North Bexhill Strategic Framework
- d. Paragraph 10.27 - References to infrastructure provision and contributions and to a masterplan or development brief

## Reasoning and Conclusions

*Paragraph 10.23 - Reference to landscape factors*

- 10.8 With its wide dual carriageway, extensive earthworks and grade-separated junctions, the Hastings-Bexhill bypass would have had a considerable visual impact on the landscape of Combe Haven. As an urbanising influence in the landscape, the preferred red route for that bypass along the Combe Haven valley would have made a logical boundary for urban development. However the Government’s abandonment

of the bypass scheme is a material change of circumstances to which the Plan must respond.

- 10.9 The changing landscape context is explained by the Council’s landscape witness in Core Document 1.26. In particular, the proposed replacement single carriageway Bexhill-Hastings Link Road would follow a different and shorter route that would strike out north from central Bexhill and across the valley. Unlike the bypass, it would not offer a physical boundary to the proposed urban extension. Without the bypass, the built development of the Policy BX2 allocation would appear more exposed and incongruous in the predominantly open and rural landscape if it were to spill over the ridge into the valley as previously proposed. I therefore concur with the Council’s southward revision of the development boundary and with the brief explanation offered in paragraph 10.23 of the Revised Deposit Local Plan.

*Paragraph 10.24 – Scale of shopping provision*

- 10.10 The paragraph refers to a threshold size of development being required to support the provision of, amongst other facilities, ‘local shops’. Objection 168/3413, from a large supermarket operator, seeks the substitution of the words ‘and shopping facilities’ on the grounds that other forms of shopping might meet identified needs and reduce the length and number of motoring trips. However Policies EM13 and BX5 define the town centre as the main focus for shopping and BX5 allocates a site there for new retail development. Policy EM15 allows for local shops elsewhere within town and village boundaries. A supermarket has recently opened nearby in Sidley and another at the Ravenside Retail Park has been extended. Policy EM14 would allow other retail development where a need is demonstrated and a location is justified according to a sequential test set out in Structure Plan policy SH3. However there is no supporting evidence from the objector of a forecast unmet need for additional shopping in North East Bexhill and no evidence to substantiate the claimed effect of such a development on travel patterns. Accordingly there is no justification for amending paragraph 10.24.

*Paragraph 10.26 – Location of employment and housing and references to the North Bexhill Strategic Framework*

- 10.11 The North Bexhill Strategic Framework was a non statutory document prepared in the context of the then proposed Bexhill-Hastings bypass and its connecting Bexhill Northern Approach Road (the BNAR). It proposed to site a business park south of the bypass and to the west of the BNAR with all housing to be located the east of that road.
- 10.12 The currently proposed Bexhill-Hastings Link Road would in part follow a similar route to the BNAR. However the Revised Deposit Local Plan proposes a mix of housing and employment development on both sides of that road. It also reduces the overall development area, particularly to the east of the Link Road. Objection 279/3409 seeks a return to the more segregated layout and enlarged area of the Strategic Framework document.
- 10.13 I consider that there is a sound justification for mixing employment and housing development. In particular, it was not disputed at the Inquiry that greenfield housing development at North-East Bexhill would be expected to generate strong financial returns whereas the economics for employment development are more marginal. It is nevertheless desirable that both forms of development should proceed in parallel in

order achieve a balanced form of development that includes people of working age but which avoids excessive and unsustainable commuting flows between the housing and more distant employment. A combined development also creates opportunities for the sharing of infrastructure costs such as road access and surface water drainage which would improve the economic viability of the employment provision.

- 10.14 The North-East Bexhill development is a strategic proposal which will not be completed within the Local Plan period. Dividing the employment and housing provision into mixed developments improves the opportunities to carry out the development in stages, reducing the costs of early infrastructure provision and reducing the disruption to existing land use activities during the development.

*References to the North Bexhill Strategic Framework*

- 10.15 Objection 524/2302 sought the deletion from the Initial Deposit Plan of a reference to the North Bexhill Strategic Framework. Paragraph 10.26 of the Revised Deposit Plan makes clear that the document has been superseded and clears up the confusion over the status of this document of which the objector had complained.

*Paragraph 10.27 - References to infrastructure provision and contributions and to a masterplan or development brief*

Masterplan/development brief

- 10.16 At the Inquiry, the Council accepted that Objection 231/3060, which had been recorded against Policy BX3, could also encompass the consideration of modifications suggested by the Objector to the supporting text at paragraph 10.27 and an additional suggested paragraph 10.27a.
- 10.17 The main objectives of the suggested modifications would be to expand upon the reference to the preparation of supplementary guidance and to define the extent and scope of developer-funded contributions to on- and off-site infrastructure. However I consider the suggested paragraph 10.27a to be unnecessary insofar as the general categories of contributions are listed in Policy BX3 whilst Policy GD2 (and its supporting text) and related national guidance in *Circular 05/2005 ‘Planning Obligations’* suitably limit justified contributions to those necessary to support the development in question.
- 10.18 With mixed development over a wide area and multiple land ownership, coordination of infrastructure provision and funding will be necessary. Paragraph 10.27 already refers to the preparation of supplementary guidance on infrastructure contributions relating to Policies BX2, BX3 and BX4. However to provide improved certainty and to reduce the potential for disputes or delay, the text should be more specific about the type and scope of the guidance to be prepared. In this regard, recent legislation and Government guidance provides for the replacement of what was formerly known as ‘Supplementary Planning Guidance’ (SPG) by ‘Supplementary Planning Documents’ (SPD). The Council’s intentions in this respect have been set out in a Local Development Scheme that was approved by the Council in March 2005 and which includes the intended early preparation of a ‘North Bexhill Master Plan (SPD)’. Separate SPD documents are also proposed in relation to Development Contributions and Affordable Housing although these will have a wider application across the District.

- 10.19 The North Bexhill Masterplan SPD is intended to relate to the BX1, BX2, BX3 and BX4 policies and will be needed to coordinate development with particular regard to the funding and construction of shared infrastructure and facilities, both on- and off-site, to the internal sequence of development and to developing the landscape framework. I consider that Paragraph 10.27 requires amendment to make more specific reference to this process.

#### County Council guidance

- 10.20 Objection 3527 seeks to include more detail in paragraph 10.27, including a specific reference to the County Council’s adopted interim Supplementary Planning Guidance (SPG) on development contributions. Subject to my recommendation below, I consider that the paragraph clearly sets out what would be required and would not benefit from further detail. I have already dealt with the issue of references to the SPG earlier in Section 5 in relation to Policy GD2. I do not consider that such a reference would be appropriate here.

#### Recommendation

- 10.21 **I recommend that paragraph 10.21 is modified to reflect my reasoning and conclusions in relation to Policy BX2 below. In particular the estimated date for completion of the Link Road should be amended from 2008 to 2009 and the wording should allow for the earlier completion of some of the Policy BX2 housing should a transport assessment demonstrate an acceptable impact on the main road network in accordance with Inquiry Change IC/4.**
- 10.22 **I recommend that paragraph 10.27 is modified by the substitution of the following wording for the final two sentences:-**

**‘A North Bexhill Master Plan Supplementary Planning Document will be prepared in consultation with stakeholders, community groups and others. This will give further guidance on the phasing and density of development across the Policy BX2 and BX3 allocations and on the infrastructure contributions necessary to satisfactorily accommodate such a significant development.’**

## Policy BX2

#### Objections

3/1004	Exeter College (Oxford)
23/1057	The Woodland Trust
37/1171	Crofton Place Developments Ltd
37/3149	Crofton Place Developments Ltd
41/2335	Friends of Brede Valley
41/2337	Friends of Brede Valley
41/3477	Friends of Brede Valley
78/3735	Countryside Residential (South Thames) Ltd.
81/3525	East Sussex County Council T&E
83/1447	Scaling Limited
83/1448	Scaling Limited
84/1455	Millwood Designer Homes Ltd.
84/1456	Millwood Designer Homes Ltd.
86/1485	The House Builders Federation (Conditionally withdrawn)
105/3459	Government Office for the South East

123/1862	Mr. R. Ramagee
124/1883	CPRE Sussex Branch
170/2168	Bellwinch Homes
171/2358	Tabfern Limited
213/3222	Trinity College
213/3223	Trinity College
213/3224	Trinity College
213/3225	Trinity College
213/3226	Trinity College
230/3046	George Wimpey UK Ltd.,
234/3091	Udimore Developments Ltd.,
250/3197	Mr. Peter Venn
279/3410	Mr. J.H.W. Boeijink
368/3743	Mrs. P. Ward-Jones & Bellhurst Homes Ltd.
124/1885	CPRE Sussex Branch (See also Policy BX3)
124/1886	CPRE Sussex Branch (See also Policy BX3)
186/3758	Highways Agency (See also Policy BX3)
168/2157	Wm. Morrison Supermarkets plc (Section 9)
168/2158	Wm. Morrison Supermarkets plc (Section 9)

### Supporting Statements

233/3087	New Downlands HA, Orbit HA & Rother Homes
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### Comments

165/2104	Environment Agency (See also Policy BX3)
165/2105	Environment Agency
165/2106	Environment Agency
186/2315	Highways Agency
186/2323	Highways Agency

### Issues

- a. Timing, scale and deliverability of development in relation to the local plan period, to the capacity of existing roads and to the availability of a Bexhill-Hastings Link Road
- b. References to Transport Assessments and Travel Plans
- c. Reflection of Government Planning Policy Guidance note 3 ‘Housing’ (PPG3)
- d. Landscape impact of the development and the ‘country avenue’
- e. Impact of development on ancient woodland
- f. Location of housing and employment developments including the enlargement or reduction of the allocation
- g. Agricultural land quality
- h. Infrastructure contributions
- i. Impact in relation to waste water treatment works
- j. Affordable housing requirement
- k. Food Superstore

## Reasoning and Conclusions

*Timing, scale and deliverability of development in relation to the local plan period, to the capacity of existing roads and to the availability of a Bexhill-Hastings Link Road*

- 10.23 Although the Bexhill-Hastings Bypass referred to by a number of Objectors has been abandoned by the Government, the Bexhill-Hastings Link Road now proposed by the East Sussex County Council (the Link Road) would similarly provide the necessary vehicular access to serve the North-East Bexhill development as a whole, relieving the congested A259 at Glyne Gap and providing a shorter and more direct route that would connect central Bexhill, the development, the northern Hastings/St Leonards employment areas and the A21 trunk route to the M25 and London.
- 10.24 Paragraph 10.21 of the Revised Deposit Plan assumes that the Link Road will be built by 2008. The footnote to Table 3 refers to an estimate that 500 of the 1105 dwellings proposed at North-East Bexhill will be completed by the end of the Local Plan period in 2011. Numerous objectors to Policies BX2 and BX3 seek the deletion or modification of these policies because the Objectors predict that the Link Road will either be completed late or not at all and that the associated provision of housing and employment should not be relied upon.
- 10.25 Although the Government has indicated that funding will be made available for the Link Road, the scheme faces a number of procedural hurdles which mean that its implementation and timing remain uncertain. Whilst the road scheme has substantial support, a significant number of objections are also likely to be made which could potentially result in the delay, amendment, or cancellation of the scheme. Nevertheless, in my consideration of the Development Strategy in Section 4 of the Plan, I conclude that the Plan should proceed on the basis that the Link Road is likely to be built but that the likely completion date will be later than that assumed in the Revised Deposit Plan. Paragraph 10.21 therefore requires consequential amendment (see above).
- 10.26 In Section 4 I generally conclude that as a result of the likely delay in the link road and because completion rates are likely to be lower than the Council’s estimates, fewer dwellings will be completed at N E Bexhill than forecast in the Revised Deposit Plan. If no dwellings were permitted to be completed at N E Bexhill before the link road is open, then it is unlikely that more than about 300 houses would be completed in total there before the end of the Local Plan period in March 2011 rather than the 500 assumed by the Council.
- 10.27 Policies BX2 and BX3 of the Revised Deposit Plan provide that none of the allocated development may be occupied until the Link Road is open. That would not prevent development from being commenced shortly before the completion of the Link Road but it could not be occupied until the road was open. However several Objectors argue that parts of the development could be served from existing roads in advance of the completion of the Link Road. That would increase the number of dwellings that would come forward during the Local Plan period. During the Inquiry the Council proposed the following change to address this issue:

### **Inquiry Change – IC/4 (Policies BX2 & BX3)**

Amend criterion (vi) of Policy BX2 and criterion (vii) of Policy BX3 by inserting after the words ‘**no development shall be occupied until the Link Road is constructed and open**’ the words ‘**unless demonstrated by a Transport Assessment that the impact upon the main**



**road network is acceptable and in accordance with an agreed phasing plan for the overall development.’**

- 10.28 If this change were to be made, further consequential amendments would be needed to both policies and to paragraph 10.21 to provide that access may be taken from local roads other than from the Link Road and its connecting roads, at least for an interim period pending the construction of relevant sections of the new roads.
- 10.29 Any attempt to serve the entire BX2 development from existing roads would appear certain to cause widespread congestion and highway safety problems. However those harmful consequences would not necessarily apply to the completion of only part of the allocated development. I acknowledge that the advance development of those areas that are remote from existing development would appear too intrusive in the landscape, particularly if the delay or cancellation of the Link Road were to prevent the subsequent implementation of the remaining development. Also the occupiers of such remote areas would lack convenient access to existing roads and services. Nevertheless there may be potential to develop parts of the allocation area that are adjacent to the existing built up area and services with satisfactory opportunities for connection to existing nearby roads and footpaths and convenient access to existing bus services.
- 10.30 Any substantial housing or employment development ahead of the completion of the Link Road could have a traffic impact elsewhere on the existing network. The most significant current capacity constraint within the local road network occurs at the Glyne Gap roundabout on the A259 trunk road adjacent to the Ravenside Retail Park. This road currently provides the only direct connection between Bexhill and Hastings as well as forming the main east-west coastal road. The Highways Agency controls trunk roads and has the power to direct the refusal of planning applications for development that would have an unacceptable impact on traffic conditions there. The Agency had previously indicated that some additional development could be acceptable in advance of the Bypass or Link Road. Much of this identified capacity appears to have been used up by other recent developments within the two towns and by general traffic growth. However, in association with other development at the retail park, alterations have recently been carried out at the Glyne Gap roundabout in order to increase the junction capacity.
- 10.31 If it were not to direct the refusal of planning permission, the Highways Agency would need to be satisfied that further development would have an acceptable traffic impact on the A259. That impact can only be determined on the basis of a full Transport Assessment that considers the volume, timing and direction of traffic flows having regard to the nature of the development and the opportunities to use alternative means of travel. These would include the potential for using, and if necessary improving, public transport, pedestrian and cycle access. Some information on these matters was presented to the Inquiry but was incomplete, being particularly hampered by the present lack of detail in the development proposals and by the need to take account of traffic flows after the then on-going works on the A259. Thus there was no confirmation available from the Highways Agency that any particular development would be acceptable to the Agency in advance of the Link Road. Nevertheless there appears to be a reasonable prospect that the development of part of the BX2 area would have an acceptable traffic impact subject to a satisfactory Transport Assessment. Until that assessment has been completed the acceptable number of

additional dwellings cannot be reliably determined but may be 100 or more. Whilst this figure cannot be relied upon, the possibility of such development makes the housing supply situation more robust.

- 10.32 To avoid a free-for-all with different developers and landowners submitting competing proposals to use up any spare road capacity, the Council’s suggested Inquiry Change incorporates a requirement that there be a phasing plan to accompany any development in advance of the Link Road. I consider that the policy should make clear that the phasing plan to be incorporated in the North Bexhill Master Plan SPD would cover the Policy BX2 and BX3 areas with the expectation that the Policy BX2 housing and employment areas shall precede the BX3 developments. In particular this would concentrate the shared funding of infrastructure and make it more likely that employment would be provided in the early years of the development. It would also be necessary to ensure that any early development made its proper contribution to the shared funding of the subsequent provision of roads, other infrastructure and services necessary to serve the BX2 development as a whole.

#### *References to Transport Assessments and Travel Plans*

- 10.33 The Council proposed the following Pre-Inquiry Change to address part of an objection from the Highways Agency concerning the role of Transport Assessments.

#### **Pre-Inquiry Change – PC/10/01 (Policies BX2 & BX3)**

Delete the words ‘**Transport improvements**’ and replace with ‘**Development proposals**’ in criterion (xv) of Policy BX2.

*Reason: For clarity.*

- 10.34 I consider that this is an appropriate factual correction. However the Council has not responded to that part of the objection which seeks the addition of policy criteria in respect of Travel Plans for non-residential development. Travel Plans for businesses, schools and other organisations are promoted by the Government for the delivery of sustainable transport objectives that are set out in paragraph 88 of *PPG13 ‘Transport’*. These include: reductions in car usage; reduced traffic speeds and improved road safety; and more environmentally friendly delivery and freight movements.
- 10.35 I acknowledge that Policy TR2 generally promotes sustainable development and refers to the specific measures of new or improved links to bus, cycle and footpath routes that connect to local services. However Travel Plans have a wider scope which may include for example car pools, car-sharing schemes, subsidised bus travel for employees or freight routing agreements. Having regard to the scale of development proposed at North-East Bexhill, I consider that Policies BX2 and BX3 should make specific reference to such plans.

#### *Reflection of Government Planning Policy Guidance note3 ‘Housing’ (PPG3)*

- 10.36 *PPG3 ‘Housing’* has a number of objectives related to the overall aim of meeting housing needs in a sustainable manner. Some objectors at the Initial Deposit stage took issue with whether the then North Bexhill allocations adequately reflected this guidance, with particular emphasis on the sequential test that gives priority to the use of previously-developed urban land over greenfield development. The Government Office for the South East also has an objection to the Revised Deposit Plan relating to

the density of all residential allocations having regard to advice in *PPG3* on the efficient use of housing land.

- 10.37 The Local Plan was substantially rewritten at the Revised Deposit stage such that some particular wording to which objectors refer is no longer included. Moreover the Council did carry out the necessary Urban Capacity Study to establish how much housing development could be achieved on previously-developed urban land [Core Document 1.5]. It is clear from the results of that study that the District’s housing needs identified in the Structure Plan could not be met using only previously-developed land and that a significant amount of greenfield development is necessary. *PPG3* identifies that urban extensions are the next most sustainable option to the use of previously-developed urban land. I consider that the North Bexhill development qualifies as an urban extension. A significant change between the Initial Deposit and Revised Deposit stages is that employment development would now be included at an early stage, reducing the need for commuting from Bexhill to other towns.
- 10.38 In relation to density, *PPG3* advises at paragraph 58 that the efficient use of land requires a density of 30-50 dwellings per hectare (dph) with a greater intensity at places such as local centres with good public transport accessibility. Objection 105/3459 to Table 3 of Section 4 of the Plan refers to that advice and opposes the placing of maximum housing figures and densities on any allocated housing sites. In this case Policy BX2(xii) sets an overall net housing density of 35 dph ‘with the higher densities close to the neighbourhood centre and public transport routes’. BX2(iii) also refers to the allocation providing ‘some 980 dwellings’. I consider that this wording could be interpreted as imposing a maximum housing figure on the site as a whole. It would also permit significant parts of this large development to be developed at inefficient densities of less than 30dph subject to higher densities being achieved elsewhere.
- 10.39 To address the objection, and to reflect the objectives of *PPG3*, I conclude that BX2(iii) should set 980 dwellings as a minimum housing figure with no set maximum and that BX2(xii) should be amended to provide that no sub areas of the site shall be developed at less than 30dph. There are other policy criteria and Plan policies to safeguard against the overdevelopment of the site and to take account of other *PPG3* objectors relating to the quality and amenity of development and access considerations.

*Landscape impact of the built development including the proposed country avenue*

- 10.40 The BX2 development would be on greenfield land that has hitherto been mainly open countryside in agricultural use. It would thus inevitably result in a considerable change in the character and appearance of the area. However the land lies outside the designated High Weald AONB and the area proposed for built development has been scaled back since the earlier proposals in the North Bexhill Strategic Framework and the Initial Deposit Local Plan. As a result the built development would be generally set back from the edge of the Combe Haven Valley with the land to the north becoming part of the Policy BX4 Countryside Park. The Council has submitted landscape evidence [Core Document 1.26] which I conclude demonstrates that the impact of the development on the Combe Haven Valley and the wider landscape would be limited and acceptable.

- 10.41 One particular change when compared to earlier proposals is that whereas the Bexhill-Hastings Bypass would have been a relatively prominent feature passing to the north of Combe Wood along the valley side and with substantial associated earthworks, the proposed Country Avenue along the northern edge of the BX2 allocation would pass to the south of the Wood and would have a smaller physical scale. At the Inquiry, the Council’s Landscape Adviser suggested a minor southward realignment of the Avenue west of Combe Wood so as to avoid a strip of recent woodland screen planting. I agree that this would be desirable. The Avenue and its traffic would run along a ridge where they would be partly visible from the open countryside to the north. Such ridge-top roads are however characteristic of the Weald and there would be opportunities to mitigate the impact including by additional planting. Careful consideration would need to be given to the design of any necessary lighting. However I conclude that the overall landscape impact would be acceptable.

*Impact of development on ancient woodland*

- 10.42 In contrast to some earlier proposals, the BX2 built development would be well removed from the Combe Wood ancient woodland and would not damage or encroach upon it. The wood itself would lie within the proposed Policy BX4 Countryside Park. There is a possibility that level open land between the wood and the housing would be used for playing fields, which would create a suitable buffer.

*Location of housing and employment developments including the enlargement or reduction of the allocation*

- 10.43 The two principal BX2 landowners seek to remove the employment content from the BX2 area and to replace it to the west of the Link Road where it would form part of the BX3 allocation on the lines of the former North Bexhill Strategic Framework proposals. They also seek the enlargement of the BX2 allocation from 980 to between 1300 and 1500 dwellings.
- 10.44 I consider that there is a sound justification for mixing employment and housing development. In particular, it was not disputed at the Inquiry that greenfield housing development at North-East Bexhill would be expected to generate strong financial returns whereas the economics for employment development are more marginal. It is nevertheless desirable that both forms of development should proceed in parallel in order achieve a balanced form of development without excessive and unsustainable commuting flows between Bexhill and more distant employment centres. Moreover a combined development creates opportunities for the sharing of infrastructure costs such as road access and surface water drainage which would improve the economic viability of the employment provision.
- 10.45 The North-East Bexhill development is a strategic proposal with less than half of the development expected to be completed within the Local Plan period. Dividing the employment and housing provision into mixed developments of employment and housing improves the opportunities to carry out the development in stages. This would reduce the costs of early infrastructure provision and would reduce the disruption to farming and other existing land use activities during the construction period.
- 10.46 Inset Map 1a indicates the division of the BX2 employment allocation into 2 areas. One area is based around the existing Glovers farmstead and land to the north east. The second area is located to the south of the covered reservoir. Extensive

landscaping belts are indicated around each area. I acknowledge that Glovers Farm occupies high ground and that development could be widely visible including from the proposed Link Road. The existing farmbuildings are already prominent in the landscape. However I do not accept that housing would necessarily be less intrusive in the landscape than would suitably designed employment development. Neither do I accept that suitably designed employment development need be harmful to the setting of the (unlisted) traditional farmhouse at Glovers Farm which the landowner seeks to retain. At the Inquiry the Council indicated that the employment areas on the Inset Map were intended to be diagrammatic although they were not expected to change significantly at the masterplanning stage. Whilst the covered reservoir and topography constrain the layout, consideration should be given to linking the two areas with a single link road looping through the area.

- 10.47 In my recommendations on the Development Strategy in Section 4, I conclude that there is no justification to extend the housing allocation at North-East Bexhill. The Plan already provides for far more housing than could be completed at that location during the plan period and there is the possibility that higher density development in the BX2 policy area could further increase provision there. To increase the allocation area would not increase the delivery of housing during the Local Plan period and would risk prejudicing the future Local Development Framework process that is due to replace the Local Plan. Moreover the suggested northward and eastward extensions of the housing area would make the built development more intrusive in the landscape whilst also reducing the recreational opportunities within the proposed Policy BX4 Countryside Park and risking encroachment on the ancient woodland of Combe Wood. Moving the Country Avenue to the north of Combe Wood would encroach on a Site of Nature Conservation Interest along the former railway line, intrude into the landscape, and create a road in a position where it could not serve the new community and would necessitate the construction of additional roads to the south of the wood.

#### *Agricultural land quality*

- 10.48 The Government’s *Planning Policy Statement 7 ‘Sustainable Development in Rural Areas’ (PPS7)* advises at paragraph 28 that, when determining planning applications, the presence of the best and most versatile agricultural land (grades 1, 2 and 3a) should be taken into account alongside other sustainability considerations such as landscape quality and accessibility to infrastructure, workforce and markets. Paragraph 28 advises that development plans should include policies that identify any major areas of agricultural land that are planned for development but that it is for local planning authorities to decide whether the best and most versatile land can be developed, having carefully weighed the options in the light of competent advice.
- 10.49 I have already concluded in my recommendations on the Development Strategy at Section 4 that the proposed urban extension on to agricultural land at North-East Bexhill is necessary to meet the area’s housing and employment needs. It accords with the Structure Plan which had previously identified this area for the development of a new community. Previously-developed urban land is insufficient in this area to meet development needs and an urban extension is a more sustainable option than a continuation of the previous trend whereby most new development has been accommodated in or adjoining the District’s villages, many of which are within the High Weald AONB.

- 10.50 Objection 250/3197 is supported by a claim in Document WR/250/3197/1 that the allocation area includes land which would qualify as the best and most versatile agricultural land. This is said to be based upon an ADAS study of 1995 prepared for MAFF. It contradicts a statement at paragraph 6.1 of a landscape study prepared in 1992 that the study area supports lower quality agricultural land [Part of Core Document 1.26]. The Council has not responded to this point. However there is no objection before me on these grounds from DEFRA (the successor of MAFF). Moreover the location and extent of the higher quality land has not been identified to me in the Objector’s representations. I can thus accord them little weight. Moreover, even were the area of best and most versatile land to be shown to be substantial, that would not override other considerations given the severe constraints on the identification of suitable and sustainable development sites in a District where most land is either a protected landscape, a floodplain, of nature conservation importance, or already developed and in use.

#### *Infrastructure contributions*

- 10.51 East Sussex County Council is the Local Education Authority and originally submitted an objection seeking explicit references in Policy BX2 to developer funding of a new (on-site) primary/nursery school as well as contributions towards secondary school provision in the area. The District Council responded with the following proposed change in respect of secondary school contributions.

#### **Pre-Inquiry Change – PC/10/02 (Policies BX2 & BX3)**

Amend the last sentence of criterion (xv) of Policy BX2 to read:

**‘Contributions would also be required towards the Countryside Park, recreational provision, library improvements and secondary school provision.’**

*Reason: To also highlight the need for secondary school contributions.*

- 10.52 It appears that this is acceptable the County Council. However the District Council has resisted the other changes sought by the County Council on the basis that the primary/nursery school would be part of the allocation and the suggested wording may imply that this and other community facilities would only be partly funded by the developer, if at all.
- 10.53 I consider that the above proposed change appropriately brings the reference to secondary school provision in line with those for other off-site facilities. With regard to on-site infrastructure and facilities, Policy GD2 already provides that it be demonstrated that infrastructure services and facilities necessary to serve the development are available or will be provided. That would include the schools and other facilities referred to in Policy BX2. The supporting text to that policy refers to the provision of supplementary planning guidance (SPG) on contributions. SPG is being replaced by supplementary planning documents (SPD) which would here be a more appropriate means of defining the funding arrangements than would a policy change. If the development generates a need for the primary and nursery schools because of a lack of existing capacity, then the full funding by developers would be justified in accordance with Government guidance.

#### *Affordable housing requirement*

- 10.54 I address objections to the Plan’s affordable housing provisions in Section 6. In particular, I recommend there that the usual 40% requirement be retained for all

qualifying development but with the opportunity to reduce the provision where economically justified. This provision should clearly apply to developments allocated in the Local Plan as well as to unidentified sites. However lower provision is unlikely to be justified where development is proposed on greenfield land as in the Policy BX2 area.

### *Food superstore*

- 10.55 Objections 168/2157 and 168/2158 were submitted in respect of the Initial Deposit Local Plan and were then allocated to Section 9 of the Revised Deposit Local Plan which includes shopping policies. However they are site specific in that they seek the allocation of a site in the N E Bexhill development at Worsham Farm to accommodate a food superstore to meet what are claimed to be the needs of the proposed development and of northern Bexhill.
- 10.56 References in the Initial Deposit Local Plan to a specific size of convenience store for the development were deleted from the substantive Revised Deposit Local Plan which now instead acknowledges a need for the inclusion in the proposed neighbourhood centre of shops ‘to meet local day-to-day needs’. Policy BX5 below seeks to concentrate other new shopping development in the town centre. I address there other objections relating generally to the assessment of need for retail development in Bexhill.
- 10.57 Objections 168/2157 and 168/2158 are not substantiated by evidence of the scale of claimed unmet need for retail development. It is notable that the existing residents of North and East Bexhill have recently been supplied with additional foodstore development in the form of a Lidl supermarket at Sidley and an extension to the Tesco superstore at the Ravenside Retail Park. Both stores would be readily accessible from the BX3 and BX2 developments. I conclude that there is no evidence before me to support a need for a shopping development at N E Bexhill to supply more than the day-to day needs of the occupiers of the proposed new community there. As that is already provided for in the policy, no modification is necessary.

### **Recommendation**

10.58 **I recommend that**

(a) **Policy BX2(iii) is modified by its deletion and the substitution of the following wording – ‘at` least 980 dwellings shall be provided of which 40% shall be affordable.’**

(b) **Policy BX2(vi) is modified in accordance with Inquiry Change IC/4 but with the addition after ‘overall development’ of the words ‘of the Policy BX2 and BX3 policy areas.’**

(c) **Policy BX2(xii) is modified by its deletion and the substitution of the following wording ‘an overall net housing density of not less than 35 dwellings per hectare with a net housing density for each area or sub area within the development of not less than 30 dwellings per hectare with higher densities of not less than 40 dwellings per hectare close to the neighbourhood centre and public transport routes, the extent and minimum density for each sub area to be defined in the North Bexhill Master Plan SPD.’**

(d) **Policy BX2(x) is modified by the addition of the following wording ‘except that any developments which may be permitted to be brought into use before the**

opening of the Link Road in accordance with criterion (vi) may be permitted to take temporary access from another road but only until a new access has been established to the Link Road and Wrestwood Road as to be provided for in the North Bexhill Master Plan SPD.’

(e) Policy BX2(xv) is modified in accordance with Pre-Inquiry Changes PC/10/01 and PC/10/02 and by the addition after the words ‘Transport Assessment’ of the words ‘and Travel Plan’ .

10.59 **I recommend** that Inset Map 1a is modified by

(a) the southward re-routing of the country avenue to avoid the recently planted tree belt to the south west of Combe Wood;

(b) the addition of a clear line to mark the extent of the area covered by Policy BX2.

## Policy BX3

### Objections

41/2336	Friends of Brede Valley
41/2338	Friends of Brede Valley
41/3478	Friends of Brede Valley
78/3736	Countryside Residential (South Thames) Ltd.
95/3312	English Heritage
109/1727	A27 Action Group
105/3459	Government Office for the South East
213/3227	Trinity College
231/3060	Hillreed Developments Ltd (See also Paragraph 10.27)
234/3092	Udimore Developments Ltd.,
250/3198	Mr. Peter Venn
279/3411	Mr. J.H.W. Boeijink
292/3501	Sayers Family
368/3785	Mrs. P. Ward-Jones & Bellhurst Homes Ltd.
124/1885	CPRE Sussex Branch (See also Policy BX2)
124/1886	CPRE Sussex Branch (See also Policy BX2)
186/3758	Highways Agency (See also Policy BX2)

### Supporting Statements

118/1846	Redrow Homes (South) Limited
135/1922	Bexhill College
231/3059	Hillreed Developments Ltd
233/3100	New Downlands HA, Orbit HA & Rother Homes

### Comments

165/2104	Environment Agency (See also Policy BX2)
165/2107	Environment Agency
165/2108	Environment Agency

### Issues

- a. Timing, scale and deliverability of development in relation to the local plan period, to the capacity of existing roads and to the availability of a Bexhill-Hastings Link Road
- b. Reflection of the Government’s *Planning Policy Guidance note 3 ‘Housing’ (PPG3)*



- c. Need for and viability of the business development including the economic impact on Hastings
- d. Considerations of sustainable travel and the contribution to the need for new roads
- e. Landscape impact
- f. Scale, mix and location of housing and employment development. Enlargement of housing allocation. Extent of landscaping on Inset Map
- g. Enlargement of allocation for employment or hotel/motel/public house uses.
- h. Effect on setting of listed buildings
- i. Affordable housing requirement
- j. Typographical error
- k. Infrastructure contributions
- l. Agricultural land quality
- m. References to Transport Assessments and Travel Plans

### **Reasoning and Conclusions**

*Timing, scale and deliverability of development in relation to the local plan period, to the capacity of existing roads and to the availability of a Bexhill-Hastings Link Road*

- 10.60 The BX3 policy area lies to the north of Sidley and to the west of the BX2 policy area. In the superseded North Bexhill Strategic Framework [Core Document 1.8] a similar area was proposed for a business park. However it is allocated in the Revised Deposit Plan for both business and residential development with the residential area situated at the western end of the site south of Preston Hall.
- 10.61 All vehicular access is proposed to be taken from a new section of the proposed ‘country avenue’, the eastern end of which would connect to the proposed Bexhill-Hastings Link Road. Criterion (vii) confirms that access shall be from the Link Road and that no development will be occupied until the Link Road is constructed and open. In practice it would also be necessary for the access road through the BX2 policy area to be in place in order that traffic from the BX3 area could reach Wrestwood Road and north Bexhill without a long diversion down the Link Road via central Bexhill.
- 10.62 According to Document 4.7a, which was submitted by the Highway Authority on the last day of the Inquiry, the earliest date for completion of the Link Road is estimated at Spring or Summer 2009, within 2 years of the end of the Local Plan period on 31 March 2011. The access road through the BX2 area is expected to be constructed as part of the BX2 development which is itself largely dependent on the prior completion of the Link Road. In these circumstances the prospects for significant development in the BX3 policy area during the Local Plan period are, at best, slight. Nevertheless, the two policy areas are interrelated in terms of the development mix and infrastructure provision, both on- and off-site. Together they form a strategic allocation and it is appropriate that they both be allocated in the Local Plan, notwithstanding that the developments will not be completed within the Local Plan period.

- 10.63 At the Inquiry, the Council proposed the following change which is relevant to this issue:

**Inquiry Change – IC/4 (Policies BX2 & BX3)**

Amend criterion (vi) of Policy BX2 and criterion (vii) of Policy BX3 by inserting after the words ‘**no development shall be occupied until the Link Road is constructed and open**’ the words ‘**unless demonstrated by a Transport Assessment that the impact upon the main road network is acceptable and in accordance with an agreed phasing plan for the overall development.**’

- 10.64 However the scope for creating a vehicular access into the BX3 area other than via the Link Road is very limited. There is certainly no scope for access by heavy vehicles to a business development. The narrow and unmade Buckholt Lane is entirely unsuited to significant increased use by lorries or cars. It is also improbable that a suitable and safe access could be formed directly to the narrow and winding Watermill Lane to serve any significant amount of development. There is limited potential for an access from Watergate Lane to serve a limited amount of residential development. But even that would need to address the on-street parking which currently restricts the usable width of that narrow road as well as any consequential congestion or safety issues elsewhere on the local road network.
- 10.65 I recommend above that the phasing in the North East Bexhill Master Plan SPD should accord priority to the Policy BX2 development over the BX3 development and it is thus unlikely that development on the Policy BX3 site will commence before the Link Road is in place. Any spare capacity on the existing road network that is identified in a Transport Assessment should thus be devoted to an early commencement of the Policy BX2 development. Accordingly I do not support Inquiry Change IC/4 insofar as it applies to Policy BX3.

*Reflection of Government Planning Policy Guidance note 3 ‘Housing’ (PPG3)*

- 10.66 PPG3 has a number of objectives related to the overall aims of meeting housing needs in a sustainable manner. Some objectors at the Initial Deposit stage took issue with whether the then North Bexhill allocations adequately reflected this guidance with particular emphasis on the sequential test that gives priority to the use of previously-developed urban land over greenfield development. The Government Office for the South East also has concerns relating to the density of all residential allocations having regard to advice in PPG3 on the efficient use of housing land.
- 10.67 The Plan was substantially rewritten at the Revised Deposit stage such that some wording to which objectors refer is no longer included. Moreover the Council did carry out the necessary Urban Capacity Study to establish how much housing development could be achieved on previously-developed urban land [Core Document 1.5]. It is clear from the results of that study that the District’s housing needs identified in the Structure Plan could not be met using only previously-developed land and that a significant amount of greenfield development is necessary. PPG3 identifies that urban extensions are the next most sustainable option. I consider that the North-East Bexhill development with its mix of housing, employment and services does qualify as such an urban extension.
- 10.68 In relation to density, PPG3 advises at paragraph 58 that the efficient use of land requires a density of 30-50 dwellings per hectare (dph) with a greater intensity at places such as local centres with good public transport accessibility. Objection

105/3459 to Table 3 of Section 4 of the Plan refers to that advice and opposes the placing of maximum housing figures and densities on any allocated housing sites. In this case Policy BX3 has no density criterion. However criterion BX3(iii) refers to the allocation providing ‘some 125 dwellings’ and Table 3 in Section 4 assumes a fixed density for this site of 30 dwellings per hectare. In fact it was established at the Inquiry that 30 dph would result in 130 dwellings even after exclusion of the proposed landscaping areas indicated on the Inset Map. Even 30dph is significantly below the density of much closely adjoining existing development in Sidley and I consider that there would be scope to increase the density above that minimum level without harm to the character and appearance of the area or the setting of nearby listed buildings. There are other policy criteria and Plan policies to safeguard against the overdevelopment of the site.

- 10.69 To address the objection and to reflect the objectives of *PPG3*, I conclude that criterion (iii) should be modified to set a minimum density of 30 dwellings per hectare for any housing area or sub-area (to be defined in the North Bexhill Masterplan SPD) and a minimum of 130 dwellings for the development as a whole.

*Need for and viability of the business development including the economic impact on Hastings*

- 10.70 There is substantial evidence of a need for additional business development provision to serve Bexhill and Hastings. These towns currently experience relatively high levels of unemployment and social deprivation, and low wage levels, particularly by comparison with other parts of the south-east region.
- 10.71 I consider that the low level of new employment development in recent years is accounted for by: the scarcity of allocated land; low rental levels for existing space; environmental constraints including the AONB around Hastings; and poor road and rail communications with uncertainty about their future improvement.
- 10.72 There are nevertheless strong indications of a pent-up local demand for space, particularly from local firms seeking to expand or to move to better quality accommodation. Local regeneration initiatives and proposals to provide the Bexhill-Hastings Link Road and to upgrade the A21 are improving business confidence and will make the area more attractive to inward investment. There is also some evidence that modern better quality accommodation can attract higher rents.
- 10.73 Subject to the creation of improved links between the two towns to facilitate travel to work, whether by bus, cycle or car, I consider that the towns may be considered as a single urban area in employment terms. The proposed Link Road in particular would facilitate access to work in Bexhill for Hastings residents and vice versa with much reduced travel distances for many journeys. Neither would the proposed development at North-East Bexhill be likely to prejudice the implementation of the small stock of new employment allocations in Hastings. I thus consider that there would be no negative economic impact in Hastings and that a positive impact is more likely.
- 10.74 There is some uncertainty over the viability of new employment development. However this is difficult to predict over the development period which would extend 10 years or more into the future. The Council acknowledges that typical current rental levels seen in the existing stock of buildings in the area would be unlikely to support speculative new development including the funding of the access roads and other supporting infrastructure. However, the development of modern buildings at

North-East Bexhill on large sites with improved access and in attractive surroundings would provide a new form of accommodation which is not currently available in the area and which could warrant higher rental levels, particularly when the (inevitably earlier) BX2 development has established this as a new business location. Moreover the proposed combination of business with more valuable residential development would help to defray the infrastructure costs whilst the Council’s evidence includes confirmation that the Sea Space regeneration company would consider direct (financial) involvement to facilitate development.

*Considerations of sustainable travel and the contribution to need for new roads*

- 10.75 Whilst the Council has referred to a possible high quality bus corridor connecting the site to Hastings, there is insufficient information to establish with certainty what new bus services could be made available for the development, particularly if they were to depend on initial or sustained subsidy. However the BX3 area would be well placed for sustainable travel to and from the nearby Sidley area on foot or by bicycle. The provision of a substantial area of employment close to Bexhill would also improve the ratio of employment to housing in this predominantly residential town and thereby reduce the incidence of commuting whilst also improving the balance between the working and non-working population to create a more balanced community. The Link Road would make the employment area more readily accessible from Hollington in North West St Leonards which, like Sidley, scores highly on deprivation indices. A bus service could potentially use this road.
- 10.76 Whereas the provision of the housing and employment at North-East Bexhill is part of the County Council’s justification for promoting the Link Road, that road would also be used by other traffic between the two towns and would relieve existing congestion on the A259. The relevant consideration is whether the necessary employment and housing development could be provided here or elsewhere in the District without the Link Road. In my consideration of Section 4 of the Plan, I conclude that there is no suitable alternative location to provide the scale of development which the Structure Plan has identified to be necessary in the District. Neither do I consider that the entire North-East Bexhill development could be served from existing roads. If the Link Road is not built, little of the North-East Bexhill development could be implemented and there would be a resulting shortfall in housing and employment provision in the District.
- 10.77 As with the Policy BX2 area, it is important in a development of this scale that opportunities are maximised for residents and occupiers of the business development to make use of sustainable means of transport. To this end I consider that the policy should make specific reference to the preparation of travel plans in furtherance of the objectives of Policy TR2, *PPG13*, and related Structure Plan and regional policy objectives.

*Landscape impact*

- 10.78 The BX3 allocation lies outside the protected landscape of the High Weald Area of Outstanding Natural Beauty. The policy area differs from the BX2 policy area in that the latter lies mainly outside the Combe Haven valley whereas the former area would be on the gentle north facing slope of the upper part of the valley. This part of the valley has an intimate agricultural character of fields fringed by hedges and woodland. Much of the allocation area is separated from the nearby built-up area by

woodland but the proposed easternmost housing area would closely adjoin existing housing.

- 10.79 The proposed development would inevitably result in the loss of countryside and a major change in the character and appearance of the area. However the existing woodland and the relative narrowness of the valley already contain views of the area and the Inset Map indicates additional screen planting that would further mitigate the visual impact of the development.

*Scale, mix and location of housing and employment development. Enlargement of housing allocation. Extent of landscaping on Inset Map*

- 10.80 Several of the objections of those who own or control land within the policy area are directed either at increasing the density and extent of development or at the replacement of employment development by more valuable housing. Some landowners in the BX2 policy area seek the deletion of housing from the BX3 area so that it can be provided in the BX2 area in place of employment.
- 10.81 Housing was only introduced into the BX3 area at the Revised Deposit stage of the Plan. One reason was to improve the financial viability of the BX3 development with shared road and drainage infrastructure costs. Another was that housing would be more compatible with the undulating small-scale topography of the western part of the site and with the closely adjoining existing housing. A disadvantage of this area is that it is remote in terms of vehicular access and is unlikely to be attractive to bus operators. However pedestrian and cycle access can readily be achieved to Sidley where there are shops, services and bus routes. Suitably designed housing and landscaping need not harm the setting of the listed buildings at Preston Hall. I thus consider that the western end of the site should continue to be allocated for housing. However whereas there may be scope to increase the density of the housing allocation to use the land more efficiently, I have not identified a housing need to increase the extent of the residential allocation. Moreover to extend the housing allocation to include Preston Hall and its grounds together with a narrow strip of agricultural land to the north would be likely to harm the character and setting of the listed buildings as well as creating an unsuitably hard edge to the built-up area. Neither is it likely that any additional housing would be built until well after the Link Road is in place. It would thus be unlikely to contribute to housing provision within the Local Plan period.
- 10.82 In the supporting evidence to Objection 231/3060, the Objector suggests that the employment area at Preston Hall Farm could itself be developed at a higher density than has been assumed in the plan, in part by a reduction of the planting belts from those indicated on the Inset Map, and that this would permit a reduction in the area of employment land and the substitution of either housing or a mix of housing and business uses on the western part of the employment allocation indicated on Inset Map 1a. At the Inquiry the Council confirmed that the landscaping areas shown on Inset Map 1a are only indicative. There may therefore be scope to amend the layout or to build at a higher density. Further consideration also needs to be given to the management and use of the landscaping belts. However it would be premature to amend the employment areas or the landscaping provision in advance of necessary detailed work on the design and layout and fuller information about the likely form of employment development sought by potential occupiers. That work would more suitably be carried out in the context of the North Bexhill Master Plan.

- 10.83 There is a demonstrable need for employment land but there is a lack of need for additional greenfield housing provision. There is therefore no justification for increasing the housing provision or reducing the employment provision. Moreover the likely timescale of housing development would occur either late in the Local Plan period or after that period and an increased housing allocation would make little or no difference to the housing supply situation within the Local Plan period.
- 10.84 Oak Tree Farm in the central part of the allocation is in separate ownership. The area south of the proposed Country Avenue there is allocated for employment use only with no residential element. There was evidence at the Inquiry that, based on current business values and after allowing for a contribution to a shared road access, the viability of employment development may be marginal because the estimated residual land value could be below the existing use value as a livery stable and paddocks. However at this stage I can attach little weight to the submitted figures which lack detail or supporting evidence. They are subject to a range of variables which are all likely to change by the time that the necessary Link Road is available to enable development to proceed.
- 10.85 Whereas there is an identified need for additional employment, there is no identified need for the additional housing which the landowner seeks. Moreover it could not be served from Buckholt Lane, as suggested, as that unmade road lacks adequate width and connects to roads which are themselves unsuited to serve significant increased development. I acknowledge that this creates uncertainty for the landowner. However there is no obvious reason why the business could not continue to operate from its present site for the time being. Its development is unlikely to come forward until late in the Local Plan period at the earliest. If, once the Link Road is in place, an employment development is shown to be economically unviable, consideration could be given to alternative or supplementary means of funding the country avenue access, as outlined at the Inquiry. The Council confirmed at the Inquiry that the livery stables and associated equestrian facilities would be suitable uses to be accommodated within the Countryside Park to the north of the Country Avenue.
- 10.86 One matter highlighted at the Inquiry is that in contrast to the indicative access points shown on Inset Map 1a to other development areas within Policy BX3, no indication is given in relation to access from the development at Oak Tree Farm. The Inset Map should be amended to confirm that vehicular access will be from the Country Avenue. Also the confusing phrasing of criterion (vii) requires modification in accordance with the position outlined by the Council at the Inquiry which was that vehicular access to the Policy BX3 area would be from the Link Road via the Country Avenue with a loop road off the Country Avenue to serve the 3 employment areas (but not the residential area which would have separate access from the Country Avenue). I consider that Policy BX3(viii) should be modified to include reference to the ‘Green Links’ on Inset Map 1a.

*Enlargement of allocation for employment or hotel/motel/public house uses.*

- 10.87 Although recorded as an objection to Policy BX3, and part of the ‘Land north of Sidley – Comprehensive Development’ defined on Inset Map 1, Objection 279/3411 relates to an area of land which is also shown on Inset Map 1a variously as: an area of Open Space; as part of the Policy BX4 Countryside Park; and as part of the Policy TR1 Area of Search for the proposed Link Road. The objection seeks the allocation of this land either for industrial use or for hotel/motel/public house uses.

- 10.88 The County Council’s preferred route for the Link Road would not require all of the land in question. However that road and its route remain the subject of ongoing procedures which have yet to be confirmed. Even should a substantial area of land be found to be surplus to that requirement, the Council has submitted landscape arguments to support its case that the site should not be used for built development.
- 10.89 By comparison with the Policy BX3 land which is contained within a narrow valley, this objection site is widely visible from the north and would be particularly prominent as seen from the proposed Link Road.
- 10.90 To fully build out the employment allocations already included in Policies BX2 and BX3 would require a considerable uplift in the recent take-up rates for employment land in the District and would still extend well beyond the Local Plan period. Moreover estimates of the amount of floorspace which could be achieved on the employment sites appear to be conservative. I conclude that there is a lack of evidence of a foreseeable need for additional industrial floorspace such as to outweigh the harm that developing this land would have on the landscape.
- 10.91 A hotel/motel or public house development would not require the entire area of land but would also be intrusive in the landscape. Whilst the expansion of employment activities could be expected to increase the demand for hotel accommodation and meeting space, there is a lack of evidence that this demand could not be accommodated in existing hotels in Bexhill and Hastings, including any necessary improvements to their necessary facilities. Paragraph 10.30 of the Revised Deposit Plan encourages hotel provision on a suitable site in Bexhill town centre but without identifying that site.
- 10.92 A town centre hotel would benefit from good accessibility by means other than the car and would be better placed to serve the tourist market to complement business use with benefits for other town centre businesses. I am aware that proposals outside the Local Plan process for a town centre hotel adjacent to the De La Warr pavilion were abandoned during the Inquiry due to objections to the design and siting. There is an existing large hotel at the western end of the town. I conclude that there is a lack of evidence of an overriding need for an additional new hotel in another out of centre location.

*Effect on setting of listed buildings*

- 10.93 Preston Hall and Preston Hall Cottage are listed buildings in a semi-woodland setting. The buildings and their grounds are excluded from the development boundary and from the adjoining areas that are defined for residential and employment development by Inset Map 1a. The site will thus remain part of the countryside for planning policy purposes and it forms an appropriate soft edge to the built up area. Because of the likely harm to the listed buildings and the landscape, I do not support the modification requested by Objection 231/3060 which would incorporate the buildings, their grounds and a small area of agricultural land to the north within an extension to the residential allocation defined on Inset Map 1a.
- 10.94 There is a statutory requirement when considering planning applications to have regard to the setting of listed buildings. This would apply to the necessary planning applications for the BX3 developments. English Heritage has not objected to the BX3 allocation but seeks a specific reference in Policy BX3 to the need to protect the listed buildings and their settings.

- 10.95 I consider that the objection highlights that the BX3 Policy area is not clearly defined on Inset Map 1a and it is difficult to relate that Map to the very small scale Inset Map 1 which defines separate areas for comprehensive development on ‘Land North of Sidley’ and ‘Land North of Pebsham’ but does not annotate these according to the relevant Policy number. One reasonable inference from Inset Map 1a would be that Preston Hall is excluded from the Policy BX3 area. However Inset map 1 suggests that it is included.
- 10.96 At the Inquiry, the Council confirmed that it is opposed to housing development at or around the Preston Hall listed buildings but wished to see the land to the north incorporated within the Policy BX3 area because it would be needed for surface water storage and for the green link access route shown on the inset map. I consider that the policy boundary needs to be clearly defined on Inset Map 1a and that, if it includes the listed buildings and their grounds, special reference is needed to the listed buildings in the policy to confirm that new buildings are not proposed in this area. If Preston Hall is excluded from the BX3 area, then this site is like several other plan allocations close to listed buildings and the statutory requirement to have regard to the buildings and their settings would still apply with no need for a special reference to the buildings in the policy.

#### *Affordable housing requirement*

- 10.97 I address objections to the Plan’s affordable housing provisions in Section 6. In particular, I recommend there that the usual 40% requirement be retained for all qualifying development but with the opportunity to reduce the provision where economically justified in the interests of viability. At the Inquiry the Objector indicated that the 40% figure for the Policy BX3 area would be acceptable with that qualification. In practice, reduced provision is rarely likely to be justified for greenfield development. However for the BX3 policy area, particular account would need to be taken of the costs of the exceptionally long access road necessary to serve the housing and business development.

#### *Typographical error*

- 10.98 It became apparent at the Inquiry that there are two typographical errors in Policy BX3(ii) in that the word ‘which’ in line 3 is superfluous and should be replaced by a semi-colon and the words ‘Class 8 (manufacturing)’ in line 4 should read ‘Class 8 (storage)’.

#### *Infrastructure contributions*

- 10.99 Although it does not appear to relate to any objection to Policy BX3, the Council proposed an advertised pre-inquiry change to criterion (x) to add a reference to a requirement for developer contributions to off-site secondary school provision made necessary by the housing development. No objections have been made to this proposed change and it accords with a similar change proposed to Policy BX2.

#### **Pre-Inquiry Change – PC/10/02 (Policies BX2 & BX3)**

Amend the last sentence of criterion (x) of Policy BX3 to read:

**‘Contributions would also be required towards the Countryside Park, recreational provision, library, improvements and secondary school provision.’**

*Reason: To also highlight the need for secondary school contributions.*



*Agricultural land quality*

- 10.100 The Government’s *Planning Policy Statement 7 ‘Sustainable Development in Rural Areas’ (PPS7)* advises at paragraph 28 that, when determining planning applications, the presence of the best and most versatile agricultural land (grades 1,2 and 3a) should be taken into account alongside other sustainability considerations such as landscape quality and accessibility to infrastructure, workforce and markets. Paragraph 28 advises that development plans should include policies that identify any major areas of agricultural land that are planned for development but that it is for local planning authorities to decide whether best and most versatile land can be developed, having carefully weighed the options in the light of competent advice.
- 10.101 I have already concluded in my recommendations on the Development Strategy at Section 4 that the proposed urban extension onto agricultural land at North-East Bexhill is necessary to meet the area’s housing and employment needs. It accords with the Structure Plan which had previously identified this area for the development of a new community. Previously-developed urban land is insufficient in this area to meet development needs and an urban extension is a more sustainable option than a continuation of the previous trend whereby most new development was being accommodated in or adjoining the District’s villages, many of which are within the High Weald AONB.
- 10.102 Objection 250/3198 is supported by a claim in Document WR/250/3198/1 that the allocation area includes land which would qualify as the best and most versatile agricultural land. This is said to be based upon an ADAS study of 1995 prepared for MAFF. It contradicts a statement at paragraph 6.1 of a landscape study prepared in 1992 that the study area supports lower quality agricultural land [Part of Core Document 1.26]. The Council has not responded to this point. However there is no objection before me on these grounds from DEFRA (the successor of MAFF). Moreover the location and extent of the higher quality land has not been identified to me in the Objector’s representations. I can thus accord them little weight. Moreover, even were the area of best and most versatile land be shown to be substantial, that would not override other considerations given the severe constraints on the identification of suitable and sustainable development sites in a District where most land is either a protected landscape, a floodplain, of nature conservation importance, or already developed and in use.

*References to Transport Assessments and Travel Plans*

- 10.103 The Council proposed the following Pre-Inquiry Change to address part of an objection from the Highways Agency concerning the role of Transport Assessments.

**Pre-Inquiry Change – PC/10/01 (Policies BX2 & BX3)**

Delete the words ‘**Transport improvements**’ and replace with ‘**Development proposals**’ in criterion (x) of Policy BX3.

*Reason: For clarity.*

- 10.104 I consider that this is an appropriate factual correction. However the Council has not responded to that part of the objection which seeks the addition of policy criteria in respect of Travel Plans for non-residential development. Travel Plans for businesses, schools and other organisations are promoted by the Government for the delivery of sustainable transport objectives that are set out in paragraph 88 of PPG13 ‘Transport’.

These include: reductions in car usage; reduced traffic speeds and improved road safety; and more environmentally friendly delivery and freight movements.

- 10.105 I acknowledge that Policy TR2 generally promotes sustainable development and refers to the specific measures of new or improved links to bus, cycle and footpath routes that connect to local services. However Travel Plans have a wider scope which may include for example car pools, car-sharing schemes, subsidised bus travel for employees or freight routing agreements. Having regard to the scale of development proposed at North-East Bexhill, I consider that Policies BX2 and BX3 should make specific reference to such plans.

### **Recommendation**

10.106 **I recommend** that

- (a) Policy BX3(ii) is modified by the deletion of the word ‘which’ and its preceding comma in line 3 and its replacement by a semi-colon.
- (b) Policy BX3(ii) is modified by the deletion of the word ‘(manufacturing)’ in line 4 and its replacement by the word ‘(storage)’.
- (c) Policy BX3(iii) is deleted and replaced with the following wording: ‘at least 130 dwellings shall be developed, of which 40% shall be affordable, with no sub areas to be developed at less than 30 dwellings per hectare’
- (d) Policy BX3(vi) is deleted with that area south of the County Avenue being excluded from Policy BX3 whilst remaining subject to Policy BX4.
- (e) Policy BX3(vii) is modified by its deletion and the substitution of the following wording: ‘vehicular access shall be from the Link Road via the Country Avenue local distributor road with a loop road to connect the employment areas to the local distributor road’.
- (f) Policy BX3(viii) is modified by deleting the words ‘including along Buckholt Lane and to Watermill Lane’ and substituting ‘including the “Green Links” along Buckholt Lane and to Watermill Lane.’
- (g) Should the listed buildings at Preston Hall be confirmed as being included within the Policy BX3 area as defined on the Proposals Map, then I recommend the modification of Policy BX3 by the addition of an additional criterion to confirm that new buildings are not proposed to be erected within the curtilages of those buildings.
- (h) Policy BX3(x) is modified in accordance with Pre-Inquiry Changes PC/10/01 and PC/10/02 and by the addition after the words ‘Transport Assessment’ of the words ‘and Travel Plan’.

10.107 **I recommend** that Inset Map 1a is modified by

- (a) the indication of the intended access point for the employment development at Oak Tree Farm;
- (b) the addition of a clear line to define the extent of the Policy BX3 area which shall amongst other things remove the overlap between the Policy BX3 and Policy BX4 areas with the field west of Glovers Farm and south of the Country Avenue being excluded from the Policy BX3 area; and which shall confirm whether the listed buildings at Preston Hall are within or outside the policy area.

## Policy BX4

### Objections

81/3529	East Sussex County Council T&E
166/2129	Mr. M. Worssam
166/2130	Mr. M. Worssam [See also Omission Sites at end of Section 10]
166/2132	Mr. M. Worssam
183/2289	Reprotech (Pebsham) Ltd.
213/3228	Trinity College [See also Omission Sites at end of Section 10]

### Supporting Statements

279/3392	Mr. J.H.W. Boeijink
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### Comments

129/3431	Crowhurst Parish Council
165/2109	Environment Agency
165/2110	Environment Agency

### Issues

- a. Descriptive references to relationship of Countryside Park to other land
- b. Exclusion of land from Countryside Park and transfer of land from the Countryside Park to fall within the development boundary
- c. Pebsham Waste Site (including whether Policy BX4 should require that all its criteria are complied with and additional Policy BX4 criterion for development in compliance with other development plan policies)

### Reasoning and Conclusions

#### *Descriptive references to the relationship of the Countryside Park to other land*

10.108 Objection 166/2132 and part of Objection 2130 both refer to inaccurate references in specific text in the Initial Deposit Local Plan. However, that text does not appear in the Revised Deposit Local Plan and thus no further modification needs to be considered.

#### *Exclusion of land from Countryside Park and transfer of land from the Countryside Park to fall within the development boundary*

10.109 The Policy BX4 area includes the former farm buildings at Pebsham Farm and also an area of farmland lying between those buildings and the adjacent housing area to the west. Objections 166/2129 and 166/2130 seek the exclusion of these areas from the Countryside Park, their inclusion instead within the defined development boundary, and their allocation either for housing or as a ‘mini business park’ containing small workshops/craft units to serve the adjoining local population.

10.110 The group of former farmbuildings is defined as Area 3 on Plan A1 appended to Document WR/166/2129/1. These buildings have already been converted to a variety of Use Class B1 employment uses. Although these employment uses were originally permitted on a temporary basis, in December 2004 an appeal was allowed in respect of a planning application for their permanent retention [Appeal Ref: APP/U1430/A/04/1143125]. The conversions provide employment and useful accommodation for small businesses. They are sensitive to the agricultural character and appearance of the buildings and their surroundings. The appeal decision was

subject to planning conditions concerning the surfacing of the access road and to control noise emissions, the hours of working, and external storage. Policy BX4 does not propose any specific alternative use for the buildings. However the Council suggests in its representations for the Inquiry that the buildings might be suitable for cycle hire or other uses related to the Countryside Park. The now superseded North Bexhill Strategic Framework document of 1993 had suggested that they might be developed as an equestrian centre and/or a countryside pursuits field centre.

- 10.111 As the buildings are already in a valuable and productive use, the effect of including them within the Policy BX4 area would be unlikely to result in their conversion to such countryside uses. However it could obstruct other non-recreational uses of the buildings that would otherwise satisfy the Plan’s policies for development in the countryside. As it is, there are other apparently underused former farm buildings on adjoining land to the west and to the north east which might be suitable for uses related to the Countryside Park. Moreover there is already an equestrian centre on adjoining land to the south.
- 10.112 The open pasture land between Area 3 and the adjacent housing area appears as Areas 1 and 2 on the above Plan A1. The Objector has not disputed the Council’s statement at paragraph 5.9 of Document LPA/WR/166/2129/1 that these areas have been used for grazing by the adjacent Riding School to the south. Such horse grazing is a suitable use which would support the Countryside Park activities. These open fields reinforce the rural character of the area. That character has been eroded by other nearby developments including the landfill site, the waste water plant and the waste derived fuel plant. To permit or to allocate further built development in this location would further erode that valued open rural character, particularly as it would join the former farmbuildings to the built up area. These consequences would undermine the Countryside Park concept and the aims of the Strategic Gap between Bexhill and Hastings (See Section 4 - Policy DS5).
- 10.113 I conclude that the Area 3 former farmbuildings should be excluded from the Policy BX4 area but that they should remain in the countryside outside the development boundary. They would then continue to be subject to the Plan’s more restrictive policies for development in the countryside. These in particular would require that any further development proposals continue to respect the landscape and the character and appearance of the area. The Area 1 and 2 open agricultural land should be included within the Policy BX4 area and should continue to be excluded from the development boundary.
- 10.114 In case the Council should not agree with these recommendations, I give further consideration at the end of this section to the merits of the above land and buildings as ‘omission sites’ for housing or employment allocations.
- 10.115 Objection 213/3228 relates to two further areas of agricultural land that are proposed to form part of the Policy BX4 area and which lie to the north east of the Policy BX2 policy area. This is open arable land in a widely visible area of countryside. When the Countryside Park is developed it appears to be intended that these areas of land remain either as agricultural land or become recreational open space. In either use, the openness of the land would make an important contribution to the open rural landscape of the Park. These areas are also considered as a housing ‘omission site’ at the end of this section where I conclude that they are unsuited to allocation for housing development.

*Pebsham Waste Site*

- 10.116 I understand that the existing large landfill site at Pebsham is due to close during the Local Plan period. The Plan properly has regard to the future use of this extensive area of land and no objection is before me in relation to the restoration of that land as part of the Countryside Park. However nearby within the Policy BX4 Countryside Park allocation there is also an existing plant which was constructed to produce waste derived fuel pellets. It is a substantial modern building of industrial character. The leaseholder, Reprotech (Pebsham) Ltd, objects to that site’s inclusion within the proposed Park. Although it appears that the plant is not currently in operation, the Company points out that the lease extends to 2016, well beyond the end of the local plan period. I take it that the site would then revert to the freeholder whom I take to be the County Council.
- 10.117 East Sussex County Council is also the authority with the responsibility for the preparation of the emerging East Sussex and Brighton and Hove Waste Local Plan and is responsible for determining relevant waste related planning applications. The County Council objects to the lack of context in the Revised Deposit Local Plan for waste development proposals and to a failure to reflect the provisions of the emerging Waste Local Plan. This relates both to the Reprotech plant and to an adjacent area that was allocated in the Second Deposit Waste Local Plan as a reserve site for a materials recovery facility and waste transfer station.
- 10.118 I only have before me the original brief written representations from the Objectors, and the District Council’s even briefer original responses. I understand from these that the District Council has opposed further waste-related development at or adjoining the Reprotech site. A further response from the District Council was anticipated in the light of the Waste Local Plan Inspector’s Report but was not submitted before the Rother District Local Plan Inquiry closed.
- 10.119 Whilst the Waste Local Plan has not been adopted, it is at an advanced stage and will become part of the development plan when it is adopted. It is accordingly necessary to accord some weight to its proposals.
- 10.120 *PPG10 ‘Planning and Waste Management’* advises at paragraph 36 that where there is conflict between the provisions in a local plan and provisions in a waste local plan, the more recently adopted or approved provisions prevail. Nevertheless, when both plans are being prepared in parallel it would be irresponsible to disregard an emerging conflict or to rely on the later adoption of the relevant plan to achieve such precedence. Neither when determining a planning application would the more recent policy necessarily prevail in the face of conflicting material considerations.
- 10.121 It is not my role to examine the need for the existing or expanded waste facility at this location. That has properly been considered at the Waste Local Plan Inquiry. If, by the time that the Rother District Local Plan is due to be adopted, the Waste Local Plan appears likely to confirm a continuing waste role of the Reprotech plant and to confirm the adjacent allocation for an expanded waste facility, then the RDLP should be modified to take account of its provisions and to remove any conflict.
- 10.122 If the Reprotech plant is included in the Policy BX4 area, that would become a material consideration in the determination of any planning application to alter, extend or redevelop the existing facility or to develop additional waste facilities. This may be contrasted with the position of the nearby waste water treatment plant which

has been specifically excluded from the encircling BX4 designation. As worded, Policy BX4 and its supporting text seek to disregard the presence of the existing waste facility and the emerging waste local plan provisions. The Policy would require that any proposals were (amongst other things) ‘consistent with the establishment and maintenance of the area as a key recreational and amenity resource’. I consider this wording to be uncertain in relation to waste development. Whilst it would be reasonable for such development to include respect for amenity and for the recreational use of adjoining land, it could be interpreted as seeking to exclude all waste development and as an attempt to frustrate the implementation of the statutory Waste Local Plan.

- 10.123 In these circumstances I consider that the Reprotech plant should, like the nearby waste water treatment plant, be excluded from the Policy BX4 designation and that the text and Policy BX4 should otherwise be amended along the lines proposed by the County Council which provide that development in accordance with the development plan (which includes the Waste Local Plan) can be acceptable in the area. That would not prevent the incorporation of these sites into the Countryside Park in a future plan should circumstances change including alternative provision being made for waste handling.

### **Recommendation**

- 10.124 **Unless the Waste Local Plan shall have first been modified to remove its provisions for waste development at Pebsham, I recommend that the Proposals Map is modified to exclude from the Policy BX4 allocation:-**

- (a) the former farm buildings at Pebsham Farm within Area 3 as defined on Plan A1 appended to Document WR/166/2129/1;**
- (b) the Reprotech waste plant;**
- (c) any site allocated in the Waste Local Plan (as proposed to be modified) for a waste materials recovery facility and waste transfer station.**

- 10.125 **I recommend that an additional paragraph of supporting text is inserted between Policies BX3 and BX4 as 10.27A with the following wording:**

**A new "countryside park" at Pebsham, is proposed between the built-up areas of Bexhill and St Leonards within Rother District and extending into the Combe Haven valley as shown on the Proposals Map. Part of this land is currently used as a landfill site which is due to cease operation in 2008 and will be restored as part of the Park. Adjacent land is identified in the emerging East Sussex Brighton and Hove Waste Local Plan for a range of waste related facilities, including the existing Reprotech waste derived fuel plant, a materials recovery facility and waste transfer station. That land is therefore excluded from the Policy BX4 allocation, as is the existing nearby waste water treatment plant. The Countryside Park will be developed for recreational activities and nature conservation alongside continuing agricultural use whilst remaining mainly open.**

- 10.126 **I recommend that Policy BX4 is amended by**

- a) the addition of the word ‘and’ at the end of criteria i and ii; and**
- b) the addition of the word ‘or’ at the end of criterion iii; and**

c) the addition of a fourth criterion to read: “(iv) are in compliance with other relevant development plan policies for this site”; and

d) the replacement of the phrase ‘supplementary planning guidance’ by ‘supplementary planning document’.

## Town Centre

(Inset Map 1e, Paragraphs 10.28 to 10.32 and Policies BX5 and BX6)

### Paragraphs 10.28 to 10.31 and Policy BX5 (Inset Map 1e)

#### Objections

16/3048	Network Rail
89/4014	Somerfield Stores Ltd.
95/3313	English Heritage
184/2303	Sainsbury's Supermarkets Ltd.
184/2306	Sainsbury's Supermarkets Ltd.

#### Supporting Statements

226/3001	The British Land Corporation
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#### Comments

66/1260	Mr. K. Draper
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#### Issues

- a. Development over railway land
- b. Statement of need for retail space
- c. Comparison or convenience shopping
- d. Qualitative or quantitative improvements to shopping facilities

#### Reasoning and Conclusions

##### *Development over railway land*

10.127 Objection 16/3048 seeks that Policy BX5 be amended to encourage the possibility of rafting over the railway. As currently worded, that possibility is not excluded. However there is some ambiguity in the annotation of Inset Map 1e which shows the Policy BX5 area both as a shopping area shaded blue and encompassing most of the existing shopping streets but also as a smaller ‘Shopping Development Policy Area’ either side of the railway and which includes intervening railway land. That area is said by the policy to be allocated for shopping and (notwithstanding the title) for other defined purposes. It is not clear from the policy as worded what if any policies apply to the shaded blue area and how it would impinge on development proposals that overlapped the edge of the blue lined area, for example to include the rafting over of a greater area of the railway.

10.128 To address this matter I consider that Policy BX5 needs to be divided into two policies. One would clearly define the proposed mixed development allocation, to include the maximum extent of any rafting development over the railway, whilst the

other would apply to development in the Town Centre Shopping Area as a whole with a cross reference to the related Policy EM13.

- 10.129 However the detailed redevelopment would be better addressed by the preparation of a development brief as a supplementary planning document. The redevelopment site overlaps the designated Conservation Area and is said to adjoin listed buildings although these have not been identified to me. English Heritage seeks that the redevelopment has proper regard to this context and suggests the preparation of a design brief. A development brief could include design requirements. For these reasons I generally agree with the Pre Inquiry Change proposed by the Council as follows:

**Pre-Inquiry Change – PC/10/04 (Paragraph 10.31)**

Add an additional sentence at the end of paragraph 10.31 to read:

**'A development brief will be prepared for this site'.**

*Reason: To indicate how the proposal will be refined and carried forward.*

No representations

- 10.130 However I consider that the reference to the brief should be expanded to address objection 95/3313 which seeks that such a brief should take account of the impact of the development on adjacent listed buildings and the conservation area.

*Statement of need for retail space*

- 10.131 My general views on the Plan’s approach to retail floor space needs assessment have been set out in Section 9 in relation to the Shopping policies EM13-EM15. In terms of the District I have received no evidence of what work has been undertaken on this issue in order to inform the Plan, although the proposals and policies for Bexhill and Rye town centres suggest that retail need was examined as part of the plan-making process. There is a reference in the Initial Deposit Plan in relation to Bexhill to a shopping survey in 1999 and an assessment of need was undertaken, with some comments made in paragraphs 7.15-7.16. My recommendation in relation to Policy EM15 seeks to ensure that this issue is explicitly highlighted and would require the Council to undertake a retail floor space needs assessment, which would be open to consultation and discussion and subject to regular monitoring and review, in accordance with the guidance in *PPS6*.
- 10.132 Objection 2303 was made in terms of paragraphs 7.10-7.23 of the Initial Deposit Plan. This text and the associated policies have been fundamentally re-written in the Revised Deposit version. Policy BX5 not only defines an area which is to be the primary focus for retail development, but also encourages the provision of further retail development. I am not aware of the details, but there is written evidence before me concerning proposals for a possible extension of the existing Sainsbury store in the town centre. I consider that this Policy, together with my recommendations with respect to the general Policies EM13-15, will ensure that the issue of retail need assessment is satisfactorily addressed in the Plan.



*Qualitative or quantitative improvements to shopping facilities*

10.133 Objection 2306 was made at the Initial Deposit stage to paragraph 7.27 and was concerned at the omission of references to qualitative improvements to shopping provision in the town centre. As PPS6 indicates in paragraph 2.33, both qualitative and quantitative factors need to be taken into account. The Bexhill Town Centre section has now been completely re-written in the Revised Deposit Version. Qualitative themes run through paragraphs 10.28-10.31, together with Policy BX5. In my view, they have adequately taken on board the criticisms made in the objection and would be further supported by the wording set out in the Proposed Change PC/10/04.

*Comparison or convenience shopping*

10.134 The Council has explained that the reference to the large convenience good store is to the existing Sainsbury’s outlet, rather than to totally new separate provision. The Council accepts the objector’s argument that most of the additional floor space required in the town centre would be for comparison goods. They explain that this issue would be examined in more detail in the proposed development brief referred to above. The retail needs assessment which I have dealt with in Section 9 would also address this matter. Consequently, I see no need to modify the text or Policy in respect of this objection.

**Recommendation**

10.135 **I recommend** that Policy BX5 is deleted and replaced by the following two modified policies

**Policy BX5** For the purposes of Policy EM13, the main shopping area of Bexhill will be that so defined on the Proposals Map Inset 1e and this will be the primary focus for retail development.

**Policy BX5A** Within the town centre on the area defined on the Proposals Map Inset 1e, land including the Sainsbury’s store and other properties on both sides of the railway is allocated for a mixed retail, residential, office and car parking development to include the potential for rafting over the railway itself.

Comprehensive development proposals will be permitted which incorporate the following elements:

- (i) a large store, primarily selling convenience goods;
- (ii) an intensification of retail, residential and office space;
- (iii) a decked car park available for public use;
- (iv) new or significantly improved pedestrian access across the railway to Western Road;
- (v) enhancements to the public realm, including Devonshire Square, Town Hall square and Western Road.

10.136 **I recommend** that paragraph 10.31 is modified by the addition of the following sentence: 'A development brief will be prepared for the Policy BX5A site and shall amongst other things include design guidance relating to the development

context which includes a designated conservation area and the setting of listed buildings’.

## Paragraph 10.32 and Policy BX6 (Inset Map 1e)

### Objections

140/1954	BT plc
140/1955	BT plc

### Issues

Alternative uses for premises within the defined office area

### Reasoning and Conclusions

*Alternative uses for premises within the defined office area*

10.137 Policy BX6 defines an office area within Bexhill Town Centre. However the associated Inset Map 1e is again a little ambiguous as to whether it includes some small grey shaded areas. In two cases these lack the Policy BX6 number notation and in one case the shaded area is misleadingly overlapped by the Policy BX5 notation.

10.138 The wording of Policy BX6 is also ambiguous in its reference to offices uses and in particular to ‘appropriate redevelopment proposals for such uses’. This could be interpreted as the redevelopment of existing offices for other uses. However the subsequent wording of the Policy (as amended at the Revised Deposit stage) seeks to resist the loss of office uses. What is also not clear in the policy is whether non-office uses of premises in the policy area are acceptable where the premises are not already in office use. The concern of the Objector appears to be that non-office uses will be resisted regardless of the existing use. The Council’s response confirms that other uses of non-office premises will be acceptable such as residential use of upper floors.

10.139 I conclude that further modifications to Policy BX6 and the supporting text are necessary to make this clear and that Inset Map 1e also requires modification to improve its clarity in respect of the extent of the policy area.

### Recommendation

10.140 **I recommend** that Policy BX6 is modified by the deletion of the text and its substitution of the following text.:

**‘Within Bexhill town centre in the office areas defined on Inset Map 1e of the Proposals Map, favourable consideration will be given to office uses on all floors within Use Classes A2(a) and (b) and Use Class B1(a), subject to the other policies of this plan. The loss of office uses, through conversion or redevelopment, will only be permitted where it is demonstrated that there is no prospect of a continued office use. Where premises within the office area are not currently in office use, this policy shall not preclude their re-use for other non-office purposes’.**

10.141 **I recommend** that Inset Map 1e is amended by its annotation to clearly define each area that is subject to Policy BX6.

## **Development boundary (Paragraphs 10.33 to 10.38)**

### **Supporting Statements**

227/3004	Mr. J.A. Baker
228/3005	Broxbourne Developments Ltd.,

## **Former Galley Hill Depot, Ashdown Road (Inset Map 1c) (Paragraphs 10.39 to 10.42 and Policy BX7)**

### **Objections**

81/3530	East Sussex County Council T&E
229/3037	BRB (Residuary) Ltd.,

### **Supporting Statements**

233/3101	New Downlands HA, Orbit HA & Rother Homes
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### **Issues**

- a. Infrastructure Contributions
- b. Percentage requirement for affordable housing provision
- c. Timing of remediation of ground contamination

## **Reasoning and Conclusions**

### *Infrastructure Contributions*

10.142 Objection 81/3530 seeks a cross reference to Policy GD2 and to Supplementary Planning Guidance on contributions that has been adopted by the County Council. I address the issue of references to the latter SPG as part of my recommendation on objections to Policy GD2 in Section 5. I do not consider that it is necessary for a cross reference to Policy GD2 within the Plan as the Local Plan is to be read as a whole. The Plan would become too cumbersome if every potentially relevant provision were to be internally cross-referenced. However, the Council has accepted the need for specific reference to secondary school contributions in association with other Bexhill developments such as those covered by Policies BX2 and BX3. Thus to omit them here would imply that no contributions were to be sought, regardless of any need arising from the development. I accordingly conclude that a reference should be made.

### *Percentage requirement for affordable housing provision*

10.143 I address the issue of the appropriate percentage requirement for affordable housing in relation to objections to Policy HG1 in Section 6. I conclude there that the usual 40% percentage should be retained but subject to the Council’s proposed change which would allow for reduced provision where demonstrated to be necessary on the grounds of economic viability. No evidence has yet been provided to support the objector’s contention that a 40% affordable housing requirement on the subject land would make its development uneconomic.

*Timing of remediation of ground contamination*

10.144 Although it does not appear to relate to any current objection, the Council has proposed a minor wording change which would improve clarity.

**Pre-Inquiry Change – PC/10/05 (Paragraph 10.41)**

Add the words ‘**prior to development**’ at the end of paragraph 10.41,  
*Reason: To clarify the timing of remediation works at the former Galley Hill Depot.*

**Recommendation**

10.145 **I recommend** that the Plan is modified in accordance with Pre-Inquiry Change PC/10/05.

10.146 **I recommend** that Policy BX7 is amended by the addition of the following criterion:

‘(v) Contributions towards secondary school provision’.

## **Land off The Gorseyway (Inset Map 1d) (Paragraphs 10.43 to 10.45 and Policy BX8)**

**Objections**

105/3459	Government Office for the South East (applies to all allocated housing sites)
245/3159	Westbury Homes (Holdings) Ltd. (Paragraph 10.43)
245/3160	Westbury Homes (Holdings) Ltd. (Paragraph 10.44)
245/3161	Westbury Homes (Holdings) Ltd. (Paragraph 10.45)
245/3162	Westbury Homes (Holdings) Ltd.
245/3163	Westbury Homes (Holdings) Ltd.
247/3172	The Executors
249/3174	P. D. Perrin

**Supporting Statements**

233/3102	New Downlands HA, Orbit HA & Rother Homes
245/3158	Westbury Homes (Holdings) Ltd.

**Issues**

- a. Site description
- b. Density
- c. Means of Access
- d. Affordable housing requirement
- e. Modifications to Inset Map 1d

**Reasoning and Conclusions***Site description*

10.147 Objections 245/3159-3161 seek a number of textual amendments to paragraphs 10.43 to 10.45. However the existing text already provides a brief and generally accurate description of the site and the suggested amendments would add unnecessary detail. Moreover when I visited the site in late June 2005, I saw that the site had been cleared and that development had already commenced. Whilst I have not been informed that

a planning permission for housing development has been granted, it appears that events have overtaken the local plan process.

### *Density*

10.148 Objection 245/3161, amongst other things seeks modifications to provide that the site would accommodate more than the ‘some 15 dwellings’ indicated in paragraph 10.45 and Policy BX8 criterion (i). I consider that the actual density should depend upon the form of development and would best be determined at the planning application stage, if indeed that stage has not already been passed. However to ensure the efficient use of the site in accordance with Government advice in PPG3 and with other Plan allocations, I consider that the text and policy should require that the site accommodate ‘at least’ 15 dwellings whilst continuing to make due allowance for the protected boundary trees.

### *Means of Access*

10.149 Criterion (iii) of Policy BX8 requires the means of vehicular access to be gained between 70 and 72 The Gorseway with pedestrian and cycle access to Peartree Lane. One Objector considers that there are other and possibly better means of access. However their location is not identified. The existing vehicular access is too narrow to serve development on the scale proposed and other access points would probably necessitate the demolition of buildings. I consider that the policy makes appropriate provision for access and that the inclusion of reference to the access provides appropriate certainty.

### *Affordable housing requirement*

10.150 I address objections to the Plan’s affordable housing requirement in my recommendations on objections to Policy HG1 in Section 6. There I conclude that the proposed 15 dwelling threshold in towns is appropriate and that the usual 40% affordable housing provision should be retained subject to the Council’s Pre-Inquiry Change which would allow for a reduced provision where that can be demonstrated to be necessary on the grounds of economic viability. The Westbury Homes (Holdings) Ltd claim that the site’s multiple ownership would have such an effect has not been supported by the submission of any financial evidence.

10.151 Other Objectors consider that affordable housing would be out of character with the neighbourhood. However the Government believes it is important to create mixed and balanced communities and it does not accept that different types of housing and tenures make bad neighbours (PPG3 ‘Housing’ paragraph 10). This is suitably reflected in the Local Plan proposals.

### *Modifications to Inset Map 1d*

10.152 Objection 245/3163 seeks a number of amendments to the depiction of the allocation on Inset Map 1d. In its response the Council agreed that the protected tree belt does not extend to the rear of No 113 Pear Tree Lane and part of 111 Pear Tree Lane and should be deleted from the Inset Map at that location. I agree. I also agree with the Council’s comment that the other suggested amendments are of a minor presentational nature and, having regard to the accompanying text, no amendment is necessary. The site of No 117 is appropriately excluded from the housing area as that dwelling could well be retained. However its site comprises previously-developed land within the urban area and other policies would alternatively allow for its

redevelopment at the same time as the housing allocation. When I made an unaccompanied visit to the site in June 2005, I could not see from the public highway whether the dwelling has been retained or demolished.

**Pre-Inquiry Change – PC/PM/02**

(Inset Map 1d)

Amend Inset Map 1d by deleting ‘Protected Tree Belt’ symbols to the rear of 113 and part of 111 Pear Tree Lane, Bexhill, as shown on the attached plan.

*Reason: To more accurately represent the extent of the Tree Preservation Order trees.*

**Recommendation**

10.153 **If planning permission has already been granted for this development and implemented, I recommend that the allocation is deleted from the text and Inset Map 1 and that the site is treated as an existing commitment.**

10.154 **If not, I recommend that:**

(a) **Inset Map 1d is modified in accordance with PC/PM/02;**

(b) **criterion (i) of Policy BX8 is modified by its deletion and the substitution of the following text:**

**(i) at least 15 dwellings are provided, of which 40% are affordable;**

(c) **Inset Map 1d is modified by the deletion of the protected tree belt notation where no such trees exist to the rear of No 113 Pear Tree Lane and part of No 11 Pear Tree Lane.**

**High School site and Drill Halls, Down Road (Inset Map 1b)  
(Paragraphs 10.46 to 10.50 and Policy BX9)**

**Objections**

No representations

**Land west of Bexhill Cemetery (Inset Map 1f)  
(Paragraphs 10.51 to 10.52 and Policy BX10)**

**Objections**

110/1728	Ibstock Brick Limited (Inset Map No 1
110/2353	Ibstock Brick Limited
110/3357	Ibstock Brick Limited

**Comments**

165/2079	Environment Agency
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**Issues**

- a. Proximity of proposed cemetery extension to the brickworks and proposed landfill site
- b. The ‘4 fields’ site adjacent to Ashdown Brickworks

## Reasoning and Conclusions

### *Proximity of cemetery to the brickworks/proposed waste landfill site*

10.155 Following the Objector’s concerns about the proximity of the proposed cemetery extension to their brickworks in the Initial Deposit Plan, the Council reviewed the matter but decided to reconfirm the allocation in the Revised Deposit Plan. In its response to the renewed objection at the Revised Deposit stage, the Council refers to the possibility of a landscape buffer and to a further review of the situation in the light of the Waste Local Plan Inspector’s Report concerning a proposed landfill allocation at the brickworks site.

10.156 In Document LPA/WR/110/2353/1 & /3357/1, the Council has provided me with an extract from that Inspector’s Report. In it he recommends that the landfill allocation at Ashdown Brickworks be confirmed for non-hazardous waste and recommends various provisions including a limit on the annual tonnage until an improved access is available. On the basis of more information than has been provided to me, he also concluded that the cemetery development would not be in conflict with clay working and brick manufacture and that any conflict with the proposed landfill operation could be satisfactorily ameliorated. A possible alternative location for the cemetery extension that was referred to by the Inspector is considered by the Council to be unacceptable due to a high water table and there is no contrary evidence before me.

10.157 No further evidence has been submitted in relation to the further processes of the Waste Local Plan. However it appears likely that the landfill allocation will survive to the adoption stage. The Council questions the practicality and effectiveness of using clay stockpiles as a buffer and points out that the proposed cemetery land is not itself allocated for either minerals or waste purposes. I consider there to be a good prospect that a suitable landscaping buffer, whether or not it included a temporary clay stockpile, would satisfactorily ameliorate any adverse impact of the brickworks or landfill on the cemetery extension.

### *The ‘4 fields’ site adjacent to Ashdown Brickworks*

10.158 Objection 110/1728 related to paragraph 6.50 of the Initial Deposit Local Plan which was deleted from the substantive Revised Deposit Local Plan. The objection seeks policy protection from (light industrial) development for an area of land adjoining the Objector’s brickworks which I understand from the Council’s evidence that the Objector would prefer to use for clay stockpiling. The northern part of the “4 fields” area is that area now proposed for a cemetery extension and I address that matter above.

10.159 In common with the proposed cemetery site, I understand from the written evidence that the remainder of the “4 fields” site is also not allocated for minerals or waste development. I am not aware of any current proposals for light industrial development. Moreover this is greenfield land lying outside the proposed development boundary where countryside policies already restrict such development. I thus conclude that there is no need for a modification of the plan to further control development on this land.

## Recommendation

10.160 **I recommend** that Policy BX10 is modified to indicate the landscaping or other mitigation measures to be carried out and that the supporting text is amended to refer to the proximity of the proposed landfill site.

## Section 10 Omissions

### Objections

110/2354	Ibstock Brick Limited
110/2355	Ibstock Brick Limited
110/2356	Ibstock Brick Limited

### Issues

*References to brickworks in the Initial Deposit Plan*

### Reasoning and Conclusions

10.161 Ibstock Brick Limited objected to a number of references to the Ashdown Brickworks site in the Initial Deposit version of the local plan. However the text related to matters which are the concern of the Waste Local Plan and not to any policies in the Rother District Local Plan. It was therefore deleted in the substantive Revised Deposit version of the latter plan and there is no need to reinstate it in its original or amended form.

## Recommendation

10.162 **I recommend** that no modification be made in response to these objections.

## Section 10 Omission Sites

Land at Old Harrier Kennels fronting Maple Walk, Cooden  
 Land at Spindlewood Drive, Cooden  
 Land west of Bexhill  
 Land at Oakleigh Drive/Spring Lane, Little Common  
 Land north of Kites Nest Walk and Oakleigh Drive, Little Common  
 Land at Barnhorn Road, Bexhill  
 Land at Coneyburrow Lane, Bexhill  
 Land at 168 Peartree Lane, Bexhill  
 Land west of 228, Ninfield Road, Bexhill  
 Land in the vicinity of Little Worsham Farm  
 Land at Whitelocks Shaw and south of Combe Wood  
 Land west of Pebsham Farm  
 Enlarge BX2 allocation and substitution of housing for employment  
 Housing in place of BX3 employment allocation at Oak Tree Farm  
 Enlargement of Policy BX3 housing allocation at Preston Hall and substitution of housing or mixed uses for part of Policy BX3 employment allocation  
 Land at Grey Horses, North of Barnhorn Road, Bexhill



## Omission Site - Land at Old Harrier Kennels fronting Maple Walk, Cooden

### Objections

9/1016	Mrs P Ward-Jones (Table 3)
9/1017	Mrs P Ward-Jones (Table 3)
9/1018	Mrs P Ward-Jones (Table 3)

### Issues

0.78ha site proposed for housing

### Reasoning and Conclusions

- 10.163 The objection site is part of an area of land on the western edge of the built up area that was excluded from the defined development boundary in the Initial Deposit Plan but was brought within that boundary at the Revised Deposit stage. However, at the Inquiry, the Council and the Objector agreed that a woodland area to the west of the Old Harrier Kennels had been included in error. The Council proposed a change to the development boundary such that the woodland would again be excluded (Document LPA/P/9/1071/2). The objections thus relate only to the southern open part of the land fronting Maple Walk.
- 10.164 Notwithstanding the inclusion of this land within the development boundary, the Council has resisted its allocation for housing development on the basis that while the site ‘may make a contribution in housing terms’ there are site-specific constraints which limit its development potential to an extent that its allocation for housing is not warranted. In particular, the Council refers to a planning appeal in 2000 concerning housing development (ref T/APP/U1430/A/99/1034665/P6). Amongst other things, the Inspector judged that: the site formed part of the countryside; that there was then no overriding housing need; that the Local Plan process had yet to determine whether greenfield land needed to be developed; that the release of this and another site could prejudice that process; and that necessary access improvements could harm the character of the area.
- 10.165 The extension of the development boundary to include the objection site has effectively excluded the site from the countryside for planning policy purposes such that a planning application for its development for housing would now be judged against different development plan and national policies. Amongst other things these are more favourable to housing in accessible locations within defined urban areas but still give priority to the use of previously-developed land over greenfield sites and also seek that housing land is used efficiently. Whilst the Local Plan recognises that some greenfield land needs to be developed, all other sites allocated for housing in the local plan are proposed to be developed at densities of at least 30 dwellings per hectare which *PPG3 Housing* defines as the minimum density for the efficient use of land. Whilst it might prove possible to design a scheme for this site which achieved such a density without unacceptable harm to the character and appearance of the area, I consider that the resulting 20 or more dwellings would generate an amount of pedestrian and vehicular traffic northward on Maple Walk such as to necessitate significant improvements to that private road which cannot be achieved without using private land in other multiple ownerships.

10.166 I do not consider that a site should be allocated for development at a density of less than 30 dph. In this case that would require necessary off-site highway improvements which have not been investigated. The achievement of such improvements and their environmental impact remains uncertain, as does the prospect of implementing such a development within the Local Plan period. Moreover there is no overriding need on housing supply grounds to allocate the site for development. For these reasons I conclude that the site should be not allocated in this Local Plan and that any planning applications for its development should instead be determined on their merits on the basis of other plan policies.

<b>Omission Site</b>	<b>Land at Old Harrier Kennels fronting Maple Walk, Cooden</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Within walking distance of local shops, regular bus services and rail services. These are level routes but they lack of footways in the vicinity of site, forcing pedestrians to walk in road. Provision could be improved along site frontage but would need acquisition of private land to create footways to north of the site.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Highway requires widening along site frontage. Moreover poor road access from north makes allocation inappropriate without substantial off-site highway works on other private land. Otherwise infrastructure constraints not investigated.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>No particular benefits identified.</i>
The physical and environmental constraints on development	<i>Site is on edge of urban area, in agricultural use and closely related to adjoining countryside. Recreational public footpath crosses site.</i>
<b>Conclusion</b>	<i>Development at an efficient density of 30 dwellings per hectare or more would require off-site highway works that have not been investigated and which would be uncertain of implementation on land in multiple private ownership. The site is thus unsuitable for allocation for housing development.</i>

## Recommendation

10.167 **I recommend** that Inset Map 1 is modified in accordance with the Plan in Document LPA/P/9/1017/2 but that no other modification is made in response to these objections.

## Omission Site - Land at Spindlewood Drive, Cooden

### Objections

9/1022	Mrs P Ward-Jones (Table 3)
9/1023	Mrs P Ward-Jones (Inset Map 1)
9/1024	Mrs P Ward-Jones (Table 3)

### Issues

3.63ha site proposed for housing

### Reasoning and Conclusions

10.168 This is a greenfield site of about 3.63 hectares. That implies a capacity of 109-181 dwellings if all the site were to be developed at efficient densities of 30-50 dwellings

per hectare. However the net developable area would be reduced by environmental constraints.

10.169 The site lies within walking or cycling distance of local shops and regular bus services to the north. This is a level route with footways. However there is a lack of footways for access to the railway station to the south. Also there is little existing employment nearby.

10.170 Road access to and from the south along Maple Walk is poor. This is a narrow privately-maintained road without footways and with the potential for vehicle/pedestrian conflict. A large residential development would increase the need for road improvements there that would involve private land in several ownerships. Road access is better from the north. Other infrastructure needs have not been investigated but the scale of development would probably generate a need for increased capacity for schools and other services including open space provision on or off site.

10.171 The site is mostly level pastureland. The developable area would be limited by overhanging mature trees along the site margins and by large badger setts along northern margins and close to northwest corner. There are only limited views from roads and footpaths and there is scope for screen planting. The site’s development would this have a reduced landscape impact when compared to the other suggested West Bexhill sites to the north of the A259.

10.172 I conclude that although the landscape impact of development would be less harmful than at other West Bexhill sites, this is a greenfield site which is not needed for housing and which has significant access constraints.

Omission Site	Land at Spindlewood Drive, Cooden
Location of site (Greenfield or previously-developed land)	<i>Greenfield site of about 3.63 hectares which implies a capacity of 109-181 dwellings if all developable at densities of 30-50 dwellings per hectare.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Within walking distance of local shops and regular bus services. Level route with footways. Lack of footways for access to railway station. Little existing or proposed employment nearby.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Poor road and pedestrian access to and from the south. Better from north. Other infrastructure needs not investigated but potential effect on school capacity.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>The probable scale of development would be likely to necessitate contributions to off-site facilities and infrastructure provision including the widening of nearby roads and contributions to school facilities and open space provision.</i>
The physical and environmental constraints on development	<i>Mostly level pastureland. Developable area limited by overhanging mature trees along site margins and by large badger setts along northern margins and close to northwest corner. Only limited views from roads and footpaths. Scope for screen planting. Reduced landscape impact compared to other West Bexhill sites north of A259.</i>
<b>Conclusion</b>	<i>Although the landscape impact of development would be less harmful than at other West Bexhill sites, this is a greenfield site which is not needed for housing and which has access constraints.</i>

## Recommendation

10.173 **I recommend** that the Local Plan is not modified in respect of this site:

## Omission Site - Land west of Bexhill

### Objections

368/3744	Mrs P Ward-Jones and Bellhurst Homes Ltd (Policy DS3)
368/3746	Mrs P Ward-Jones and Bellhurst Homes Ltd (Section 4 Table 3)

### Issues

30 hectare site proposed for housing

### Reasoning and Conclusions

- 10.174 This is a very extensive site with an estimated area of almost 30 hectares. It includes three smaller omission sites for which there are separate objections. The site is claimed to be justified by a predicted shortfall in the 500 dwellings which the Plan anticipates being provided at North-East Bexhill but which are dependent on the Bexhill-Hastings Link Road. I address the latter issue in my recommendations on Section 4 where I conclude that a delay in the construction of the Link Road is likely and that the full 500 dwellings would not be achieved within the Local Plan period if all development had to await the completion of the road. However I also conclude that there would still be an adequate overall supply of housing. That would be reinforced by the availability of the Policy DS6 reserve sites, by the prospect that some housing development is likely to be achievable in the Policy BX2 area before the Link Road is in place, and by the prospect that housing densities will in many instances exceed the minimum figures set out in the policies.
- 10.175 The objections are made in a brief form without subsequent supporting evidence. Both objections refer only to housing development and I have thus taken this to be the only form of development that is being sought. (I consider below a separate objection that seeks employment development on Land north of Grey Horses which is part of the larger site).
- 10.176 The omission site would accommodate significantly more than 500 houses if developed at the efficient densities recommended in PPG3. As such it would provide a strategic development area, the development of which would extend beyond the Local Plan period. However unlike North-East Bexhill, which corresponds to a strategic allocation in the Structure Plan, West Bexhill is not so allocated and its allocation would undermine that strategy, including the associated provision of employment, community facilities and transport infrastructure. Moreover to allocate both this site and North-East Bexhill would be likely to result in a considerable oversupply of housing against Structure Plan requirements.
- 10.177 The objections are not accompanied by access proposals but some form of access directly to the A259 would be necessary. The Highways Agency considers this stretch of road to be already approaching capacity. An additional major junction and significantly increased local traffic flows would risk congestion. Neither would this stretch of road be relieved were the Bexhill-Hastings Link Road to be completed.
- 10.178 The overall omission site comprises a high quality unspoilt undulating rural landscape of small fields bounded by hedgerows with numerous mature trees, notably oaks. This would be lost were the development to be carried out and the built development on this north-facing slope would intrude into the wider landscape beyond.

10.179 The site is indicated as a potential future development area in the Draft Hastings and Bexhill Masterplan that is reproduced on page 67 of the Revised Deposit Local Plan. However that is in the context of further growth after the Local Plan period with associated additional roads that are indicated on that draft Hastings and Bexhill Masterplan [Figure 6 in the Revised Deposit Local Plan]. These could not realistically be achieved within the Local Plan period and future housing requirements have yet to be identified.

10.180 I conclude that there is no justification to allocate this land for housing development.

Omission Site	Land west of Bexhill
Location of site (Greenfield or previously-developed land)	<i>Greenfield</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Within walking distance of local shops and some bus services but lack of local employment provision would encourage commuting by car.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>A259 near capacity close to site and scale of increased car flows would risk impact on other parts of network such as at Glyne Gap</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Objection does not propose an on-site facilities to support the development. Scale of development would be likely to generate need for additional school accommodation and other facilities</i>
The physical and environmental constraints on development	<i>Adverse impact on fine pastoral Wealden landscape of small fields with hedges and large trees including oaks. Development would be widely seen and highly intrusive in the rural landscape</i>
<b>Conclusion</b>	<i>Large greenfield site for which there is no identified need and where development would impact adversely on the landscape and traffic conditions.</i>

## Recommendation

10.181 **I recommend** that no modification be made in response to these objections.

## Omission Site - Land North of Kites Nest Walk and Oakleigh Drive

### Objections

462/3916

Southern Maple Estates Ltd (DS3 Omission)

### Issues

8ha site proposed for housing and 6.5ha proposed for recreation and education

### Reasoning and Conclusions

10.182 The site approximates to the eastern half of the Land west of Bexhill Omission Site. The original objections included provision for school accommodation and open space in the northern part of the site but these were not pursued at the Inquiry because of a claimed lack of need. Evidence was therefore concentrated on the release of the southern part of the site for housing with access from a widened Kites Nest Walk to the A259 and a secondary access via Oakleigh Drive.

10.183 Many of the considerations applying to the larger Land west of Bexhill site also apply here. The potential amount of housing would be about 240-400 dwellings at densities of 30-50 dwellings per hectare. Whilst less than the larger site, the adverse traffic and landscape impact would remain considerable and there would remain a risk of significant oversupply of housing. This development would also undermine the Structure Plan strategy to concentrate major development at North-East Bexhill.

<b>Omission Site</b>	<b>Land North of Kites Nest Walk and Oakleigh Road</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Within walking distance of local shops and some bus services but lack of local employment provision would encourage commuting by car.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Transport Assessment could show increased congestion on A259 near close to site and scale of increased car flows would risk impact on other parts of network such as at Glyne Gap. Need to widen approach roads using land within highway or controlled by landowner. Scale of development indicative of need for contributions to on- or off-site additional social or community infrastructure improvements</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Objection does not propose on-site facilities to support the development. Scale of development would be likely to generate need for additional school accommodation and other facilities. Original objection included sites to the north for school and open space but subsequently scaled back to exclude these areas.</i>
The physical and environmental constraints on development	<i>Adverse impact on fine pastoral Wealden landscape of small fields with hedges and large trees including oaks. Development would be widely seen and highly intrusive in the rural landscape.</i>
<b>Conclusion</b>	<i>Greenfield site for which there is no identified need and where development would impact adversely on the landscape and traffic conditions.</i>

## Recommendation

10.184 **I recommend** that no modification be made in response to this objection.

## Omission Site - Land at Oakleigh Drive/Spring Lane, Little Common

### Objections

9/1019	Mrs P Ward-Jones (Table 3)
9/1020	Mrs P Ward-Jones (Inset Map 1)
9/1021	Mrs P Ward-Jones (Table 3)

### Issues

1.7ha site proposed for housing

### Reasoning and Conclusions

10.185 This objection concerns the south eastern part of the larger omission site described as Land north of Kites Nest Walk and Oakleigh Drive and is also within the still larger Land west of Bexhill omission site. This site would take access from Oakleigh Drive with a possible secondary access from Spring Lane. The smaller area of about 1.7ha implies a development of about 50-85 dwellings with the higher densities likely to include flatted development. Flats would be more compatible with the retention of the mature boundary trees.

10.186 The considerations remain similar to the larger sites. Whilst the smaller scale of the site would reduce its impact, there would still be an unacceptably adverse impact on the attractive landscape and a probable adverse impact on traffic conditions and there is no overriding need for the additional housing which would risk an oversupply and would undermine Structure Plan objectives to concentrate development at North-East Bexhill.

<b>Omission Site</b>	<b>Land at Oakleigh Drive/Spring Lane, Little Common</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield</i>
Location and accessibility to jobs, shops and	<i>Within walking distance of local shops and some bus services but lack of local</i>

services by modes other than the car and the potential for improving such accessibility	<i>employment provision would encourage commuting by car.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Transport Assessment could show increased congestion on A259 near close to site and scale of increased car flows would risk impact on other parts of network such as at Glyn Gap. Need to widen approach roads using land within highway or controlled by landowner. Scale of development indicative of need for contributions to on- or off-site additional social or community infrastructure improvements</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Objection does not propose on-site facilities to support the development or contributions to off-site facilities. Uncertain whether development would generate need of additional school capacity or other facilities</i>
The physical and environmental constraints on development	<i>Southern part of site closely related to adjoining housing development and partially contained by mature trees and hedges but northern part of site spills down hillside into more open country. Large trees to boundaries merit protection but would not be readily accommodated within small enclosed gardens.</i>
<b>Conclusion</b>	<i>Greenfield site for which there is no identified need and where development would impact adversely on the landscape and traffic conditions.</i>

## Recommendation

10.187 **I recommend** that no modification be made in response to this objection.

## Omission Site - Land at Barnhorn Road, Bexhill

### Objections

13/1032	Mr G Marchant (Inset Map 1)
13/3416	Mr G Marchant (Policy DS3)

### Issues

6.2ha site proposed for:-

- Employment only
- Part housing/part employment

### Reasoning and Conclusions

#### *Employment development*

10.188 This site of about 6.2ha is an undulating area of pastureland adjoining the A259 Barnhorn Road to the south, Coneyburrow Lane to the west, housing to the east and other open fields to the north. The site is mainly bounded by hedgerows with mature trees. In summer these substantially screen the land from the A259. Objection 13/1032 to the Initial Deposit Plan proposed that this site be allocated for employment only. The brief objections are not accompanied by supporting evidence.

10.189 In my recommendations on Section 4 I have concluded that the Revised Deposit Local Plan already makes ample provision for employment. Further significant allocations are not needed and would undermine the Structure Plan strategy of concentrating such development in North-East Bexhill, as part of an urban extension.

10.190 The Omission Site occupies an elevated situation in an attractive rural landscape. Business development would be widely seen, particularly from the north-west and

from the adjoining roads. Development at the eastern end of the site in particular would also risk an adverse impact on the residential amenities of nearby residents.

- 10.191 There is a lack of information before me to reach any conclusion in relation to transport considerations associated with employment development although it appears that a development there could have a significant traffic impact on the A259 and on very narrow local lanes.



*Part housing/part employment development*

10.192 Objection 13/3416 to the Revised Deposit Plan proposed in the alternative that the site be considered for a mixed use development of housing and employment. No ratio of housing to employment has been indicated although the Council’s evidence assumes that 75% of the site would be developed for housing. The housing element would yield between about 140 and 230 dwellings if developed at densities of 30-50 dwellings per hectare.

10.193 I have identified no need for this scale of additional development and an allocation would undermine the Structure Plan strategy of a more sustainable urban extension at North-East Bexhill. It would have an adverse landscape impact. Also the site is poorly related to existing shops, services or other employment in terms of access by walking and residents would be likely to depend heavily on use of the car. The Highways Agency raises concerns about the potential adverse traffic impact of development on the A259 trunk road and there is no evidence before me on this point from the Objector.

<b>Omission Site</b>	<b>Land at Barnhorn Road, Bexhill</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Remote from shops and services with little available within walking distance</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Risk of adverse traffic impact on A259 trunk road and narrow local lanes. Scale of housing development significant in relation to provision of education and other services</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>No on-or off-site services or facilities proposed.</i>
The physical and environmental constraints on development	<i>Prominent high ground leading to adverse landscape impact.</i>
<b>Conclusion</b>	<i>Greenfield site for which there is no identified need and where development would impact adversely on the landscape and traffic conditions.</i>

**Recommendation**

10.194 **I recommend** that no modifications be made in response to these objections.

**Omission Site - Land at Coneyburrow Lane, Bexhill****Objections**

13/3417

Mr G Marchant (Policy DS3)

**Issues**

1.6ha site proposed for housing

**Reasoning and Conclusions**

10.195 This is an area of about 1.6 ha of undulating pastureland between the Northeye Prison site and the very narrow Coneyburrow Lane. Development at densities of 30-50 dwellings per hectare could yield about 50-80 dwellings.

10.196 I have identified no need for an existing allocation of this scale to meet housing supply requirements. The greenfield site is well outside the built-up area and is poorly situated for access to shops, services or employment and residents would be highly dependent on access by car. Development would have an adverse impact on the landscape.

<b>Omission Site</b>	<b>Land at Coneyburrow Lane, Bexhill</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Remote from shops, employment and services.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Risk of adverse traffic impact on A259 trunk road and narrow local lanes. Scale of housing development significant in relation to provision of education and other services</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>No on-or off-site services or facilities proposed.</i>
The physical and environmental constraints on development	<i>Adverse landscape impact</i>
<b>Conclusion</b>	<i>Greenfield site for which there is no identified need and where development would impact adversely on the landscape and traffic conditions.</i>

## Recommendation

10.197 **I recommend that no modification be made in response to this objection.**

## Omission Site - Land at 168 Peartree Lane, Bexhill

### Objections

90/1512

(Inset Map 1)

### Issues

1.53ha site proposed for housing

### Reasoning and Conclusions

10.198 The site extends to about 1.53ha. No particular development density has been suggested in the objection. However if fully developed at the densities of about 30-50 dwellings per hectare which PPG3 defines as an efficient use of land, the site would have the potential to accommodate between about 45 and 75 dwellings. The land is bounded to the north and west by ancient woodland, to the east by a golf course and one dwelling, and to the south by the curtilage of 168 Peartree Lane which, like the objection site and golf course, lies outside the proposed development boundary within the countryside.

10.199 An appeal concerning a refused planning application to develop the site with only 6 dwellings was dismissed in 2001 for reasons relating to harm to the character and appearance of the area and to highway safety with any necessary works to improve safety judged likely to further harm the environment (Appeal ref: APP/U1430/A/01/1059029).

10.200 PPG3 accords priority to the development of previously developed urban land over greenfield land. The document includes a definition of greenfield land at Annex C. There is a lack of submitted evidence to me on that point. However the size, location, past use for grazing and lack of any evidence of a permitted change of use from agriculture suggest that the site is not part of the domestic curtilage of No 168. Neither is there evidence that the land apparently owned or formerly owned by the golf club qualifies as previously-developed land. In the absence of other evidence I judge the site to be greenfield.

10.201 I have not identified a need for increased greenfield housing allocations and a density as low as that proposed in the above appeal would be an inefficient use of land that would contribute little to the housing supply. I agree with the appeal Inspector that the site is clearly part of the countryside and that its development would harm the character and appearance of the area, as would the necessary improvements to provide satisfactory vehicular and pedestrian access.

Omission Site	Land at 168 Peartree Lane, Bexhill
Location of site (Greenfield or previously-developed land)	<i>Greenfield</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Poor access on foot without environmentally damaging highway improvements.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Highway access inadequate without environmentally damaging improvements. Lack of evidence on amount of development or other infrastructure capacity.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>No on- or off-site infrastructure or facilities proposed.</i>
The physical and environmental constraints on development	<i>Development would harm rural character and appearance of area and would potentially harm adjacent ancient woodland.</i>
<b>Conclusion</b>	<i>Greenfield site for which there is no identified need and where development would impact adversely on the landscape.</i>

## Recommendation

10.202 **I recommend** that no modification be made in response to this objection.

## Omission Site - Land west of 228, Ninfield Road, Bexhill

### Objections

241/3129

Mr J Sayers (Inset Map 1a)

### Issues

0.32ha site proposed for housing

### Reasoning and Conclusions

10.203 The site is a greenfield area of woodland extending to about 0.32ha. In 1997, an appeal was dismissed in respect of a refused planning application for its development with 4 dwellings (Appeal ref: T/APP/U1430/A/97/279312/P5). The site adjoins the proposed development boundary at its eastern end. There is agricultural land to the north and further woodland on the opposite side of the Ninfield Road to the south.

Existing dwellings to the west on either side of Ninfield Road are also outside the proposed development boundary.

10.204 I consider that the site clearly reads as part of the countryside and that it makes a positive contribution to the area’s open and rural character. Its development would result in a damaging extension of ribbon development into open countryside to the harm of the area’s character and appearance, particularly as it would join the built up area to the existing development to the west.

10.205 I have not identified a need to release additional greenfield land for development. This site would in any case make only a modest contribution to supply. Whilst the objector refers to the land having a lack of agricultural merit, this disregards the fact that it is not agricultural land but woodland. There is no apparent reason why it should not remain as such.

<b>Omission Site</b>	<b>Land west of 228, Ninfield Road, Bexhill</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>On edge of built-up area. At limit of walking distance from local shops and schools</i>
Capacity of existing and potential infrastructure to absorb further development	<i>No particular infrastructure issues identified</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>No proposals for on- or off-site provision of infrastructure or facilities. Site would exceed 0.5ha threshold for affordable housing provision.</i>
The physical and environmental constraints on development	<i>Loss of woodland landscape feature and probable wildlife habitat.</i>
<b>Conclusion</b>	<i>Greenfield site for which there is no identified need and where development would impact adversely on the landscape.</i>

## Recommendation

10.206 **I recommend** that no modification be made in response to this objection.

## Omission Site - Land in the vicinity of Little Worsham Farm

### Objections

213/3228

Trinity College

### Issues

Residential development allocation in place of part of Policy BX4 Countryside Park allocation

### Reasoning and Conclusions

*Residential development allocation in place of part of Policy BX4 Countryside Park allocation*

10.207 I address the general housing supply situation in my recommendation on Section 4 where I conclude that there is no justification for large additional greenfield land releases. In my recommendation on objections to Policy BX4, I conclude that the loss

of this area would be harmful to the landscape. There are however some other site specific matters to consider, particularly if my recommendations are not accepted by the Council.

10.208 This is widely visible greenfield agricultural land to the west of Little Worsham Farm and divided into two areas by an existing track. The Proposals Map indicates that the triangular area to the south of the track would be developed as open space within the Countryside Park. There are no proposals before me to replace that open space elsewhere. However the Council’s evidence refers to the Land south of Combe Wood as a suitable area for playing fields even though this has no particular designation on the Proposals Map. It is more level than the subject site and more regularly shaped.

10.209 The land is remote from the existing built up area, from existing roads and from services and facilities. It would be dependent upon the prior development of the BX2 allocation to provide access and facilities. As the Policy BX2 allocation is unlikely to be built out within the Local Plan period there is no realistic prospect that this land would be developed within that period even if it were allocated. Allocation would thus serve no purpose whilst being harmful to the landscape and prejudicing the future planning process for the area

Omission Site	Land in the vicinity of Little Worsham Farm
Location of site (Greenfield or previously-developed land)	<i>Greenfield land in agricultural use</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Remote from existing roads, public transport, shops and services. Development would be dependent on the prior provision of these facilities as part of Policy BX2 development and on provision of Bexhill-Hastings Link Road. Thus highly improbable that development on this site could commence within Local Plan period</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Depends upon extensive prior infrastructure provision.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Development would result in reduction in Countryside Park allocation and loss of associated community facility</i>
The physical and environmental constraints on development	<i>This is part of the land that is proposed to be allocated for Countryside Park. Housing development would be widely visible and highly intrusive in the landscape</i>
<b>Conclusion</b>	<i>Greenfield site for which there is no identified need and where development would impact adversely on the landscape and the proposed countryside park.</i>

## Recommendation

10.210 **I recommend** that no modification be made in response to this objection.

## Omission Site - Land at Whitelock Shaw and south of Combe Wood

### Objections

213/3224

Trinity College

### Issues

Residential development allocation in place of part of Policy BX4 Countryside Park allocation

## Reasoning and Conclusions

10.211 I address the general housing supply situation in my recommendation on Section 4 where I conclude that there is no justification for large additional greenfield land releases. In my recommendation on objections to Policy BX4, I conclude that the loss of this area would be harmful to the landscape. There are however some other site specific matters to consider, particularly if my recommendations are not accepted by the Council.

10.212 The Council’s evidence refers to the Land south of Combe Wood may be a suitable area for playing fields. It is level regularly shaped but has no particular designation on the Proposals Map. .

10.213 The land is remote from the existing built up area, from existing roads and from services and facilities. It would be dependent upon the prior development of the BX2 allocation to provide access and facilities. As the Policy BX2 allocation is unlikely to be built out within the Local Plan period there is no realistic prospect that this land would be developed within that period even if it were allocated. Allocation would thus serve no purpose whilst being harmful to the landscape and prejudicing the future planning process for the area

Omission Site	Land at Whitelock Shaw and south of Combe Wood
Location of site (Greenfield or previously-developed land)	<i>Greenfield land in agricultural use</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Remote from existing roads, public transport, shops and services. Development would be dependent on the prior provision of these facilities as part of Policy BX2 development and on the completion of the Bexhill-Hastings Link Road. Thus highly improbable that development on this site could commence within Local Plan period</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Depends upon extensive prior infrastructure provision.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Part of the land that is proposed to be allocated for Countryside Park. Potential for recreational playing field use identified in Council’s evidence. Loss of facilities to support North-East Bexhill development as a whole. No replacement indicated.</i>
The physical and environmental constraints on development	<i>This is part of the land proposed to be allocated as the Countryside Park. It adjoins ancient woodland to the north. A rare fairly level site within the proposed Park it would be particularly suited to a variety of open playing field or similar uses that that could not be readily accommodated on sloping land.</i>
<b>Conclusion</b>	<i>Greenfield site for which there is no identified need and where development would impact adversely on the landscape, adjacent ancient woodland and the countryside park .</i>

## Recommendation

10.214 **I recommend** that no modification be made in response to this objection.

## Omission Site - Land west of Pebsham Farm

### Objections

166/2130

Mr. M. Worssam

### Issues

- a. Residential development allocation in place of part of Policy BX4 Countryside Park allocation

- b. Mini business park development allocation in place of part of Policy BX4 Countryside Park allocation

### Reasoning and Conclusions

#### *Residential development in place of part of Policy BX4 Countryside Park allocation*

10.215 The open greenfield pasture land between Area 3 and the adjacent housing area appears as Areas 1 and 2 on the above Plan A1. The Objector has not disputed the Council’s statement at paragraph 5.9 of Document LPA/WR/166/2129/1 that these areas have been used for grazing by the adjacent Riding School to the south. Such horse grazing is a suitable use which would support the Countryside Park activities. These open fields reinforce the rural character of the area. That character has been eroded by other nearby developments including the landfill site, the waste water plant and the waste derived fuel plant. To permit or to allocate further built development in this location would further erode that valued open rural character, particularly as it would join the former farmbuildings to the built up area. These consequences would undermine the Countryside Park concept and the aims of the Strategic Gap between Bexhill and Hastings (See Section 4 - Policy DS5).

#### *Mini business park development in place of part of Policy BX4 Countryside Park allocation*

10.216 There is little supporting evidence in relation to the suggested business park development. However it would result in a similar or greater intrusion of built development into the countryside. Moreover all access for heavy vehicles would necessarily be along a relatively narrow road through a residential area.

Omission Site	Land west of Pebsham Farm
Location of site (Greenfield or previously-developed land)	Greenfield land in agricultural use (grazing)
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	Close to a bus route but few facilities within walking distance.
Capacity of existing and potential infrastructure to absorb further development	Long narrow access road through a residential area. Two way traffic partially obstructed by car parking.
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	No on-site or off-site facilities or infrastructure proposed. Loss of area of Countryside Park. Business development could assist local small firms but these could also be provided for in North-East Bexhill development within Policy BX2 and BX3 areas.
The physical and environmental constraints on development	Part of the area that is proposed to be allocated as a Countryside Park. Attractive open countryside adjacent to the built up area. Development would be visually intrusive.
Conclusion	Greenfield site for which there is no identified need and where development would impact adversely on the landscape and the countryside park.

### Recommendation

10.217 **I recommend** that no modification be made in response to this objection.

### Omission Site - Enlargement of the Policy BX2 allocation and the substitution of housing for employment

#### Objections

279/3410

Mr J.H.W. Boeijink (Policy BX2)

## Issues

Increased residential development with associated loss of land from employment and Countryside Park allocations

## Reasoning and Conclusions

10.218 In my recommendations on the objections to Policy BX2, I conclude that mixed housing and employment allocations are necessary. The deletion of employment from the BX2 allocation would be likely result in an unsustainable imbalance of development and increased long distance commuting from Bexhill. Enlarging the residential allocation by its northward extension would harm the landscape and result in the loss of land proposed for the Countryside Park. Neither is it likely that any increased housing allocation here would contribute to housing supply within the Local Plan period.

Omission Site	Enlargement of BX2 allocation and substitution of housing for employment
Location of site (Greenfield or previously-developed land)	<i>Greenfield</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Remote from existing roads, public transport, shops and services. Development would be dependent on the prior provision of these facilities as part of Policy BX2 development and on the completion of the Bexhill-Hastings Link Road. Thus highly improbable that development on this site could commence within Local Plan period</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Depends upon extensive prior infrastructure provision.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Part of the land that is proposed to be allocated for Countryside Park. Loss of facilities to support North-East Bexhill development as a whole. No replacement indicated.</i>
The physical and environmental constraints on development	<i>This is part of the land proposed to be allocated as the Countryside Park. Northward extension of built development would be intrusive in the landscape.</i>
<b>Conclusion</b>	<i>Greenfield site for which there is no identified need and where the extended development area development would impact adversely on the landscape whilst substitution of housing for employment would harm the provision of employment, particularly in the short to medium term, leading to a less balanced community and a higher incidence of commuting from Bexhill.</i>

## Recommendation

10.219 **I recommend** that no modification be made in response to this objection.

## Omission Site - Housing in place of Policy BX3 employment allocation at Oak Tree Farm

## Objections

292/3501

Sayers Family

## Issues

Increased residential development with associated loss of land from employment allocation



## Reasoning and Conclusions

10.220 Buckholt Lane provides a means of access on foot or by bicycle. However it is unsuitable for access by motor vehicle to significant development on this site. Thus the development of this site for employment or residential use alike would be dependent on the construction of a section of the Country Avenue and an access road through the BX2 development, whether or not the prior provision of the Link Road were also held to be necessary. As such it is unlikely that the development on the site will commence until the very end of the Local Plan period, or beyond that period.

10.221 The site is needed for employment development to meet local economic regeneration needs and to improve the local balance between housing and employment. However I have not identified a need for additional greenfield land release for housing.

Omission Site	Housing in place of BX3 employment allocation at Oak Tree Farm
Location of site (Greenfield or previously-developed land)	<i>Greenfield</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Accessible to Sidley shops, schools and bus services on foot or by cycle through adjacent housing areas</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Depends upon extensive prior infrastructure provision</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Development would result in reduction in employment allocation and loss of associated economic regeneration with increased commuting from Bexhill to employment elsewhere</i>
The physical and environmental constraints on development	<i>Similar for employment or residential development</i>
<b>Conclusion</b>	<i>This greenfield site is not needed for housing development and its loss to housing would cause an unacceptable reduction in employment opportunities resulting in an unbalanced community.</i>

## Recommendation

10.222 **I recommend** that no modification be made in response to this objection.

## Omission Site - Enlargement of Policy BX3 housing allocation at Preston Hall and substitution of housing or mixed uses for part of Policy BX3 employment allocation

### Objections

231/3060

Hillreed Developments Ltd

### Issues

- a. Enlargement of housing allocation by extension of development boundary into the countryside
- b. Substitution of housing or mixed uses for part of Policy BX3 employment allocation

## Reasoning and Conclusions

### *Enlargement of housing allocation by extension of development boundary into the countryside*

10.223 I have not identified a housing need for the enlargement of the residential allocation. Moreover to extend the housing allocation to include Preston Hall and its grounds together with a narrow strip of agricultural land to the north would be likely to harm the character and setting of the listed buildings as well as creating an unsuitably hard edge to the built-up area. Neither is it likely that any additional housing would be built until well after the Link Road is in place. It would thus be unlikely to contribute to housing provision within the Local Plan period.

### *Substitution of housing or mixed uses for part of Policy BX3 employment allocation*

10.224 Having regard to the lack of need for additional housing provision and the likely timescale of development which would occur either late in the Local Plan period or after that period, there is no justification in increasing the housing provision or reducing the employment provision.

Omission Site	Enlargement of Policy BX3 housing allocation at Preston Hall
Location of site (Greenfield or previously-developed land)	<i>Greenfield</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Accessible to Sidley shops, schools and bus services on foot or by cycle through adjacent housing areas</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Depends upon extensive prior infrastructure provision</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Development would result in reduction in employment allocation and loss of associated economic regeneration with increased commuting from Bexhill to employment elsewhere</i>
The physical and environmental constraints on development	<i>Extended housing development around Preston Hall would intrude into landscape and harm setting of listed buildings.</i>
<b>Conclusion</b>	<i>This greenfield site is not needed for housing development and its loss to housing would cause an unacceptable reduction in employment opportunities resulting in an unbalanced community.</i>

## Recommendation

10.225 **I recommend** that no modification be made in response to this objection.

## Omission Site - Land at Grey Horses, North of Barnhorn Road, Bexhill

### Objections

462/3915	Southern Maple Estates Ltd (Chapter 10 Omission)
462/3916	Southern Maple Estates Ltd (Policy DS3)

### Issues

3.5ha site proposed for employment

## Reasoning and Conclusions

- 10.226 The objection site is greenfield agricultural land to the north of the A259 Barnhorn Road behind frontage residential development. It borders other agricultural land to the north and north east and mainly residential curtilages to the south, east and west. It is proposed by the objector as a site for Use Class B1 Business development on the basis that it is claimed not to be dependent on the construction of the Bexhill-Hasting Link Road, that it could thus be developed in the short term and that it would help to redress an imbalance between housing and employment in the western part of Bexhill.
- 10.227 I conclude in relation to objections to Section 4 of the Plan that the Plan makes adequate provision for employment. I address the issues in more detail in Section 14 in relation to another omission site at Ivyhouse Lane, Hastings where detailed evidence was presented by the parties. I conclude that there is no need for additional employment development there or at this site. To allocate this further land now would undermine the structure plan and local plan strategies to develop a major employment site at N E Bexhill.
- 10.228 I acknowledge that the N E Bexhill sites are dependent on the Bexhill-Hastings Link Road which has yet to be constructed. However that road is intended to relieve congestion on the A259 coast road at Glyne Gap. On the basis of general advice from the Highways Agency, the Council considers that the development of this objection site would also be likely to breach capacity constraints on the A259. That is a technical issue on which there is insufficient evidence to reach a firm conclusion in the absence of a specific development scheme. However account would also need to be taken of the combined impact of this and any other major development. Moreover I saw on site that the only access point that would not involve property demolition is both narrow and close to a sharp bend on a busy and fast moving stretch of the A259. There is no evidence before me of how a junction might be formed but it would appear that traffic signals would be needed and that there could be a need for road widening to form turning lanes.
- 10.229 The objection site closely adjoins residential property. The development would be visually intrusive in the landscape as viewed from surrounding dwellings and from the open countryside to the north. Its slope limits the opportunities for mitigating landscape treatment.
- 10.230 I conclude that the site is not needed for employment during the Local Plan period and that its development would be likely to have unacceptably adverse consequences for highway congestion, the landscape, and for the strategy to create a new community at N E Bexhill.

## Recommendation

- 10.231 **I recommend that no modification be made in response to these objections.**

## SECTION 11 – BATTLE (Inset Map 2)

### Section 11

#### Objections

108/1723	Chamber of Commerce (Battle)
142/1972	The Battle Partnership (See Policy BT2 and also Section 8-Omissions)
142/1973	The Battle Partnership (Inset Map 2a)
191/2332	Michael Dawes

#### Issues

- a. Off-street parking provision in the town centre
- b. Whether the development boundary delineated on Inset Map 2a for the Town Centre should include further land behind the High Street

#### Reasoning and Conclusions

##### *Off-street parking provision in the town centre*

- 11.1 Objection 108/1723 seeks the allocation of a car park north-west of St. Mary’s Church that was suggested in the 1995 Consultation Draft of the Local Plan. Objections 142/1972 and 191/2332 also in part seek additional parking provision for the town. However national policy advice, embodied in *PPG13 ‘Transport’*, advises at paragraph 49 that the availability of car parking has a major influence on the means of transport people choose for their journeys. It therefore seeks to limit the amount of car parking to reflect the objectives of the guidance. These are to promote more sustainable transport choices and greater accessibility by public transport and to reduce the need to travel, especially by car, so as to assist in easing congestion and to reduce the environmental impact of vehicle use.
- 11.2 I accept that Battle is set within a largely rural area with a dispersed settlement pattern where public transport systems are not at present intensively developed. Nevertheless, the Plan properly reflects these national policy imperatives, and also Policies TR1 and TR19 of the Structure Plan which seek to mirror the thrust of this advice by reducing and managing the demand for travel by car.
- 11.3 I am conscious of the current work of the County Council in developing its Battle Local Area Transport Strategy (LATS) which is intended to facilitate work under the ‘Small Towns Package’ in the County Council’s Local Transport Plan. Car parking provision and management in the town is an important issue to be addressed. I was informed that this Strategy was expected to be approved by the summer of 2005, with the commencement of the initial measures in the financial year 2005/2006. As the Council accepted at the Inquiry, if the Strategy were to endorse specific measures relating to parking provision and its management within the town centre, then these could be considered as part of the modifications to the Plan. In the meantime I am satisfied, that it would be inappropriate for the Plan to propose the development of further off-street parking provision. I address the issue of parking at Battle Station in relation to objections to Policy BT2 and Section 8 – Omissions.
- 11.4 In the light of these considerations, I conclude that the references in paragraph 11.28 of the Plan are adequate.

*Development Boundary to the North of High Street*

- 11.5 Objection 142/1973 seeks to incorporate the full extent of the gardens of premises fronting the High Street between St. Mary’s Lane and Mount Street car park in order to facilitate the provision of an access road to serve these properties and to allow for additional car parking in the area.
- 11.6 My views on the issue of additional off-street car parking are set out above. The provision of a new road in the area may provide an alternative access to the existing car park and enable those properties to have more convenient servicing arrangements. However, I consider that it would have a seriously adverse effect on the character of this sensitive area to the north of the High Street. A road on this alignment would destroy the tranquil setting of the rear gardens and the wooded setting of the steep north-facing slope on that side of the town centre. In my view, this would be unacceptable. I find that these considerations significantly outweigh any access and transport benefits that may accrue.

**Recommendation**

- 11.7 **I recommend that no modifications are made to the Plan in respect of these objections.**

**Context**

**(Paragraphs 11.1 to 11.9)**

**Objection**

95/1552

English Heritage

**Issue**

Protection of the battlefield site

**Reasoning and Conclusions**

- 11.8 This objection was made at the Initial Deposit stage. Policy CB20 has been deleted and superseded by the provisions of the Revised Deposit version. Paragraph 11.2 refers to the battlefield as a protected heritage site. The Proposals Map clearly defines the site as part of the designated Battle Conservation Area. The principles which underpin the appropriateness of developments in particular locations, set out in Policy DS1, specifically highlight the policy imperative of protecting, among other areas, the Battle battlefield, as defined on the Proposals Map [DS1(viii)]. In Policy GD1, among the criteria that development should meet [GD1(viii)], is the requirement that it does not prejudice the character, appearance or setting of the registered battlefield at Battle. I am satisfied that the Plan provides adequate policy protection for the battlefield.

**Recommendation**

- 11.9 **I recommend that no modifications are made to the Plan in respect of this objection.**

## Planning strategy for Battle

### (Policy BT1 and Paragraphs 11.10 to 11.15)

#### Objections

208/3194	Howard Hutton & Associates (Paragraph 11.12)
271/3384	Town & Country Planning Solutions (Policy BT1)

#### Supporting Statements

372/3712	Mr & Mrs. Vidler (Paragraph 11.11)
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#### Issues

- a. The growth potential of Battle
- b. Whether the Policy objectives are specifically related to Battle

#### Reasoning and Conclusions

##### *The growth potential of Battle*

11.10 Objection 208/3194 concerns a statement in paragraph 11.12 that ‘the growth potential of the town is fairly limited’. I accept that Structure Plan Policy S26 seeks to maintain the role of Battle as a residential, local shopping and service centre. However, its employment and tourist functions are to be developed as far as is compatible with its historic character and setting within the High Weald Area of Outstanding Natural Beauty (my emphasis). Moreover, Policy S4 (g) sees scope for limited allocations (my emphasis) of land for housing in selected smaller towns and villages in Rother between 2006 and 2011. Importantly, the Policy further seeks to strongly protect the High Weald Area of Outstanding Beauty from major development.

11.11 As I have concluded in Section 4, when considering the Plan’s spatial strategy, this has been carefully tailored to reflect the strategic policies of the Structure Plan. Battle, in particular, because of its location on an elevated E-W ridge within the AONB, is subject to strong environmental and topographical constraints. Because of this physical setting, the expansion of development into open countryside on the slopes away from the ridge would detract from this distinct character and should be carefully controlled. I consider that the limited number of housing allocations on sites within the development boundary of the town is a proportionate, balanced response to the conflicting policy imperatives. It is clear to me that the growth potential of the town is constrained and, therefore, the description in paragraph 11.12 of a fairly limited growth potential is apposite.

##### *Whether the Policy objectives are specifically related to Battle*

11.12 The concern expressed under Objection 271/3384 is that the objectives merely duplicate the general policies in the Plan and are, therefore, unnecessary. I do not agree. In my view, all are distinctly relevant to Battle in terms of the constraints and development opportunities identified. They provide a clear framework for the policies which follow.

#### Recommendation

11.13 **I recommend that no modification is made to paragraph 11.12 of the Plan or to the objectives set out in Policy BT1.**

## Land at Blackfriars (Policy BT2 and Paragraphs 11.16 to 11.23)

### Objections

1/1001	Mr. Coward
11/1028	Mr. M. Hodge
11/1029	Mr. M. Hodge
16/3049	Network Rail
26/1069	Miss M.E. Mackay
35/1094	Mr. C.M. Dyer
37/3150	Crofton Place Developments Ltd
54/1245	Mr. R.J. Harper
62/1256	Mr. D. Hussey FCMA., MIMgt
63/1257	Mr. and Mrs. E.D. Barnes
76/3891	Battle Town Council
78/3737	Countryside Residential (South Thames) Ltd.
98/1570	Janet Inglis
106/1720	Mr. A.T. Manock
124/1867	CPRE Sussex Branch
142/1974	The Battle Partnership
191/3678	Michael Dawes
195/2341	A.D. Humphrey
208/3187	Howard Hutton & Associates
234/3094	Udimore Developments Ltd.,
250/3199	Mr. Peter Venn
364/3727	Ms. Joanne Nevin

### Supporting Statements

76/3888	Battle Town Council
233/3103	New Downlands HA, Orbit HA & Rother Homes

### Comments

15/1040	Mr. P.B.K. Gracey
76/3886	Battle Town Council
76/3887	Battle Town Council
364/3728	Ms. Joanne Nevin

### Issues

- a. Need for development at Battle;
- b. Principle of development on land at Blackfriars;
- c. Sustainable location of the site;
- d. Impact on the High Weald AONB;
- e. Boundary of the housing allocation;
- f. Highway considerations;
- g. Pedestrian link to station and associated car parking provision;
- h. Infrastructure;
- i. Wildlife considerations;
- j. Effect on residential amenities;
- k. Density of development;
- l. Wording of the Policy

## Reasoning and Conclusions

### *Need for development at Battle*

11.14 I have already set out my general conclusions on the Plan’s spatial strategy in relation to Battle in Section 4 of the Report. Earlier in this Section in addressing an objection to the Context I commented on the issue of the growth potential of the town. Because of its employment and tourist roles and its function as one of the main settlements in the District, I support the need for further development in the town. It is essential that Battle assumes some responsibility for the strategic requirement placed on Rother to accommodate additional development to include addressing the social and economic needs of communities in the AONB. However, the environmental and topographical constraints on the town mean that further development needs to be firmly controlled. I am satisfied that the overall scale of the future development proposed in the Plan is pitched at the correct level.

### *Principle of development on land at Blackfriars*

11.15 Given the relatively limited scope for additional development in Battle because of the constraints identified, the allocation of the Blackfriars site may surprise some observers. Apart from the allocations relating to Bexhill, this site is the largest allocation in the Plan. Moreover, it is a greenfield site containing a number of locally attractive landscape features. However, the Urban Capacity Study which underpins the housing supply and spatial strategy proposals of the Plan demonstrated clearly the need for the release of further greenfield sites if the strategic housing requirement is to be met. Consequently, there is no in-principle objection to the allocation of the Blackfriars site merely because it is greenfield land. The search sequence for suitable housing sites, set out in paragraph 30 of *PPG3 ‘Housing’*, places urban extensions as the second preference after the development of previously developed land and buildings within urban areas as identified by urban housing capacity studies. In my view, the Blackfriars site qualifies as an urban extension.

11.16 In addition, the planning history of the site is instructive. Although it has never been formally allocated for development on a statutory basis, the summary set out in paragraphs 11.16 and 11.17 of the Plan show that proposals for development on at least part of this land have been in the public domain since 1967. Following approval of the *Blackfriars Design Brief* in 1975, there has been a partial implementation of the proposals set out within that document. Residential development has taken place between the site and Marley Lane and around the elevated southern perimeter of the site comprising some 176 dwellings. The evidence indicates that this equates to some 46% of the site’s anticipated capacity. The two ends of the spine road proposal have already been constructed. Throughout the relatively long gestation period of this emerging Plan, the site has retained its proposed allocation. I acknowledge that this does not necessarily justify the formal allocation now proposed, but to recommend against the principle of allocating the site in these circumstances, in my view, would only be appropriate where there are fundamental countervailing issues which weigh strongly against development.

### *Sustainable location of the site*

11.17 In the context of public transport, the site lies close to the railway station, with an existing pedestrian link available. There is also the possibility of a more direct link from the site across the railway. The proposed change to the Policy, as suggested at



the inquiry, would require a developer contribution towards a pedestrian link across the railway to the station entrance, subject to a detailed examination of its viability. Regular bus services run along both Marley Lane to the north and Hastings Road to the south. The proposed spine road would allow for the diversion of services through the heart of the development. The allocation proposes the development of the site for a mixture of housing, open space and educational uses, with a new primary school proposed as a central feature of the scheme. It would serve a catchment on the eastern side of the town and its provision would to some extent resolve the perennial problem of cross-town movements of parents and children to and from the present primary school situated on the opposite, western, side of the urban area. Although the site is close to the eastern edge of the town’s development boundary, it lies within reasonably convenient walking and cycling distance of services and facilities in the town centre. I consider that the site is a sustainable location for development and, given the pattern of existing development around, and close to, the site, in my view, it would be acceptably integrated within the urban area.

#### *Impact on the High Weald AONB*

- 11.18 The designated AONB ‘washes over’ the whole of Battle, so that any new development here would have some impact on the character of this area. I am satisfied that the development would help to fulfil the need for further housing as required by the Structure Plan. In that sense the development would meet the requirement set down in paragraph 21 of *PPS7* in that it would facilitate the economic and social well-being of the AONB and its communities. However, that is subject to the development being suitably located and designed. The issue of design would be examined at a later stage on the basis of a detailed proposal. Nevertheless, the question as to whether this site is a suitable location for development is an important one. In this case, the Blackfriars site, notwithstanding the neighbouring residential developments which largely enclose it, is a large undeveloped area which falls markedly from south to north and contains within it a number of attractive landscape and topographical features. There are public footpaths which both traverse the site and run along its eastern edge. It is clearly a valued feature of the local environment.
- 11.19 Obviously, any development on this site would have an effect on its present undeveloped character. However, as the Proposals Map shows, large parts of the site would remain undeveloped and retained as open space and woodland, particularly the more steeply sloping areas associated with the defined landscape tract of The Ghyll. The main concentration of development would be in the more open western part of the site and would extend and relate to the existing pattern of development which lies to the north of Battle Hill. Much of the present woodland and scrub areas would remain and the development would provide the opportunity for the implementation of an effective landscape management regime. Development would take place close to various lengths of the footpaths. Nevertheless, those links would remain and parts of their routes would continue to run through open space. Development within the smaller, separate allocated area on the eastern edge of the site would largely take place in a ‘glade’ running between substantial woodland areas. This would reflect a particular feature of the High Weald, that of ridge-crest development within a woodland setting. It is my view, therefore, that, despite the changes that would result from development, its local effect would not be significantly adverse.

- 11.20 Furthermore, I have carefully viewed the site from various more distant vantage points. The open parts of the site are visible, particularly from the open elevated area of Caldbec Hill to the north. However, these are long distance views and only restricted areas of those parts of the site which are intended for development would be seen. The views tend to be framed or partially interrupted by existing development or substantial tracts of woodland. In my judgement, the visual effect of development on the site would be limited in terms of the wider landscape and AONB.

*Boundary of the housing allocation*

- 11.21 Objection 78/3737 seeks to extend the areas allocated for housing on the Proposals Map in three separate locations: firstly, at the northern edge of the site adjoining Harrier Lane (Area A – Plan JBPA1) [part of Document P/78/3737/2]; secondly, in the central part of the site, immediately to the north of the site for the proposed school (Area B – Plan JBPA1); and finally, at the south-eastern corner of the site as an extension to the elongated area allocated for development close to the site’s eastern edge (Area C – Plan JBPA1).
- 11.22 Area A sits at the lower end of the valley adjacent to Harrier Lane. I accept that there is an existing estate on the opposite side of Harrier Lane and that the proposals in the Plan envisage a narrow band of development climbing up the site to the east. Nevertheless, I consider this area to be an important open break which reads visually with, and physically leads into, the substantial belt of open land climbing towards the woodland that flanks and essentially demarcates the main valley within the site. The allocation of this area for development would visually close off the open lower part of the valley and fill in the gap between the proposed school and the development to the east. Development here would remove the sense of openness which this open area gives to the lower part of the site.
- 11.23 Area B is quite centrally located on the site and is a largely open area. It has an area of 0.54ha. It lies to the south of the footpath which traverses the site. It is defined by tree belts to the north and east. It is part of a continuous tract of open land extending to the west and north and in topographical terms does not relate to the steeply sloping valley to the east. Although the proposed spine road running through the site would possibly affect it, or to a degree separate it from the land proposed to be developed to the west, there is little discernible difference in character between this land and the neighbouring area allocated for development. In my view, it would be appropriate for this area to be allocated for development. I see this as part of the larger area allocated for development. The total area of the residential allocation set out in the Policy would need to be modified by the addition of this land, giving a figure of approximately 7.3ha.
- 11.24 I acknowledge that existing development adjoins Area C on higher ground to the east and south and that development here would be seen as an extension further up the slope to the area allocated for development along the north-eastern edge of the site. However, the site sits on steeply sloping ground, covered by trees and scrub, which forms part of the prominent, elevated valley side. This area relates physically and visually to the valley feature which I consider to be critically important in both landscape and topographical terms to the character of the site. In my view, this area must remain free from development.

### *Highway Considerations*

- 11.25 The Highway Authority has raised no adverse comments in respect of this proposal. There is no evidence before me that suggests that development here would lead to undue traffic congestion. Both ends of the spine road are in place and have been designed with the future development of the site in mind. I understand the concerns that this new road would encourage the practice of ‘rat-running’. By providing a link between Marley Lane and Hastings Road, one of the benefits would be to reduce the number of difficult movements at the Marley Lane/Lower Lake junction. However, the Policy requires a Transport Assessment to be undertaken in relation to the distribution of traffic flows which will influence the design of the road. Careful design of the alignment would clearly assist in controlling speeds along the route.

### *Pedestrian link to the station and associated car parking provision*

- 11.26 At present, there is a pedestrian route from the site to the north, through Knights Meadow to Marley Lane, across the level crossing and back along the west side of the railway. Clearly, this link is not as direct or convenient as one crossing the railway from the site. However, having walked this route, I do not consider that the distance is such as to deter potential passengers and, in my view, this would provide a reasonably convenient pedestrian link from certain parts of the development. Nevertheless, I accept that with the proximity of the western part of the site to the station, a direct link from the site across the railway to the station is a sensible suggestion. In my view, some form of reference to this possibility in the text and the Policy, together with an appropriate notation on the Proposals Map, would be apposite. I deal with the issue of the precise wording of the Policy later, however, it seems to me that the provision of this link, although a potentially important element of the site’s accessibility, should not be made a prerequisite of any planning permission. The crossing of the railway may involve a costly structure and its viability cannot be assumed with any degree of certainty. In my view, it would be appropriate for the Policy to require a detailed assessment of this question.
- 11.27 I do not agree with the suggestion that the Blackfriars site ought to accommodate a new car park for the station. I recognise that there is a particular problem with regard to parking provision at the station. From the evidence, and my own observations, the station parking is well used and overspill parking occurs in nearby roads. However, if a link to the station were to be secured, in my view, an associated parking area on the east side of the track would inevitably lead to additional vehicle movements through the new residential area. This outcome would not be acceptable. The current parking problems need to be addressed by other means. For example I refer in Section 8 to proposals for a new railway station at Upper Wilting Farm which would be more convenient than Battle station for rail passengers living in Bexhill and Hastings, particularly after the construction of a Bexhill-Hastings Link Road. There may also be scope for enhanced integration of rail and bus services.

### *Infrastructure*

- 11.28 I have no evidence that the release of this site for development would place an undue strain on existing services and infrastructure. The development would help to maintain the residential and service centre role of Battle. The provision of a new school would bring about a marked improvement in the education infrastructure of the town. The potential that the site provides for adding to public transport routes in the

eastern part of the town and its proximity to the railway station would strengthen provision in that sector. Precise details of shortcomings in the facilities at the station have not been placed before me and I do not consider that the Policy should require a contribution from a developer towards improvements in that regard. Satisfactory drainage facilities would need to be incorporated in any development scheme and would have to be approved by the relevant Authorities. Neither the Environment Agency nor Southern Water have expressed any misgivings about the feasibility of providing an effective drainage system.

#### *Wildlife considerations*

- 11.29 Given the size of this site and its varied landscape and topographical character, I can appreciate that it contains an interesting range of wildlife features. These will clearly change and modify as a result of development. Nevertheless, it is not designated a Site of Special Scientific Interest nor a Site of Nature Conservation Importance. The evidence from the Sussex Biodiversity Centre suggests that the site is no richer in its wildlife content than would be expected on a site with an urban fringe location. Any development would have to comply with the range of policies contained in the Plan which provide a framework for the protection and enhancement of wildlife interests. Large areas of open land would be retained as part of the development and the submitted evidence indicates that these would be subject to a management regime that would seek to enhance their landscape importance.

#### *Effect on Residential Amenities*

- 11.30 I acknowledge that, with the changes which would result from a development scheme of this scale, residents who live near to the site will be affected by new traffic movements, modified views across the present undeveloped site and the different activities that arise when a new development scheme is inserted into an area. However, because of the size of the site I am satisfied that these would be mitigated or minimised and that any material adverse effects on residential amenities, such as overlooking or loss of outlook, could be avoided or adequately controlled through careful attention to design at the planning application stage.

#### *Density of Development*

- 11.31 Table 3 in Section 4 of the Plan states that the density of development at this site would be 30 dwellings/ha. This is the minimum figure laid down in paragraph 58 of PPG3 ‘Housing’ where local authorities are required to encourage developments which make more efficient use of land. I have commented on this issue in Section 4 and in relation to a number of allocated sites. In my view, in paragraph 11.19 of the text the Plan should clarify that the density that would be sought on this site would be at least that figure. The Policy states that some 204 dwellings would be provided on the basis of a density of 30 dwellings/ha. With the addition of Area B, as I recommend, and the application of the minimum density figure, the total provision would rise to a figure of 220 which should be expressed as a minimum. In accordance with my conclusions on density, the Policy should clarify that the housing provision on this site would be at least that figure in order to encourage the efficient use of the land. The actual number of dwellings above this figure would be determined at the planning application stage having regard to other plan policies.

*Wording of the Policy*

11.32 At the inquiry the Council put forward an amended wording to the Policy referring to the need for a comprehensive scheme and to confirm that the proposed pedestrian link across the railway would be subject to a viability assessment. I have commented above on this latter amendment. I agree that the site must be considered comprehensively, certainly in the context of the provision of service infrastructure, and that the Policy must explicitly highlight this approach. I recognise that a development of this scale would take some time to complete and that the school provision would need to be phased in as development progresses. However, I am not convinced that there are any overriding factors which make it imperative that the development should conform to a process of phasing. I do not consider that the Policy should impose such a requirement, as this would introduce an unnecessary element of uncertainty.

11.33 **I recommend that:**

- (a) **Inset Map 2 is modified to extend the housing allocation to include Area B on Plan JBPA1 of Document P/78/3737/2.**
- (b) **Table 3 in Section 4 is modified in terms of site size (7.3ha)**
- (c) **Paragraph 11.19 is modified by the insertion of a new second sentence as follows:-**  

**‘The density of development will be at least 30 dwellings/ha.’**
- (d) **The third sentence of paragraph 11.19 is modified as follows:-**  

**‘At least 220 dwellings would be accommodated of which 40% are to be ‘affordable’.’**
- (e) **The first sentence of paragraph 11.22 is modified as follows:-**  

**‘Bearing in mind the proximity of the site to Battle railway station, the provision of a pedestrian link across the railway to the station entrance would be a potentially important element of the site’s accessibility and would be more direct and convenient than the present route via Marley Lane and the level crossing.’**
- (f) **The first sentence of Policy BT2 is modified by the addition of:-**  

**‘...to be brought forward through a comprehensive scheme.’**
- (g) **The first sentence of the second paragraph of Policy BT2 is modified as follows:-**  

**‘Two areas, totalling approximately 7.3 hectares, would be allocated for residential use, providing at least 220 dwellings (40% of which would be affordable).’**
- (h) **The second sentence of the third paragraph of Policy BT2 is modified as follows:-**  

**‘In addition developer contributions will be required to secure the provision of the spine road and other accessibility improvements.’**

**(i) The final paragraph of the Policy is modified as follows:-**

**‘The pedestrian link across the railway is subject to further detailed examination of its viability and, if necessary, developer contributions for its provision will be required.’**

## **Land north of North Trade Road (Policy BT3 and Paragraphs 11.24 to 11.26)**

**Supporting Statements**

76/3889	Battle Town Council
233/3104	New Downlands HA, Orbit HA & Rother Homes
446/3895	Mr. and Mrs. Bishop

**Comments**

76/3890	Battle Town Council
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## **Town Centre (Paragraphs 11.27 to 11.29)**

**Supporting Statements**

108/1724	Chamber of Commerce (Battle)
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**OMISSION SITES****Housing Omission Site – Land at Lillybank Farm****Objections**

84/1452	Millwood Designer Homes Ltd.(Inset Map 2)
84/3329	Millwood Designer Homes Ltd.

**Issues**

Whether land at Lillybank Farm would be an appropriate allocation as a reserve housing site;

**Reasoning and Conclusions**

11.34 Objections 84/1452 and 84/3329 seek that this site should be included as a (reserve) housing site and are predicated on the basis that the urban extension to the north east of Bexhill may not come forward in the Plan period, or would fail to provide housing on the scale proposed. I have addressed this issue in Section 4. I share some of the Objector’s concerns. Nevertheless, I do not consider that my reservations currently justify the addition of further site allocations. Moreover, I have already set out my conclusion that, because of the environmental and topographical constraints in Battle, the limited housing growth proposed in the Plan is appropriate. Given the town’s generally elevated setting along ridges within the AONB, I take the view that any proposals that would lead to an extension of development into open countryside away from the ridge should be rigorously controlled.

- 11.35 I accept that to the west of London Road, existing development along Netherfield Road has compromised the attractive landscape setting of this area as the land falls to the north-west. From surrounding roads the Lillybank Farm site itself is not particularly conspicuous due to the peripheral vegetation. However, the open, sloping site is clearly visible from land on the opposite side of the valley to the north-west. The new access on to A2100 would open up the site to view from that direction. The development of the site would push the development limits of the town well beyond the existing urban confines in a direction where the defined development boundary, including the proposed pre-inquiry change to include the existing development along Netherfield Road, is clearly drawn so as to firmly control further development on the north facing slope away from the town. I consider that development here would have a seriously harmful effect on the character of the AONB and the setting of the town.
- 11.36 I firmly disagree with the arguments that the site is well related to the existing facilities and services of Battle. The existing development to the north of the town lies a considerable distance from the central core and school facilities. It has a generally elongated configuration with tenuous physical links to the main urban concentration. Development on Lillybank Farm would compound this by extending development further to the north. In my opinion, many people would find walking to the town centre and other service facilities too difficult due to distance and the route along the busy London Road and the evidence is that public transport provision from this area is limited. In my view, the site is not in a sustainable location.

### Recommendation

- 11.39 **I recommend that no modifications are made to the Plan in respect of these objections.**

## Housing Omission Site - Tollgates

### Objections

208/4070

Howard Hutton &amp; Associates

### Issues

Whether the Tollgates site should be allocated as a housing site;

### Reasoning and Conclusions

- 11.37 Objection 208/4070 seeks the allocation of this site, on the basis that I conclude that further housing provision is required in the Plan area; that the spatial strategy requires adjustment with more development identified at Battle and that the allocated Blackfriars site is doubtful, more harmful or less sustainable than Tollgates. My comments on housing provision and the spatial strategy are in Section 4. My overall support for the Blackfriars site is clearly identified above. In the context of the spatial strategy, as applied to Battle, I have firmly concluded that there is a need to robustly control any development that would lead to an extension away from the developed ridge down the open slopes.
- 11.38 I recognise that the site would adjoin an existing residential area which extends in depth to the south of North Trade Road. As it is located to the west of the town centre, with the exception of journeys to and from the station, development here

would not exacerbate the problems of cross-town movement which are of concern. However, I am not convinced by the arguments in favour of the site’s sustainability credentials, particularly bearing in mind its greenfield character. It is closely related to the town’s secondary school. However, it is some 1200m from the primary school where there is a serious question mark against its capacity. The Local Education Authority supports the provision of a new school on the Blackfriars site to the east of the town. Walking distances from the main centre and shopping facilities range from 1400-1900m, which is considerable, and the route would take pedestrians along a busy main road. In addition, there is an important access consideration. It would be served by Tollgates which has a limited carriageway width. As it already serves approximately 100 dwellings, a further 95 units would compound its inadequacies. Possible widening may involve many third parties.

- 11.39 Although the adjacent development to the north along Claverham Way spills over on to the south-facing slope, the physical effect is limited. It is clear to me that the development boundary which encloses this cul-de-sac has been drawn so as to ensure that urban form of the town does not push out further down the slope, thereby compromising the setting of Battle at this point. However, development of the omission site would markedly break this boundary and would run counter to this objective. From the footpath network to the south only distant glimpses of the site are possible. In visual terms, the main impact of any development would be localised. Nevertheless, this does not justify a development that would clearly affect the setting of the town in an AONB where national and strategic policies emphasise the need to maintain the character and setting of the locality.

### Recommendation

- 11.39 **I recommend that no modifications are made to the Plan in respect of this site.**

### Inset Map Boundary Omissions

#### Objections

171/2359	Tabfern Ltd
142/1973	The Battle Partnership (Inset Map 2)
185/2308	The Beech Estate (Inset Map 2)
67/1261	Mr. J. Richards (Inset Map 2)

#### Issues

- a. Whether land to the north and rear of Chain Lane should fall within the defined development boundary for the town;
- b. Whether the defined development boundary should include additional land north of Vale Road and Battle Gates;
- c. Whether the development boundary on the south side of North Trade Road should be extended to the west;

### Reasoning and Conclusions

- 11.40 I have already set out my conclusions on the general issues of housing provision and spatial strategy in Section 4. I have further accepted above that the Plan’s limited allocations in Battle are a measured and appropriate response to the need to maintain



the role of Battle as a residential, employment and tourism focus on the one hand and ,on the other, the importance of protecting its high quality environmental setting.

*Chain Lane*

- 11.41 The southern leg of the Chain Lane omission site containing the curtilage of the Old Orchard and the semi-detached property at the junction of Chain Lane and North Trade Road lies within the defined development boundary. However, the bulk of the site falls within undeveloped land to the north. I acknowledge that there are a number of large detached dwellings between the site’s southern boundary and Chain Lane. I also accept that to the west there is development along Isherwood and Vale Road, which establishes a pattern of development to the rear of the frontage development on North Trade Road. I further recognise that much of the site’s northern boundary is defined by a public footpath and is marked by a dense hedgerow, which separates it from the extensive, open countryside beyond.
- 11.42 However, the site is a greenfield site which projects further to the north than the existing limits of development. I do not consider that it could be described as a recess within the development framework boundary of the settlement. Notwithstanding the site’s wooded boundaries, much of the site comprises open land occupying a north-facing slope. Development here, particularly at an efficient density of 30 dwellings or more, would push the limits of development over and beyond the ridge on the northern side of North Trade Road towards the more extensive open countryside and would seriously compromise the rural setting of this part of the town in a sensitive part of the AONB.

*Vale Road/Battle Gates*

- 11.43 I acknowledge that, on the map, this site appears as a recess between development at the head of Battle Gates and the western end of the long cul-de-sac of Vale Road. However, the site, which has a marked fall towards the north, has a densely wooded character. This provides the adjoining residential development with an attractive landscaped rural setting and softens the transition between the northern edge of the development and the extensive open countryside beyond. I note that discussions have taken place with the Highway Authority regarding possible access arrangements into this land. Nevertheless, as things stand, access to the west is barred by existing development. I consider that extending Vale Road to the east would lead to serious highway difficulties on the narrow, poorly surfaced cul-de-sac. Consequently, to include the site within the development boundary, with the future possibility of development, in my view, would be inappropriate.

*Development Boundary on the South Side of North Trade Road*

- 11.44 With regard to Objection 67/1261, I accept that, on the south side of the road, development in linear form extends well to the west of the defined western limit of development. However, this limit reflects the edge of the more dense urban development just beyond the building complex of the Community College. Immediately to the west of this boundary is a clear break in the frontage development where open countryside extends from the south up to the road, giving views over the extensive rural area as the AONB falls gently away to the south. Beyond that point the frontage residential properties tend to be detached properties in wooded grounds providing a semi-rural setting on the south side of A271. I am satisfied that the western limit of the development boundary has been drawn at an appropriate point.

**Recommendation**

- 11.45 **I recommend** that no modifications are made to the Plan in respect of these objections.

## SECTION 12 – RYE AND RYE HARBOUR (Inset Map 3)

### Section 12 (General)

#### Objections

88/1504	Clive Hacking
178/4021	Rye Conservation Society

#### Comments

111/1752	Rye Town Council
111/1758	Rye Town Council
320/3610	Mr. & Mrs. B. Parks
326/3632	J.R. Haddock

#### Issue

The Plan’s approach towards future housing development in Rye;

#### Reasoning and Conclusions

- 12.1 I have addressed the site-specific aspects of Objection 88/1504 later in this Section.
- 12.2 My conclusions on the development strategy for the District as a whole, and Rye in particular, are set out in Section 4 of my Report. In general terms I take the view that the Plan is correct in seeking to ensure that future development opportunities are made available in Rye, consistent with maintaining its service centre role. In that sense, therefore, I consider that it is in conformity with the strategic requirements of the Structure Plan. However, I am also acutely conscious of the environmental constraints that affect the town, with particular reference to its setting above the Levels. I have found it a difficult balancing exercise, but the environmental considerations underpin many of my recommendations, both in relation to the allocated site to the south of Rock Channel and various omission sites where objectors are seeking the release of sites to the south and south-west beyond the confines of the town’s development boundary.

#### Recommendation

- 12.3 **I recommend that the Local Plan is not modified in relation to these objections.**

#### Context

(Paragraphs 12.1 to 12.10)

#### Objection

84/3330	Millwood Designer Homes Ltd.
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#### Inspector’s Note

- 12.4 I have addressed this objection as part of my composite consideration of the wide range of objections focused on Policy RY3

#### Reasoning and Conclusions

- 12.5 The Council has proposed the following change to paragraph 12.7:-

**Pre-Inquiry Change – PC/12/02**

(Paragraph 12.7)

Delete reference to Admiralty Jetty so that the penultimate sentence of paragraph 12.7 reads ‘**Fishmarket is the subject of a direct improvement scheme**’.

*Reason: To update the Plan.*

No Representations

12.6 This is an appropriate factual correction.

## Recommendation

12.7 **I recommend that paragraph 12.7 is modified in accordance with PC/12/02.**

## Planning Strategy for Rye and Rye Harbour

(Policy RY1, Policy RY2 and paragraphs 12.11-12.17)

## Policy RY1

### Objections

84/3331	Millwood Designer Homes Ltd.
271/3385	Town & Country Planning Solutions
317/3604	Mrs. Elizabeth Goldworthy

### Supporting Statements

95/3314	English Heritage
178/4022	Rye Conservation Society
217/3943	Mrs. J. Mussett
288/3444	Chris Jones
295/3985	Councillor Granville Bantick
296/3563	Mr.A.J. Mann
299/3568	Dr. Richard Bower
319/3608	Mr. & Mrs. K. Jagger
320/3618	Mr. & Mrs. B. Parks
344/3664	The Boathouse (Rye) Management Co. Ltd.
345/3669	Elsbeth Wrenn
346/3671	Mrs. J. Le Ferve
347/3673	Jennifer Lee
348/3675	Pat & Tony Hughes
389/3796	Allan Downend
392/3802	Terry Burke
394/3806	John Kitcher
395/3808	Rye Castle Museum
397/3814	John & Helen Griffiths
398/3816	Jeffrey Warley
401/3820	Eric. J. Le Ferve
404/3824	David J. Wylson
405/3827	Miss S. Archer
406/3830	Mr. and Mrs. A. Campion
407/3833	Mr. and Mrs. Streat
408/3836	Lady Murray
409/3839	Mr. and Mrs. C.A. Wood
410/3842	Ms. E. Cole
411/3845	Messrs. T. and J. Cole
412/3848	The Directors of Rye Tiles Ltd.,
413/3851	Mrs. E. Cole
471/3940	Mrs. J. Clark
472/3946	Mrs. C.A. Harvey

473/3949	Mr. and Mrs. R.K. Breeds
474/3952	Mrs. D. Hajikakou
475/3955	Dr. K.M. Hajikakou
476/3958	The Gibson Family
477/3961	Mr. and Mrs. R.G.L. Holmes
478/3964	Joan de Bethel
479/3970	Miss H.G. Martin
480/3973	Mr. and Mrs. F. Palmer
481/3976	Mr. and Mrs. P.A.C. Howlett
482/3979	Father Aidan Walsh
483/3982	Mrs. M. Bird
485/3991	Ms. E. Butt & Mr. A. Blyth
486/3994	Mr. P.J. Wege
487/4000	Mr. M. Parsons
488/3997	Mr. and Mrs. R. Baldwin
499/4015	Mr. and Mrs. G.A. Harvey
500/4018	Mr. and Mrs. R. Bromley
517/4051	Dr. I.J. Graham-Bryce CBE FRSE
518/4054	Professor K.W. Taylor
THE FOLLOWING OBJECTIONS CONCERN A PROPOSED CHANGE TO POLICY RY1	
178/9010	Rye Conservation Society (PC/12/04)
328/9021	Rock Channel Quay Management Co Ltd (PC/12/04)
501/9015	The place - camber sands (PC/12/04)
540/9001	The National Trust(PC/12/04)

**Comments**

165/3029	Environment Agency
317/3605	Mrs. Elizabeth Goldworthy

**Issues**

- a. Objectives;
- b. Architectural quality;
- c. Maintenance of the town’s functions;
- d. The landscape setting of Rye;
- e. Navigation issues;
- f. Balance between enhancing the commercial and tourism attractiveness of the town and preserving its character and environment;
- g. Reference to the Harbour Road employment area;
- h. Strategic Gap;

**Reasoning and Conclusions***Objectives*

- 12.8 I do not accept that the objectives set out in Policy RY1 duplicate the Plan’s general policies as claimed by Objection 271/3385. They are quite clearly specific to Rye and, in my view, cover the key planning, environmental and technical issues affecting the town.

*Architectural Quality*

- 12.9 The townscape character of Rye is addressed through objectives (i) and (ii). Architectural and design considerations are important issues that apply throughout the Plan area. These are emphasised, in particular, in paragraphs 5.18 and 5.19 of the

Plan and associated paragraphs under the heading of ‘Design and respecting local character’ in Section 5. In addition, Policy HG4 highlights the specific design considerations for residential development. In my view, these references adequately address the issue of architectural quality for the Plan as a whole and Rye in particular.

#### *Maintenance of the town’s functions*

- 12.10 Objection 84/3331 seeks the addition of the word ‘enhancement’ in objective (i). However, the wording of the objective, with the emphasis on maintenance of the town’s functions and character, is consistent with Policy S27 of the Structure Plan which states that the role of Rye as a residential, local shopping and employment centre will be maintained (my emphasis). I agree that the strategy must be designed so as to accommodate development changes to the town. The fact that Policy RY1 sets out objectives that underpin subsequent policies which are proposing further development and changes to the physical structure of the town demonstrates to me that the strategy is seeking to fulfil that aim. Moreover, I do not consider that the use of the word ‘maintenance’ implies a policy of no change. If Rye is to maintain its functions, inevitably, that will mean that change has to be encouraged. I see no reason to modify this objective which I believe is framed in a positive manner.

#### *The landscape setting of Rye*

- 12.11 The concerns of Objection 84/3331 in the context of objective (ii) relate to the emphasis placed on the setting of the Citadel. In my view, the landscape setting of the Citadel is a key consideration in any proposals for future development in Rye. Consequently, I support the emphasis contained in this objective. However, this does not mean that the objective is limited to the Citadel itself. It is quite clear that it is concerned with the wider landscape setting and its specific reference to the levels surrounding the Citadel is consistent with that approach. I am satisfied that this objective is appropriately worded.

#### *Navigation issues*

- 12.12 The concern of Objection 84/3331 is that objective (iii) ought to emphasise the need to improve navigation on the River Rother and the port of Rye where possible. The Council’s Proposed Change PC/12/01 addresses this point:-

##### **Pre-Inquiry Change – PC/12/01**

(Policy RY1(iii))

Amend criterion (iii) of Policy RY1 to read:

**‘to maintain and enhance navigation on the River Rother and the viability of the Port of Rye as a harbour;’**

*Reason: To allow for the potential for improved boat access*

No representations

- 12.13 In my view this suitably meets the concern.

#### *Balance between enhancing the commercial and tourism attractiveness of the town and preserving its character and environment*

- 12.14 The commercial and tourist activities clearly take place within a wider area than the Citadel itself. Consequently, the objective must specify that it relates to a wider area. The following Proposed Change PC/12/03 meets that requirement:-

##### **Pre-Inquiry Change – PC/12/03**

(Policy RY1(iv))

Amend criterion (iv) to read:

**‘(iv) to enhance the commercial and tourism attractiveness of the Citadel and the wider area as far as is compatible with preserving their character and environment’**

*Reason: To recognise the commercial and tourism potential of the area beyond The Citadel.*

No representations

- 12.15 However, in addition, Objection 84/3331 is also concerned that the objective’s emphasis on compatibility with preserving the character and environment is seeking to underline the importance of maintaining the status quo and resisting change, as opposed to positively encouraging improvements to the functions of the town.
- 12.16 I accept that striking a balance between these two approaches is difficult. In my view, however, it is essential that the Plan attempts to achieve this. The objective’s requirement that the town’s key functions are enhanced means that changes brought about by new developments have to be accepted and accommodated. However, the attractiveness of Rye as a commercial and tourist centre would be diminished, perhaps fatally, if its character and environment were not preserved. In my view, this part of the objective must be stated firmly and not be qualified or weakened. The objective, as proposed to be changed, recognises this. Accordingly, I am convinced that the objective correctly identifies, defines and gives appropriate weight to the two requirements.

#### *Harbour Road employment area*

- 12.17 This area contains a significant concentration of employment uses. The range of uses is considerable and the number of firms represented continues to grow. It is the main employment area serving the eastern part of the District and has strategic value. I consider it is appropriate that its employment importance is highlighted as part of objective (v). However, I also agree that other economic regeneration projects elsewhere in Rye may be important in the future planning of the town. This point is addressed in objectives (i), (iv), as proposed to be changed by PC/12/03, and it would be appropriately encapsulated in objective (v) if the second comma were deleted, as suggested at the inquiry through IC/6.

#### *Strategic Gap*

- 12.18 The objection (84/3331) in relation to objective (vi) has been addressed by the following Proposed Change PC/12/04:-

#### **Pre-Inquiry Change – PC/12/04**

(Policy RY1 (iv))

Amend criterion (vi) to read:

**‘(vi) to maintain a strategic gap between the proposed marina allocated in Policy RY3 and the industrial development at Rye Harbour Road’**

*Reason: To update the Plan.*

- 12.19 PC/12/04 has been subject to a number of counter-objections. These essentially relate to the proposal for a marina and associated housing development to the south of Rock Channel under Policy RY3. The Proposed Change to Policy RY1 (vi) reflects this proposal. I address this issue when I consider the range of objections to Policy RY3 below. As a result of my formal recommendation under that heading explicitly, I oppose this Proposed Change.



- 12.20 Objection 317/3604 emphasises the importance of Romney Marsh to the setting of Rye. I do not dispute this. However, this extensive marsh area to the east of the town is not characterised by closely-linked settlements. As the concept of strategic gaps is intended to be applied to breaks between settlements in order to maintain their separation, it would be inappropriate to seek to incorporate Romney Marsh within a defined gap.

### Recommendation

- 12.21 **I recommend that Policy RY1 is modified, only in accordance with the Proposed Changes PC/12/01 and PC/12/03 and Inquiry Change IC/6.**

## Policy RY2

### Objections

271/3386	Town & Country Planning Solutions
518/4055	Professor K.W. Taylor (See Policy RY3)

### Supporting Statements

116/3550	English Nature
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### Issue

Whether Policy RY2 should be retained;

### Reasoning and Conclusions

- 12.22 The concerns set out in objection 518/4055 focus entirely on the proposal for a marina and associated housing development contained in Policy RY3. I address those issues under that heading.
- 12.23 The concern of the objector in objection 271/3386 is that this Policy duplicates the general policies of the Plan. I cannot agree with that argument, as the Policy is specific to Rye Harbour Village, whereas the general policies in DS1 and GD1 set out policy requirements that apply to the District as a whole. The Policy seeks to complement Policy RY1 which sets out the planning objectives for Rye town. Both are highly relevant to this section of the Plan.

### Recommendation

- 12.24 **I recommend that Policy RY2 is retained and that the Plan is not modified in respect of this objection.**

## Paragraphs 12.11 to 12.17

### Objections

178/9011	Rye Conservation Society (PC/12/05)
178/9012	Rye Conservation Society (PC/12/06)
302/3577	Mr. & Mrs. P. Gross

### Issues

- a. Redevelopment of the area to the east of South Undercliff;
- b. Reference in the text to the nature conservation designations;

- c. Reference to the proposed marina and associated housing development;

## Reasoning and Conclusions

### *Redevelopment of the area to the east of South Undercliff*

- 12.25 I address my comments and conclusions on the general principles of development in the South Undercliffe area in the context of objections relating to Policy RY3. These include highway considerations and the access arrangements in respect of St.Margaret’s Terrace. I am not aware of the details with regard to possible future uses in the South Undercliffe area. Indeed, the precise content and disposition of the range of uses that would be incorporated in any redevelopment scheme in this area has not yet been determined. What is clear, however, is that the Plan contains no reference to the relocation of a GP surgery to the Slades Yard area.

### *Reference in the text to the nature conservation designations*

- 12.26 The Council has proposed the following change:-

#### **Pre-Inquiry Change – PC/12/05**

(Paragraph 12.11a)

Amend Plan to add the following paragraph after paragraph 12.11:

**‘12.11a The national and international ecological importance of land surrounding Rye and Rye Harbour, in particular for wetland habitats, is recognised through a range of specific nature conservation designations.’**

*Reason: To correct an omission in the text.*

- 12.27 I understand the concern of objection 178/9011 that ecologically important species do not recognise the boundaries of designated areas delineated on a map. However, in my view, it is essential that the text of the Plan must make reference to the nature conservation designations that are in place and are shown on the Proposals Map. A specific reference was omitted from the Revised Deposit Local Plan. This Proposed Change would rectify that omission.

### *Reference to the proposed marina and associated housing development*

- 12.28 The Council has also proposed the following change:-

#### **Pre-Inquiry Change – PC/12/06**

(Paragraph 12.17)

Amend part of the first sentence of paragraph 12.17 to read as follows:-

**‘...if potential urban sites, notably in the South Undercliff area, and the housing development in association with the proposed marina....’**

*Reason: To aid the clarity of the Plan.*

- 12.29 As a result of my conclusions and recommendations in Section 4 of my Report and in relation to Policies RY3 and RY5 below, paragraph 12.17 will require further modification. I return to this issue again in my consideration of the Udimore Road site under RY5. In addition, paragraph 12.15 will require modification through the deletion of its reference to the marina.

## Recommendation

- 12.30 **I recommend that no modifications are made to the Local Plan in respect of Objection 302/3577.**
- 12.31 **I recommend that the Local Plan is modified in accordance with Proposed Change PC/12/05.**

12.32 **I recommend** that paragraph 12.15 is modified by the deletion of the phrase ‘in conjunction with a new marina’.

12.33 **I recommend** that paragraph 12.17 is modified by the deletion of the phrase ‘and in association with the proposed marina’ and the substitution of ‘urban’ for ‘brownfield’ so as to read as follows:-

‘However, given the priority to re-using urban land and the policy objective of only relatively modest growth in Rye, then it is considered that any development here would only be warranted if potential urban sites, notably in the South Undercliffe area, are not realised and housing supply is consequently insufficient. Hence, an allocation is put forward below, but development is also the subject of a phasing restriction at Policy DS6 in Section 4.’

## Land adjacent to Rock Channel

(Paragraphs 12.18 to 12.23 and Policy RY3)

## Paragraphs 12.18 to 12.23

### Objections

84/3332 178/9013	Millwood Designer Homes Ltd. Rye Conservation Society (PC/12/08)
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### Comments

396/3811	H D Phillipps
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### Issue

- a. The relevance of paragraph 12.19;
- b. The need to specify the range of uses proposed in this allocation;
- c. Modifications consequent upon my recommendation in respect of Policy RY3;

## Reasoning and Conclusions

### *The relevance of paragraph 12.19*

12.34 The paragraph merely summarises the process of consultation leading to the formulation of Policy RY3 and emphasises the point that local opinion is divided on the matter. I consider this unnecessary. The Council has recognised this and published the Proposed Change PC/12/07 which, amongst other things, deletes the paragraph. The first word of the paragraph 12.20 thereby becomes redundant.

### **Pre-Inquiry Change – PC/012/07**

(Paragraphs 12.19 to 12.20)

Amend the Plan by deleting paragraph 12.19 and deleting the word ‘**nonetheless**’ from the first sentence of paragraph 12.20.

*Reason: To update the Plan.*

No representations

### *The need to specify the range of uses proposed in this allocation*

12.35 My conclusions on the proposals for the South Undercliffe and Rock Channel site are set out under the relevant Policy RY3. However, bearing in mind the importance of the site as a development opportunity; the need for a comprehensive approach and its relationship to the town centre, in my view, it is essential that the text should spell out

the range of uses envisaged for the site. The text provides an explanation of the planning background which underpins the Policy. I am therefore satisfied that the Council’s following Proposed Change is appropriate, subject to the deletion of the word ‘marina’ for reasons which I explain below.

### **Pre-Inquiry Change – PC/12/08**

(Paragraph 12.22)

Add the following sentence after the first sentence of paragraph 12.22:

**‘The area is allocated for housing, marina, open space, appropriate commercial uses and offices falling within the A2 and B1 use classes which should be at a scale appropriate to this mixed use site close to the town centre.’**

*Reason: To specify the uses appropriate in the area*

### *Modifications consequent upon my recommendation in respect of Policy RY3*

12.36 My recommendation below that the Policy should relate only to the site on the northern bank of Rock Channel has a consequential effect on the text in some of the associated paragraphs. I have referred to the effect on the Proposed Change PC/12/08. In addition, paragraph 12.21 should be deleted in its entirety. In paragraph 12.23 the final phrase ‘presently estimated to be 155’ should also be removed.

### **Recommendation**

12.37 **I recommend that the Local Plan is modified in accordance with Proposed Change PC/12/07.**

12.38 **I recommend that the Local Plan is modified in accordance with the Proposed Change PC/12/08, subject to the deletion of the word ‘marina’.**

12.39 **I recommend that paragraph 12.21 is deleted in its entirety.**

12.40 **I recommend that paragraph 12.23 should read as follows:-**

**‘Provision for affordable housing shall be integral to all residential developments to comprise 40% of the total number of dwellings.’**

## **Policy RY3**

### **Objections**

37/3152	Crofton Place Developments Ltd
41/3491	Friends of Brede Valley
46/3968	Mr and Mrs J C Pope
84/3333	Millwood Designer Homes Ltd.
95/3315	English Heritage
124/3453	CPRE Sussex Branch
178/4023	Rye Conservation Society
178/4026	Rye Conservation Society
178/9014	Rye Conservation Society
186/3760	Highways Agency (Conditionally withdrawn)
211/3215	Sussex Wildlife Trust
214/3229	Mr Frank Cooke
217/3944	Mrs J Mussett
234/3095	Udimore Developments Ltd.,
287/3442	Rye Harbour Nature Reserve
288/3443	Chris Jones

295/3561	Councillor Granville Bantick (Policy RY3 Omission)
295/3986	Councillor Granville Bantick
296/3564	Mr A J Mann
297/3566	Mrs M. A. Cocks
298/3567	Miss V A Gammon
299/3569	Dr. Richard Bower
301/3571	Dominic Manning RIBA
302/3575	Mr. & Mrs. P. Gross
311/3593	Mr. John Holbrook
313/3596	Mr. Paul Carey
314/3598	Mrs. Rita Kirk
315/3599	Miss A. Englefield
317/3601	Mrs. Elizabeth Goldworthy
318/3607	Mrs. Anne Wood
319/3609	Mr. & Mrs. K. Jagger
320/3613	Mr. & Mrs. B. Parks
320/3614	Mr. & Mrs. B. Parks
320/3615	Mr. & Mrs. B. Parks
320/3616	Mr. & Mrs. B. Parks
321/3619	Mr. Paul Blomfield
323/3627	Mr Richard Comotto
324/3628	Rother Environmental Group
325/3629	Ms F Heasman
326/3631	J R Haddock
327/3634	Mrs Elizabeth Royle
327/3635	Mrs Elizabeth Royle
328/3639	Rock Channel Quay Management Co Ltd
328/3641	Rock Channel Quay Management Co Ltd
329/3642	Dr Rosemary Boncheat
330/3643	Romney Marshes Area Internal Drainage Board
331/3644	The Sea Cadet Corps
333/3647	Mr. Richard Taylor
334/3648	Mrs J M Smith
335/3649	N F Martin
336/3650	Shelagh Fisher
337/3662	Gabby & Helmut Freitag
344/3665	The Boathouse (Rye) Management Co. Ltd.
345/3670	Elsbeth Wrenn
346/3672	Mrs J. Le Ferve
347/3674	Jennifer Lee
348/3676	Pat & Tony Hughes
348/3677	Pat & Tony Hughes
385/3789	John Powis
386/3790	Mr S. G. Gibbs
388/3792	W Metson & M Harris
389/3799	Allan Downend
391/3801	Mr Sean Murrells
392/3803	Terry Burke
393/3805	Mr & Mrs J Gillum
394/3807	John Kitcher
395/3809	Rye Castle Museum
397/3813	John & Helen Griffiths
398/3817	Jeffrey Warley
399/3818	Mr and Mrs. Clifton
400/3819	Mr J M Colston & Miss K. Osborn
401/3821	Eric J Le Ferve
402/3822	V. Woolveridge & K. Woolveridge
403/3823	A R & J W Maynard
404/3825	David J Wylson

405/3828	Miss S Archer
406/3831	Mr and Mrs A. Campion
407/3834	Mr and Mrs Streat
408/3837	Lady Murray
409/3840	Mr and Mrs C.A. Wood
410/3843	Ms E Cole
411/3846	Messrs T and J Cole
412/3849	The Directors of Rye Tiles Ltd.,
413/3852	Mrs E. Cole
471/3941	Mrs J Clark
472/3947	Mrs. C.A. Harvey
473/3950	Mr and Mrs R K Breeds
474/3953	Mrs D Hajikakou
475/3956	Dr K M Hajikakou
476/3959	The Gibson Family
478/3965	Joan de Bethel
479/3971	Miss H G Martin
480/3974	Mr and Mrs F. Palmer
481/3977	Mr and Mrs P.A.C. Howlett
482/3980	Father Aidan Walsh
483/3983	Mrs M. Bird
484/3989	Mr K.R.F. Bird
485/3992	Ms E. Butt & Mr. A. Blyth
486/3995	Mr P J Wege
487/4001	Mr M Parsons
488/3998	Mr and Mrs. R. Baldwin
495/4010	Rye Allotments Association
495/4011	Rye Allotments Association
499/4016	Mr and Mrs. G.A. Harvey
500/4019	Mr and Mrs R. Bromley
501/4028	The place - camber sands
513/4041	Mrs. V.R. Iredale
517/4052	Dr I J Graham-Bryce CBE FRSE
518/4055	Professor K.W. Taylor (Policy RY3)
521/4065	Mr. M.D. Metcalf

### Supporting Statements

233/3105	New Downlands HA, Orbit HA & Rother Homes
260/3340	Tourism South East
322/3620	Rosemary & Carol Kimber
390/3800	June Osborne
396/3810	H.D. Phillipps
521/4064	Mr M D Metcalf

### Comments

111/1754	Rye Town Council
111/4048	Rye Town Council
165/2073	Environment Agency
165/3030	Environment Agency
301/3572	Dominic Manning RIBA
301/3580	Dominic Manning RIBA
317/3602	Mrs Elizabeth Goldworthy
317/3603	Mrs Elizabeth Goldworthy
320/3617	Mr & Mrs. B. Parks
325/3630	Ms F. Heasman
344/3667	The Boathouse (Rye) Management Co. Ltd.
396/3812	H D Phillipps

## Issues

- a. The alignment of the development boundary/impact on the landscape and historic character of Rye;
- b. Economic benefits of the proposals;
- c. Extensions to the Policy boundary;
- d. Viability of scheme/deferment of the allocation to a future plan review;
- e. Range of uses specified in the Policy;
- f. Need for greater detail in the Policy;
- g. Flooding/drainage/groundwater/navigation considerations;
- h. Ecological considerations;
- i. Highway and access matters;
- j. Location of site relative to the SRM plant on Rye Harbour Road;
- k. Allotments;
- l. Amenity considerations for existing and future residents to the north of Rock Channel;
- m. Affordable housing;

## Reasoning and Conclusions

*The alignment of the development boundary/impact on the landscape and historic character of Rye*

- 12.41 These are the first two of three key issues in relation to the Policy. The development boundary and landscape considerations are focused on Rock Channel and that part of the allocated site to the south. The impact of development on the historic character of the town relates to both parts of the RY3 allocation to the north and south of the Channel. I turn first to the issue of the defined development boundary.

The alignment of the development boundary

- 12.42 I accept that urban development spills over from the Citadel down the cliff face and occupies considerable areas on the north bank of Rock Channel. The Channel, however, places a firm barrier between the development of the town and the open landscape of the Levels. It functions as the strongest possible form of development boundary. I consider that for the development boundary to extend across the Channel would be wholly inappropriate. It would form a significant incursion into the proposed Strategic Gap separating the urban development at Rye and the settlement of Rye Harbour. I acknowledge that the Gap has not been defined previously in a statutory plan and that its extent has not been subject to independent scrutiny. I also accept that some element of separation between the two settlements would remain even with the development of a marina. Nevertheless, the break between the two would be too limited. In my view, the planning function of the Strategic Gap in maintaining a distinctive degree of separation between the two areas would be seriously compromised. Moreover, the southern boundary of the marina site does not follow any strong physical feature on the ground. It would not provide a firmly demarcated alignment. I do not consider that it would form an appropriate defensible

boundary. My earlier comments on PC/12/04 in paragraph 12.18 of the Report refer to this issue and my recommendation in paragraph 12.20 clearly confirms my opposition to the Proposed Change. I am convinced that the northern boundary of the defined Strategic Gap must be contiguous with Rock Channel.

#### Impact on the landscape and historic character of Rye

- 12.43 I now turn to the issue of the wider landscape impact of future development on the south side of the Channel. I acknowledge that the site itself possesses no special landscape features and carries no landscape designation. Nevertheless, it is an integral part of the open, flat landscape of the marshland area which provides such a distinctive setting to the elevated Citadel. In my view, this is a most striking landscape/townscape combination. Its contribution to both the landscape and historic character of the town is immense. For this character to be retained, it is essential that the development boundary provided by Rock Channel is respected. I understand the argument that, as the development proposed is a marina with areas of water extending through the site, the mass of the scheme would be less than a normal residential development. Nevertheless, the complex of some 100 dwellings, together with associated buildings and structures, would still comprise a dense aggregation of development with buildings of considerable height and bulk.
- 12.44 I do not doubt that great care would be taken in the design of the development. However, the scale and extent of the scheme, in my view, would seriously impinge on the critically important landscape setting of Rye. I have looked at the site from many viewpoints on the Levels and within the Citadel. I am convinced that the development would be a highly prominent and extensive incursion into the open setting of the town, well beyond the firmly defined urban limits. It would have a damaging effect on the key views to and from the Citadel. Accordingly, I consider that it would not comply with the imperative of Policy S27 of the Structure Plan of preserving the town’s unique historic character and high quality environment within the Rye Bay area.
- 12.45 The site to the north of Rock Channel is already largely developed and falls within the urban confines of the town. It comprises a mix of uses, with some of the component sites underused. Some of the buildings show evidence of disrepair. There are some relatively attractive segments, for example the actively used allotments, and some of the older commercial uses with links to the town’s maritime heritage contribute to the historic character of Rye. Overall, the site is in a prominent position immediately below the Citadel and enclosed within the sweeping alignment of Rock Channel. The site has clear development potential. Sensitive and selective redevelopment, based on a carefully detailed Development Brief would be appropriate and would fit within Government advice aimed at making more efficient and effective use of urban land.

#### *Economic benefits of the proposals*

- 12.46 I acknowledge that the economy of Rye and the surrounding area contains a number of weaknesses. As a result, Rye is designated in the *Regional Economic Strategy* of the South East England Development Agency (SEEDA) as falling within 3 policy areas; the East Sussex Rural Priority Area; the broader Coastal East Sussex Priority Regeneration Area and the Market Towns Initiative. The *Rye Economic Appraisal* (CD5.6) carried out by Roger Tym and Partners (RTP) on behalf of the Rye Partnership highlights the high proportion of middle-aged and elderly people in the



town; low employment growth and relatively high unemployment. The study emphasises that in many economic indicators Rye lags behind the rest of the District, the County and the Region. The northern part of Rye and Rye Harbour, in particular, suffer from higher deprivation than the national average. Although the Citadel area is visually attractive and physically in good order, the same cannot be said of some of its peripheral areas, with particular reference to South Undercliffe. Nevertheless, the evidence does not suggest that the identified weaknesses of Rye’s economy are so grave that the town’s economic base is in the process of crumbling.

- 12.47 I accept that further investment in the town is important. The proposed development of a marina, the associated enabling housing development and the redevelopment of the South Undercliffe area would undoubtedly provide an economic boost. Both the Council, taking the advice of Roger Tym and Partners in Stage 2 of the Rye Economic Appraisal (CD5.7), and the prospective developer’s consultants Vail Williams (VW), agree on this principle. The Council accepts that the RY3 proposals have significant job creation potential, which would be welcomed, bearing in mind the forecast in Stage 1 of the Appraisal that in the absence of intervention the best Rye could hope for would be to maintain current employment levels. Both parties agree that the marina development, in particular, would stimulate local economic growth through spending on the upkeep of boats moored in the marina and expenditure in the town by marina users. A further factor, perhaps more difficult to measure, is that with a vibrant marina and an attractive area of impounded water in the Channel, business and investor confidence in the area would increase and be secured.
- 12.48 The possible scale of the uplift is a matter of some dispute. However, following discussion between the Council and the developer, the estimates for additional jobs created, taking account of both the RY3 area and the objector’s proposed enlarged Policy area, range from a minimum (RTP-estimated) figure of 351 to a maximum (VW-estimated) figure of 627, an average of 489, with most of the jobs likely to be created outside the marina boundary. The VW estimate of the outcome of the proposed land uses and jobs, based on a marina of 200 moorings, is an extra £8.2m - £12.3m of income per annum for the Rye economy. The RTP estimate of the additional annual total value to the town’s economy based on 150 moorings is £1.18m - £1.49m. To this should be added an estimated annual income of £112,500 for the additional 50 moorings.
- 12.49 This is a wide disparity and in the absence of a forensic examination of the various inputs, a precise conclusion on the likely scale of the economic boost cannot be reached. Certainly, the RTP appraisal applies more cautious assumptions than those made by VW and some of these appear to me to be unrealistically low. Having studied the evidence before me, I incline towards the more optimistic scenario put forward on behalf of the prospective developer. Nevertheless, I judge that the assumptions applied are likely to be optimistic and to lie at the very top of the estimated range. I have considerable misgivings as to whether the benefits would reach those inflated levels. However, I have no doubt that the scale of the economic benefit from the development of the whole of the RY3 area would be substantial.
- 12.50 These considerations must be weighed against the cogent objection I have identified in relation to development to the south of Rock Channel. The decision must be a matter of professional judgement. In my view, however, the key consideration arises from the strategic policy imperative of preserving Rye’s historic character and its high

quality environment. This is reflected in the objective of Policy RY1 of protecting the unique historic Citadel and its landscape setting, particularly the levels surrounding the Citadel. It is critically important that this objective is fulfilled as the character of the town is largely founded on the distinctive physical relationship between the urban character of the elevated Citadel and its surrounds and the open, expansive levels. Rock Channel is a crucial element of this relationship as it provides a strong, visual boundary between the two areas. I am convinced that the development involved in the RY3 allocation south of the Channel would totally subvert the achievement of that objective. I conclude that the economic benefit from the development of the Policy area as a whole would be too high a price to pay in planning and environmental terms. I consider that the protection of the landscape and historic character of Rye must be the decisive factor in the planning balance.

- 12.51 My recommendation, therefore, is that item (iii) of Policy RY3 should be deleted. I recognise that the consequence of this would be that the Policy would be focused solely on the area between South Undercliffe and Rock Channel. Strong arguments have been made by both the Council and the prospective developer that the development of both banks of the Channel must be taken as a comprehensive package and that the costs of redevelopment on the north side could only be met, and its regenerative benefits achieved, with the enabling development of a marina and the associated housing to the south. Development appraisals of scenarios with and without a marina have been undertaken to demonstrate this proposition. I am not convinced that these provide conclusive proof in support of the argument, bearing in mind that the appraisals are illustrative and are based on an indicative masterplan drawn up by the prospective developer. Notwithstanding the range of uses and ownerships and the difficulties of redeveloping existing developed plots, it is my view that the size of the site to the north of the Channel is such as to enable a redevelopment scheme to be formulated through the mechanism of a Development Brief with a viable mix of uses.

#### Background to the consideration of the remaining issues

- 12.52 In weighing the above three key issues and having come down firmly against the proposed development to the south of Rock Channel, I have addressed many of the objections. Nevertheless, there remains a range of other issues raised by objectors and I now move to consider these. Some apply to the Policy as it currently stands in the Plan. I have addressed these, even though my recommendation would radically alter the parameters and context of the Policy. Other concerns are directly aimed at matters focused only on the site to the north of the Channel. As I work through the range of outstanding issues, I explain the context within which my considerations are set.

#### *Extensions to the Policy RY3 boundary*

- 12.53 Objection 84/3333 proposes that the defined Policy RY3 boundary should be extended to include the foreland adjacent to the proposed marina south of Rock Channel, together with the inclusion of further land between Winchelsea Road and the River Tillingham and between The Quay and the River. The issue of the inclusion of the marsh area, which lies on the river side of the flood defences, would not arise if my recommendation to delete the land to the south of Rock Channel were to be accepted. On the other hand, if the Council were to move ahead with the allocation as proposed, that suggestion would need to be considered.

- 12.54 I agree that part of the foreland site has an untidy appearance, as it benefits from a lawful development certificate for boat repairs and maintenance. Nevertheless, those rights could be extinguished by agreement. The developers would then be in a position to implement the scheme described at the inquiry that would seek to improve the area as an inter-tidal saltmarsh habitat which would provide an element of mitigation for the loss of some shallow water when the channel is impounded as part of the marina scheme. However, I do not consider that these measures would be so critical as to justify the inclusion of the land within the Policy boundary. This is particularly so, bearing in mind that the necessary detailed ecological assessment which would need to be made as part of the full Environmental Impact Assessment of the scheme, may focus on different remediation measures.
- 12.55 Bearing in mind the rather loose pattern of development alongside the River Tillingham to the west of the RY3 policy area, I acknowledge that there may be opportunities for further redevelopment in the future. However, setting aside my conclusions in relation to the area to the south of Rock Channel, I am satisfied that Policy RY3 is appropriately directed to the area on the northern bank of the Channel where a comprehensive planning approach to the future development pattern is required. I do not consider that this applies to the area further west alongside the River Tillingham where the combined site is much smaller and where the juxtaposition of uses is less complex. In my view, the objectives set out in Policy RY1 would provide an adequate framework for assessing future development proposals in that area.

*Viability of scheme/deferment of allocation to a future plan review*

- 12.56 One objection in particular (234/3095) contended that, because of the varied technical issues requiring resolution, the complex network of land ownerships and tenures and the statutory procedural hurdles which would have to be surmounted, there must be some doubt as to whether development would be implemented within the plan period. The suggestion has been made that one option available to the Council would be to defer a commitment to an allocation until a review of the Plan is undertaken. In addition, a theme of many other objections focused on the viability of the proposed scheme, with particular reference to the costs involved in delivering the marina and impoundment proposals and the operational viability of the marina.
- 12.57 If my recommendation on Policy RY3 were to be accepted by the Council, the marina and impoundment scheme would not form part of the allocation and the technical issues concerning flooding, drainage and navigation; the issue of cost and viability, together with some of the procedural complexities, would not arise. However, I recognise that bringing the whole scheme to fruition would involve the resolution of a number of difficult problems which would span a considerable period of time, particularly in relation to statutory procedures such as the Harbour Revision Order. However, there is a clear developer commitment to the scheme. The prospective developer has been involved in working on the scheme for a considerable time and has secured some land interests. Much work on the proposals has been undertaken and lengthy discussions have been held with interested parties and statutory agencies.
- 12.58 I am convinced from the weighty, detailed evidence placed before me at the inquiry on the mechanics of investment that, based on the ability of the developer to fund the infrastructure costs; with enabling residential development providing a basis for the marina scheme and the redevelopment of land to the north of the Channel securing a

further development asset, the viability of the scheme would not be in doubt. Because of the limited tidal window and other navigational difficulties associated with the river and estuary, doubts have been cast on the viability of the marina, once in operation. However, there is no conclusive evidence that the commercial future of the scheme would be compromised. I am also satisfied from the evidence submitted that the wide range of development and procedural issues involved could be addressed and resolved in time for the development to be underway well before 2011. In the context of the full RY3 allocation, as currently proposed in the Plan, whilst I do not support that proposal, I would see no reason why consideration of the principle of this important development change to Rye should be deferred to a later development plan process.

#### *Range of uses specified in the Policy*

- 12.59 Objection 84/3333 seeks the inclusion of more detail in the Policy about the mix of uses. The Policy, as proposed to be changed, allows for housing, marina, open space and commercial uses that complement the town’s tourism and marine functions, together with suitable office uses. In my view, some of the concerns of the objector would be met by the Proposed Changes PC/12/08 and PC/12/09. In particular I consider PC/12/09 is an appropriate Change which reflects the intention of further developing the mixed-use character of the site.

#### **Pre-Inquiry Change – PC/12/09**

(Policy RY3(iv))

Amend criterion (iv) of Policy RY3 as follows:

**‘(iv) commercial uses that complement the town’s tourism and marine functions together with suitable office uses’.**

*Reason: To specify the uses appropriate in the area*

No representations

- 12.60 I understand the concern that there is no reference to community and educational uses or heritage facilities. However, I am informed that there are no current proposals specifically related to such uses and, although the Council accept that the policy area could incorporate such uses, in the absence of any firm schemes, in my view, it would be inappropriate to specify their inclusion at this stage. I am aware, of course, that the Policy requires the formulation of detailed proposals through a comprehensive Development Brief. As this would be subject to consultation with a range of stakeholders and the public, if a firm proposal for such a use were to emerge through this process, then this could be included at a later stage.

#### *Need for greater detail in the Policy*

- 12.61 Because of the technical complexities involved in the construction of the marina and the impoundment of the Channel, many objectors consider that (were these elements included) the details ought to be finalised prior to the Plan’s adoption and that the Policy ought to reflect these. It is argued that the technical feasibility of the scheme is so fundamental that this would need to be established first before an allocation were confirmed. I understand these arguments and I find that they carry considerable force. However, I do not consider them decisive. The Policy is seeking to confirm the principle of an allocation for a key land use proposal, which has been under consideration for some years. The decision to include it in the Revised Deposit Local Plan will have taken account of the work already undertaken by the prospective developers. As I have concluded above, my professional judgement is that the

proposal is seriously flawed in certain respects and that the marina and the associated housing should be deleted. Were that not the case, I consider that its inclusion in the Plan, with the basic development parameters set out, together with the requirement that detailed proposals must be formulated through a Development Brief, would have been a satisfactory approach. It would have placed a clear marker in the Plan as to what the Council considered should be the future extent and type of development in this part of the town.

*Flooding/drainage/groundwater/navigation considerations*

- 12.62 Without the marina and the associated lock facility, the concerns focused on the implications of this scheme for flood risk, drainage and navigation would not arise. Whatever the ultimate form of development on the north side of the Channel, as the Policy requires that the timing of the development must relate to the completion of the flood protection works, it would have the 1 in 200 year protection given by the new Tidal Walls Scheme which is well advanced in relation to this part of the river. The various existing surface water outfalls from the area north of Rock Channel would need to be taken account of in the design of any redevelopment scheme. I have no evidence that this would not be feasible were the marina proposal otherwise acceptable.
- 12.63 In terms of the marina and its associated development, a range of further technical issues would have come into play. These have been identified in the agreed Statement of Common Ground produced by Millwood Designer Homes Ltd and the Environment Agency (CD 5.10). They are important matters and reflect the concerns of a number of objectors. However, it is clear that the prospective developer is not only aware of these, but has already examined them in some detail. Discussions have been held with the Agency and other relevant stakeholders. From the evidence submitted at the inquiry, there is no suggestion that these technical issues cannot be resolved. Not all the questions posed by objectors or the Agency have yet been fully answered and some of the required solutions are likely to prove costly. Nevertheless, the Agency has not made an in-principle objection to the allocation in its Statement to the inquiry (CD5.9). On these issues, therefore, I conclude that the concerns raised would have been capable of resolution and do not themselves justify setting aside that part of the allocation.

*Ecological Considerations*

- 12.64 My concerns relating to that part of the RY3 allocation to the south of Rock Channel have been directed particularly to the landscape impact of the proposed development and its effect on the setting of Rye. They do not extend to the issue of ecology. The areas covered by Policy RY3 are not of recognised nature conservation importance. There are such areas near to the proposed marina site, so I am aware of the sensitivity of this issue. On the opposite eastern bank of the River Rother is the Camber Sands and Rye Saltings SSSI. Further to the south lies the Rye Harbour area which has SSSI, Special Protection Area (SPA) and Special Area of Conservation (SAC) status. I have no evidence that the site itself possesses ecological features of conservation significance. English Nature has been consulted through the local plan process. It has not objected to the allocation.
- 12.65 There is a clear difference of opinion between English Nature and one of the objectors, Udimore Developments Ltd, in terms of the potential impact of

development to the south of Rock Channel on the SPA in particular. If the Council and English Nature were ultimately to be convinced by the Objector’s view, certain legal obligations would be placed on the Council and various statutory procedures would be set in train. I accept that this is an important matter which may have implications for the timescale of development. However, I am not convinced that this would be fatal to the deliverability of the scheme within the plan period and, in any event, all the written evidence before me indicates that English Nature’s views on the matter are firmly held. I am satisfied, therefore, that nature conservation considerations would not be a barrier to the allocation of that part of the site were that development otherwise acceptable.

#### *Highway and access matters*

- 12.66 For the area to the north of the Channel, the details of the development scheme for this mixed use site would be formulated by means of a Development Brief. At present, access to this site is poor, both in terms of its links with the busy A259 and the internal road network, and I understand why a number of objections identify concerns about this issue. However, the requirements of the Policy include the need for access improvements and the Council has already investigated the possibility of junction improvements to the St. Margaret’s Terrace/A259 junction with certain design options drawn up. I acknowledge that the A259 is a heavily trafficked route linking E Sussex and Kent. However, with a carefully designed internal highway network and improvements to the A259 junctions, as part of the Development Brief, I see no reason why traffic from a redevelopment scheme to the north of the Channel could not be safely accommodated. In support of this conclusion, I note that the Highway Authority has not raised an objection to the principle of this allocation. I do not agree with the Council’s suggestion at the inquiry that the word ‘improved’ should be taken out of criterion (vii) of the Policy. The need for improved access and parking arrangements in relation to this area is essential.
- 12.67 Vehicular access to and from the marina and its housing south of the Channel would be taken from Rye Harbour Road. Its junction with, and approach to, the A259 is problematical, so coping with an increase in traffic at this point would require careful thought. Apart from the general Policy requirement for access improvements, the Council has also put forward a suggested modification to the Policy. An additional requirement (ix) would seek improvements to the junction between the A259 and Rye Harbour Road or development contributions towards an overall improvement scheme, as appropriate. This would tie in with criterion (i) of Policy RY7. I am satisfied, therefore, that were the marina and its housing otherwise acceptable (which it is not) the clear need for improvements at that junction could be built into the Policy.
- 12.68 Finally, I note that the Policy requires the provision of pedestrian links to the town centre, a riverside walk capable of linking to Strand Quay and the Fishmarket site and a pedestrian link across the lock structure, if the marina and impoundment were to be constructed. These are important access features which will need to be taken forward as part of the detailed work on the Development Brief.

#### *Location of site relative to the SRM plant on Rye Harbour Road*

- 12.69 The SRM plant, as part of its operations, handles hazardous substances. The Consultation Distance procedure operated by the Health and Safety Executive (HSE) involves 3 zones, an inner, middle and an outer, with the highest level of risk

occurring within the inner zone. The site earmarked for the marina, together with its associated housing, would lie within the middle zone, with the area to the north of Rock Channel falling within the outer zone. I note that the actual operations carried out by SRM, with the associated risks, are not as great as are permissible under the present Deemed Hazardous Substance Consent. Moreover, the company has indicated that, in principle, it would be prepared to apply for a variation to the Consent which would more accurately reflect its more limited operations. Once this procedure was completed, the HSE would set a revised middle consultation zone, which would enable the whole of the RY3 development to proceed without the threat of objection from the HSE, and, by implication, without risk from the plant.

- 12.70 However, this variation process had not been initiated at the time of the inquiry, so the marina site currently remains within the middle consultation zone. Despite this, there is nothing before me that conclusively demonstrates that this part of the development would be at serious risk from the plant, and I note that the HSE has not raised an objection to the proposed allocation. I do not consider that this issue and the associated objections weigh decisively against the proposed allocation as a whole or would be an additional reason against the development of the marina and its associated housing.

#### *Allotments*

- 12.71 I have commented earlier on the allotments’ role in contributing to the character of the area to the north of Rock Channel. Their statutory status is a matter of dispute between the Council and some objectors. However, this issue should not prevent their inclusion within the allocated site. Development is not precluded on a statutory site and allotments are subject to procedures under other legislation. At present they are a distinct and attractive feature, centrally located, although for reasons which remain unclear not all the land is in active use. The site on the north bank of the Channel contains a mix of largely urban uses. With the exception of the allotments, the land is previously-developed (brownfield) land. National policy requires that more efficient use should be made of such land, so I am satisfied that the requirements of the Policy are correctly weighted towards selective redevelopment.
- 12.72 Nevertheless, the Policy does not specifically require the relocation of the allotments, merely that, if that were to happen, a suitable alternative site must be secured. The Council has not ruled out the possibility that some of the allotments would remain. As I see it, the key to this is the Development Brief. The future of the allotments, whether on this site or elsewhere, will be one of the issues determined through the process of formulating the Brief. In addition, Policy CF2 of the Plan will provide the framework for this process in terms of the allotments. Accordingly, I am satisfied that the allotments site is appropriately included in the Policy area.

#### *Residential amenities in the area to the north of Rock Channel*

- 12.73 A number of objections express concern at the potential effect of a redevelopment scheme in this area on the amenities of existing residents who live in the area. Other objections highlight the traffic noise on the A259 as a harmful feature that would impinge on the living conditions of the future residents who would occupy the proposed new housing in this part of the RY3 site. I accept that the traffic noise is a noticeable problem in this area. I further acknowledge that the presence of the terraced houses on South Undercliffe immediately to the north of the policy area

boundary and the other dwellings that exist at various locations within the confines of the allocated site must be taken into account in any redevelopment scheme. However, there is no reason, in my view, why the future disposition of the uses and the detailed design of the scheme, formulated as part of the Development Brief, would not accommodate these parameters and ensure that the amenities of both existing and future residents are adequately protected. Although residential amenity is not specifically listed as one of the considerations in the Policy, it does state that the environmental implications of the detailed proposals for this area will be assessed.

### *Affordable housing*

- 12.74 I have set out my conclusions on affordable housing in Section 6 of the Report. I have expressed support for the Plan’s approach on this matter, bearing in mind the identified scale of need for affordable housing in the District. As development opportunities in Rother are limited, where they do occur the provision of affordable housing must be locked in to the development process. A particular need has been identified in the eastern part of the District. As Rye is the main settlement in this area, the key development sites in the town must make their contribution to meeting this need. I am satisfied, therefore, that the reference to the provision of affordable housing in the Policy is necessary.
- 12.75 Some of the objectors, in seeking to support their view that the overall development scheme would not be viable, have expressed serious doubts as to the realism of the 40% requirement. The prospective developers, in arguing that the 40% figure should not be applied to this allocation, have drawn attention to their development appraisals which assume a level of affordable housing provision of 20%, with grant available for 45% of build costs. However, I am not yet convinced that the evidence on viability in relation to the level of affordable housing provision is conclusive. I do not consider that the submissions presented contain all the details necessary for a decision to be reached, particularly in terms of the assumptions made and the estimates used. At this stage I am unable to conclude with certainty that it would not be possible to provide a level of 40% affordable housing across the whole of the RY3 site.
- 12.76 I accept that the infrastructure and site preparation costs for future development of the whole allocation would be significant. I also acknowledge that the type of housing typically associated with a marina would not normally contain a significant element of affordable units. Nevertheless, *PPG3* supports mixed developments in terms of the type and size of housing and that site is only part of the whole development site in the Revised Deposit Local Plan. Moreover, the Proposed Change to Policy HG1 (PC/06/02) would accept a level of provision below 40% in circumstances where it was fully and financially demonstrated that at 40% the development would be uneconomic. This would be a matter for a developer to explore at a later stage in accordance with that Policy. I take the view, therefore, that the 40% level should remain as part of the Policy.

### *Summary*

- 12.77 None of the issues (d)-(l) identified above, in my view, raise matters which fundamentally compromise the proposed allocation. I am satisfied that the Policy’s approach to affordable housing is appropriate and consistent with the needs identified in the Plan. I do not consider that the suggested extensions to the Policy boundary are necessary. However, the key conclusion I reach is that the marina and its associated



housing development is unacceptable because of the serious harm it would cause to the vitally important landscape and historic setting of Rye.

### **Recommendation**

- 12.78 **I recommend** that the word ‘marina’ is deleted from the third line of the Policy.
- 12.79 **I recommend** that criterion (iii) is deleted from the Policy.
- 12.80 **I recommend** that criterion (iv) is modified in accordance with Proposed Change PC/12/09.
- 12.81 **I recommend** that on Inset Map No. 3 that part of the RY3 Policy Area to the south east of Rock Channel is deleted and replaced by an extension of the Strategic Gap notation.

## **Former Thomas Peacocke Lower School and adjacent land**

(Paragraphs 12.24 to 12.27 and Policy RY4)

### **Paragraphs 12.24 to 12.27**

#### **Objections**

302/3576

Mr. & Mrs. P. Gross

#### **Issues**

- a. Effect of further housing development on the town’s character;
- b. Alternative use of the site for GP surgery;

#### **Reasoning and Conclusions**

*Effect of further housing development on the town’s character*

- 12.82 I have supported the principle of further housing development in Rye in my conclusions on the Plan’s development strategy in Section 4 of the Report. Bearing in mind the strong environmental constraints which apply to the town, when suitable sites within the confines of the town become available, it is appropriate that serious consideration should be given to their release. This former school site is a previously-developed (brownfield) site and currently vacant. It is set within the urban area. Development here would not adversely affect the character of the town.

*Alternative use of the site for GP surgery*

- 12.83 The evidence is that the Primary Care Trust is not now actively pursuing the location of a GP Surgery on this site. An allocation for this use would not be appropriate.

#### **Recommendation**

- 12.84 **I recommend** that no modification is made to the Local Plan in respect of this objection :

## Policy RY4

### Objections

71/1273	Budgens Stores Ltd.
96/1556	East Sussex County Council CRD
229/3039	BRB (Residuary) Ltd.,
278/3897	East Sussex County Council

### Supporting Statements

71/3252	Budgens Stores Ltd.
233/3106	New Downlands HA, Orbit HA & Rother Homes
320/3611	Mr. & Mrs. B. Parks

### Comments

165/3031	Environment Agency
521/4063	Mr. M.D. Metcalf

### Issues

- a. Site access;
- b. Extension of housing allocation to adjoining railway corridor;
- c. Flood risk;
- d. Affordable housing;
- e. Future educational requirements;

### Reasoning and Conclusions

12.85 The objection made by Budgens Stores Ltd to the Initial Deposit Local Plan (71/1273) has been resolved by the changes to the Policy, now incorporated in the Revised Deposit Plan. Budgens has expressed support for the revised Policy (71/3252).

#### *Site Access*

12.86 It is proposed that access should be from Ferry Road, with provision also made for a new vehicular, cycle and pedestrian link to the Community College to the east. This is not expressed with complete clarity in the Policy. The wording implies that the access link may lead through the housing site, although the Proposals Map shows it running over adjoining land. Moreover, as the link to the Community College is not yet fixed on a precise alignment, the Policy needs to provide for future flexibility in this regard. The Proposed Change PC/12/12 clarifies these two issues. Off-site access improvements would be necessary, both in terms of the Ferry Road junction and the provision of the new link. Developer contributions towards these works would be essential. Proposed Change PC/12/11 seeks to place this requirement as part of the Policy and, in my opinion, incorporates a necessary addition.

#### **Pre-Inquiry Change – PC/12/11**

(Policy RY4)

Delete the last sentence of Policy RY4 and replace with:

**'The development should involve the necessary junction improvements to provide access and developer contributions will be required for off-site works to create the above access link.'**

*Reason: To clarify the scope of access improvements required.*

No representations

**Pre-Inquiry Change – PC/12/12**

(Policy RY4)

Amend the first two sentences of Policy RY4 to read:

**'Some 0.8 hectares of land on the site of the former Thomas Peacocke Lower School. Rye is allocated for housing development. Access shall be from Ferry Road and development should also provide for a new vehicular, cycle and pedestrian link to the Community College, Sports Centre and swimming pool.'**

*Reason: To recognise that the access point is not fixed.*

No representations

*Extension of housing allocation to adjoining railway corridor*

- 12.87 The corridor on the north side of the railway comprises a dense landscape belt of trees and shrubs. It is a prominent and important landscape feature close to the centre of Rye and acts as a visual buffer along the length of the railway corridor from Ferry Road to the new swimming pool car park. I acknowledge that the new access arrangements, involving land outside the housing site, would affect this feature. However, the impact is likely to be considerably less serious than if the boundary of the housing site were to be extended into that area. If the allocation were to be modified in that way, my view would be that the subsequent development would have a serious adverse effect on this landscape feature and would harm the character of the area.

*Flood risk*

- 12.88 Paragraph 12.24 quite properly clarifies the fact that the site lies within a flood risk area. It further explains that on completion of the Rye Tidal Walls and Embankments (Western Bank) Scheme (which is not anticipated until 2008) the site can be considered for development in accordance with Government guidance. The Environment Agency has indicated that this is an accurate and acceptable reference to the flooding position. In my view, it adequately covers the point that the release of the site for development would be subject to Government guidance on flooding in force at that time.

*Affordable housing*

- 12.89 In Section 6 of my Report, I have expressed my support for the Council’s approach in seeking a 40% requirement in respect of affordable housing on the allocated housing sites, subject to the recognition in Policy HG1 of the need to address viability implications. I see no reason why that proportion should be reduced in this case.

*Future educational requirements*

- 12.90 Paragraph 12.24 states clearly that the site is surplus to the County Council’s educational requirements. In their written submissions the County Council has now contradicted this statement and has suggested that the Policy should be qualified by the phrase ‘Subject to the site no longer being required for educational use....’. Before the inquiry closed, and in the context of other objections to another Policy, a copy of a report to the County Council’s Cabinet dated 12th January 2005 was submitted (P/111/4044/2). This dealt with the future for primary education in Rye. Among its recommendations were the approval in principle of a proposal that a new 1.5 form entry (c300 places) all-through primary school be established on part of the playing field of Thomas Peacocke Community College, subject to the satisfactory resolution of the significant matters relating to planning consent, access, flood risk

and the loss/replacement of playing fields; and the disposal of the Thomas Peacocke Lower School site subject to, among other things, the securing of the provision of access over the site to the Thomas Peacocke playing fields and the cost of the main road access being funded by the purchaser of the site.

- 12.91 I am not aware of the outcome of this meeting or the present position. It is clear, however, from the report that the preferred option being put to Cabinet involved the disposal of the site. Nevertheless, there are various significant planning and other obstacles to be overcome. If the outcome was not satisfactory, then the fall-back option discussed in the report involved the development of a new school on the allocated site. On the basis of the evidence before me, although there is a distinct possibility that the site will be disposed of, it is not yet surplus to educational requirements. I am satisfied that, given its location and relationship to other residential development and the town centre, the RY4 site would be suitable for residential development and that, in that sense, the allocation is appropriate. In the light of the need I have identified for additional residential development in Rye, I am highly reluctant to recommend that this proposal be deleted from the Plan. However, assuming the uncertainty in relation to the educational need remains unresolved prior to the Plan’s adoption, the qualification regarding being surplus to educational requirements must be made clear in paragraph 12.24 of the text and the Policy. I accept that this removes the sense of complete certainty from this proposal, which is not ideal. Nevertheless, in the rather difficult circumstances that apply here, I see no other sensible way forward.

### **Recommendation**

- 12.92 **I recommend that the Local Plan is modified in accordance with the Proposed Changes PC/12/11 and PC/12/12;**
- 12.93 **I recommend that the Policy is modified by the addition of the following words at the beginning of the Policy:-**  
**‘Subject to the site no longer being required for educational use,....’**
- 12.94 **I recommend that a related modification is made to paragraph 12.24 to clarify the current position with regard to the site’s educational requirement.**

### **Land north of Udimore Road**

(Paragraphs 12.28 to 12.32 and Policy RY5)

### **Paragraphs 12.28 to 12.32**

#### **Objections**

No Representations

#### **Reasoning and Conclusions**

- 12.95 The Council has proposed the following change to paragraph 12.32 to appropriately correct a drafting error:-

#### **Pre-Inquiry Change – PC/12/10**

(Paragraph 12.32)

In the first sentence of paragraph 12.32 change the cross reference to

paragraph 12.18 to refer to paragraph 12.17.

*Reason: To rectify a drafting error.*

No representations

## Recommendation

12.96 **I recommend that paragraph 12.32 is modified in accordance with PC/12/10:**

## Policy RY5

## Objections

16/3050	Network Rail
37/3153	Crofton Place Developments Ltd
41/3492	Friends of Brede Valley
46/3969	Mr. and Mrs. J.C. Pope
72/1279	Seneschal Ltd.
111/4044	Rye Town Council
178/4025	Rye Conservation Society
217/3945	Mrs. J. Mussett
234/3097	Udimore Developments Ltd.,
235/3124	Mrs. Katrina Wood
240/3127	Sophie Batemen
288/3445	Chris Jones
295/3987	Councillor Granville Bantick
296/3565	Mr.A.J. Mann
302/3574	Mr. & Mrs. P. Gross
347/4071	Jennifer Lee
392/3804	Terry Burke
397/3815	John & Helen Griffiths
405/3829	Miss S. Archer
406/3832	Mr. and Mrs. A. Campion
407/3835	Mr. and Mrs. Streat
408/3838	Lady Murray
409/3841	Mr. and Mrs. C.A. Wood
410/3844	Ms. E. Cole
411/3847	Messrs. T. and J. Cole
412/3850	The Directors of Rye Tiles Ltd.,
413/3853	Mrs. E. Cole
445/4005	Mr. T. Francis
448/3899	Mrs. J. Smith
449/3900	Mr. D. Fanning
450/3901	Mrs. R. Jupp
451/3902	Mrs. P.J. Fletcher
452/3903	Mr. J.R. Simmonds
453/3904	Mrs. Buchan
454/3905	Mr. and Mrs. D. Bryant
455/3906	Mr. G. Shackleton
456/3907	Ms. S. R. Willgoss (King)
457/3908	Mr. A. Wood
469/3935	Mr. K. Lovejoy
472/3948	Mrs. C.A. Harvey
473/3951	Mr. and Mrs. R.K. Breeds
474/3954	Mrs. D. Hajikakou
475/3957	Dr. K.M. Hajikakou
476/3960	The Gibson Family
477/3963	Mr. and Mrs. R.G.L. Holmes
478/3966	Joan de Bethel
479/3972	Miss H.G. Martin
480/3975	Mr. and Mrs. F. Palmer

481/3978	Mr. and Mrs. P.A.C. Howlett
482/3981	Father Aidan Walsh
483/3984	Mrs. M. Bird
484/3990	Mr. K.R.F. Bird
485/3993	Ms. E. Butt & Mr. A. Blyth
486/3996	Mr. P.J. Wege
487/4002	Mr. M. Parsons
488/3999	Mr. and Mrs. R. Baldwin
489/3621	L.N. Allen FRCS
490/4004	Councillor John. A. Breeds MA MIBiol C.Biol
491/4006	Mr. P. Kingham
492/4007	Mrs. J.C. Heather
493/4008	Mr. and Mrs. Ashbee
494/4009	Mr. and Mrs. D. Willis
496/4012	Mr. S.I. Brody
497/4013	Mr. M. Nash
499/4017	Mr. and Mrs. G.A. Harvey
500/4020	Mr. and Mrs. R. Bromley
501/4029	The place - camber sands
502/4030	Miss M. Kimpton
503/4031	Mr M.D. Lingard
504/4032	Ms. J. Hubbell
505/4033	Mr. and Mrs. S. Benn
506/4034	Mrs. M.S. Hole
507/4035	Mr. M.J. Crafer
508/4036	Mr. and Mrs. D. Skinner
509/4037	Mr. and Mrs. Harding
510/4038	Mr. and Mrs. D.W. Crouch
511/4039	Mr. G.E.W. Thompson
512/4040	Mr. M. Eldridge
514/4042	Mrs. L. Fanning
515/4043	Mrs. J.M. Catt
516/4049	Mr. M.L. Blackman
517/4053	Dr. I.J. Graham-Bryce CBE FRSE
518/4056	Professor K.W. Taylor
521/4061	Mr. M.D. Metcalf
523/4077	Mrs. J.M. Nash

### Supporting Statements

233/3107	New Downlands HA, Orbit HA & Rother Homes
234/3096	Udimore Developments Ltd.,
320/3612	Mr. & Mrs. B. Parks

### Comments

516/4050	Mr. M.L. Blackman
521/4062	Mr. M.D. Metcalf

### Issues

- a. Development strategy for Rye/phasing of development;
- b. Housing land supply/greenfield status;
- c. Loss of agricultural land;
- d. Visual impact;
- e. Relationship of the site to the town centre and community facilities;
- f. Access/highway considerations;
- g. Drainage/flooding;

- h. Ecology;
- i. Impact on facilities and services in Rye;
- j. Residential amenities;
- k. Affordable housing;
- l. Density of development;

## **Reasoning and Conclusions**

### *Development strategy for Rye/phasing of development*

- 12.97 My comments and conclusions on the Plan’s development strategy for Rye have been set out in Section 4 of the Report, with additional thoughts given earlier in this Section. Essentially, I believe that the Plan is correct in seeking to ensure that future development opportunities are made available in Rye, consistent with the strategic requirement that its service centre role is maintained. If this is to be achieved then development changes have to be accommodated and further housing development will be needed. In that sense, the allocation of additional residential land is appropriate.
- 12.98 I have addressed the issue of the phasing of development, and the implications of this for the Udimore Road site through Policy DS6, earlier in Section 4 when I examine the issues surrounding that Policy. I conclude that it ought to remain a ‘reserve’ site. This view is based on its greenfield status and the relevance of the sequential test in PPG3, together with its importance to the Plan, Monitor and Manage process in the context of the future planning of the area.

### *Housing land supply/greenfield status*

- 12.99 The District has to accommodate further housing development in accordance with the strategic responsibilities placed upon it by the approved Structure Plan. As one of the main towns in a largely rural area and as an existing focus for urban uses and facilities, it is logical that Rye plays its part in sharing this responsibility. Because of the firm environmental constraints that affect the town, there are serious problems in locating new development in areas and on sites where the character of the town would not be compromised. In these circumstances, and notwithstanding the principles which underpin the sequential test set out in paragraph 30 of *PPG3*, the possibility of accommodating new housing on a greenfield site as an extension to the urban area cannot be discounted. Consequently, as a matter of principle, residential development on the Udimore Road site must be given serious consideration. This approach is given further support by the fact that, given the estimated capacity of urban, previously-developed (brownfield) sites and the scale of the strategic housing requirement that has to be met in the Plan, greenfield locations for some new residential development are inevitable.

### *Loss of agricultural land*

- 12.100 There has been no objection raised by DEFRA to the allocation of this site on grounds of its agricultural value. *PPS7* advises at paragraph 28 that, when determining planning applications, the presence of the best and most versatile agricultural land (Grades 1, 2 and 3a) should be taken into account alongside other sustainability considerations such as landscape quality and accessibility to infrastructure, workforce and markets. The evidence before me on the agricultural quality of the site is not conclusive. There is evidence that it is classified as Grade 3, but its precise

classification within that Grade has not been provided. Further evidence describes it as low grade land. Even if the site were to be classed as the best and most versatile land that would not override other considerations given the severe constraints on the identification of suitable and sustainable development sites in both the District and Rye itself. From my assessment of the various defined issues in relation to these objections, I am confident that the sustainability credentials of this potential development site are soundly based.

### *Visual impact*

- 12.101 In considering this issue, the site’s location outside the boundary of the designated AONB must be taken into account. In addition, the site is not subject to any other landscape designation. On the basis of the Proposals Map, it is clear that the area proposed for housing development would be limited in extent, with much of the development set centrally within a valley feature as it falls towards the north east. Much of the site proposed for development occupies this shallow dry valley which is contained as a fold in the landscape. I agree that development located on the more elevated north eastern part of the site would need to be sited and designed with particular care. In summary, the adjoining residential development to the south and north east; the trees which delineate parts of the north western and north eastern site boundaries and the surrounding undulating landform all combine to create a semi-enclosed visual setting for the site.
- 12.102 The visual prominence of the site comes predominantly in close-range private views from the rear of the properties elevated above the site on Udimore Road and from those in Tillingham Court to the north. The main public views can be obtained from the public footpath which traverses the north eastern boundary of the site. Middle distance views are limited due to the surrounding undulating topography. There are some longer-range, more distant viewpoints located within the AONB to the north and north-east. There is hardly any inter-visibility between the site and the Citadel and the site is not visible in the important views of Rye from the levels to the south and south-east of the town.
- 12.103 In my opinion, the site is relatively well contained in the landscape. From the more critical AONB viewpoints, the development, as proposed, would appear as a relatively modest extension to the more elevated development on Udimore Road to the south and the Tillingham Green estate to the north and north-east. I acknowledge that, as an extension into an open field, any form of development would be noticeable and would bring about a change in the pattern of development. Nevertheless, I consider that it would sit comfortably within the context of the adjoining residential development. As the site would lie behind and at a lower level than the Udimore Road houses, from the B2089 development would be largely hidden, apart from the new access arrangement that would be required to the south-west of the frontage properties. Moreover, the proposed central position of the development on the site would allow for the establishment of substantial peripheral belts of woodland, which would act both as a containing feature and a buffer between development and the adjoining countryside to the north-west and south-west.
- 12.104 I have noted the decisions in the two previous appeals on this land, where the Inspector took the view that the visual impact of the proposals would be unacceptable. However, these decisions were made 29 years ago on the basis of different schemes. Many new factors come into play now, particularly the strategic planning



requirements for housing supply. I am satisfied that the framework for the development set out in the Proposals Map has been carefully planned to respect the site’s topography and to ensure that new landscaping belts would contribute positively to containing the development. I do not consider that the planning history is of decisive weight.

*Relationship of the site to the town centre and community facilities*

12.105 The development of this site would not extend beyond the present developed confines of the town. Although the site lies to the west of the town centre, beyond the railway line, accessibility to the centre, either on foot or by cycle, would be relatively convenient along existing routes. A number of bus stops are located within 250m walk from the site. These are served by a number of bus services. The main bus and railway stations that are within the town centre lie within 800m of the site. There are local shops within 300m. The nearest primary school at present is within 300m of the site. A proposed re-organisation of school facilities may change that position, but the options for the replacement facilities would remain within walking distance. The Community College is located within 1200m of the site. A surgery and a community clinic are within 350m of the site. I am satisfied that the site is in a sustainable location, with good linkages to a range of local services and facilities.

*Access/highway considerations*

12.106 Concern has been expressed that there should be no further growth in Rye until a new by-pass is in place. I accept that the weight of traffic in the town, particularly through traffic movements, allied to the rather tortuous alignment of the road network, leads to congestion at busy times. However, there is no approved scheme for a by-pass and I am not aware of any current published formal proposals. If any new development or change were to be made contingent upon its provision, the town would eventually cease to function effectively as an important service and tourist centre. In my judgment, the limited scale of development involved in this site is unlikely to seriously impact upon the wider road network.

12.107 In terms of the local road network, I note that the Highway Authority has advised that the traffic from the proposed development would be satisfactorily accommodated by means of a new mini-roundabout junction with Udimore Road at the south-western end of the site. The Authority is satisfied that this would provide a safe turning facility for vehicles entering or leaving the site, as well as acting as a traffic calming measure on the B2059 as it enters the built-up area. I accept that on-street parking outside the existing dwellings fronting Udimore Road tends to reduce the carriageway capacity at this point. I further recognise that additional development on the allocated site would lead to an increase in vehicular movements along this stretch of road. However, having driven along this road many times, I have found it relatively easy to negotiate safely. I do not consider that the scale of the increase would be such as to seriously compromise the level of safety already provided.

12.108 In addition, Policy RY5 requires the provision of developer contributions towards the new access and towards improving pedestrian facilities into the town centre, including improvements to crossing facilities along defined pedestrian ‘desire lines’. I understand the concerns of residents that development here would be likely to lead to an increase in pedestrian movement along Old Brickyard, which provides a direct link towards the town centre. However, subject to improvements that would have to be

agreed between a developer and the Highway Authority, in my view, it would provide a satisfactory and convenient pedestrian route to and from the site. My overall conclusion is that development here would not compromise highway or pedestrian safety.

### *Drainage/flooding*

12.109 The north-eastern corner of the site falls within a flood risk area and on my visits to the site I have noted that this part was often wet. However, suitable technical measures would be taken as part of any development and I do not regard these current difficulties as insurmountable. The evidence from the various relevant Authorities is that surface water and foul drainage are matters that would require consideration by a developer, but that no fundamental obstacles are present. In particular, Southern Water has emphasised that the sewerage requirements can be addressed, with a requisite contribution from a developer. Similarly, in terms of water supply, the infrastructure provider has supplied no evidence that the site cannot be satisfactorily served.

### *Ecology*

12.110 The site does not carry any specific nature conservation designation. I note that the findings of the Sussex Biodiversity Centre demonstrate that the ecological value of the site is no greater than would be expected at other urban fringe sites. Where development is proposed on any site, the Plan seeks to protect their ecological value through Policy GD1 (vii), which requires the protection of habitats of ecological value and the implementation of any necessary compensatory measures following the impact of development. It is clear, therefore, that the ecological value of the site is not such as to prevent its allocation for development. The substantial landscaping required as part of a development scheme may well enhance some elements of ecological interest.

### *Impact on services and facilities in Rye*

12.111 The submitted evidence is that, following consultation with various infrastructure providers, further residential development here would be satisfactorily accommodated and would not place undue stress on such services as education and healthcare. There are a considerable number of spaces available at both primary and secondary education level. The Primary Health Care Trust has confirmed that capacity is available. The local community clinic has just been refurbished and consideration is being given to the provision of a new doctor’s surgery in the town. The town is well served by dental practices and all have expressed an ability to accept further patients. The town is also generously equipped with open space and indoor sports facilities. Public transport services provide reasonably frequent links with neighbouring towns and villages and to the wider region.

### *Residential amenities*

12.112 I acknowledge that any development on this open greenfield site would alter its character. Views across the site from the rear of the frontage properties on Udimore Road, for example, would clearly change. However, much of the development would lie at a significantly lower level than the existing dwellings, consequently views would not be seriously disrupted. In addition, the substantial amount of new landscaping that would be required by the Policy would, in time, help to soften the effect of the development. As with any development, there would be an increase in

vehicular and pedestrian movements around the site. Nevertheless, because of the likely numbers of new dwellings, the scale of these movements is unlikely to significantly harm the amenities of nearby residents and I believe that the movements would quickly dissipate within the surrounding road and footpath network. I do not consider that this issue justifies the deletion of the allocation.

### *Affordable housing*

12.113 There is some local concern that because of the need for affordable housing, new development in the town should be focused on that sector of housing provision. However, the strategic considerations concerning the general supply of housing clearly underline the need for further provision of private market housing in what is an important town in the eastern part of the District. I do not agree that future residential development has to be limited solely to social housing provision. Nevertheless, the Plan has adopted a robust approach towards the provision of affordable housing which I have supported in my conclusions in Section 6 of the Report. In accordance with that approach the Policy requires that 40% of the dwellings provided are to be affordable. In my view, this is appropriate.

### *Density of development*

12.114 Throughout this Report, I have consistently commented on the Plan’s approach to the density of development on the allocated sites. As in many other cases, the requirement of this Policy is that the density of development here should equate to the minimum figure contained in the guidance of PPG3. I recognise that, because of the site’s topography and the proximity of the more elevated land in the AONB to the north, any scheme must be carefully designed. However, I am not convinced that the distinctiveness of this site and its surroundings is such as to justify a development with a density of only 30 dwellings per hectare (dph). In order to make more efficient use of this site, in accordance with government guidance, I consider that the Policy should require the provision of housing at a density of at least that figure.

### **Recommendation**

12.115 **I recommend that the third sentence of the Policy is modified as follows:-**

**‘The site is suitable for a minimum of 114 dwellings to be developed at a density of at least 30dpha, of which 40% are to be affordable’.**

### **Town Centre**

(Paragraphs 12.33 to 12.34 and Policy RY6)

### **Paragraphs 12.33 to 12.34**

#### **Objections**

71/3253	Budgens Stores Ltd.(Policy RY6)
71/1278	Budgens Stores Ltd.(Policy RY6)
82/3449	Tesco Stores Limited

#### **Supporting Statements**

82/3448	Tesco Stores Limited
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## Issues

- a. Process of assessment of retail need;
- b. Level and timing of floor space need and the reference to future provision;

## Reasoning and Conclusions

### *Assessment of retail need*

12.116 Objection 71/3253 is concerned with the process of retail need assessment. Criticisms are levelled at the references to conclusions on retail need in paragraph 12.34 and Policy RY6 on the basis that any need assessment undertaken has not been open and transparent, with relevant stakeholders not involved. I have already expressed my conclusions on this matter in the context of the Plan as a whole in Section 9. However, the Council has recently carried out considerable work in relation to retail floor space needs in Rye, with the focus on the provision of convenience floor space. Much of this was in response to the objection 82/3449 and was further refined as a result of detailed discussions with Tesco Stores Ltd leading up to their appearance at the inquiry. This work by both parties was helpful and provided an important input to the inquiry process. The written results are now in the public domain. Nevertheless, it is unfortunate that the work put into this exercise and the detailed iterative process involved was not undertaken earlier in order to inform the plan-making process when the community and the relevant stakeholders would have been fully engaged.

12.117 When commenting in more general terms on retail needs assessment in Section 9, I have recommended some textual changes incorporating references to the process of assessment. These are particularly relevant in the more local context of Rye and the issue of retail floor space need is touched on in paragraph 12.34. I am convinced from the evidence placed before me on the question of retail need in Rye that this is an important issue in terms of the town’s future development. I find the Council’s rather passive approach to assessing retail floor space need in the context of the plan preparation process less than helpful. In my view, therefore, the Council must actively follow the Government’s guidance in paragraph 2.16 of *PPS6 ‘Planning for Town Centres’* and begin the process of need assessment, in conjunction with stakeholders and the community. Paragraph 12.34 of the text ought to refer to this process and to explain how it is to operate, in a similar vein to that which I have already recommended in respect of paragraph 9.33 of the Plan. This would require the inclusion of an explicit commitment to assess the need for retail development as an on-going process which will be monitored and updated regularly, in accordance with the advice in paragraph 2.32 of *PPS6*.

### *Level and timing of floor space need and reference to future provision*

12.118 Having considered the issue of the process of assessment, the question then arises as to how far the Plan should go in referring to the likely scale of retail need and when this is likely to require provision on the ground. This will depend on the conclusions reached following the work carried out on assessing the need. The problem here is that, although the work undertaken by the Council to date has involved assessments of considerable detail, it has been carried out only recently, partly in response to the Tesco objection and that company’s supporting evidence. It has not been subject to wider consultation or discussion. Notwithstanding the wide measure of agreement reached between the Council and Tesco, there remain fundamental differences on a limited range of important issues. Moreover, the submissions on behalf of Budgens,

which include criticism of some of the Council’s assumptions, demonstrate the dangers of including firm conclusions on the scale of need and the timing of any future provision at this stage, based on work that has not been an integral part of the plan-making process, as paragraph 2.32 of *PPS6* advises.

- 12.119 I have, however, carefully considered the main points on the evidence of retail need that are before me. I accept that the Plan is proposing only modest growth for Rye. My recommendations on housing provision, if accepted, would result in a lower rate of growth in the short term. However, the importance of Rye as a commercial centre serving the eastern part of the District remains and this must always be at the forefront of any consideration of future retail need. It does not necessarily follow that the consequence of a forecast of modest growth is that the need for additional retail floor space will be limited, as paragraph 12.34 indicates. There is convincing evidence that over 50% of convenience goods expenditure is leaking out of the primary catchment area. Paragraph 12.34 highlights this factor and the Council has accepted that steps should be taken to counter this. In my experience this is a high rate of leakage from an area which has an important function as a key service centre and places a question mark against its ability to fulfil that function effectively.
- 12.120 I understand Tesco’s argument that the aim should be to attain a 100% market share/retention rate of available expenditure in the primary catchment area in an area such as Rye with its defined role in Structure Plan Policy S27 as a residential, local shopping and employment centre and its function as a key service and major tourist centre. However, in my view, this is an unrealistic approach, bearing in mind that the relative proximity of a number of larger centres, which contain a range of large modern convenience stores, will always lead to a proportion of expenditure being spent outside the catchment area. I accept that the impact on existing shops of providing for a specified level of need is a matter to be assessed at the development control stage in the context of a planning application. In assessing the level of need in the context of a local plan, in my view, the Council’s concern over a forecast precise level of impact on existing shops of a particular market share retention rate is misplaced. As paragraph 2.41 of *PPS6* indicates, the forecast need should be linked to the identification of the appropriate scale of development in relation to the role and function of the centre.
- 12.121 The evidence from both the Council and Tesco in relation to objection 82/3449 demonstrates a current need for further convenience floor space provision, although the parties differ on the scale of that need. This increases as the plan period advances, but the differences in the forecasts depend upon the market share/retention rate applied. The results of the calculations from both parties, when the various assumptions are consistently applied, are close. However, I have to stress again that this assessment exercise and its most recent refinements, including the assumptions used, was undertaken by the Council only in discussion with Tesco. The results of the exercise spring from those two participants. It did not have a wider currency and was not part of the plan-making process. It was most helpful in that it has set the parameters and identified the issues for the necessary more inclusive assessment exercise. However, I have already expressed my doubts in Section 9 about enshrining a need estimate made at one point in time in the Plan. In this case, because of the restricted provenance of the exercise, it cannot be an appropriate basis for adopting that approach, even if the need were to be expressed either as a minimum figure or a

range, and should not be used to justify a specific reference to the timing of any future provision.

- 12.122 The objector has argued strongly that the need is pressing and that should be reflected in both Policy RY6 and paragraph 12.34, although they do not go so far as to suggest that a site-specific allocation is made. Having weighed the technical evidence from both parties, I am satisfied that there is some level of need at present and that this will increase as the plan period progresses. I am not convinced, however, that the provision of additional retail floor space is so urgently required that it must be explicitly recognised in the Policy and the text, especially as the assessment exercise has been limited to the two parties and has not been conducted by the Council in the manner advised in *PPS6* as part of the plan preparation.
- 12.123 Accordingly, the assessment that is required must conform to the guidance in *PPS6*. As I indicated above, paragraph 12.34 should be amended to explain on what this is to be based and the factors to be taken into account. The explanation should also cover the important point about the assessment process being subject to monitoring and review. The current references to the likely level and timing of provision should be deleted. Policy RY6 is focused on the location of any future new convenience floor space provision. I consider that this focus is appropriate, although the possibility of a proposed site being located outside the main shopping area should not be discounted.
- 12.124 I have given careful consideration as to whether my recommendation should require the Council to undertake this assessment now, in accordance with *PPS6*, as an integral part of the statutory process leading towards the adoption of this Plan. This would be the ideal way forward. However, bearing in mind the exercise would require full consultation with relevant stakeholders and the community, it is likely to lead to considerable delay in the Plan’s statutory progress. Realistically, it would move the date of adoption beyond mid-2006 when different statutory procedures begin to apply, with the result that the Plan would be subject to further significant delays, thereby casting a cloud of uncertainty over the likely adoption date.
- 12.125 In my view, this consequence would be unacceptable. The District is one of a minority of authorities where a statutory local plan has not been adopted. It desperately requires an adopted plan in place in order to provide a land use planning framework to guide development in the short term. The issue of retail floor space need is not so critical as to require that this aim be compromised. I am satisfied that there is a requirement for a retail floor space needs assessment for Rye to be undertaken. I would expect the Council to commence work on this in the near future, as I see it as part of the work leading towards, and informing, the new Local Development Framework.

## **Recommendation**

### **12.126 I recommend that :**

**(a) Paragraph 12.34 is deleted and replaced by the following paragraph:-**

**‘In accordance with Policy SH2 of the Structure Plan and guidance in *PPS6*, the retail floor space needs of Rye are to be assessed, in conjunction with relevant stakeholders and the community. The assessment will take into account the forecast modest growth of the town; the need to counter the leakage of retail expenditure to other centres and the importance of Rye effectively fulfilling its strategically defined role as a residential, local shopping and employment centre**

and its functions as a key service and major tourist centre. Although no site-specific allocation for further floor space provision is made at this time, the assessment process will be subject to regular monitoring and review. Any proposal in the interim would be considered against the provisions of Policy EM13 and, if necessary, the sequential test in Policy EM14.’

(b) The second sentence of Policy RY6 is deleted and replaced by the following sentence:-

‘In the event of the assessment demonstrating a need for significant new convenience floor space growth, the potential to accommodate this will be examined, first of all within the main shopping area and will be fully assessed in accordance with the provisions of Policy EM13 and, secondly, against the sequential tests set out in Policy EM14’.

## Policy RY6

### Objections

71/1278	Budgens Stores Ltd.
71/3254	Budgens Stores Ltd.

### Supporting Statements

16/3051	Network Rail
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### Comments

82/3450	Tesco Stores Limited
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### Issue

The defined extent of the Rye shopping area;

### Reasoning and Conclusions

12.127 Part of objection 71/1278, which relates to the Initial Deposit Local Plan, seeks the updating of factual references to the Budgens store in paragraphs 7.41-7.42. These paragraphs and other references to shopping provision in Rye have been deleted and superseded by paragraphs 12.33 and 12.34 of the Revised Deposit Local Plan, together with Policy RY6. There are no specific references here to the Budgens store and I do not intend to take any further action on this element of the objection. The second limb of the objection raises the issue of retail need in the town centre and has been revisited by the objector in objection 71/3253 made in response to the Revised Deposit version. I have already addressed this issue above. Consequently, under this heading I confine my attention to objection 71/3254 which focuses on the defined boundary of Rye shopping centre.

12.128 The extension to the boundary of the shopping centre is dominated by the Cattle Market site. This is bounded to the north by the railway line, to the north-east by the Rope Walk shopping centre and to the east along Rope Walk by a substantial retail outlet, presently selling antiques. Cinque Ports Street to the south is a main shopping street within the town centre in terms of floor space and turnover. Budgens store, further to the west is the town centre’s main convenience goods outlet. The evidence is that the Cattle Market operates as such for one day each week. Within the site a number of retail uses sell a broad spectrum of commodities, including garden goods and pet foods and equipment. Outside market days much of the land is used for town

centre parking. Having walked around this area on a number of occasions, carefully noting the uses and activities within the site and nearby, I am convinced that this area is an important and integral part of the town centre which is easily accessed on foot from the rest of the town centre. As retail uses are an important element of the site itself and also occupy many buildings which immediately surround the site, in my view, it is appropriately embedded within the defined shopping centre.

12.129 In Annex A of *PPS6*, Table 2: Types of Location, under the sub-heading “Primary Shopping Area” refers to smaller centres where the town centre may not extend beyond the primary shopping area. I consider that Rye is an example of such a centre, where the definition of a retail “core” or primary and secondary areas would be futile and unrealistic.

### Recommendation

12.130 **I recommend that no modifications are made to the Local Plan in relation to this objection.**

## Rye Harbour Road Employment Area

(Paragraphs 12.35 to 12.38 and Policy RY7)

### Paragraphs 12.35 to 12.38

#### Objections

111/4045

Rye Town Council

#### Issue

References to the Highway Authority and Highways Agency;

#### Reasoning and Conclusions

12.131 Paragraph 12.37 and Policy RY7 both contain references to highway improvements at the Harbour Road/A259 junction. At the inquiry, in the context of Policy RY3, the Council proposed an additional criterion relating to the same issue. This would ensure consistency between the Policies that involve the possibility of development served by Harbour Road. I do not consider there is a need, however, to make an explicit reference to the associated responsibilities in this regard placed on the Highway Authority and the Highways Agency. All stakeholders will be fully aware of this.

### Recommendation

12.132 **I recommend that the Local Plan is not modified in respect of this objection :**

## Policy RY7

#### Objections

12/1030

Rastrum Limited

41/3476

Friends of Brede Valley

211/3214

Sussex Wildlife Trust

287/3433

Rye Harbour Nature Reserve



	388/3794	W. Metson & M. Harris
<b>Comments</b>	165/2069	Environment Agency
	165/2074	Environment Agency
	165/3032	Environment Agency

**Issues**

- a. Pollution and contamination;
- b. HGV movements;
- c. Inclusion of land between the Bournes’ site and the former Spun Concrete land;
- d. Omission of land adjacent to Rye Wharf;

**Reasoning and Conclusions***Pollution and contamination*

12.133 I understand the concerns expressed in objections 211/3214 and 388/3794, bearing in mind the extensive area covered by existing and former employment uses. However, I note that the RY7 policy area largely reflects the extent of the existing and former industrial and employment uses. Significant areas remain underused or unused and clearly offer important potential for further job creation in a locality that is the key employment focus for the eastern part of the Plan area. I am satisfied, therefore, that the widely drawn boundary of the Policy area is appropriate. Nevertheless, the issue of contamination must remain an important element of the range of considerations in any assessment of future employment development. In my view, this is adequately covered by criterion (iii) of the Policy, together with the additional criterion (xiii) of Policy GD1, which is the subject of the Proposed Change PC/05/04.

*HGV movements*

12.134 The Plan cannot control the scale or pattern of HGV movements arising from existing uses. I acknowledge that increases in HGV movements from further employment development within the Policy area would have an impact on the existing highway network. The routes used by this traffic would be a matter for the relevant operators, although any effect on stretches of road further afield may be of concern to the relevant Highway Authority or the Highway Agency. However, the effect on the junction of Rye Harbour Road and A259 would be an important consideration in any planning assessment of future development proposals. Criteria (i) and (ii) of the Policy directly highlight this issue. I consider that they are particularly relevant and place an appropriate amount of weight upon the key highway consideration of this Policy.

*Inclusion of land between the Bournes’ site and the former Spun Concrete land*

12.135 This is a small area of land set between a site to the west in active employment use and an unused site containing a range of buildings. On my visit to the area, I noted that a considerable portion of the site was covered in hardcore, notwithstanding the invasive vegetation species that are spreading across the land. It is not designated as a site of nature conservation importance, although the evidence demonstrates that it abuts an area subject to an SSSI designation. I am not convinced that the site would effectively fulfil the role of a wildlife corridor. In addition to its inherent character, the road provides a physical barrier between the designated areas, although a drainage

channel immediately to the west of the site provides a link under the road. The site is clearly situated within an employment use context. Its physical character relates to that form of development. In my view, its inclusion within the RY7 policy area is appropriate.

- 12.136 The Council has conceded that, because of the small scale of the Proposals Map, there is an apparent overlap between the employment allocation and the SSSI designation provided by English Nature. I am told that this is incorrect and will be rectified prior to adoption.

*Omission of land adjacent to Rye Wharf*

- 12.137 Objection 12/1030 was duly made to the Initial Deposit Local Plan. Essentially, the objection sought the inclusion of the site adjacent to Rye Wharf within the allocated Rye Harbour Industrial Area. This objection has been sustained and is addressed below. In addition, the objection sought to increase the opportunity for new B8 warehousing development in the industrial area by an amendment to Policy E7. Policy RY7 of the Revised Deposit Plan deletes the restrictions to Class B8 development. In that sense this meets that element of the objection. The objector has not pursued this issue further.
- 12.138 The grounds of the objection were predicated, in part, on the basis that planning permission existed on this site for a proposed marina, employment and housing development. The Council’s view is that planning permission for this development has lapsed and they have refused applications for Lawful Development Certificates in recent years. The evidence from the objector is that this disagreement is on-going, which suggests that further discussions and/or legal moves may be initiated in the future. However, I have no evidence that anything further has occurred since those refusals. Consequently, in taking account of all the planning considerations, I have to accept that, as the factual evidence stands, there is, at present, no extant formal planning permission on the land.
- 12.139 The greater part of the site of some 8.09ha, known as Rye Saltings, is part of the designated Rye Harbour SSSI. A floodbank was constructed adjacent to the River Rother in 1990 by a previous owner of the site. This followed the granting of a formal consent by the National Rivers Authority. As a result, the site has not been inundated by seawater for 15 years, leading to the reduction of saltmarsh species and their replacement with species more typical of rough grassland intolerant of saline flooding. Most of the site has remained unused during this period. The site largely comprises open, uneven ground. Banks of raised ground divide the low-lying land into two main areas, as well as bounding a tributary creek of the river along the western side of the site. A further embankment (following the trackbed of an old railway line) separates the south-east corner of the site from the remainder. The evidence is that it is this embankment that constitutes the existing inadequate flood defence and that this defence will be the basis of improvement measures as part of the River Rother Tidal Walls Scheme, currently under construction elsewhere in the area. Moreover, the Environment Agency has confirmed that the design height of the floodbank alongside the river is well below the minimum acceptable standard required for the 200-year defence standard.
- 12.140 In accordance with the key principles of *PPS9- “Biodiversity and Geological Conservation”*, local authorities are advised to assess the potential to sustain and

enhance the biodiversity and geological resources of their area and Plan policies should aim to maintain, and enhance, restore or add to biodiversity and geological interests. The guidance in paragraph 7 of *PPS9*, states that those SSSIs not covered by an international designation, as is the case on this part of the designated SSSI, should be given a high degree of protection under the planning system, through appropriate policies in Plans. Paragraph 8 advises that, where a proposed development on land within or outside an SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), planning permission should not normally be granted. The Wildlife and Countryside Act, as amended, imposes an important general duty on authorities in terms of SSSIs. This general and overarching duty requires an authority to take reasonable steps, consistent with the authority’s functions, to further the conservation and enhancement of the features for which sites are of special interest.

- 12.141 The Rye Harbour SSSI contains the most extensive tract of shingle in East Sussex. Only Dungeness in Kent has a larger area of this habitat in Southern Britain. The SSSI supports a rich flora and fauna, including nationally important communities of plants, birds and invertebrates. In the context of saltmarsh, the UK Biodiversity Action Plan identifies coastal saltmarsh as a habitat which needs priority action due to its scarcity and rate of loss. The various targets set include the creation of areas of saltmarsh and, where necessary, the restoration of the nature conservation interest through appropriate management projects. Furthermore, the local Action Plan for Sussex seeks to create/restore some 60ha of saltmarsh by 2014.
- 12.142 At present, because of the floodbank along the river, the contribution of this site to the SSSI is largely non-existent. However, the evidence underpinning the argument that the site could regenerate as saltmarsh is convincing. Through a process of managed realignment the bank could be breached to allow saltwater inundation. The current Rye Tidal Walls Scheme, with the flood protection proposed to be aligned on the landward side of the site, would provide the opportunity for this operation to be effected. This has been demonstrated to work effectively at other locations around the country. Most sites have colonised rapidly where there is existing saltmarsh to supply seed and plant material. The evidence here is that the 15-year period free from inundation will not have been long enough for any great differential to have developed between the height of the saltmarsh in the estuary and the land behind the embankment. The survey evidence shows that there remains a small area of vegetation in the north-east part of the site which is a variant of saltmarsh vegetation that still supports the nationally rare sea heath. This suggests that saltwater is still entering the site and that it is regenerating saltmarsh.
- 12.143 I recognise the relative isolation of this site from the extensive areas that comprise the wider SSSI. I acknowledge that it is small and located between existing employment areas. Nevertheless, the policy imperative of conserving and enhancing designated habitats; the importance of saltmarsh as a habitat and the recognised priority of restoring such areas are weighty factors. They provide strong support for the argument that the opportunity for restoration to saltmarsh should be made available, with the site protected from development. Further support for this comes from the DEFRA Code of Guidance on the Countryside and Rights of Way Act 2000. In its advice on the removal of an SSSI notification, section 24 states that the Secretary of State expects this power to be used only in exceptional circumstances and that English Nature must be satisfied that notification is no longer appropriate because the special

interest has been irreversibly lost, and cannot be recovered by any reasonable or practicable means. In my view, those circumstances do not apply to this site.

- 12.144 Paragraph 8 of *PPS9* states that where an adverse effect (of development) on the site’s notified special interest features is likely, an exception (to grant permission) should only be made where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs. Accordingly, the benefits of the allocation of the site for employment purposes must be weighed against the nature conservation interests. In doing so, I do not accept the objector’s suggestion that this site, once restored as saltmarsh, would be of a lower status because of its size and location in relation to surrounding uses and the wider SSSI than, say, the larger, more extensive Rye Harbour SSSI or other designated saltmarsh areas in the country. There is nothing in national guidance or law which supports that argument.
- 12.145 The evidence demonstrates clearly the importance of Rye Wharf to the economy of the area. It provides three berths and handles over 100,000 tonnes of aggregate as well as talc, blocks and ballast. In addition, some 10,000 tonnes of grain grown locally is exported annually. I acknowledge that, in terms of the transport of bulky goods in this part of the South East, the Wharf is contributing in a sustainable way. In addition to the Wharf, the owners and operators (Rastrum) control adjoining land which in recent years has been redeveloped to form a high quality business estate comprising warehouses and distribution depots for over 20 companies. The company is to be commended for the investment it has made and the development it has undertaken in the last 10 years. There is no doubt that it has boosted the local economy and contributed to “kick-starting” the provision of further development and redevelopment schemes in the Rye Harbour Employment Area. If the objection site were to be allocated for employment uses and developed for that purpose, further warehouse uses would become available and the Wharf could be extended along the river frontage. This would provide more space and flexibility for port-related activities, thereby expanding Rye’s role as a commercial port. It would also increase the employment uses in Rye Harbour Road, thereby strengthening its function as an important employment focus for the eastern part of the District.
- 12.146 The key question is whether these benefits are such as to override the nature conservation interests. There is a further wharf facility, currently moth-balled, a short distance along the river. Although dredging would be required, the Council holds the view that it has the potential to be re-opened. I recognise the current practical problems resulting from a lack of cover over the present Rye Wharf. Commercially, the provision of covered facilities would be likely to be more viable once the wharf was extended. Nevertheless, no technical reasons have been advanced as to why a covered structure could not be constructed over the present more limited facility. Moreover, the potential for freight growth at Rye Wharf is constrained by the river channel, as the channel depth imposes limits on the size of vessels and there is a relatively narrow tidal window. In terms of the need for further employment land, Table 6 of the Local Plan lists a number of vacant sites within the designated Employment Area without planning permission with a gross area of 7.9ha. These sites, along with those with unimplemented permissions, provide significant potential for further job creation. Finally, the access difficulties locally in Rye as regards the link to, and along, the trunk road network, together with its general remoteness from

the motorway network, undoubtedly places a limitation on the attractiveness of Rye as an employment focus.

12.147 I accept that, in weighing the planning balance in relation to this objection, the final conclusion as to whether the economic arguments override the nature conservation considerations is a matter of judgement. I acknowledge that the possible extension of the wharf and the expansion of the business park would bring some economic benefits. Nevertheless, in the light of the considerations highlighted above, it is my judgement that these factors are of limited value and serve to demonstrate that the main benefit would be as a commercial opportunity for the objector. I consider that the nature conservation interests must prevail.

12.148 In reaching this conclusion, I have paid careful attention to the human rights argument advanced for the objector and I have studied the legal cases submitted. I accept that, if the SSSI designation was to be retained and the land restored as saltmarsh, it would be of no use to the present owner as an employer and commercial operator. Nevertheless, I have concluded that the public interest in terms of retaining the nature conservation value of the site should be overriding. The two legal cases were rooted in the context of the notification procedure for SSSIs. In the circumstances here, the site was formally notified as being of SSSI quality in 1988. At the time the Nature Conservancy Council was aware that the site was the subject of a planning permission for development. However, they took the view that, as the site was the largest single area of saltmarsh in the wider SSSI, it was of special scientific interest and this fact was duly notified. This was before the objector acquired the land. Consequently, its status was clear at the time of acquisition. I am not persuaded that the human rights arguments here should outweigh the planning considerations that I have applied.

12.149 A smaller area of land in the south east corner and along the eastern boundary of the objection site lies outside the designated SSSI. This has been the subject of an earlier temporary planning permission for external aggregate storage which has lapsed, although the open storage use continues. English Nature accept that development on this part of the site need not prejudice the SSSI. Nevertheless, I consider that it has some visual value in remaining free from built development in that it would provide an open break in the industrial frontage and would give an element of visual relief along the approach to Rye Harbour Village. Accordingly, I do not support the inclusion of this land within the employment allocation.

### **Recommendation**

12.150 **I recommend that the boundary between the allocation for Policy RY7 and the designated SSSI on the Proposals Map is re-drawn accurately to correctly reflect the position of the boundary.**

12.151 **I recommend that Policy GD1 is modified in accordance with the Proposed Change PC/05/04.**

### **Land Adjacent Stonework Cottages, Harbour Road, Rye Harbour** (Paragraphs 12.39 to 12.41 and Policy RY8)

#### **Paragraphs 12.39 to 12.41**

No representations

## Policy RY8

### Objections

388/3795 W. Metson & M. Harris

### Supporting Statements

233/3108 New Downlands HA, Orbit HA & Rother Homes

### Issues

- a. Whether the site is appropriate for residential development;
- b. Density Considerations;

### Reasoning and Conclusions

#### *Whether the site is appropriate for residential development*

12.152 The site is embedded within the confines of Rye Harbour Village. It is a previously-developed (brownfield) site and adjoins existing residential development. When I visited the site it was partially unused and had a generally untidy appearance. It would not affect the Nature Reserve. Indeed, the defined development boundary of the Village would provide firm protection by limiting the expansion of the settlement. In my view, the site’s redevelopment would bring about a considerable visual improvement and would provide much-needed housing development in the Village.

#### *Density Considerations*

12.153 The Plan explains that the site, which has a total area of 0.52ha, would be suitable for development of some 16 dwellings. This is based upon a density of 30 dwellings/ha, which is the minimum figure set out in *PPG3*. In addition to my general concerns about the Plan’s approach to density that I have highlighted elsewhere, I consider that this urban site would be capable of accommodating a development with a density above the minimum figure. My view is that the capacity figure of 16 referred to both in the text and the Policy should be expressed as a minimum figure.

### Recommendation

#### 12.154 **I recommend that**

(a) The final sentence of paragraph 12.40 is modified as follows:-

‘The site has an area of 0.52 hectares and is considered suitable to accommodate at least 16 dwellings, 40% of which are to be affordable.’

(b) The third sentence of Policy RY8 is modified as follows:-

‘The site is allocated for at least 16 dwellings, 40% of which would be affordable’.

## Rye and Rye Harbour Omission Sites

### Housing and Employment Omission Site– Land between Winchelsea Road and the Railway

#### Objections

88/1501	Clive Hacking
88/1502	Clive Hacking
88/1503	Clive Hacking
88/1504	Clive Hacking

#### Issue

Whether the defined development boundary for Rye should be extended to the south-west of the town;

#### Reasoning and Conclusions

12.155 In Section 4 of the report I have stressed the importance of the environmental constraints on development at Rye, with particular emphasis on the setting of the Citadel. In Section 12 I have underlined the critical importance of this when I considered objections to the proposed allocation of the Rye Marina development to the south of Rock Channel. The implications of my recommendations on the proposed allocated sites, if they were to be accepted, would result initially in a limited provision of additional housing in the town. Nevertheless, it is my view that the environmental constraints are so important, particularly the levels to the west, south and east of the Citadel, that these must remain paramount in the context of the future planning of the area.

12.156 In terms of objections 88/1501-88/1504, which are seeking an allocation for a mixed residential and employment use, these considerations are critical. Most of the site falls within the defined High Weald AONB and forms part of the Winchelsea Levels. These possess an open, flat landscape character which contributes significantly to the rural setting of the Citadel. If an adjustment to the development boundary to the west and south-west of the town were to be made, any future development here would extend into the levels in that direction and would have a serious adverse impact on the setting of the Citadel. Moreover, the open visual expanse of the site does not contain strong landscape or topographical features to the west which would provide defensible development boundaries in that direction. In my view, development in this sensitive location would be harmful to the character of Rye. I am satisfied that the defined boundary should remain unaltered on its present firm delineation.

#### Recommendation

12.157 **I recommend that no modification is made in relation to this site.**

### Housing Omission Site – Former Harbour Branch Railway Line

#### Objection

16/1042	Network Rail (Inset Map 3)
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#### Issue

Whether the inclusion of the former Harbour Branch railway line land would provide an appropriate development boundary and should be allocated for housing;

## Reasoning and Conclusions

12.158 I recognise that the Objection 16/1042 site comprising the former railway branch line land contains defensible boundaries, and is visually contained by landscaping on its existing boundaries. It is located in relatively close proximity to the town centre, with residential development adjoining the eastern boundary. It is not the subject of any specific landscape designation and has become largely overgrown with invasive species. However, the existing vegetation cover on the site, together with its location adjoining the open levels landscape to the south in the designated AONB, clearly supports its role as a rural fringe site. I consider that it makes a distinct contribution to the rural setting of Rye on its western edge. The Council has further highlighted various practical difficulties involved in accessing the site. Having carefully looked at this issue on the ground, I am concerned that both potential access points would join the busy A259 as it approaches the River Tillingham bridge crossing and there are doubts about whether adequate visibility could be achieved. In my view, the scale of any future development here would pose serious highway problems, with adverse consequences for highway safety. I am satisfied that the site’s inclusion within the development limits of the town would not be appropriate.

## Recommendation

12.159 **I recommend that no modification be made in relation to this site.**

## Omission Site – Frenchman’s Beach Caravan Park, Rye Harbour

### Objection

121/3209

Cinque Port Leisure Group (Policy DS3)

### Issue

Whether the development boundary for Rye Harbour defined under Policy DS3 should be extended to the south-east in order to include the Frenchman’s Beach caravan site;

12.160 The extension of the boundary suggested in Objection 121/3209 would include Frenchman’s Beach Caravan Park; an area to the south-west of Tram Road; the Nature Reserve car park and a further area of land to the north-west. The area of the objection site as a whole totals 10.6ha. The site is bounded on three sides by the Camber Sands to Rye Saltings SSSI and the Dungeness to Pett Level Special Protection Area (SPA).

12.161 Rye Harbour is a small and distinct settlement located to the south-east of Rye. The development boundary has been drawn tightly around the edge of the built-up area of the village. This site is located adjoining the flat expanse of Rye marshes in a low-lying position to the south-east of the village. The open setting of the adjacent countryside would mean that any development on this site would be prominent and harmful to the character of the levels. Moreover, the potential scale of development on a site of this size would be wholly incompatible with the small, contained urban development of the village. The other caravan parks referred to at Camber Sands and Winchelsea Sands are an integral part of the surrounding developed areas.



Frenchman’s Beach is well beyond the urban confines of the village with intervening open areas providing a clear element of separation.

- 12.162 The fact that the caravan park would lie outside the development boundary would not necessarily preclude improvements to the site. Policy EM10 of the Plan does not rule these out, but seeks a significant improvement in the appearance of existing sites. It seems to me that this approach is entirely apposite in the context of this site which lies in an exposed and prominent position on the edge of the levels.

### **Recommendation**

- 12.163 **I recommend that the Local Plan is not modified in respect of this site.**

### **Housing Omission Site - Land north west of Love Lane**

#### **Objections**

219/3558

Mr & Mrs. K. Hall (Policy DS3)

#### **Issue**

Whether the defined development boundary at Rye should be extended to the north west of Love Lane;

#### **Reasoning and Conclusions**

- 12.164 I accept that the consequences of my earlier conclusions and recommendations in respect of the issues of Housing supply; the spatial strategy; managing the release of housing land and the allocations in Rye, would leave Rye with an immediate limited increase in housing provision. I am satisfied that this is the correct approach at this stage, given all the circumstances. Because of the highly attractive setting of the town, standing above the levels and with the more elevated land to the north-west within the defined AONB, future development options require the most careful consideration.
- 12.165 The 219/3558 objection site consists of a large expanse of countryside extending to the north-west of the town on a prominent hillside overlooking Rye. It is clearly peripheral to the town. Most of it falls within the defined AONB. Development on this scale and in this location would seriously harm the character of the town and its rural setting and would be particularly intrusive. It would seriously conflict with national and strategic policies which require firm protection for the landscape value of the AONB. I consider that the modification of the development boundary as suggested by the objectors would be wholly inappropriate.

### **Recommendation**

- 12.166 **I recommend that the Local Plan is not modified in respect of this site.**

#### **Inspectors Note**

- 12.167 For my consideration of a further omission site on land adjacent to Rye Wharf at Rye Harbour, see Policy RY7 above.

## SECTION 13 – VILLAGES

### VILLAGES

(Paragraphs 13.1 to 13.9)

#### Comments

47/3709 Mrs. Alexandra Bayley (Paragraph 13.9)

#### Issues

The amount of development in villages

#### Reasoning and Conclusions

- 13.1 Paragraph 13.9 refers to Section 4 of the Plan with its strategy that the amount of development in the villages is to be reduced in comparison with the past. The objector considers that this is inconsistent with the suggestion that historical rates of development on small sites will be maintained.
- 13.2 I conclude in that part of my Report dealing with small sites in Section 4 that it is reasonable for the Council to assume that the supply of small sites will be maintained. The main shift in the supply of sites from the rural areas to the towns is likely to be in the form of large sites and will result from the distribution of site allocations in this first District-wide Local Plan. The definition of development boundaries will still allow for the windfall development of small sites in both the villages and the towns.

#### Recommendation

- 13.3 **I recommend that no modification is made to the Plan in relation to this objection.**

### BURWASH

(Inset Map 8, paragraphs 13.10 to 13.12 and Policy VL1)

## Paragraphs 13.10-13.12 and Policy VL1 – Land South of Strand Meadow

#### Objections

37/3154	Crofton Place Developments Ltd
105/3459	Government Office for the South East (Table 3 – all housing allocations)
144/3354	Westridge Construction Limited
251/3212	Miss M. Overy
255/3738	Burwash Parish Council
257/3282	Mr. and Mrs. A. Hall
257/3284	Mr. and Mrs. A. Hall
310/3592	Mr. and Mrs. R. Smith
312/3594	Mr. P. Pope
338/3652	Mrs. P.M. Highton
371/3763	Mrs. J. Wheeler
375/3769	Mr. P. Collick

#### Supporting Statements

144/3353	Westridge Construction Limited
233/3109	New Downlands HA, Orbit HA & Rother Homes
312/3595	Mr. P. Pope
312/3600	Mr. P. Pope

## Comments

257/3283	Mr. and Mrs. A. Hall
258/3287	Mrs. S. Ormrod
304/3581	Mr. and Mrs. A.L. Baldock
312/3597	Mr. P. Pope

## Issues

- a. Enlargement of housing allocation to 1.0ha.
- b. Density
- c. Open space
- d. Access and parking
- e. Landscape impact
- f. Drainage
- g. Effect on living conditions
- h. Nature conservation
- i. Affordable housing

## Reasoning and Conclusions

### *Enlargement of housing allocation to 1.0ha/Density.*

- 13.4 I have no fundamental objection to the principle of development here. The allocation proposes a modest increase in housing provision as a limited extension to the existing cul-de-sac. Nevertheless, highway considerations are critical in terms of the scale of the housing that this site will provide. Because of existing highway conditions along Strand Meadow, the physical design of the existing development and road network, which I discuss below, I consider that the Highway Authority are right to insist upon a limit to the numbers of dwellings that would be accommodated. For technical reasons they have prescribed a limit of 17 dwellings based on a development providing a density of development in line with the minimum figure in the range set out in PPG3. Hence, the size of the site allocated for housing development is set at 0.6ha. If the Plan were to increase the size of the site on which housing would be provided in accordance with the objection, with a consequent increase in the number of dwellings, in my view, it would not be possible to resolve the existing congestion problems which the allocation seeks to achieve because of the likely scale of the increase in traffic movements along the extended cul-de-sac.

### *Open space*

- 13.5 The Council has accepted the suggestion in Objection 144/3354 that land to the south west of the site should be identified as further community land with a footpath link through to Ham Lane. It has been incorporated as a Proposed Change to Inset Map No. 8 (PC/PM/05) as follows.

#### **Pre-Inquiry Change – PC/PM/05**

(Inset Map 8)

Change Inset Map 8 to include land to the south west of the site as additional community land and to include a footpath link through to Ham Lane in the scheme.

*Reason: To better integrate the proposals within the local area.*

No representations

- 13.6 This would be a sensible modification, particularly as it would provide a relatively short pedestrian link to the village shops and facilities for all residents in the Strand Meadow area

*Access and parking*

- 13.7 As I have observed on a number of occasions, Strand Meadow is subject to considerable congestion. Continuous two-way traffic flow is prevented by on-street parking, a relatively narrow carriageway width and a sharp bend in the road at its northern end. These factors were decisive in the 1986 appeal decision. I understand the concern of several objectors that the addition of 17 units would exacerbate the problem. However, Policy VL1 would require developer contributions in order to effect highway improvements, which would comprise carriageway widening, the introduction of speed-reducing features and the construction of parking bays. The Highway Authority is confident that these measures are achievable in view of the extent of the highway land available. I am satisfied that, subject to the policy requirements being fulfilled, development on the allocated site would not lead to further highway difficulties. Indeed, the provision of further, albeit carefully limited development, would act as a trigger for long-term improvements.

*Landscape impact*

- 13.8 The site is located on the eastern side of a narrow valley below the main ridge. However, substantial development has already taken place to the north-east. The allocation site is largely contained by existing landscaping. Much of the site would be used for additional landscaping and the provision of further amenity land. That part of the site that is to be developed would be a small, inconspicuous extension of the existing cul-de-sac, which would form a visually discreet residential element with limited landscape impact in the AONB.

*Drainage*

- 13.9 There is no evidence before me that the site suffers from any insurmountable drainage problems or abnormal development costs. Interest has been expressed by a developer and I have no reason to doubt that the site would provide an element of affordable housing.

*Effect on living conditions*

- 13.10 Any development on the allocated site would form a limited extension of the present cul-de-sac. The Policy would require highway improvements to be put in place, further landscaping to be carried out, additional amenity land to be provided and a new footpath link to the village to be introduced. In its widest sense, the benefit to the amenity of local residents would be considerable. The effect of any future development on the amenity of occupiers of particular properties would be a matter for consideration at the time of a planning application and could be controlled by appropriate conditions, if necessary.

*Nature conservation*

- 13.11 No detailed evidence has been put before me on the nature conservation value of the site or its importance as a habitat for slow worms. Certainly, it carries no specific nature conservation designation. However, this would be a material issue for consideration at the stage where a planning application had been submitted. Policy

GD1(vii) requires that all development must meet the criterion relating to ecological matters.

### *Affordable housing*

13.12 My overall support for the Plan’s approach to affordable housing has been set out under Section 6. The allocation at Strand Meadow reflects this approach. The particular tenure of affordable housing is not specified in Policy HG1 or Policy VL1. This will be considered at the time of any planning application, based on information received from the Council’s Housing Services Division. In accordance with National and Structure Plan policies, it is essential that homes are provided for local people who are in housing need. Quite properly, Policy VL1 is seeking to achieve that aim.

### **Recommendation**

13.13 **I recommend that the Local Plan Inset Map 8 is modified in accordance with the Proposed Change PC/PM/05.**

## **Policy VL1 Omission**

### **Objections**

Inspector’s Note - The following objections are unrelated to Policy VL1 and are instead addressed in that part of my report dealing with objections to the Burwash development boundary in Section 15 (Burwash - Inset Map 8)

258/3285	Mrs. S. Ormrod
258/3286	Mrs. S. Ormrod
258/3288	Mrs. S. Ormrod
258/3289	Mrs. S. Ormrod
258/3290	Mrs. S. Ormrod
253/3275	Councillor Gaynor Leeves

## **FAIRLIGHT COVE**

**(Inset Map 14, paragraphs 13.13 to 13.18 and Policy VL2)**

## **Paragraphs 13.13 to 13.18 and Policy VL2 – Land adjacent to Fairlight Gardens, Fairlight Cove**

### **Objections**

105/3459	Government Office for the South East (Table 3 – all housing allocations)
357/3715	Fairlight Residents' Association
369/3741	Mr. R. Bird
370/3747	Fairlight Parish Council

### **Supporting Statements**

116/3551	English Nature (Paragraph 13.14)
233/3110	New Downlands HA, Orbit HA & Rother Homes

### **Issues**

- a. Principle of development
- b. Coastal erosion

- c. Access
- d. Surface and Foul water drainage
- e. Density

## Reasoning and Conclusions

### *Principle of development*

- 13.14 The allocation relates to a site which was previously a garden nursery. It is now unused and overgrown. It is embedded in the heart of the residential village and is bounded on all sides by housing development. On the basis of these considerations and notwithstanding its status as greenfield land because it was last in horticultural use, the site would appear suitable for future residential use. However, there are particular factors, relating to circumstances which are specific to Fairlight Cove, that are of overriding importance. These are concerned with the issue of coastal erosion.

### *Coastal erosion*

- 13.15 In setting out the purpose of the guidelines in paragraph 2 of *PPG14 – “Development on Unstable Land”*, I note the statement that it is not the aim to prevent the development of unstable or potentially unstable land, though in some cases that may be the appropriate response. Rather, it is to ensure that development is suitable and that the physical constraints on the land are taken into account at all stages of planning. This general approach is reflected in the further guidance at paragraph 16 where it states that the responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer. However, later, in addressing the issue of planning control in the context of development plans, paragraph 29 deals specifically with the management of coastal zones. The advice given is that in such areas authorities may wish to consider the introduction of a presumption against development in areas of coastal landslides or rapid coastal erosion.
- 13.16 More specific advice is contained in *PPG20 – ‘Coastal Planning’*. Paragraph 2.13 highlights the risks from land slips and falls of rock. It states that the policy in such areas should be to avoid putting further development at risk. The advice in paragraph 2.14 is that policies should seek to minimise development in areas at risk from land instability and will be needed to control or restrict development on land on coastal areas subject to instability. Paragraph 2.16 emphasises the need for policies to require a precautionary approach in relation to land affected, or likely to be affected, by erosion or land instability. It further advises that, in the case of receding cliffs, development should not be allowed to take place in areas where erosion is likely to occur during the lifetime of the building.
- 13.17 This guidance is critically important in the circumstances of Fairlight Cove where, since 1997, there has been an active and continuing landslip of the sea cliff. The key factors are wave undercutting of the cliff base; cliff over-steepening and high groundwater levels arising from the neighbouring developed area. Various consultants’ reports have been published in recent years. Monitoring of the situation continues. A scoping study, supported by a geophysical survey of the landslip, is ongoing, with the final results to be published shortly after the close of the Inquiry. This will feed into the current review of the Shoreline Management Plan prepared by various local authorities, including Rother District Council, the Environment Agency and English Nature and first adopted in 1994. The Plan’s policy of ‘Managed

Realignment’ to reduce the rate of cliff-top retreat within the short term (0-20 years), with ‘No Active Intervention’ between 20-100 years, is to remain the underlying policy.

- 13.18 A May 2004 report summarised the consequence of the recent landslide at one point as a maximum rate of recession, from 1998-2004, of 86.4m. In addition, a further specific area of recession of 25.7m was recorded in a single year. A number of properties have disappeared and some which remain have been abandoned. The 2004 report noted an apparent reduction in the rate of recession during the previous year ranging from a negligible figure to 4.2m. However, the report suggests that, in reality, over the long-term the rates of cliff recession are likely to be consistent with the long-term rates for this stretch of coastline of 0.5-1.5m per year. The Shoreline Management Plan has adopted an assumed recession rate figure of 1.45m per year and this remains the adopted figure for the purposes of the Review. The allocated site lies a little over 190m from the landslide area. If the 1.45m figure is used as a guide, the landslide would advance some 145m in a 100 year period. This would bring the cliff face to a point approaching 50 m from the site boundary. Although that figure lies towards the top end of the range suggested in the 2004 report, there is no certainty that this assumed rate would not be exceeded. The reports have suggested that the active recession which has occurred in recent years is an episodic event that may recur every 25-50 years.
- 13.19 The clear thrust of the advice in the Guidance in respect of coastal areas subject to instability and erosion is that a precautionary approach must be followed, with the emphasis on the strict control of development. The Council in its evidence concedes that there is uncertainty surrounding the whole question of coastal erosion at Fairlight. Detailed on-going studies have yet to report and recommend. The review of the Management Plan is not complete. The Council point to the possibility of constructing some form of toe protection at the base of the cliff as part of the short term ‘Managed Realignment’. But this has yet to be recommended in the review; funding from DEFRA would be required and it is not known whether English Nature would object to the scheme.
- 13.20 As a result, I am convinced that a most cautious approach must be taken towards further development here. In my view, these unknowns do not provide a sound basis on which to construct an allocation in a Plan which must provide certainty for future development. Finally, in the light of the physical circumstances at Fairlight Cove and the potential effects on the allocated site, if the allocation were to be confirmed and the site were to be developed, at some point residents living there would face a long period of anxiety and financial loss well before the site were to be directly affected. This long-term possibility cannot be ignored. It is a further consideration that convinces me that the objections ought to prevail.

#### *Access*

- 13.21 This conclusion is further supported by considerations relating to the issue of access. The proposed access from the site would run south along Smugglers Way towards the cliff edge and would be destroyed long before the site itself would be affected. Alternative access options to the north run through narrow lanes with limited visibility and no pavements. Any widening would be likely to affect land in private ownership. In my view, the alternatives would be unsuitable for accommodating development of

the scale proposed on the allocated site, leaving Smugglers Way as the only feasible option.

*Surface and foul water drainage*

- 13.22 In terms of foul water disposal, the evidence from Southern Water is that the existing system is at capacity. There appears to be the possibility that some sewerage improvements may be implemented prior to 2010, but these are clouded by uncertainty. I have no evidence as to how far the planning for these has progressed and the company accept they would be dependent on how the submission to OFWAT for spending is received. If proposals for the development of the site were to come forward and no improvements were in the offing, off-site works could be requisitioned, but this would involve a connection of some 550m to the Briar Close Combined Sewer Overflow.
- 13.23 The documentary evidence indicates that problems relating to groundwater are a serious contributory factor to the coastal landslip. Although there is some confusion in the evidence as to the design of the present drainage system, it would appear to comprise a single pipe system conveying foul sewage. Surface water enters the system at times of prolonged or intense rainfall, leading to potential flooding problems. Many properties are served by soakaways. The concentration of surface water drainage from road drainage and soakaways and the surcharging of groundwater from land drains, leaking mains and foul water pipes from properties lead to high groundwater levels. Southern Water has made it clear that surface water cannot be disposed of by means of a direct connection to the existing single pipe system. The means of disposal would have to be by means of soakaways or to local watercourses. Given that high groundwater levels are part of the landslip problem, it seems to me that surface water should not be concentrated in the land, but safely removed without flooding risk.
- 13.24 The Lower Waites Lane stream runs in a ditch close to the southern boundary of the site. Disposal to this stream would be technically feasible, but there is some evidence of flooding problems. Bank scour occurs under storm conditions. Some form of attenuation, perhaps through storage on site, would be required. However, it is to be noted that the Environment Agency has declined to adopt the stream as a Critical Ordinary Watercourse (COW) and at present the upkeep of the stream is a matter for fronting landowners.
- 13.25 It is clear, therefore, that the foul water disposal system is at capacity and the measures which could overcome this problem would involve a long length of requisitioned sewer pipe. The disposal of surface water would be technically feasible, but would involve the use of a watercourse where the maintenance is a matter for adjoining landowners. This places a serious question mark against the practicality of disposal. Bearing in mind the groundwater problems that exist and their acknowledged link to the active landslip mechanism, it is essential that it be demonstrated beyond doubt that any further run-off from development can be safely disposed of without contributing to further groundwater saturation. I consider that these identified technical difficulties provide further cogent support for my conclusion that this allocation ought to be deleted.
- 13.26 The consequential recommendation also includes the deletion of the accompanying paragraphs 13.16-13.18. If the Council were to accept this recommendation, with the



result that no allocation would be made in respect of Fairlight Cove, they may take the view that there should be no reference to Fairlight Cove in Section 13. Paragraphs 13.13-13.15, therefore, would also be redundant. However, if they felt that the erosion problems at the cliffs merited some reference, then the updating of paragraph 13.14, as they suggested at the inquiry, would be helpful.

### *Density*

- 13.27 Notwithstanding my recommendation on these objections, if the Council were to retain the allocation, in accordance with my other recommendations on the issue of density elsewhere, the 15 dwelling figure in the Policy should be modified by the insertion of the words ‘at least’ immediately before the figure.

### **Recommendation**

- 13.28 **I recommend** that the Local Plan is modified by the deletion of Policy VL2 and paragraphs 13.16-13.18 .
- 13.29 **I recommend** that, in the event of the Council retaining the Policy VL2 allocation, immediately before the figure of 15 in the Policy, the word ‘some’ is deleted and replaced by the words ‘at least’.
- 13.30 **I recommend** that the Local Plan is modified by the deletion of the last two sentences of paragraph 13.14 and replaced by the following:-

**‘Following an analysis of the current and on-going technical work, scheduled for Spring 2006, the Council will have a better understanding of the cliff failure mechanism in the Rockmead Road area. It will then be possible to make a more reliable prognosis of the likely future recession of the cliff. A plan will be drawn up to show the area likely to be affected and this will be available to the public. This plan, which will be updated as necessary, will be used to inform planning decisions.’**

## **FLIMWELL**

(Inset Map 15, paragraphs 13.19 to 13.22 and Policies VL3 and VL4)

### **Paragraphs 13.19-13.21 and Policy VL3 – Land at Corner Farm**

#### **Objections**

96/1554	East Sussex County Council CRD
105/3459	Government Office for the South East (Table 3 – all housing allocations)
163/3750	Flimwell Village Trust
278/3408	East Sussex County Council
382/3782	Woodland Enterprise Centre

#### **Supporting Statements**

233/3111	New Downlands HA, Orbit HA & Rother Homes
275/3404	Ticehurst Parish Council

#### **Issues**

- a. Distribution of uses within the site
- b. Financing of village hall
- c. Boundary of allocation and dwelling numbers

d. Provision of affordable housing

### Reasoning and Conclusions

#### *Distribution of uses within the site*

- 13.31 This is a mixed allocation to include a village hall, open space and housing. Inset Map 15 does not indicate how those uses would be distributed within the site. However Objection 163/3750 amongst other things seeks that the upper part of this split level site be designated for the community uses with housing to the rear (south) on the lower land. At the Inquiry the Council indicated that it would prefer the flexibility of siting the village hall on either the upper or lower sites. Whilst a case could be made for either arrangement, I consider that the more level upper area is better suited to the siting of a large community building, ancillary open space and car parking and that to site the hall there in a prominent position would create a suitable focus for the village whilst allowing users of the facility to benefit from the extensive views. To settle the approximate siting would provide greater certainty for landowners, developers and local residents and would reduce the scope for future dispute leading to delay. It would also bring the scheme into line with the similarly mixed development being proposed at Etchingham.
- 13.32 The provision of parking would need to have regard to the current use by local residents of the bus lay-by at the front of the site. That parking is likely to be displaced with a risk of obstructive on-street parking. There would appear to be scope for the shared use of parking on the site. However the actual amount of parking to be provided there and its future management are detailed matters better addressed at the development control stage.

#### *Financing of village hall*

- 13.33 Flimwell is a comparatively large village but with few existing facilities. There appears to be a long-standing commitment by the County Council as freeholder to the provision of land here for the village hall, whether or not it is accompanied by housing.
- 13.34 The addition of housing would increase the need for that community facility in order to serve the new residents. It is thus reasonable that the residential development should also make a proportionate contribution towards the construction costs of the hall in accordance with Policy GD2. However it would be unreasonable, as criterion (i) and (ii) of Policy VL3 might imply, that this housing scheme would have to be of a scale to fully fund the hall or to require that the hall be constructed by the housing developers. In this regard there was evidence at the Inquiry that other sources of finance are available to address existing community needs. It would also be unreasonable for this housing scheme to have to contribute proportionately more than might be required from the Policy VL4 housing allocation at Old Wardsdown, Flimwell (after taking account of the different scale of each development).
- 13.35 I thus consider that Policy VL3 and the supporting text should be amended to clarify the developer contributions that will be expected but that the housing is not expected to fully finance the construction of the hall.

#### *Provision of affordable housing*

- 13.36 There is a clear local need for affordable housing. Policy VL3 includes the 40% requirement for affordable housing that is common to other housing allocations in the

Plan. I address a series of related objections to Policy HG1 in my recommendations on Section 6 of the Plan. There I endorse a change proposed by the Council (PC/06/02) which allows for reduced provision where it is demonstrated that 40% provision would make the development of the site uneconomic. I consider this to be equally relevant to development on allocated or windfall housing sites

- 13.37 In this case, no evidence has been supplied to support the assertion in Objection 278/3408 that 40% affordable housing would make the development economically unviable. I conclude that the 40% requirement should be retained but subject to the modified Policy HG1 such that provision would be a matter for negotiation based on financial evidence at the time of a planning application.

*Boundary of allocation and dwelling numbers*

- 13.38 I consider that the southern boundary of the site does not relate well to any physical feature and that a proposal to extend the site as far as an existing track which runs parallel to that boundary would not harm the landscape. Having regard to my recommendation that the upper level be reserved for the community facilities, an extension here would permit greater flexibility in the design and layout of the housing with the opportunity to maintain or increase predicted dwelling numbers, including affordable housing provision.
- 13.39 In common with my recommendations on other allocations and to ensure that land is used efficiently, I consider that the policy should specify the minimum number of anticipated dwellings and that this should replace the reference to dwelling numbers in paragraph 13.21

**Recommendation**

- 13.40 **I recommend that the Plan is modified by the addition of an Inset Map at a larger scale that:**
- (a) extends the southern boundary of the Policy VL3 allocation as far as the adjacent track in accordance with the Plan at Appendix 1 of Document LPA/WR/382/3782/1; and
  - (b) designates the upper level of the Policy VL3 allocation for community facilities including a village hall, with ancillary open space and car parking and designates the lower area for housing.
- 13.41 **I recommend that paragraph 13.21 is modified by the deletion of the final two sentences and the substitution of the following sentence:**
- ‘The housing development will contribute to the need for the village hall and thus will be expected to contribute to the construction costs.’
- 13.42 **I recommend that criterion (ii) of Policy VL3 be deleted and replaced by the following criterion:**
- ‘(ii) at least 12 dwellings are provided of which 40% are affordable’;
- 13.43 **I recommend that a further criterion (iv) is added to Policy VL3**
- ‘ (iv) developer contributions are made towards the construction of the village hall.’

## Paragraph 13.22 and Policy VL4 – Land at Old Wardsdown

### Objections

84/3342	Millwood Designer Homes Ltd.
105/3459	Government Office for the South East (Table 3 – all housing allocations)
350/3680	Mr. J. Sands

### Supporting Statements

233/3112	New Downlands HA, Orbit HA & Rother Homes
275/3405	Ticehurst Parish Council

### Issues

- a. Environmental and drainage considerations
- b. Developer contributions towards village hall
- c. Density

### Reasoning and Conclusions

#### *Environmental and drainage considerations*

- 13.44 The proposed housing site is bounded on 3 sides by existing residential development. Its location within the High Weald AONB is not a bar on development given that the Local Plan reflects national guidance in *PPS7* to make provision in AONBs for housing to meet identified local needs. The other design and drainage considerations raised in Objection 350/3680 are detailed matters more suitably addressed at the planning application stage having regard to other plan policies.
- 13.45 Table 3 of the Local Plan describes the site as a mixture of previously-developed (brownfield) and greenfield land. The previously-developed element is small but I acknowledge that the level of need for housing identified in the Plan compared to the relative scarcity of brownfield sites means that some greenfield sites also need to be developed.

#### *Affordable Housing*

- 13.46 I address affordable housing requirements in that part of my report dealing with Policy HG1 and the objections to that policy in Section 6. There for the stated reasons I support both the reduced 5-dwelling threshold for affordable housing provision in villages and the usual 40% requirement, subject to a change proposed by the Council which would allow for the negotiation of reduced provision where economically necessary. No modification of Policy VL4 is warranted in this respect.

#### *Developer contributions towards village hall*

- 13.47 Policy VL4 appropriately requires developer contributions towards the village hall, the need for which will in part be generated by the occupiers of this housing development in the same village. The Policy does not specify the extent of the contribution. That will need to be negotiated at the planning application stage having regard to other development plan policies and national guidance. This generally requires that contributions are proportional to the need generated by the development and thus no modification of Policy VL4 is necessary in this regard.
- 13.48 The Council proposed the following pre-inquiry change to paragraph 13.22.

**Pre-Inquiry Change – PC/13/01 (Para. 13.22)**

Amend the Plan by the addition of the following sentence to the end of paragraph 13.22:-  
**‘Developer contributions will be sought towards the new village hall provided the hall has not been provided at the time proposals for this site are submitted.’**

*Reason: To aid the clarity of the Plan.*

- 13.49 This recognises that the development of the Policy VL3 site might be delayed until late in the Local Plan period, particularly if the site were (contrary to my recommendation) to be retained remains on the list of reserve sites in Policy DS6. However paragraph B23 of *Circular 05/2005 ‘Planning Obligations’* advises that where an item of infrastructure necessitated by the cumulative impact of a series of development is provided before all developments come forward, the later developers may still be required to contribute the relevant proportion of the costs. To do in this case otherwise would risk the delay of the housing development to avoid the costs whilst potentially impeding the development of the village hall because of uncertainty about funding. I therefore recommend a modified wording for paragraph 13.22.

*Density*

- 13.50 In line with my recommendations for other housing allocations and to ensure that the land is used efficiently, I consider that Policy VL4 should be modified to set a minimum number of dwellings to be provided. The actual number would be determined at the development control stage having regard to general policies and provisions of the plan.

**Recommendation**

- 13.51 **I recommend** that paragraph 13.22 is amended by the addition of the following sentence:

**‘Developer contributions will be sought towards the construction of the new village hall, whether this occurs before or after housing development.’**

- 13.52 **I recommend** that Policy VL4 is modified by the deletion of criterion (i) and the substitution of the following criterion:

**‘(i) at least 9 dwellings are provided of which 40% are affordable.’**

**NORTHIAM**

(Inset Map 26, paragraphs 13.23 to 13.25 and Policy VL5)

**Paragraphs 13.23-13.25 and Policy VL5 – Land east of the village hall, Northiam****Objections**

105/3459	Government Office for the South East (Table 3 – all housing allocations)
291/3470	Northiam Village Hall Trust (Paragraph 13.25)
238/3661	The English Courtyard Association
238/3798	The English Courtyard Association
254/3771	Northiam Parish Council
256/3279	Councillor Martin Mooney
256/3280	Councillor Martin Mooney

**Supporting Statements**

233/3113	New Downlands HA, Orbit HA & Rother Homes
238/3132	The English Courtyard Association

<b>Comments</b>	238/3793	The English Courtyard Association
	95/3316	English Heritage
	238/3659	The English Courtyard Association
	256/3281	Councillor Martin Mooney

**Issues**

- a. Greenfield development
- b. Environmental considerations
- c. Vehicular and pedestrian access
- d. Dwelling numbers

**Reasoning and Conclusions***Greenfield development*

- 13.53 I address the Plan’s development strategy in that part of my report dealing with Section 4 of the Plan. I conclude there that the Plan has a generally appropriate balance between urban and rural development and that some greenfield development on agricultural land is necessary to meet housing needs. The most sustainable locations for such development are as extensions to existing built-up areas where access is available to local services and facilities by means other than the car and to public transport.
- 13.54 Previously-developed (brownfield) windfall housing sites within Northiam’s defined development boundary are also likely to continue to come forward during the Local Plan period. However these would be mainly on small sites where it is unlikely to make a substantial contribution to meeting identified social needs such as the need for affordable housing. Some additional greenfield development in this and other villages is thus also needed to support local services and to contribute to meeting the economic and social needs of communities within the High Weald AONB. There is no evidence to support the assertion of some objectors that the development here would impose an unacceptable strain on services.
- 13.55 I therefore do not endorse the Council’s advertised pre-inquiry change to Policy DS6 which provides amongst other things that the Policy VL5 site would only be released if shown to be needed in an annual Plan Monitor and Manage process. The site is too small to be effective as a reserve site to replace any shortfalls on large allocated sites at N E Bexhill or elsewhere outside the AONB. However it is large enough to contribute to meeting social needs in the AONB in this part of the District. It appears likely to be developed as specialist housing for the elderly, and the policy requires the inclusion of affordable housing which is also needed in the area.

*Environmental considerations*

- 13.56 The site is relatively contained and inconspicuous in the wider landscape. Policy VL5 includes a requirement for a buffer between the development and the adjacent Ancient Woodland. The site is not of recognised nature conservation importance and Policy GD1 would require that any issue of habitat loss be addressed at the planning application stage including the consideration of compensatory provision if necessary.
- 13.57 The site is currently separated by a thick field hedge from a recreation ground associated with the village hall. The final sentence of paragraph 13.25 could imply

that development would face the open space with the loss of the hedge and that residents would be entitled to access to the open space. The Village Hall Trust asserts that the open space is within their control and is not a public open space and objects to the loss of the hedge that would screen development. I consider that the relationship of the development to the open space is a matter better resolved at the planning application stage and thus conclude that the final sentence of paragraph 13.25 should be deleted.

#### *Vehicular and pedestrian access*

- 13.58 Paragraph 13.24 anticipates that vehicular access will be from Goddens Gill/The Paddock but postulates an alternative access to the A28 via a redevelopment of the village garage site. However that site is not itself part of the allocation and already has planning permission for an alternative form of development. I consider that this creates unwelcome uncertainty and that Goddens Gill/The Paddock should be the only vehicular access route from the A28. For similar reasons the tentative suggestion of improved parking provision there should be firmed up. The Paddock and Goddens Gill are of suitable width for the access and there is a satisfactory junction with the A28. I consider that the use of this access route would not have an unacceptable impact on residential amenity, highway safety or the free flow of traffic.
- 13.59 Paragraph 13.25 and Policy VL5(iii) both refer to a potential pedestrian access via the village hall site subject to the agreement of the relevant parties. The Village Hall Trust is clearly opposed to such a measure on valid security grounds. There is a suitable alternative route available to Beales Lane over land in the same ownership or control as the allocation site which would permit access to village shops and services. I thus consider that the Policy, supporting text and Inset Map should be amended to refer instead to that route.

#### *Dwelling numbers*

- 13.60 The English Courtyard Association is a prospective developer of the Policy VL5 site and seeks that the policy should not be too prescriptive and that it be more flexible in respect of the number of dwellings allocated for the site. The objections refer to an existing sewer crossing the site with the implication that this would constrain the location of the dwellings and hence the density of development. However there is no supporting technical evidence and the 30 dwellings proposed for this approximately 1ha site would be at the bottom of the range of 30-50 dwellings per hectare density which paragraphs 54-66 of *PPG3* define as an efficient use of housing land and Policy HG3 requires the inclusion of smaller dwellings in such developments. In these circumstances I consider it probable that at least 30 dwellings could be accommodated, notwithstanding the presence of the sewer. Moreover, having regard to Objection 105/3459 I consider that, in common with other housing allocations, the Policy should present the indicative dwelling numbers as a minimum. This would also permit upward flexibility. The risk of harmful over-development can be averted by the application of the Plan’s general policies at the development control stage.

#### **Recommendation**

- 13.61 **I recommend that the Plan is modified by:**

**(a) the deletion of paragraph 13.24 and the substitution of the following paragraph:-**

**‘Vehicular access to the site will be via Goddens Gill and The Paddock on the northern boundary of the site. This is acceptable in highway terms subject to the improvement of parking provision which currently partially obstructs the highway.’**

**(b) the deletion of paragraph 13.25 and the substitution of the following paragraph:-**

**‘The design and layout of the proposed development would need to have special regard to the proximity of ancient woodland, adjacent residential properties, the village hall and associated open space’.**

**(c) the deletion of Policy VL5(i) and the substitution of the following wording:-**

**‘at least 30 dwellings are provided of which 40% are affordable’;**

**(d) the deletion of Policy VL5(iii) and the substitution of the following wording:-**

**‘the development shall include a footpath through the site to link all the housing to The Paddock and to Beales Lane’ together with an associated modification of Inset Map 26’.**

**(e) the deletion of Policy VL5(iv) and the substitution of the following wording:-**

**‘access shall be via the Paddock, subject to any necessary improvements including alternative parking provision to reduce obstruction from on-street parking.’**

## **ROBERTSBRIDGE**

**(Inset Map 30, Paragraphs 13.26 to 13.37, and Policies VL6 and VL7)**

### **Paragraphs 13.26-13.33 and Policy VL6 – Land at Grove Farm, off George Hill**

#### **Objections**

81/3516	East Sussex County Council T&E (paragraph 13.26)
95/3318	English Heritage (paragraph 13.27)
105/3459	Government Office for the South East (Table 3 – all housing allocations)
3/1003	Exeter College (Oxford) (See Omission Sites later in this Section)
3/3932	Exeter College (Oxford) (See Omission Sites later in this Section)
37/3155	Crofton Place Developments Ltd
44/3922	Councillor Mrs. Prochak
45/3262	Mr. S. Hardy
187/3556	Laurence Keeley
270/3376	Mr Bryan Eberli
416/3927	Mr. A. Bancroft
444/3884	Mrs. J. Laker
463/3917	Ms. A. Wells
464/3920	Mr. R. Hedger & Ms. J. Rogers
466/3924	Ms. D. Millward
468/3929	Salehurst and Robertsbridge Parish Council
527/4084	Salehurst Primary School
528/4085	Mrs. D.C. Rowe (Treasurer)
543/3277	Mr. J.C. Maltman
544/3291	Mrs. J. Maltman



## Supporting Statements

3/3934	Exeter College (Oxford)
233/3114	New Downlands HA, Orbit HA & Rother Homes

## Comments

95/3317	English Heritage
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## Issues

- a. Greenfield development
- b. Landscape impact
- c. Extension of allocation
- d. Housing needs
- e. Density
- f. Capacity of local services
- g. Surface water drainage
- h. Noise and pollution from by-pass
- i. Off-site transport infrastructure
- j. Highway safety and traffic flow
- k. Archaeology

## Reasoning and Conclusions

### *Greenfield development*

- 13.62 I address the Plan’s development strategy in my recommendations concerning objections to Section 4. Amongst other things I conclude there that the strategy has a generally appropriate balance between urban and rural development. To reflect policy objectives for sustainable development, there would be a greater concentration of development in and adjoining the District’s three towns than has occurred in the recent past. Nevertheless some greenfield development is still necessary to achieve a satisfactory supply of housing, both adjacent to the towns and also in the rural areas and the AONB where there is a need to accommodate local social and economic needs. The most sustainable location for such development is in villages which provide a variety of local services, are served by adequate public transport and which provide local employment. Robertsbridge qualifies on all of these counts with its primary and secondary schools, a railway station, bus services, employment, shops, and other services. This also helps to explain why this large village has recently experienced more development than have many other villages.
- 13.63 The priority accorded by national and local policy to the conservation of the natural beauty of the AONB reinforces the imperative to ensure that previously-developed land is developed before greenfield sites and that particular regard is had to the landscape impact of development. The Council’s proposed change to Policy DS6 would move this greenfield allocation at Grove Farm to a reserve list of sites which would only be released later in the Plan period if a housing need were to be demonstrated by a Plan Monitor and Manage process.
- 13.64 I have recommended that other allocated housing sites in the AONB should not be placed on the reserve list on the basis that they are too small to make up for shortfalls

elsewhere and because their non-development would risk leaving local social and economic needs unmet. I acknowledge that there are also social and economic needs to met in Robertsbridge including needs for employment, for affordable housing and for housing for the elderly. Nevertheless I consider that the Grove Farm site should be a reserve site. This is mainly because since the Revised Deposit Local Plan was published, the large Northbridge Street animal feed mill at Robertsbridge has ceased operation.

- 13.65 The owners of the mill site have lodged objections to the Local Plan seeking housing development on that previously-developed land. I address those objections at the end of this section under the heading of Omission Sites. Policy EM2 seeks to retain employment sites in that use whilst exceptionally allowing for other forms of redevelopment in specified circumstances. With a lack of evidence so far that employment use could not continue, the Council has resisted the allocation of the Mill site for housing. However the options for its future development have yet to be fully investigated and Policy EM2 would exceptionally allow in some circumstances for development other than for employment.
- 13.66 The Mill site clearly qualifies as previously-developed land. Its redevelopment thus merits priority over greenfield sites, whether that redevelopment were to be for employment or housing. It is a large site and, should there be no prospect of continued exclusive employment use of the entire site, the site has the potential to accommodate both forms of development as exceptionally provided for by Policy EM2.
- 13.67 Should further investigation and the Plan, Monitor and Manage process demonstrate that the housing needs of Robertsbridge and its surrounding area in the AONB would not be met by the Mill site or by other development on previously-developed land, the Grove Farm site would be brought forward. In practice that would mean that the site would be unlikely to be developed until late in the Local Plan period, if at all.

#### *Landscape impact*

- 13.68 The site occupies rising ground beside the main southern approach road into the village. During the Inquiry the Council’s officers suggested a modification to the Inset Map and policy wording to strengthen and clarify the provision for a children’s play area and screen planting. Whilst the site would be reasonably well contained in wider landscape views from the by-pass and elsewhere outside the village, particularly once the proposed screen planting had matured, it would remain prominent in views from within the village. In particular the setting of the adjoining conservation area would be highly vulnerable to an insensitive design treatment.
- 13.69 In the conservation area the main streets are defined and closely contained by frontage development that has evolved over many centuries and which now contributes strongly to the conservation area’s character and appearance. To the south and east of the conservation area there is a rapid transition to open countryside that presently includes the allocation site. A conventional contemporary suburban development would risk blurring that contrast, as has happened in some other parts of the village.
- 13.70 The site demands a design solution that responds to its unique context and preserves the valued sense of place. To this end consideration should be given to the extension along the site frontage of the urban street form that characterises the conservation area. An alternative approach would be to maintain an impression of openness by

screening the development from the street. However that is less likely to be successful and would result in a less efficient use of the site.

#### *Extension of allocation*

- 13.71 I address these objections later in this Section where the additional land is considered as a Housing Omission Site.

#### *Housing needs*

- 13.72 National policy in *PPS7* acknowledges that the economic and social needs of communities in Areas of Outstanding Natural Beauty need to be addressed. This includes their need for affordable and other types of housing. The need for affordable housing is reflected in the local housing needs survey and Paragraph 13.33 of the Revised Deposit Plan also acknowledges a strong case in Robertsbridge for the inclusion of housing for the elderly. Such provision would directly meet a need whilst also supporting the efficient use of large family houses in the area that may be currently under-occupied by elderly residents who would prefer more manageable accommodation. I recommend that relevant wording also be added to Policy VL6 itself.
- 13.73 There is evidence that much of the residential development in the village over recent years has been of relatively large houses that have been occupied by those who previously lived outside the area and who continue to commute long distances to work. It is debatable to what extent that form of development addresses local needs or supports the local economy. The proposed allocation would require 40% affordable housing and there would be a strong case for achieving that maximum level on this greenfield site. Policy HG3 also requires the inclusion of small dwellings in new developments and I am recommending modifications to the supporting text to that policy which would support the provision of housing for the elderly, the need for which is likely to be quantified by a Local Housing Assessment. An identified need for such housing in this part of the District would also be a material factor in the Plan, Monitor and Manage process.
- 13.74 More radical suggestions to develop the site with a higher proportion of affordable housing or to restrict their occupation are beyond the scope of the current legislative, financial and national policy context.
- 13.75 Whereas there are identified housing needs to be met, that does not override the need for precedence to be accorded to the use of previously-developed land over greenfield sites such as this.

#### *Density*

- 13.76 The area proposed for the allocation is about 0.9ha and Policy VL7(i) indicates that ‘some 27 dwellings’ would be provided. That would suggest a relatively low density suburban style of development at the bottom of the range of efficient densities recommended by *PPG3*. Having regard to the character of development in the adjoining conservation area (where many dwellings are sited close to the road and are joined to their neighbours), to the requirements of Policy HG3 in respect of dwelling mix, and to the references in the supporting text to the local need for housing for the elderly, I consider that the land could and should be used more efficiently and that its capacity would be significantly higher. I consider that the policy should be amended to specify a minimum density with the final maximum number of dwellings to be

determined by design and layout considerations. The application of other general policies at the development control stage would guard against harmful overdevelopment.

#### *Capacity of local services*

- 13.77 There is evidence before me of a continuing decline in village shops and services and that, conversely, there is some pressure on the capacity of the local schools and the doctor’s surgery. Additional housing may not be sufficient to prevent further closures of shops but it is more likely to help rather than hinder those businesses which remain which provide a wider range of goods and services than do most villages in the district. The inclusion of affordable housing and housing for the elderly would be likely to best support local services and prevent local persons in need of such accommodation from having to leave the community.
- 13.78 Other Plan policies provide for contributions to be sought from developers to relieve capacity constraints necessary to support the development. Policy VL6 particularly identified a need for a contribution towards educational needs at the Community College. Other contributions could be sought if a need were demonstrated at the time of a planning application. Whilst several objections cite a need for contributions towards the primary school, the Education Authority did not support those claims in its own representations.

#### *Surface water drainage*

- 13.79 It is evident that high levels of rainfall can result in significant surface water run-off from this sloping farmland and that this has contributed in the past to local flooding. Increased hard surfacing through development could potentially reduce the capacity of the land to store water. However that is a matter capable of technical solution in the design of the surface water drainage including the potential for on-site storage. Development could thereby potentially reduce rather than increase the risk of flooding.

#### *Noise and pollution from by-pass*

- 13.80 The by-pass is in a cutting where it passes the site and the housing would be well separated from it including an intervening tree belt. I thus do not consider that residents would experience unacceptably poor living conditions in respect of noise or pollution.

#### *Off-site transport infrastructure*

- 13.81 The Local Plan is to be read as a whole and the provisions of general policies are also applicable to allocated development sites. Policy GD2 requires that necessary infrastructure and facilities are available or will be provided including any necessary funding contributions or off-site works. Policy TR2 refers more specifically to transport facilities including improvements to bus links and footpath access where necessary. I thus do not consider that these matters require further reference in Policy VL6.

#### *Highway safety and traffic flow*

- 13.82 Development of the site would create additional vehicle turning movements on George Hill. However there is ample room to construct an adequately safe access and there is no Highway Authority objection on safety grounds. The development would

provide for its own parking requirements on site and George Hill is of adequate width to continue to accommodate parking at the start and end of the school day without interfering unduly with the flow of traffic. The road has been by-passed in respect of most through traffic and no longer forms part of the A21. I thus do not consider that the proposed development would warrant the creation of an additional car park for the adjacent primary school.

### *Archaeology*

- 13.83 It appears that the site has been occupied by development in the past and may contain some archaeological remains. The Council has proposed two advertised changes that respond appropriately to an objection by English Heritage as follows:-

#### **Pre-Inquiry Change – PC/13/02 (Para. 13.27)**

Amend the last sentence of paragraph 13.27 to read: **'As a consequence, a field evaluation will be required before any decision on a planning application is taken: (Structure Plan Policies EN22 - EN25 refer see Appendix 3).'**

*Reason: To clarify the timing of evaluations.*

#### **Pre-Inquiry Change – PC/13/03 (Policy VL6 (v))**

Also amend Policy VL6 criterion (v) by deleting the words **'before development proceeds'** and replacing them with **'before planning permission is granted.'**

*Reason: To clarify the timing of evaluations.*

### **Recommendation**

- 13.84 **I recommend that**

(a) paragraph 13.27 is modified in accordance with PC/13/02;

(b) Policy VL6 is modified by the deletion of criterion (i) and the substitution of the following criterion:

**‘at least 30 dwellings are provided to include housing for the elderly with 40% of the dwellings to be ‘affordable’;**

(c) Policy VL6 is modified in accordance with PC/13/03.

(d) Policy VL6(vi) is deleted and replaced with the following wording:

**‘A planting scheme to provide a tree belt 30 metres in width immediately to the east of the housing allocation and children’s play area, as indicated on Inset Map 30, is carried out at the time of the development to provide screening on the higher land between the housing and the Robertsbridge bypass.’**

(e) Inset Map 30 is modified in accordance with the plan attached to the Council Officers’ suggested Inquiry Changes IC/10 and IC/11 to show the position and extent of the children’s play area and the planting belt

## Policy VL7 and paragraphs 13.34-13.37 – Land to the rear of Culverwells, Station Road

### Objections

3/3933	Exeter College (Oxford)
37/3156	Crofton Place Developments Ltd
44/3923	Councillor Mrs. Prochak
45/3263	Mr. S. Hardy
105/3459	Government Office for the South East (Table 3 – all housing allocations)
187/3555	Laurence Keeley
208/3191	Howard Hutton & Associates
416/3928	Mr. A. Bancroft
444/3885	Mrs. J. Laker
463/3918	Ms. A. Wells
466/3925	Ms. D. Millward
468/3930	Salehurst and Robertsbridge Parish Council
528/4086	Mrs. D.C. Rowe (Treasurer)

### Supporting Statements

233/3116	New Downlands HA, Orbit HA & Rother Homes
261/3748	Glyndebourne Discretionary Trust

### Comments

384/3787	Culverwells
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### Issues

- a. Greenfield
- b. Landscape impact
- c. Flood risk
- d. Employment needs
- e. Housing needs
- f. Density
- g. Living conditions of residents
- h. Capacity of local services
- i. Access

### Reasoning and Conclusions

#### *Greenfield*

13.85 This is an unused greenfield site which has not previously been developed. Although at first proposed for employment use alone, the Revised Deposit Local Plan proposes a mixed use allocation including housing as well as employment.

13.86 The sequential test that *PPG3 ‘Housing’* advises for the selection of housing sites and which accords priority to the use of previously-developed land does not literally apply to employment development. However general principles of sustainable development would support the re-use of previously-developed land where available in preference to greenfield development but would also support development in locations that would reduce the need to travel, especially by car. This is satisfied in that the subject land is centrally located within the settlement and it adjoins the railway station. Most

village shops and services, including primary and secondary schools, are within a comfortable walking or cycling distance.

- 13.87 In my consideration of objections to the Plan’s Development Strategy in Section 4 of the Plan, I conclude that there is a generally appropriate balance of urban and rural development and that some greenfield development will be needed to ensure a sufficient supply of land to meet identified needs. I also support the strategy to concentrate new rural development in settlements such as Robertsbridge that provide the best access to services, employment and facilities by means other than the car. *PPG3* and the various draft amendments to that Government guidance also support the consideration of previously allocated employment land as a potential housing site.

#### *Landscape impact*

- 13.88 The site, is low lying backland in a relatively inconspicuous location and it adjoins existing industrial and commercial development to the south east and south west. Like the rest of the village, it lies within the designated High Weald AONB. However that does not preclude necessary development to meet local social and economic needs in the AONB.

#### *Flood risk*

- 13.89 Robertsbridge has recently experienced serious flooding. A small part of the Policy VL7 site is shown on Inset Map 30 to be overlapped by the fluvial floodplain defined in 2002. However Policy VL7 and the supporting text require the preparation of a flood risk assessment and draw attention to the recent flood protection works that have been carried out in the vicinity. There is no in principle objection from the Environment Agency or any other drainage body and I am satisfied that these measures appropriately address the flood risk.

#### *Employment needs*

- 13.90 It is apparent that the employment base of Robertsbridge has been eroded in recent years by the contraction or closure of several businesses and that many current residents travel long distances to work. In this context there would be clear benefits in securing enhanced local employment provision that reduced the need to travel.
- 13.91 The Policy VL7 site has been earmarked for employment development for several years. That it has not been brought forward for such development supports the Council’s evidence as to the marginal economic viability of new employment development in the area. This is notwithstanding an identified demand for space, particularly amongst small firms. Without a direct road frontage, the development of this site faces the additional costs of creating a long access road across land in other ownership that is already in a valuable commercial use.
- 13.92 The proposed inclusion of housing in the development would increase the viability of development and is more a response to this economic reality than because of any special suitability of the site for housing. The viability of the development continues to be disputed by some objectors and there is a lack of financial information before me to confirm whether or not such a mixed development would cover its costs including the policy requirement for 40% affordable housing provision. The provisions of Policy HG1 (including the proposed change to that policy) do however provide some flexibility in that regard subject to the provision of necessary financial information.

*Housing needs*

- 13.93 The wish of some objectors that the housing on the site should be limited to social housing, particularly for the elderly, is understandable given the apparent need for such development. However no source of funding has been identified for the housing which would also meet the development costs (including the access) and provide the reasonable return to the landowners that is necessary to achieve the site’s development. Because of the costs, it is uncertain that even the full 40% affordable housing provision could be achieved. In these circumstances 100% social housing provision is an unrealistic aspiration that would also remove the economic benefits of employment provision and result in a less balanced community with sustained high levels of commuting.

*Density*

- 13.94 Criterion (i) of Policy VL7 indicates that the site would provide ‘some 14 dwellings’ and ‘some 1,300 square metres of business floorspace’. However this is a mixed allocation and neither the site area for the residential element nor the number of storeys for the business development is indicated. To ensure that the residential land is used efficiently as sought by *PPG3* and Objection 105/3459, I consider that the Policy should specify the minimum density of the residential development and that the number of dwellings should also be expressed as a minimum, in line with my recommendations on other housing allocations, and should the amount of business floorspace.

*Living conditions of residents*

- 13.95 Although centrally located within the settlement, the site lacks a direct road frontage and would be approached through existing commercial/industrial development. The south east corner of the site is subject to noise from existing adjacent manufacturing. Whilst these factors may not result in unacceptably poor living conditions for residents, they would reduce the value of the residential development with a potential adverse impact on economic viability. The close proximity of residential dwellings would also limit the range of suitable business uses to those acceptable in a residential area. However these effects would not warrant the deletion of the allocation.

*Capacity of local services*

- 13.96 There is evidence before me of a continuing decline in village shops and services and that, conversely, there is some pressure on the capacity of the local schools and the doctor’s surgery. Additional housing may not be sufficient to prevent further closures of shops but it is more likely to help rather than hinder the survival of those businesses which remain. The inclusion of affordable housing and housing for the elderly would be likely to best support local services and prevent local persons in need of such accommodation from having to leave the community.
- 13.97 Other Plan policies provide for contributions to be sought from developers to relieve capacity constraints necessary to support the development. Policy VL7 particularly identified a need for a contribution towards educational needs at the Community College. Other contributions could be sought if a need were demonstrated at the time of a planning application in accordance with Policy GD2.



*Access*

13.98 The development of the site would require the construction of a new access road through land in other ownership. That road has yet to be designed or its route agreed between the respective landowners. However there is no in principle objection before me from the landowners or other evidence that would cause me to conclude that access could not be achieved. I acknowledge that traffic to and from the site would add to vehicular movements on Station Road which is narrow and can be congested at times. However that would be mitigated to a degree by the proximity to the railway station which provides a sustainable alternative means of travel and it is not a compelling objection to the allocation. The actual traffic impact of a particular form of development could be considered at the planning application stage.

*Overall conclusion*

13.99 The site is well-located for employment use and its development would help to address a local deficiency in such provision. The proposed development would be subject to a number of constraints and there must remain some doubt as to its financial viability. The proposed inclusion of residential development improves the financial position and is warranted for that reason even though the environment of the site is less well suited to residential development and would not be suitable for an entirely residential development. I consider that the allocation should remain in the Plan subject to modifications to ensure that the residential element uses the land efficiently. The allocation should be reconsidered if there has been no progress towards development by the time that the policy is next reviewed in the context of a Local Development Framework.

**Recommendation**

13.100 **I recommend that Policy VL7 is modified by the deletion of criterion (i) and the substitution of the following wording:**

**‘(i) at least 14 dwellings are provided at a density of not less than 30 dwellings per hectare with 40% as ‘affordable’ dwellings’ together with at least 1,300 square metres of business floorspace’.**

**TICEHURST**

**(Inset map 35, paragraphs 13.38 to 13.40 and Policy VL8)**

## **Policy VL8 and paragraphs 13.38-13.39 – Land at the former County Council Depot**

**Objections**

21/3455	Mr. D. Maynard
37/3157	Crofton Place Developments Ltd
84/3423	Millwood Designer Homes Ltd.
105/3459	Government Office for the South East (Table 3 – all housing allocations)
275/3399	Ticehurst Parish Council
278/3732	East Sussex County Council
282/3421	Mrs. S. May

**Supporting Statements**

233/3117	New Downlands HA, Orbit HA & Rother Homes
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	275/3398	Ticehurst Parish Council
<b>Comments</b>		
	275/3400	Ticehurst Parish Council
	275/3401	Ticehurst Parish Council

**Issues**

Planning permission for housing development

**Reasoning and Conclusions***Planning permission for housing development*

- 13.101 Some of the objections to the proposed allocation of this site for development were considered at a session of the inquiry that was held jointly with an inquiry concerning an appeal [Ref: APP/U1430/A/04/1164869] against the refusal of planning permission for a residential development to provide 16 houses [Council Ref: RR/2004/2316/P].
- 13.102 The site includes filled land that has been the subject of past subsidence and which remains unstable. Because of the associated site preparation costs compared to the anticipated development value, the Council’s officers accepted that a mixed housing and employment development would not be economically viable. They therefore proposed a change to Policy VL8 [IC/13] that would provide for some 15 houses with off-site highway improvements and no employment provision. The main issue outstanding between the Council and the Appellants was that of the appropriate proportion of affordable housing.
- 13.103 In relation to the planning appeal, I concluded amongst other things (in summary): that Ticehurst is a suitable location for housing development; that the subject site was not last in employment use; that its potential for significant future employment provision was limited by the abnormal ground conditions which also reduced the amount of affordable housing that the development could support; and that in these circumstances to grant planning permission with a requirement for 2 affordable dwellings would not prejudice the development plan process. I accordingly allowed the appeal and granted planning permission subject to conditions.
- 13.104 As there is now a planning permission for the site’s development this should be recorded as a commitment and Policy VL8 and the supporting text should be deleted from the Plan.

**Recommendation**13.105 **I recommend that:**

- (a) **Policy VL8 and paragraphs 13.38-13.40 are deleted.**
- (b) **Consequential changes are made to Section 4 and Inset Map 30 with the deletion of references to the allocation and the extant planning permission being recorded as a ‘Large Site Commitment’.**

## WESTFIELD

(Inset Map 36, paragraphs 13.41 to 13.45 and Policies VL9, VL10 and VL11)

### Policy VL9 and paragraph 13.41 – Land off Moor Lane, north of Moor Farm

#### Objections

105/3459	Government Office for the South East (Table 3 – all housing allocations)
272/3394	Martin Properties
284/3424	Mrs. Pauline Filsell
377/3773	Mr. and Mrs. B.A. Forde
378/3774	Ms. D. L. Nichols
519/4057	Mr. G.C. Kennard

#### Supporting Statements

233/3118	New Downlands HA, Orbit HA & Rother Homes
272/3393	Martin Properties
305/3582	Mr. C. Bunt

#### Comments

358/3716	Mrs. B. Bradley (Paragraph 13.41)
365/3729	Mr. C.G.O'C Pike

#### Issues

- a. Phasing and density
- b. Character and appearance
- c. Capacity of services and infrastructure
- d. Housing needs
- e. Foul and surface water drainage
- f. Highway safety

#### Reasoning and Conclusions

##### *Phasing and density*

13.106 My comments and conclusions on the issue of the Plan’s approach to housing density on the allocated sites have been made in Section 4. A consequence is that criterion (i) of Policy VL9 should be modified to state the minimum number of dwellings to be provided. My recommendations on Policy DS6, if accepted, would remove any phasing restrictions in respect of the Moor Lane site. Moreover, the County Council has now determined that the intention to build a by-pass to Westfield should be withdrawn (CD1.35), so the qualification built into Policy VL9 no longer applies.

##### *Character and appearance*

13.107 I consider that the allocation would involve a modest and appropriate extension of development at the south-eastern edge of the village. The frontage area of the site adjoins recent development and is a previously-developed (brownfield) site, comprising a hard-standing area previously used for parking purposes. The remaining part is scrubland, partially contained by existing vegetation, with a large housing area to the west of the adjacent footpath. Further modern development lies on the opposite side of Moor Lane. In my view, development here would relate well to the existing

surrounding pattern of development and would not be a visually prominent incursion into the adjoining countryside, particularly in the light of the Policy requirement for further landscaping on the southern boundary.

#### *Capacity of services and infrastructure*

13.108 There is no evidence before me that the local infrastructure, services and facilities are under such pressure that development here could not be accommodated. No objections have been raised by the relevant authorities. Any future housing development on this limited allocation site would be of relatively modest size.

#### *Housing needs*

13.109 I have drawn my conclusions on the issues of housing supply, the development strategy for the Plan area and the need for affordable housing in Sections 4 and 6. Westfield is one of the larger villages in the District, with a relatively wide range of community facilities. It is appropriate that it should be the focus for some limited expansion of housing, with the opportunity provided for an increase in affordable housing to meet local needs. This site, although located on the periphery of the settlement, lies within reasonable walking distance of the main core of the village where the school, surgery and shops are located.

#### *Foul and surface water drainage*

13.110 The evidence before me is that the drainage authority has not raised a fundamental objection to the principle of further development here and is satisfied that the issue of drainage can be dealt with at the later planning application stage.

#### *Highway safety*

13.111 Similarly, no objections have been raised by the Highway Authority on access grounds to the principle of development. From my own observations on site, I am satisfied that adequate access arrangements could be put in place to serve residential development.

#### **Recommendation**

13.112 **I recommend** that Policy VL9 is modified by:

(a) deleting the words ‘subject to confirmation from the Highway Authority that the route of the A28 is no longer protected’; and

(b) amending criterion (i) to read: ‘at least 15 dwellings are provided, of which 40% are affordable’.

### **Policy VL10 and paragraph 13.42 – Wheel Farm Business Park**

#### **Objections**

252/3274	L.E. Wellington-Garrett
306/3586	Mr. and Mrs. J. Linch
307/3587	Mr. and Mrs. S. Hoyland
378/3775	Ms. D. L. Nichols
379/3778	Mr. R. Miller
519/4058	Mr. G.C. Kennard

## Supporting Statements

	305/3583	Mr. C. Bunt
<b>Comments</b>		
	305/3585	Mr. C. Bunt
	307/3588	Mr. and Mrs. S. Hoyland

## Issues

- a. Landscape impact
- b. Employment needs
- c. Highway safety
- d. Living conditions of residents
- e. Capacity of local facilities and services

## Reasoning and Conclusions

### *Landscape impact*

13.113 Although the allocated site lies a short distance to the west of the village in the countryside, it adjoins an existing business park comprising both converted buildings and new structures. It is a low-lying site, screened from the wider landscape by sloping ground and existing trees and woodland. Its location within the defined AONB does not rule out further development, indeed, *PPS7* gives support for suitable located and designed development necessary to facilitate the economic and social well-being of such designated areas and their communities.

### *Employment needs*

13.114 Structure Plan Policy E17 seeks to promote and maintain a range of employment opportunities in the rural area. This reflects Policy RE3 of *Regional Planning Guidance (RPG9)*. This Guidance also identifies Hastings and Bexhill as a Priority Area for Economic Regeneration, with the surrounding rural area, including Westfield, defined as a Rural Priority Area. These important strategic policies, therefore, give strong support to the proposed extension of the existing employment area. The fact that existing units are available to let ought not to preclude the provision of additional space. The evidence indicates that there is a high level of demand for rural business units. Changes in occupation are commonplace, with some space likely to be vacant at various times. The increase in floorspace, however, would support the provision of additional employment opportunities. I accept that the jobs provided may not be taken by local people, nevertheless, the employment opportunities would be available for new enterprises to move in. In any event, the Plan is addressing employment needs for a wider rural area than Westfield.

### *Highway safety*

13.115 I recognise that Wheel Lane has certain drawbacks as an access route, although I note that some highway improvements and traffic management measures were legally required as part of a planning permission related to the proposed expansion of the business park. The Highway Authority has not raised a fundamental objection to the principle of future development here as provided by the proposed allocation. The general Policy GD1 (iii) in the Plan requires that development provides for adequate

and safe access by all modes of transport and, therefore, any necessary improvements would be addressed at the time of a specific development proposal.

#### *Living conditions of residents*

13.116 The text accompanying the Policy makes it clear that Class B1 business use only is envisaged for this additional employment area. Future uses on the allocated area could be suitably controlled on that basis which by definition limits acceptable development to that which can be carried out in a residential area without detriment to amenity by reason of noise or other defined effects. Furthermore, the separation distance between the site and the nearest residential properties is considerable. Moreover, the site’s low-lying position, together with the screen provided by the adjacent rising ground, in my view, would assist in providing an effective buffer between the employment uses and the nearest houses.

#### *Capacity of local facilities and services*

13.117 There is no evidence before me that local infrastructure facilities and services are overstretched. No fundamental objections on these grounds have been made by the relevant agencies to this proposed allocation. It is worth noting, however, that Policies GD1(ix) and GD2 of the Plan require that necessary facilities to serve the development are available, or would be provided as part of the development scheme.

### **Recommendation**

13.118 **I recommend that the Local Plan is not modified in respect of these objections:**

## **Policy VL11 and paragraphs 13.43-13.45 – Land at Westfield Down**

### **Objections**

105/3459	Government Office for the South East (Table 3 – all housing allocations)
172/3740	Mr. S.R. Finch
212/3217	Mr. J. Gatherum
218/3296	R. Heasman
262/3294	Mrs. Hazel Baker
262/3770	Mrs. Hazel Baker
277/3407	Mr. Ronald Pelling
284/3425	Mrs. Pauline Filsell
285/3726	S. Dunkley and Downoak Trust
308/3589	Mr. and Mrs. K. Stroud
309/3591	Mr. A.V. Miller
339/3653	Mrs. C. Tricker
340/3655	Mr. H.M. Withers
341/3656	Miss E. Tricker
343/3658	Mr. R.J. Pelling
352/3700	Mr. R. Hayden
353/3710	Natasha Earley
354/3711	Mr. M. Worsley
355/3713	Shane Earley
356/3714	Mrs. R. Pelling
359/3717	Mr. David Smith
361/3720	Ms. Claire Jowitt
363/3723	Mr. A. Tricker
374/3768	Mrs. D.M. White
376/3772	Mrs. M. Withers
378/3776	Ms. D. L. Nichols

519/4059	Mr. G.C. Kennard
<b>Supporting Statements</b>	
233/3119	New Downlands HA, Orbit HA & Rother Homes
276/3406	Mr. J.R. Smith
285/3725	S. Dunkley and Downoak Trust
305/3584	Mr. C. Bunt

**Comments**

308/3590	Mr. and Mrs. K. Stroud
352/3702	Mr. R. Hayden
363/3724	Mr. A. Tricker
365/3730	Mr. C.G.O'C Pike
374/3767	Mrs. D.M. White
378/3777	Ms. D. L. Nichols
380/3779	Mrs. L. Bellhouse

**Issues**

- a. Development in the AONB/Loss of greenfield land
- b. Character and appearance
- c. Other development options
- d. Access
- e. Recreation provision
- f. Nature conservation
- g. Flood risk and water pollution
- h. Living conditions of residents
- i. Housing needs
- j. Density
- k. Capacity of services

**Reasoning and Conclusions***Development in the AONB/Loss of greenfield land*

13.119 In the AONB I recognise the importance of conserving the natural beauty of the landscape, as required by national guidance (*PPS7*). However, the guidance does not preclude development of a minor nature taking place, especially where planning policies support development necessary to facilitate the economic and social well-being of communities. In my conclusions set out earlier in Sections 4 and 6, I highlight my conviction that, notwithstanding the priority given to the development of previously-developed land, because of the strategic housing requirement that the Plan has to meet, the release of further greenfield land for housing cannot be avoided. I further support the Plan’s approach in focusing some limited development in the larger villages and I confirm the importance of increasing the amount of affordable housing within housing schemes, particularly in the rural settlements. I am satisfied, therefore, that the neither the site’s greenfield character, nor its location within the defined AONB, should preclude the principle of development.

### *Character and Appearance*

13.120 I accept that the extension of development into the south western part of this open field would affect the character of this open agricultural land. However, this part of the site lies close to existing development at the north western edge of the village. It is bounded by the A28 to the west and a track to the east. There is substantial woodland to the south east. Moreover, it sits in a slight depression, with the remainder of the site climbing gradually in a north easterly direction to a more elevated plateau. As a result, it is visually contained. With the development of open space and recreational uses to the north, supplemented by further landscaping, in my view, development here would not be unduly prominent and would be seen as a modest and relatively inconspicuous addition to the developed framework of Westfield. The fact that the proposed housing site adjoins the village surgery and lies in close proximity to all the other community facilities and services, including the school, provides added support to the favourable location of this site.

### *Other development options*

13.121 In addressing this issue I have also noted the various other areas outside the village envelope which have been suggested as possible development options by some objectors. I consider the areas to the north west of New Cut and to the south of Vicarage Lane as omission sites in a later part of this Section where I conclude that neither would be appropriate locations for development. Both the suggested areas between Cottage Lane and Mill Lane and to the east of New Moorsite would be too small to accommodate the full range of mixed uses proposed in the allocation, although it may be possible to accommodate the proposed recreational uses on the former. In addition, both are visually exposed as an integral part of the surrounding countryside. Part of the site between Wheel Farm Business Park and Blue Barracks is an attractive secluded valley which provides an important landscape setting to the western side of the village. Land to the north of the Business Park lies within a defined flood plain and is partially designated as Ancient Woodland. All are thus subject to objections as potential development sites.

### *Access*

13.122 As the A28 is an important major distributor route, the issue of a potential increase in traffic from the site and the possibility that a new access would be required, need to be carefully considered. Ideally, traffic should be channelled through the existing access on to the A28 from the surgery. However, there would be some risk attached to the possible conflict with existing traffic movements to and from the surgery and, in addition, visibility at the present junction requires some improvement on land which may not be within the control of a potential developer. A new access directly to the A28 would be feasible, but it would join on a straight stretch of road where, currently, traffic speeds are relatively high. Nevertheless, the Highway Authority has not raised any fundamental objection to either option. Moreover, the introduction of traffic calming measures along the A28 through the village and on the northern approach is imminent. These would include the extension of the 40mph limit to the north to Mill Lane; a School Safety Zone and a proposed zebra crossing. I am satisfied that a safe access arrangement to serve the development would be feasible and that pedestrian safety between the site and the village facilities would not be compromised.



- 13.123 The references to the Westfield Diversion scheme, which would have affected the site, have been overtaken by events. The County Council has formally agreed to withdraw the intention to build a by-pass for the village.

*Recreation provision*

- 13.124 I have been presented with no detailed evidence with regard to any recreational need. However, in their written responses and at the inquiry the Council has firmly indicated that there is a recognised need for football pitch provision, with particular reference to the village football club who currently occupy an area with limited space on the opposite side of the A28. The football club has also written in support of the proposal. The provision of such facilities would appropriately concentrate recreation provision in the area to the east of the A28, with the existing cricket ground located immediately to the east of the allocated area. Public footpaths run across the proposed open space area and in close proximity to the east. Although these may require some adjustment in their alignment, there would be no reason to cut them completely. Indeed, they would provide an excellent pedestrian link from the village to the open space uses. The focus of recreational provision which the allocation seeks to provide would be likely to increase the amenity use of this area.

*Nature conservation*

- 13.125 The site is not designated as a site of either national or local nature conservation importance. No detailed specialist evidence has been placed before me that provides a satisfactory assessment of the site’s ecological value. However, there is evidence of badger activity in the immediate area, based on nearby setts. The Plan contains policies which are designed to protect habitats of ecological value, with particular reference to Policy GD1 (vii) which places a requirement on development to incorporate necessary protective and enhancing measures. I do not consider that this issue provides an insurmountable barrier to the site’s future development, especially as the Plan incorporates adequate mechanisms designed to protect its nature conservation value.

*Flood risk and water pollution*

- 13.126 Some nearby properties are fed by spring water. I understand the fears of residents that these supplies may be compromised by future development. However, Southern Water is aware of the need to protect spring sources from pollution and would be involved in the necessary technical discussions once a detailed scheme had been designed and submitted. They have not suggested that this concern provides a fundamental objection to the site’s allocation.

*Living conditions of residents*

- 13.127 I recognise that development on the lower, south west part of the site would have some impact on the amenities of the detached properties which lie beyond the track to the east. However, the housing allocation site is relatively small and would accommodate only a modest number of dwellings. The main vehicular access would be to the south west, close to the surgery, or on the far side of the site direct to the A28 and would not directly affect neighbouring properties. In addition, the three dwellings in question are set back from the track in a well wooded and private setting. I understand the concern in respect of floodlighting which may be required for the recreational uses further north. However, this would require formal planning permission in its own right. I am confident that with careful design of the structures,

incorporating modern floodlighting techniques, any scheme would be able to provide a sufficient degree of protection so that residential amenities would not be harmed.

### *Housing needs*

13.128 My conclusions on housing need in the District and the Plan’s overall approach to affordable housing are set out in Section 6. I am satisfied from the evidence collected of housing need that there is a pressing requirement to increase the amount of affordable housing in the District, as required by the Government, and that the 40% requirement is appropriate. This is particularly so in those villages, such as Westfield, where the level of services would be able to support the provision of new development. Nevertheless, it should be noted that I have also supported the Proposed Change to Policy HG1 where a lower proportion would be accepted, but only in the circumstances when it could be fully and financially demonstrated that the 40% provision would make the development uneconomic.

### *Density*

13.129 My general conclusions and recommendations on the issue of housing densities are set out in Section 4. In order to reflect those and to ensure that the residential allocation is used efficiently, in accordance with PPG3, I consider that the Policy should express the number of dwellings to be provided as a minimum.

### *Capacity of local services and infrastructure*

13.130 It must be stressed that Policies GD1(ix & x) and GD2 require that proposals for development must demonstrate that infrastructure and facilities required to service the development are available or can be provided. In the case of Westfield, Southern Water has confirmed that there is adequate capacity in the sewerage system to serve any development on this site and has not flagged up any fundamental problem with regard to the provision of a satisfactory surface water disposal system or water supply. Although several objectors have raised concerns over the ability of the local health centre to accommodate more patients, no adverse comments have been received from the Primary Health Trust. A letter from the Chair of the School Governors some 2.5 years ago suggested some capacity pressures on the school. There is no evidence before me to confirm the present position but the Education Authority has not raised any objection to this allocation.

### **Recommendation**

13.131 **I recommend that the following modifications are made to Policy VL11:**

- (a) the deletion of the words ‘subject to confirmation by the Highway Authority that the route of the A28 by-pass is no longer protected’;**
- (b) the words ‘at least’ are substituted for the word ‘some’ in VL11 (ii).**

### **Winchelsea Beach**

**(Inset Map 41, paragraphs 13.46 to 13.49 and Policy VL12-Land at Victoria Way and south of Harbour Farm.**

No representations

### **VILLAGE OMISSION SITES**

## Objections

3/1003	Exeter College (Inset Map 30)
3/1005	Exeter College (Policy DS3)
3/3932	Exeter College (Policy VL6)
10/1025	Devine Homes plc (Inset Map 30)
10/1026	Devine Homes plc (Inset Map 30)
16/1044	Network Rail (Proposals Map)
37/1161	Crofton Place Developments Ltd (Inset Map 35)
37/1162	Crofton Place Developments Ltd (Inset Map 35)
37/3140	Crofton Place Developments Ltd (Inset Map 35)
47/3703	Mrs A Bayley (Inset Map 20)
68/1266	Mr & Mrs P Rigby (Inset Map 26)
68/3201	Mr & Mrs P Rigby (Policy DS3)
69/2346	Mr J R Boyle (Inset Map 13)
70/1269	Mrs M R A Boyle (Inset Map 13)
73/1280	Mr P D H Burfoot (Inset Map 35)
74/1281	The Newcombe Estates Co (Inset Map 24)
83/1445	Scaling Ltd (Inset Map 15)
83/1449	Scaling Ltd (Inset Map 15)
83/3348	Scaling Ltd (Policy DS3)
101/1573	Harper and Eede Ltd (Policy DS3)
122/1861	Mr Daniels (Table 3)
123/1863	Mr R Ramagee (Inset Map 8)
125/1888	Mr A Moore (Inset Map 15)
136/1923	Grampian Country Foods Group (Inset Map 30)
136/1924	Grampian Country Foods Group (Inset Map 30)
136/3766	Grampian Country Foods Group (Inset Map 9)
136/3919	Grampian Country Foods Group (Policy DS3)
148/2017	Dr P V Player (Proposals Map)
148/2018	Dr P V Player (Proposals Map E of Inset Map 15 – <u>not</u> Map 35 Ticehurst)
160/2038	Mr C S G Saunders (Inset Map 10)
170/2169	Bellwinch Homes (Inset Map 31)
171/2170	Tabfern Ltd (Inset Map 20)
172/2171	Mr S R Finch (Inset Map 36)
180/2283	Mr S G Cornford (Policies DS3 and DS4)
182/2286	Dr C Ahrens (Inset Map 13)
182/2287	Dr D Ahrens (Policies DS3 and DS4)
182/2325	Dr C Ahrens (Inset Map 13)
221/3265	Mr D Gammon (Policy DS3)
259/3784	Exors of J Stevenson (Inset Map 8)
264/3346	Etchingham PS (Policy DS3)
265/3344	Etchingham P C & E (Policy DS3)
280/3419	Mr R M Childs (Inset Map 13)
316/4073	Persimmon Homes (SE) Ltd (Inset Map 26)
316/4074	Persimmon Homes (SE) Ltd (Inset Map 35)
366/3731	Mrs V Faulkner (Inset Map 36)
381/3780	Mr D Hall (Policy DS3)
383/3783	Messrs Poland Bros (Inset Map 15)
387/3791	Brede Parish Council (Inset Map 7)

FOR THE FOLLOWING OBJECTIONS WHICH RELATE TO SMALL SITES SEE SECTION 15 (INSET MAPS):-

30/1089	Mr Q Black (Inset Map 30)
140/1960	BT plc (Inset Map 27)
140/1961	BT plc (Inset Map 12)
253/3764	Cllr G Leves (Inset Map 8)
362/3721	The John Woodward Partnership (Inset Map 34)

FOR THE FOLLOWING OBJECTIONS WHICH RELATE TO SITES CLOSE TO HASTINGS SEE SECTION 14 (HASTING FRINGE):-

34/1093	Coghurst Wood Leisure Park (Proposals Map)
43/1207	Mrs J Hare (Inset Map 37) (Land at 56 Westfield Lane)
115/1786	Mr M Wells (Inset Map 37) (Land to rear of 66-78 Westfield Lane)
119/3271	Hastings Borough Council (Ivyhouse Lane)
103/1575	Mr R Vidler (Policy HG1) (Land off Rock Lane, Hastings)
103/1576	Mr R Vidler (Inset Map 4) (Land W of Winchelsea Road, Batchelors Bump)
103/3657	Mr R Vidler (Inset Map 4) (Liddham Farm, Batchelors Bump)
210/3211	L Cook (Policy DS3) (Land at Chowns Hill, Hastings)
267/3358	Sea Space (Ivyhouse Lane)
293/3552	Mr & Mrs A. Miskin (Land at Breadsell Farm, Hastings)

FOR THE FOLLOWING OBJECTIONS WHICH RELATE TO SITES CLOSE TO RYE SEE SECTION 12 (RYE)

121/3209	Cinque Port Leisure Group (Frenchman’s Beach Caravan Park, Rye Harbour)
14/1042	Network Rail (Harbour Branch Line, Rye)
88/1501	Mr C Hacking (Land between New Winchelsea Rd and Rly, Rye)

## Reasoning and Conclusions

13.132 Throughout the Local Plan there are objections which seek either the allocation in the Plan of further land for housing, employment (or other) development in or near the villages, or a significant extension of the development boundaries of the villages that would potentially provide for new development on a scale equivalent to an allocated development site. The objections were originally assigned to different sections of the Plan. However, were these sites to be included, this would entail the modification of Section 13 as well as the relevant Inset Map. These objections are therefore addressed below and are referred to as ‘Omission Sites’. This means that their allocation for housing or employment development or as lying within a defined development boundary has been ‘omitted’ from the Revised Deposit Plan. For similar reasons, those omission sites in settlements that are close to the boundary of the District with Hastings Borough are included in that part of this Report that addresses Section 14 ‘Hastings Fringe’.

13.133 I address objections concerning the Local Plan’s Development Strategy in that part of my Report dealing with Section 4 of the Local Plan. Amongst other things I conclude there that further allocation sites are not needed to ensure an adequate supply of housing and employment provision. I also conclude that there is a generally appropriate balance between the supply proposed respectively for the urban and rural areas including a modest amount of development to address economic and social needs within the designated High Weald Area of Outstanding Natural Beauty.

13.134 I therefore generally recommend against the allocation of additional development sites in the villages, particularly where this would involve development on greenfield sites within the AONB, unless there is an overriding benefit. However, should that main recommendation not be accepted by the Council, I comment briefly below on the characteristics of each of the omission sites. My assessment has particular regard to the sequential test recommended in *PPG3* for the selection of housing sites and to general objectives of sustainable development in relation to sites for other forms of development. However it should be noted that the submitted written and other evidence on each site frequently has not addressed all of the *PPG3* tests and I have

thus had to make my assessment based upon limited information. I have also included my recommendations concerning sites that are suggested for allocation for other forms of development such as recreation.

## BROAD OAK

<b>Recreation Omission Site</b> 125/1888 Mr A Moore	<b>Land at Broad Oak (Inset Map 7)</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield agricultural land abutting housing on the western edge of the defined development boundary.</i>
Location and accessibility by modes other than the car and the potential for improving such accessibility	<i>Within walking distance for most Broad Oak village residents. Reasonable bus service.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Recreational use would address identified shortage in the parish. No identified access point. Highway Authority seeks technical information about future use to determine whether access could be achieved from The Hawthornes which is a narrow residential road partially obstructed by parked cars.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB but no in principle landscape objection</i>
<b>Conclusion</b>	<i>The primary issue is a technical matter as to whether a suitable access can be identified. If that matter can be quickly resolved, I consider that the site should be allocated with the access identified. If that matter cannot be resolved, Policy CF1 would support proposals for this form of development subject to satisfying the criteria of that policy.</i>

## Recommendation

**13.135 I recommend that, subject to the prior resolution of the access issue, the Local Plan is modified to allocate the recreation omission site at Broad Oak for recreational use with an identified access.**

## BURWASH

<b>Housing Omission Site</b> 123/1863 Mr R Ramagee	<b>Land at Square Farm, SE of Shrub Lane, Burwash (Inset Map 8)</b>
Location of site (Greenfield or previously-developed land)	<i>About 12 ha of greenfield agricultural land lying between and behind intermittent frontage development.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Within walking distance of village shops and services. Village has regular bus services but only a little employment and is therefore not a suitable location for new residential development on this scale.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed but significant investment likely to be necessary in increased capacity if site were to be fully developed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>The development of the full 12ha site at the densities recommended by PPG3 of 30-50 dwellings per hectare would potentially result in several hundred dwellings. That would far exceed the economic and social needs of the AONB communities, resulting in long distance commuting by the new residents to employment and requiring major investment in services and facilities.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB. Filling the gaps between the existing frontage housing would consolidate ribbon development and significantly increase the apparent size of the settlement whilst obstructing public views of the open countryside. Development would be intrusive in the landscape.</i>
<b>Conclusion</b>	<i>Greenfield location in AONB, landscape intrusion, large scale of site exceeds development needs of local communities in AONB, and lack of adequate local employment make this site unsuitable for development.</i>

## Recommendation

**13.136 I recommend that the Local Plan is not modified in respect of this site.**

<b>Housing Omission Site</b>	<b>Land west of Strand Meadow, Burwash (Inset Map 8)</b>
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<b>259/3784 Exors of J Stevenson</b>	
Location of site (Greenfield or previously-developed land)	<i>Greenfield agricultural land adjacent to the proposed Policy VLI allocation on the opposite slope of this small valley. Very approximate area proposed for housing about 0.8ha together with larger area of sloping land for amenity use.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Within walking distance of village shops and services. Village has regular bus service but only limited employment. Tourism helps to support shops, public houses and cafes.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Proposal includes amenity land for general use of villagers but no evidence of need and site slopes too much for sports use.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB and intrusive in landscape</i>
<b>Conclusion</b>	<i>Development would be additional to VLI site. No evidence of local need in AONB and intrusive in landscape.</i>

### Recommendation

**13.137 I recommend that the Local Plan is not modified in respect of this site.,**

### BURWASH COMMON

<b>Housing Omission Site</b> 136/3766 Grampian Country Foods Group	<b>Luck Farm, Burwash Common (Inset Map 9)</b>
Location of site (Greenfield or previously-developed land)	<i>Redundant chicken battery sheds and surrounding open land extending to about 1.75ha in open countryside to the south of Burwash Common. Last in agricultural use and thus excluded from the definition of previously-developed land in PPG3 Annex C.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Village lacks shop or school services and has no significant employment. In the context of employment re-use the Objector describes the site as ‘not readily accessible by public transport however there is an hourly bus service’.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Poor road access along narrow and twisting single track lane between dwellings and trees. Development at the densities recommended by PPG3 of 30-50 dwellings per hectare would probably result in traffic generation exceeding previous use and also exceeding capacity of access lane.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Scale of development along with access and landscape constraints mean that it would not support provision of the physical and social infrastructure necessary to turn village into a sustainable development location.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB. The visual intrusion of the existing redundant chicken sheds is mitigated by their characteristically agricultural and rural appearance, their low height, the topography, and existing screening trees. Taller residential development would be more intrusive in the landscape whilst single storey dwellings would not reflect the character of traditional rural housing. Removal of trees to improve access would increase visual exposure and harm rural character of lane.</i>
<b>Conclusion</b>	<i>The existing sheds are redundant and risk becoming unsightly. However they are ‘not prominent in the landscape of the AONB. Their redevelopment for other purposes risks increased landscape intrusion well beyond the development boundary as well as increased traffic generation. Lack of local services makes the settlement unsuited for more than infill development. Site thus not suitable for residential allocation. Any other proposals should be considered on their own merits having regard to the Plan’s policies and objectives.</i>

### Recommendation

**13.138 I recommend that the Local Plan is not modified in respect of this site.**

## CAMBER

<b>Housing Omission Site</b> 160/2038 Mr C S G Saunders	<b>Land at Pound Field Farm, Camber (Inset Map 10)</b>
Location of site (Greenfield or previously-developed land)	<i>Predominantly greenfield agricultural land adjoining defined settlement. Site area estimated from small unscaled plan at roughly 4ha. Adjoins existing housing at western edge of settlement.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Camber benefits from a range of shopping, social and recreational facilities within walking distance but lacks a primary school. Local employment includes large seasonal component. Regular bus service. Level cycle links to Rye which has higher level services and employment.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>There is a large long-standing housing commitment at Brookside Farm in the village on which development appears to have commenced in the Summer of 2005. The two developments together would be out of scale with the size of this settlement.</i>
The physical and environmental constraints on development	<i>In common with the rest of the settlement, the site lies wholly within an identified tidal floodplain. It is close to two designated Sites of Special Scientific Interest.</i>
<b>Conclusion</b>	<i>Floodplain location, landscape intrusion, large size relative to village, lack of local primary school and seasonal nature of employment make this an unsuitable location for development.</i>

## Recommendation

13.139 **I recommend that the Local Plan is not modified in respect of this site.**

## ETCHINGHAM

### Background

13.140 There are no specific development allocations for Etchingham in either the Initial or Revised Deposit Plans. The defined development boundary for the village is the same in both versions and seeks to contain the existing development. However, in January 2005 the Council published and advertised formal Changes, the effect of which is to allocate land on the west side of the village, and to the north of A265, for a mixed-use development comprising a primary school, a village hall, together with housing and recreational uses. The development boundary is proposed to be extended to include this site. A number of objections have been made to those proposed Changes. These are considered along with the other objections made to the Initial and Revised Deposit versions of the Plan.

### 13.141 **Proposed Changes No. PC/13/04 and PC/PM/O7 January 2005 New policy re: development west of Etchingham**

Amend the Local Plan by inserting the following in Section 13:

#### **Etchingham (Inset Map 13)**

#### **Land north-west of Etchingham**

**13.18a The Education Authority advises that the existing school, which lies outside the immediate confines of the village at Burgh Hill, is a priority school for replacement, and that the existing school site is not suitable principally due to the size constraints of the site.**

- 13.8b** Also, -the existing village hall is substandard both in construction and size, built of pre-fabricated materials and having been in existence since the beginning of the last century. The Parish Council is looking to replace this, as well as to provide further recreation facilities. The village is recognised as falling well short of the National Playing Fields Association (NPFA) minimum standards.
- 13.8c** The "Lambing Field" has been identified as being most appropriate to accommodate a mixed form of development comprising a new school, village hall, some recreational facilities and an element of residential development to enable the community uses to come forward on the site and to contribute to the need for affordable housing. The adjacent field to the east, known as the former "cricket field" is suited for playing fields.
- 13.18d** The northern parts of the land, which are more elevated and exposed, should be kept free of buildings.
- 13.18e** The south eastern part of the site could satisfactorily accommodate the school and village hall in a combined building and, to the south west, there is sufficient land for some 15 new dwellings, 40% of which would be affordable.
- 13.18f** It is proposed that, as the extension to the village is justified by the need for community facilities and to enable the recreational facilities and village hall to come forward, the housing element should be tied to the community facilities proceeding.
- 13.8g** The whole scheme will be required to be implemented to reinforce the landscape framework changes to the village and provide screening and containment to development. New areas and belts of woodland, possibly a "community woodland", should form part of these proposals.

#### **Policy VL2A**

Land north of the A265 on the west side of Etchingham, as shown on the Proposals Map, is allocated for primary school, village hall, recreation and housing purposes.

Proposals will be permitted where:-

- (i) a comprehensive mixed-use scheme is put forward embracing all the above elements;
- (ii) provision is made for the land for community facilities to be secured and constructed as part of the development, to be set out in a legal agreement, and shall include provision that the community facilities are provided in parallel with the housing development, or as otherwise agreed by the Local Planning Authority;
- (iii) some-15 dwellings-are provided at the south-west of the site, as shown on the Proposals Map, of which 40% are affordable;
- (iv) structural landscape proposals, including woodlands,



**tree belts and open spaces are brought forward and implemented as an integral part of proposals;**

**(v) a new joint access is provided off the A265, improved access arrangements for pedestrians into Etchingham are secured and an appropriate a traffic calming scheme on the A265 in the vicinity of the site is implemented.**

Amend Inset Map 13 to include the changes described above.

*Reason: To provide for a new school and other community facilities to serve Etchingham.*

### **Objections to the Initial and Revised Deposit Plans**

69/2346	Mr. J.R. Boyle
70/1269	Mrs. M.R.A. Boyle
182/2286	Dr. C. Ahrens
182/2287	Dr. C. Ahrens
182/2325	Dr. C. Ahrens
280/3419	Mr. Richard M. Childs
180/2283	Mr. S. G. Cornford
264/3346	Etchingham Primary School
265/3343	Etchingham Parish Council/Etchingham Trust for Sport and Recreation
265/3344	Etchingham Parish Council/Etchingham Trust for Sport and Recreation
181/2284	Etchingham Parish Council

13.142 The objections made by Mr & Mrs Boyle to the Initial Deposit Plan concern suggestions, current at that time, in respect of proposals for a mixed-use development on land to the west of the village. The Plan contained no such proposal, although the Proposed Changes have now formally introduced this allocation. Mr & Mrs Boyle, however, have submitted supporting statements in respect of the Proposed Change. To some extent, the objections made by Dr Ahrens have been overtaken by the Proposed Changes. Part of the Church House Farm site referred to by Dr Ahrens has been developed. The Proposed Changes which seek to extend the development boundary to the west of the village and include a specific allocation for housing and other community uses, meet the substance of his objections and Dr Ahrens has written to explicitly support the Changes. The objections by the Primary School; the Parish Council and the Trust are also largely met by the Proposed Changes. However, they are seeking an enlarged allocated area, hence their objections to the Proposed Changes.

### **Supporting Statements**

65/1259	Mr. M.R. Crouch
79/1326	Mrs. V.J. Crouch
199/2345	Mr. and Mrs. P. Shaw
200/2347	Mr. and Mrs. T. Crane
202/2349	Mr. R.L. Baxter
204/2351	Mr. and Mrs. G. Rhodda

13.143 The supporting statements were made at the Initial Deposit stage. The Proposed Changes of January 2005 (PC/13/04 & PC/PM/07) run counter to these original comments which supported the Plan in its definition of the development boundary at that time and the absence of any allocations for future development. Of those listed

as supporters, only Mr & Mrs Crouch have submitted duly-made objections to the Proposed Changes.

### Comments

205/2352 Mr. C. French

### Objections to the Proposed Changes

264/9050	Etchingham Primary School
265/9051	Etchingham Parish Council/Etchingham Trust for Sport and Recreation
181/9049	Etchingham Parish Council
64/9040	Mr. J. Fleming
545/9041	Mrs. A. Stubbs
546/9042	Mrs. A. Waterhouse
547/9043	Mr & Mrs. A. W. Peters
548/9044	Mr & Mrs. A. R. Howard
550/9048	Mr & Mrs. J. Higgins
79/9054	Mrs. V. J. Crouch
65/9039	Mr. M. R. Crouch
549/9056	Mr & Mrs. J. Withnall

### Supporting Statements for the Proposed Changes

69/9038	Mr. J. R. Boyle
70/9053	Mrs. M. R. A. Boyle
549/9045	Mr & Mrs. J. Withnall
280/9046	Mr. R. M. Childs
182/9047	Dr. C. Ahrens

### Issues

- a. Need for community facilities/recreational uses
- b. Enabling housing development
- c. Development site options
- d. Landscape/AONB
- e. Enlargement of the proposed new recreational land
- f. Development Boundary
- g. Access
- h. Ecology
- i. Drainage/flooding

### Reasoning and Conclusions

#### *Need for community facilities/recreational uses*

13.144 The Proposed Changes involve the extension of the defined development boundary for Etchingham into open fields to the west of the village. The area defined for the enabling housing development; a substantial portion of the site allocated for community facilities, together with the proposed new access, would be enclosed within the defined boundary. Part of the area allocated for the new community facilities and the school, together with landscaping and some recreational uses, would go beyond the new boundary into slightly more elevated land to the north. Sports pitch provision, along with further landscaping, would be located to the east on open land known as the Cricket Field. There is no doubt that development here would

significantly change the character of this rural edge to the village. Furthermore, the site lies within the defined AONB. Firstly, therefore, the need for the proposed uses and facilities must be demonstrated, as Policy CF1 of the Plan requires.

- 13.145 Etchingham CE Primary School is situated at Burgh Hill, a location considerably remote from the village to the north east. The school occupies a small, relatively old building. Access is via a narrow country lane with a rather tortuous alignment. Some 75% of classes are taught in mobile classrooms; there is no suitable space for a hall and much of the accommodation is cramped and poorly suited to the modern curriculum. The present site is too small to enable redevelopment to take place with the existing buildings in situ. There is no playing space and hard play space is limited. The Education Authority has confirmed that Etchingham is one of the two highest priority schools for replacement in the County, with a good prospect of funding being made available for a replacement building, subject to site availability. The view of the Authority is that the specific allocation of a site in the Local Plan would be an important step forward, particularly as the proposed allocation offers the prospect of a joint primary school/village hall project, a concept that is strongly supported. I am satisfied, therefore, that there is a pressing need for a new school on a site more closely related to the village and that a specific allocation is necessary.
- 13.146 The existing Village Hall is conveniently located close to the centre of the settlement. Nevertheless, from the detailed evidence placed before me, it is clear that the building and the site have serious shortcomings. It is some 100 years old and constructed in part with railway sleepers and corrugated sheeting. It suffers from subsidence. It is inefficiently heated, contains no insulation and suffers from being cold and damp. It is relatively small and cramped (240 sq m). The kitchen facilities are inadequate and the hall provides no facilities for the disabled. Etchingham has an active, vibrant community life and some 20 organisations make use of the hall. However, because of its limited size and facilities, some of the user-groups have to accept that their activities are curtailed. There is no outside space for play-group activities and the building is not large enough for indoor games. The total site area is only 1120 sq m and the provision of off-street parking and manoeuvring space is limited. Events and uses involving larger gatherings need to be held elsewhere, for example, at Hurst Green, but this is inconvenient and sometimes impossible due to the heavy demands placed on that larger facility.
- 13.147 Major improvement works are likely to be uneconomic and, because of the size of the site, it would be physically impossible to redevelop on the present land with the provision of a new purpose-built hall with adequate facilities. The need for a new hall has been confirmed by Action in Rural Sussex and I note that the Council has earmarked grant funding towards a new facility. Although the present hall may well ‘do its job’, as some objectors have argued, from the detailed evidence submitted, I am convinced of the need for a new community facility on a different site in order to meet the aspirations of what is clearly an active community. I see considerable benefits flowing from a joint school/village hall project.
- 13.148 Policy CF3 explains that a District-wide assessment of open space and recreation provision, as sought by *PPG17*, has not been undertaken and that, in the interim, account will be taken of the National Playing Fields Association (NPFA) guidelines. The only open space provision in the village is Queens Gardens, located to the west of the Parish Church. This comprises 0.37ha of land and provides a grassed area for ball

games, a basketball net and a small area with children’s play equipment. Periodically, it is subject to flooding when the ditch across the site overflows. There is no formal recreation provision and no publicly-owned land available. On the basis of the NPFA recommended minimum standard for outdoor play space of 2.43ha per 1000 population, the present minimal facilities fall short by some 0.65ha. Residents seeking to participate in more formal recreation uses have to travel to other settlements, both in and outside the District. The evidence points towards a considerable unmet demand within the village for more extensive open space provision. Within the village the benefits of participation in sports, as stressed in *PPG17*, are severely restricted. The need for a significant provision of new open space uses is clear.

- 13.149 I consider that the evidence in support of these community proposals combines to present a compelling need. Although the results of the various consultation exercises undertaken by the Parish Council and the Trust do not provide a wholly clear-cut result, my interpretation of this evidence is that the majority of the local residents are generally supportive of the principles which underpin the proposals for the new community uses and facilities. Accordingly, these considerations comply with some of the criteria in Policy CF1 in relation to demonstrable need; current standards of provision; public consultation and community support. Before examining the development site options, I turn briefly to look at the issue of enabling housing development.

#### *Enabling housing development*

- 13.150 Because of its rural setting within the AONB, the provision of housing within the westward extension of the village, as proposed, needs to be justified. This is particularly so, bearing in mind that the Plan does not support a general enabling provision within policies that provide for community facilities outside development boundaries. I agree with the Council’s view that it would not be appropriate for the Plan to take this general approach on board in a largely rural area where strict controls over development are important. However, the Council’s argument is that the position here is specific to Etchingham, with the need for the community facilities a cogent consideration in this case.
- 13.151 I acknowledge that there is little precise evidence before me, or indeed the Council, of the financing details that would underpin the development scheme. For that reason, it is not possible to forensically assess the finance mechanisms that would demonstrate beyond doubt how the proposed housing development would assist, by means of cross-subsidy, the provision of the community uses. However, the evidence from Action in Rural Sussex is that a new village hall is unlikely to receive lottery funding. It is clear that the owner is willing to release the requisite land, subject to the provision of some housing development. Indeed, the owner has submitted explicit support for the Proposed Changes. I draw the conclusion that an element of housing must be present in this composite scheme for its implementation to be realistically feasible.
- 13.152 Moreover, the benefits of providing some housing are not restricted solely to the cross-subsidy effect. I have already concluded that there is a pressing need within the District for an increase in affordable housing. Although this factor, by itself, does not justify the Proposed Changes, the provision of some affordable housing within the scheme would meet a legitimate local social need. Finally, the question of density

must be considered in the light of my earlier comments in Section 4 and the guidance in *PPG3*. The figure of 15 dwellings referred to in criterion (iii) of the Policy should be described as a minimum figure.

#### *Development site options*

- 13.153 The proposed mixed-use scheme is intended to form an integrated package of development elements. Criterion (ii) of the Policy makes this clear. There needs to be some flexibility available in the precise timing of the various development components. The discretion given to the Council in that criterion, in my opinion, is a sensible and pragmatic approach. For the reasons touched on above, the housing provision would be an important component of the development. It is intended that the village hall and the school would be a combined building project and there would be strong links in terms of use between the community building and the open space uses. I am convinced that this is an imaginative and bold scheme which would bring considerable benefits to the local community, provided it was developed as a composite and integrated scheme. For these reasons, I am satisfied that any alternative site must be capable of accommodating the scheme as a whole.
- 13.154 The development boundary, as defined in the Revised Deposit Plan, is drawn tightly around the existing development. There is no site suitable for the development within this framework. Notwithstanding the references to the area close to the railway station, there are serious development constraints to the south and east of the village due to flooding. This is a high flood risk area where flooding has occurred in recent times. Access to the land to the west of Church Lane would be unsuitable and the site is both elevated and, in part, steeply sloping. Home Field is part of that area and has been suggested as an option by some objectors, certainly for recreational uses. Apart from the access difficulty, the elevated nature of the land and the absence of an existing, substantial landscape structure would make any form of development visually exposed in the wider countryside setting. In my view, the proposed allocation rightly focuses development on the only remaining option in the area (the Lambing Field) north of the A265 to the west of the village and the Cricket Field behind the properties fronting on to High Street at its western end.

#### *Landscape/AONB*

- 13.155 The site rises gently northwards away from the road to a ridge running east-west. There are mature boundary trees on the northern and eastern boundaries of the site, but the open land comprising the Lambing Field is visually exposed on the more elevated northern part of the slope. This open field relates more to the countryside to the west of the village, as the mature tree belt running along the farm track on the eastern side of the field tends to separate the development of the village from the open land to the west. However, the Changes propose that the built elements of the scheme, including the housing area, would be sited on the lower part of the field close to the road. Although the new access would inevitably open up that part of the site to views from the road, in my judgement, the impact would be contained and localised because of the topography and the new blocks of structural landscaping that would be planted in the form of tree belts and woodland in the western and northern parts of the site. Similarly, the extension of the site to the east as a sports field would occupy a field that is reasonably well contained visually because of its topography; the existing belt of trees running north from the A265 and on the site’s northern perimeter, and the dwellings fronting High Street.

13.156 I accept that the visually open approach to the western end of the village would be changed by the development. The site would become quite densely wooded with development contained on the lower slope. The open field to the rear of High Street would change to relatively open, but formal recreation space. Nevertheless, the fact that it would change does not mean that its new character would prove to be seriously harmful to the setting of the village, the surrounding countryside and the wider AONB. Clearly, there would be a loss of openness as the farmland would be occupied by other uses. The village would be extended, but its predominantly rural setting would be maintained. Crucially, however, I consider that the wider benefits to the settlement, in terms of significantly improved community uses, open space provision and an element of affordable units on a modest housing development, outweigh the disadvantages arising from landscape change. I recognise that in the context of designated AONBs, *PPS7* places great weight on the conservation of the natural beauty of the landscape and countryside. However, it also emphasises that planning policies should support suitably located and designed development necessary to facilitate the economic and social well-being of such designated areas and their communities, including the provision of adequate housing to meet identified local needs. I conclude that this guidance is apposite in the light of the needs of this community.

*Enlargement of the proposed new recreational land*

13.157 The Proposed Changes include an amendment to Inset Map 13, which not only defines a new development boundary, but also sets out the disposition of the new uses on the whole area. These include new tree belts and woodland; the areas to be occupied by new housing and the proposed school and community facilities and a proposed sports field on the Cricket Field. The Parish Council and the Etchingham Trust for Sport and Recreation, although supporting most of the content of the Changes, seek an enlargement of the proposed sports field to the east. They point out that, on the basis of the present boundaries of the allocation, it would not be possible to use the football and cricket pitch provision independently. As the seasons for the two sports increasingly overlap, it is important that both can be played on the site at the same time. With an extension to the east, this could be achieved, although there would be little room for flexibility.

13.158 The proposed allocated sports field comprises 1.1ha, which would enable the overall NPFA standard to be met. However, due to its size and configuration it would not accommodate football and cricket in a way which would allow games to be played on each simultaneously. Furthermore, the indicative layout produced by the Council at the inquiry only shows mini-football pitches on the proposed sports field, together with a further mini-pitch on land immediately to the north of the school/village hall development. The allocation as it stands would accommodate either a cricket or football pitch, but it is clear that, if both full-size football and cricket pitches were to be accommodated, albeit of minimum dimensions, then the sports field allocation would need to be extended eastwards.

13.159 Existing tree belts and woodland cover provide visual containment to the north of the allocated site. By contrast, an extension to the east, particularly if the area were to be extended further to the more elevated land to the north, as the Trust suggested at the inquiry, would take the recreation use beyond the extent of the visual containment into an area where there is an absence of defensible boundaries. Admittedly, the

proposed use would be open in character, but whether used for football or cricket purposes, the necessary structures and buildings and the consequential activities would have a considerable visual impact on this stretch of open countryside. Bearing in mind the importance of conserving and enhancing the character of the AONB, I consider that this could only be accepted if the need for the facilities were to be conclusively demonstrated.

- 13.160 Detailed, comprehensive survey work has not been undertaken by the objectors in order to reach a precise conclusion on the question of demand. The objectors conceded at the inquiry that the level of interest for participation in cricket was uncertain. However, considerable discussion on the demand for football pitch provision has taken place. I am satisfied from the evidence submitted, including the Trust’s submission to the Council in 2003, that there is strong interest from a wide age range for provision and that, at present, many people, particularly among the young age groups, travel to neighbouring settlements to play. Accordingly, it seems to me that the extent of the sports field area contained within the proposed allocation would be adequate for the level of demand that has been demonstrated and appropriate in terms of the landscape considerations.

#### *Development Boundary*

- 13.161 As part of the Proposed Changes, the development boundary to the rear of the properties at the western end of High Street has been adjusted and drawn along a line further to the north coincident with the southern edge of the proposed sports field. A number of residents have objected to this Change expressing concern that it may lead to further development behind those dwellings. However, the proposed new line follows a well defined boundary which is reinforced by a belt of mature trees. I consider this to follow an appropriate alignment which is consistent with the overall allocation of the Proposed Changes, as well as existing land use and landscape features. The fact that the proposed new line incorporates areas of land behind existing properties does not mean that the site would be developed automatically in the future. Any proposal has to satisfy the criteria in Policy GD1.
- 13.162 The objection with respect to the property known as ‘Ladyfield’ seeks the further eastward extension of the proposed new boundary to include the whole of the cartilage of the dwelling. I accept that this site is relatively well contained by hedges. Nevertheless, it does not relate to the land uses proposed in the Changes and in that sense can be distinguished from the area of land to the west that is now proposed to be incorporated within the development boundary. Notwithstanding the pattern of development created by the neighbouring cul-de-sac, Oaks Close, in my view this site relates more closely to the adjoining open countryside to the north and east, which clearly lies outside the development framework of the village.

#### *Access*

- 13.163 The site adjoins the northern side of the A265. The new access would join the carriageway at a point close to the eastern end of a long, straight stretch of road, known as ‘The Straight Mile’ where prevailing traffic speeds are high. I understand the concern of some objectors that this would potentially increase highway dangers to both vehicles and pedestrians. However, I note that the Highway Authority has not raised an objection to the Changes and considers that an acceptable access would be achievable. The site’s road frontage would allow the construction of an access with

good visibility. The Policy embodied in the Proposed Changes requires that the new access arrangements should incorporate improved pedestrian facilities to and from Etchingham, together with the implementation of an appropriate traffic-calming scheme on the A265. I consider that the overall impact would be beneficial for the community, particularly with regard to a reduction in traffic speeds along the main road as it enters the village.

### *Ecology*

13.164 The allocated site is not covered by any nature conservation designation, whether national or local. However, great crested newts have been found to be present in the series of ponds which lie close to the ridge within and beyond the northern edge of the site. The Proposed Changes seek to provide a significant buffer between the built development on the site and the ponds. The proposals retain the existing ponds and the surrounding woodland habitat, and propose that this be supplemented by additional woodland planting. The connectivity between the ponds would not be broken. The ponds would remain located within a setting of open fields. I note that English Nature has advised the Council that the presence of this protected species does not constitute grounds for objecting to the principle of the Proposed Changes. They would expect an ecological survey to be undertaken in support of any future planning application, with appropriate mitigation measures implemented. The Plan requires that this process is followed in accordance with Policy GD1 (vii) and paragraph 5.16. I consider that this mechanism would provide sufficient control to ensure that future development would not prejudice this important habitat.

### *Drainage/flooding*

13.165 This is an understandable concern, given the extensive floodplain close to the village and the experience of flooding in recent times. However, the site does not lie within the defined floodplain and the Environment Agency has advised that they do not object to the proposals. Clearly, an effective system of surface water drainage must be installed as part of the development, but this is a matter to be agreed at the planning application stage and there is no evidence to suggest that this cannot be successfully achieved.

### **Recommendation**

13.166 **I recommend that the Local Plan is modified in accordance with the Proposed Changes PC/13/04 & PC/PM/07, subject to the reference to 15 dwellings in criterion (iii) of the Policy being modified to read ‘at least 15 dwellings are provided’.**

13.167 **I recommend that in paragraph 13.18e, the reference to 15 dwellings should be modified to ‘at least 15 new dwellings.....’.**

<b>Housing Omission Site</b> 16/1044 Network Rail	<b>Land at Etchingham Station (Residential or Employment) (Inset Map 13)</b>
Location of site (Greenfield or previously-developed land)	<i>The site is mainly brownfield in character, comprising previously-developed car parking areas and associated access routes together with some overgrown unused land</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Located on the Hastings – London rail line. Lies just to the east of the main development in the village, but within reasonable walking distance of the community facilities.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>No assessment carried out.</i>



The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>There is an acknowledged need for a new school and village hall, together with some housing for local needs. The objection makes no reference to the site’s development for community uses, but if there were to be some redevelopment involving housing, this may be able to assist in supporting the social infrastructure by meeting some element of housing need</i>
The physical and environmental constraints on development	<i>The site is positioned within the fluvial flood plain. It is located on the fringe of the village, close to a listed Church.</i>
<b>Conclusion</b>	<i>The key consideration is the site’s location within the floodplain, where it would be inappropriate to permit new development. In addition, the Church and the neighbouring woodland, mark the point where the main village development stops and the rural fringe begins. The station site lies beyond that point. Finally, much of the site is currently given over to car parking for rail travellers. If the site were to be redeveloped for housing and employment uses, replacement parking would be required elsewhere in the site or outside in order encourage rail use and to reduce the risk of obstructive on-street parking.</i>

## Recommendation

13.168 **I recommend** that no modification is made to the Local Plan in respect of this objection.

## FLIMWELL

<b>Employment Omission Site</b> 125/1888 Mr A Moore	<b>Land at Berner’s Hill Flimwell (Inset Map 15)</b>
Location of site (Greenfield or previously-developed land)	<i>Mainly sloping greenfield agricultural land to the north of the B2087 and abutting housing on the western edge of the defined development boundary. About 2.9ha</i>
Location and accessibility by modes other than the car and the potential for improving such accessibility	<i>Lack of local shops and facilities within walking distance. Reasonable bus service.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed. Employment development could attract large vehicles along narrow local roads through village from A21.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB. Employment development would be intrusive in landscape, particularly as the sloping land would require extensive earthworks for levelling and would expose development in views from the west. Scale of development not justified by identified needs of communities within AONB and conflicts with national and local policy objectives to accord priority to the natural beauty of the area.</i>
<b>Conclusion</b>	<i>Landscape intrusion on a prominent site in the AONB and unsuitable access roads make this a site inappropriate for development even were a need established for employment development on this scale.</i>

## Recommendation

13.169 **I recommend** that the Local Plan is not modified in respect of this site.

<b>Employment Omission Site</b> 83/1449 Scaling Ltd	<b>Land at Flimwell (employment) (Inset Map 15)</b>
Location of site (Greenfield or previously-developed land)	<i>Mainly greenfield land. About 0.95ha south of the A268 for employment (currently marked as recreation ground on some maps and in use for recreation at time of site visit) and 0.87ha for roadside services east of the Royal Oak public house.</i>
Location and accessibility by modes other than the car and the potential for improving such accessibility	<i>Lack of local shops and facilities within walking distance at present. Reasonable bus service.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Scale of development would require provision of substantial new infrastructure including diversion of A21. Part of objection site in conflict with Highways Agency’s proposed route for new alignment of A21.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB. Employment development would be intrusive in landscape. Scale of development not justified by identified needs of communities within AONB and conflicts with national and local policy</i>

	<i>objectives to accord priority to the natural beauty of the area.</i>
<b>Conclusion</b>	<i>Landscape intrusion in AONB and likely conflict with A21 realignment make this an unsuitable location for employment and roadside services development even were a need established for such development. Would also need to establish implications of loss of recreation facility having regard to PPG17 tests and Policy CF2.</i>

## Recommendation

13.170 **I recommend** that the Local Plan is not modified in respect of these sites.

<b>Housing Omission Site</b> 83/1445 Scaling Ltd	<b>Land at Flimwell (residential) (Inset Map 15)</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield agricultural land either side of A21 to the north of the traffic lights and comprising two sites of 6.7ha and 1.5ha respectively. Latter site to include 0.3ha for retail use.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Lack of local shops, school or most facilities (except public house) within walking distance at present. Reasonable bus service. Proposal is for large scale development including some employment land, shop and school. Location inferior to all the Local Plan’s proposed major housing allocations</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Scale of development would require provision of substantial new infrastructure including diversion of A21. However part of the objection site east of existing A21 is on Highways Agency proposed route for new alignment of that road.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Scale of development may support improved social and physical infrastructure such as a shop, school facilities, village hall and employment with some benefits for existing residents who lack easy access to such facilities.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB and residential development would be intrusive in landscape. Scale of development not justified by identified needs of communities within AONB and conflicts with national and local policy objectives to accord priority to the natural beauty of the area. Also in conflict with proposed A21 realignment.</i>
<b>Conclusion</b>	<i>Large greenfield development intrusive in the landscape of the AONB, out of scale with settlement and with economic and social needs of AONB communities and likely to be in conflict with A21 realignment.</i>

## Recommendation

13.171 **I recommend** that the Local Plan is not modified in respect of these sites,

<b>Housing Omission Site</b> 83/3348 Scaling Ltd	<b>North of Union Street, Flimwell (Inset Map 15)</b>
Location of site (Greenfield or previously-developed land)	<i>Includes some domestic curtilages and existing buildings that are within the defined development boundary on the north side of the B2087 in centre of settlement and which qualify as previously-developed land. Also includes greenfield land to the rear outside the development boundary. About 2.1ha in total but only about 1ha proposed for residential development.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>No general shops, or schools within walking distance and little local employment. Regular bus service.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Scale of development unlikely to support adequate improvements to local services or facilities.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB. Residential development would be intrusive in landscape, albeit less so than the other Flimwell objection sites. Highway Authority objects on access safety grounds but there may be a technical solution.</i>
<b>Conclusion</b>	<i>Although less intrusive than some other omission sites around Flimwell, the Local Plan already includes two housing allocations for the village which are</i>

	<i>linked to a village hall development. Further allocations are` not justified having regard to limited local service provision.</i>
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## Recommendation

13.172 **I recommend** that the Local Plan is not modified in respect of this site.

<b>Housing Omission Site</b> 148/2017 Dr P V Player 148/2018 Dr P V Player	<b>Land S of Hawkhurst Road, Flimwell (Proposals Map E of Inset Map 15)</b>
Location of site (Greenfield or previously-developed land)	<i>The site fronts the south side of the A268 about 500m east of the A21 junction. It lacks existing three dimensional buildings but includes an access track and a large area of hardstanding which arguably qualifies the site as previously developed land. Area roughly estimated at 0.9ha using small unscaled plan.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Site is in open countryside and does not adjoin existing built up area. The regular bus service does not outweigh the site’s otherwise poor accessibility by non-car modes to general shops or schools and the only limited local employment. The site is not suitable in these respects for housing use whether as general or affordable housing. No scope for significant improvement .</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>The scale of development would be unlikely to support adequate improvements to local services or facilities to make this a sustainable location for residential development.</i>
The physical and environmental constraints on development	<i>Entirely within designated High Weald AONB. Housing would be more intrusive in the landscape than the existing hardstanding.</i>
<b>Conclusion</b>	<i>The site is not suitable for allocation for general housing owing to landscape and accessibility considerations and also to the absence of need for additional allocations. Use for affordable housing would not require an allocation or a modification of the Local Plan but the development would be unlikely to satisfy the landscape and accessibility criteria of Policy HG2 which apply to such development outside development boundaries.</i>

## Recommendation

13.173 **I recommend** that the Local Plan is not modified in respect of this site.

<b>Housing Omission Site</b> 383/3783 Messrs Poland Bros	<b>Berner’s Hill/Rosemary Lane, Flimwell (Inset Map 15)</b>
Location of site (Greenfield or previously-developed land)	<i>A triangular area of greenfield agricultural land fronting the B2087 and Rosemary Lane. Approximately 1.6ha. Site does not adjoin existing built up area to the east but housing on the opposite side of the B2087 is within the development boundary</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Regular bus service but no general shops or schools within walking distance and little local employment. No scope for significant improvement to accessibility.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Scale of development would be unlikely to support adequate improvements to local services or facilities.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB and residential development would be intrusive in landscape.</i>
<b>Conclusion</b>	<i>The development of this site would be highly intrusive in the open countryside of the AONB. The Local Plan already includes two housing allocations for the village which are linked to a village hall development and further allocations are` not justified having regard to limited local service provision</i>

## Recommendation

13.174 **I recommend** that the Local Plan is not modified in respect of this site,

### HURST GREEN

<b>Housing Omission Site</b> 47/3703 Mrs A Bayley	<b>Hurst Green Garage (Inset Map 20)</b>
Location of site (Greenfield or previously-developed land)	<i>Previously-developed land within development boundary in low-key employment use. Former garage buildings in dilapidated condition and currently occupied by several small businesses. Fronts west side of A21 close to village primary school. About 0.46ha.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Within walking distance of shops, school and reasonable bus services but loss of employment site would remove existing jobs and prevent the site contributing to new local employment with a resulting increase in levels of long distance commuting.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Loss of existing and potential employment would be harmful to the creation of a more sustainable rural community. Any local gains in spending from future residents would be offset by loss of local spending by employees.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB. Existing employment buildings are unsightly but there is potential for their improvement or replacement whilst remaining in employment use. Site adjoins listed cottages.</i>
<b>Conclusion</b>	<i>Allocation for housing would result in a loss of existing and potential employment resulting in harm to the local economy and increased unsustainable commuting. If not allocated, redevelopment proposals would instead be subject to the tests set out in Policy EM2 (as proposed to be modified).</i>

## Recommendation

13.175 **I recommend** that the Local Plan is not modified in respect of this site,

<b>Housing Omission Site</b> 101/1573 Harper and Eede Ltd	<b>Land to the rear of Meadow View Cottages, Hurst Green (Inset Map 20)</b>
Location of site (Greenfield or previously-developed land)	<i>Vacant greenfield land adjoining eastern side of defined development boundary behind Meadow View frontage housing with existing access road from current A21 to the north of its junction with Station Road. About 0.4ha.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Within walking distance of shops, services and reasonable bus services. Only limited local employment.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Development at an efficient density could support existing shops and services but no evidence that it would be adequate to sustain services that would otherwise not survive.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB. Edged by trees and not currently conspicuous in the wider landscape but may become more exposed if A21 bypass constructed to the east.</i>
<b>Conclusion</b>	<i>The site is not needed for general housing. Its location outside the development boundary but close to the centre of the village could make it suitable to address the local need for affordable housing as an exception site under Policy HG2 subject to an assessment of landscape impact.</i>

## Recommendation

13.176 **I recommend** that the Local Plan is not modified in respect of this site,

<b>Housing Omission Site</b> 171/2170 Tabfern Ltd	<b>The Ridgeway, Hurst Green (Inset Map 20)</b>
Location of site (Greenfield or previously-developed land)	<i>Vacant Greenfield land becoming overgrown with self sown trees and brambles. On northern edge of village adjoining development boundary behind frontage housing on the Ridgeway cul-de-sac. Roughly 2.5ha (based on small scale plan at non-standard scale). Development of the entire site at the efficient densities recommended by PPG3 could thus result in upwards of 75 dwellings.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Within walking distance of shops, school and a reasonable bus service.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Highway authority objection to serving this scale of development off existing cul-de-sac. Other infrastructure capacity not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Development on this scale at an efficient density could help existing shops and services but no evidence that it would sustain services that would otherwise not survive.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB and adjacent to ancient woodland.</i>
<b>Conclusion</b>	<i>There is no identified need for additional housing development on this scale in the AONB and it would be likely to encourage car-based commuting. There is also a highways objection to the access and potential detriment to the adjacent ancient woodland</i>

## Recommendation

13.177 **I recommend** that the Local Plan is not modified in respect of this site,

## IDEN

<b>Housing Omission Site</b> 381/3780 W Mr D Hall	<b>Land at Grove Farm, Iden (Inset Map 22)</b>
Location of site (Greenfield or previously-developed land)	<i>Two small sites on opposite sides of Grove Lane at the eastern edge of the settlement; each of about 0.3ha. The land south of the lane is occupied by existing dwellings and their curtilages. The land north of the lane includes part of an existing domestic curtilage and greenfield agricultural land. The domestic curtilages qualify as previously-developed land according to Annex C of PPG3.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Iden has some local services and facilities within walking distance but little local employment. Regular bus service.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Development on this scale would be unlikely to support significant improvements to local infrastructure, services and facilities.</i>
The physical and environmental constraints on development	<i>The inclusion of these 2 areas of land within the development boundary would encourage new development or redevelopment that would extend or consolidate built development on the edge of the settlement, eroding the rural character and appearance of the area.</i>
<b>Conclusion</b>	<i>There is no identified need for the additional housing and the development would harm the character and appearance of the area.</i>

## Recommendation

13.178 **I recommend** that the Local Plan is not modified in respect of this site,

## NETHERFIELD

<b>Housing Omission Site</b> 74/1281 The Newcombe Estates Co	<b>B2096 – Darwell Down, Netherfield (Inset Map 24)</b>
Location of site (Greenfield or previously-developed land)	<i>Just under 1ha of greenfield land to the north of B2096.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>It lies behind the sporadic frontage development on the classified road. To the north is the Darvel Down residential estate, which is contained by the defined development boundary. Towards the south east corner of the estate is a junior school and PO/Stores use. The core of the settlement is limited in extent. The church and community hall lie some distance away to the east. The village has a narrow range of facilities, with a limited, infrequent public transport service. Very limited local employment.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>No evidence on the capacity of the present infrastructure. There is no suggestion that it could not absorb further development.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Further development would presumably assist in maintaining the local shop and the school. The site owners have held some discussions with the Housing Association involved on the neighbouring estate concerning the provision of affordable housing on the site, although there is no evidence before me of any local housing needs specific to this village.</i>
The physical and environmental constraints on development	<i>Netherfield is a relatively remote village set in an attractive elevated position in a well wooded part of the AONB. The site is not prominent in itself and is reasonably contained by defensible landscaped boundaries.</i>
<b>Conclusion</b>	<i>Nevertheless, if developed at a density in accordance with PPG3 guidance, it would lead to a major expansion of development in a remote rural settlement which provides a very limited range of facilities and has little in the way of public transport provision. This would run counter to the principles of sustainable development.</i>

## Recommendation

13.179 **I recommend** that the Local Plan is not modified in respect of this site.

## NORTHIAM

<b>Housing Omission Site</b> 68/3201 Mr & Mrs P Rigby (See also Section 15 – Inset Map 26)	<b>Friars Cote Farm, Northiam (Inset Map 26)</b>
Location of site (Greenfield or previously-developed land)	<i>The original objection site was in several ownerships including dwellings and domestic curtilages. However the Objectors only pursued at the Inquiry that part of the site which is occupied by vacant buildings in their own ownership together with land occupied by a barn on adjacent land to the south west. This land has an area of about 0.2ha. The buildings were last lawfully used for agriculture, have no other lawful use, and are thus excluded from the definition of previously-developed land as set out in Annex C of PPG3.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Northiam has a good range of shops and services within walking distance and (limited) employment provision. There is a reasonably regular bus service</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Road access via unmade single track already used by several properties. Would require improvement to serve significant extra development.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Site too small on its own to materially affect local service provision.</i>
The physical and environmental constraints on development	<i>Within High Weald AONB. Prominent ridge-top site on edge of built-up area. Part is occupied by unsightly and dilapidated farmbuildings that are no longer attached to an agricultural holding. The buildings are not suitable for conversion to employment or residential use. The shape of the site, its proximity to the neighbouring converted Oast House, the narrow unmade access track and the ridge-top location all limit the site’s development potential. Development of the open land that separates the Oast House from the built up area to the south east would detract from the area’s rural character.</i>

<b>Conclusion</b>	<i>Development of the open land would harm the character and appearance of the area and the site occupied by derelict farmbuildings is outside the defined development boundary and moreover is too small and constrained to merit allocation for development. (See also Section 15 – Inset Map 26)</i>
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## Recommendation

13.180 **I recommend** that the Local Plan is not modified in respect of this site.

<b>Housing Omission Site</b> 316/4073 Persimmon Homes (SE) Ltd	<b>Land at Station Road, Northiam (Inset Map 26)</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield agricultural land. The original site extends to about 10.4ha but the objector clarified during the Inquiry that housing development is only being sought on the land nearest to Station Road which extends to about 2.3ha. Other land is suggested by the objector for public open space or cemetery use.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Level access is available on foot to a range of village shops and services but the site is further from these than the Policy VL5 allocation. Reasonable bus service but it is likely that residents would be drawn from outside the area and would depend on cars to access employment and higher level services in towns outside the AONB such as Hastings and Ashford.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>This would potentially be a large development at the densities recommended by PPG3 of 30-50 dwellings per hectare.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB Ancient Woodland occupies part of the original objection site but is not proposed for housing development.</i>
<b>Conclusion</b>	<i>There is no identified social or economic need for additional housing allocations on this scale and no evidence of need for the other suggested uses. Northiam is poorly located for development on this scale</i>

## Recommendation

13.181 **I recommend** that the Local Plan is not modified in respect of this site.

## PETT

<b>Housing Omission Site</b> 122/1861 Mr Daniels	<b>Land at French Lodge, Pett Road, NW of Pett (Inset Map 28)</b>
Location of site (Greenfield or previously-developed land)	<i>Mainly greenfield agricultural land but includes a domestic curtilage that qualifies as previously-developed land according to the definition on Annex C of PPG3. About 0.6ha.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Close to local shop, village hall and public house but no primary school within walking distance. Poor bus service.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>The development of the site would be unlikely to support the investment needed in services and infrastructure to make Pett an adequately sustainable location for significant new development, particularly with regard to public transport and school facilities.</i>
The physical and environmental constraints on development	<i>Within High Weald AONB. The development of the site would be a significant departure from the pattern of development in the village and would create a salient of development into open countryside that would be highly intrusive in the landscape.</i>
<b>Conclusion</b>	<i>Highly intrusive in the landscape with poor accessibility to schools, employment and higher level services and facilities by means other than the</i>

	car.
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## Recommendation

13.182 **I recommend** that the Local Plan is not modified in respect of this site.

### ROBERTSBRIDGE

<b>Housing Omission Site</b> 3/1005 Exeter College 3/1003 Exeter College 3/3932 Exeter College	<b>Enlarge Policy VL6 allocation at Grove Farm, Robertsbridge (Inset Map 30)</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield agricultural land between the by-pass and the Policy VL6 allocation and extending to the north and south. Allocation increased from 0.9ha to 2.1ha (net developable area).</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Good range of shops, schools and services within walking distance. Limited local employment would risk increase in long distance commuting. Regular bus and rail services.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Increased scale of development likely to require additional investment in educational facilities. Some objectors claim an additional need for medical facilities.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Development likely to be able to support any necessary improvements in local services and facilities including any necessary enlargement of site and buildings at adjacent primary school. Original objection suggested possible recreation use of land in same ownership east of bypass but that was not pursued at the Inquiry.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB and close to Conservation Area. Enlarged housing development would increase impact on setting of conservation area and would be more intrusive in the landscape including in views from the adjacent by-pass.</i>
<b>Conclusion</b>	<i>I recommend above that the substantive Policy VL6 allocation be retained in the Local Plan but as a reserve site to ensure that local housing needs are met should sufficient development not come forward on previously-developed land such as the Northbridge Mill site. Robertsbridge has advantages over many other settlements in terms of the availability of services and public transport facilities. However it has experienced considerable development in recent years and there is no identified need for the enlargement of this allocation. Should a need arise for additional development the Bishops Lane site below would have a less adverse visual impact than would the enlargement of the Policy VL6 site..</i>

## Recommendation

13.183 **I recommend** that the Local Plan is not modified in respect of this site.

<b>Housing Omission Site</b> 10/1025 Devine Homes plc	<b>Bishops Lane, Robertsbridge (Inset Map 30)</b>
Location of site (Greenfield or previously-developed land)	<i>Fallow greenfield agricultural land between Bishops Lane and Willow Bank in the shallow valley that separates the two built-up areas of the main settlement. About 2 ha would be available for housing development with about 1.2ha as open space.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Close to centre of a village with a good range of shops and services including bus and rail services.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Scale of development likely to require additional investment in educational facilities. Some objectors claim an additional need for medical facilities but lack of substantive evidence. Other infrastructure issues not assessed..</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Development on this scale likely to be able to support any necessary contributions to enhanced educational and social provision. Potential to include significant affordable housing and housing for the elderly. Potential for enhanced open space provision on that part of the site prone to flooding.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB. Loss of openness in the heart of the village.</i>



<b>Conclusion</b>	<i>Although less intrusive than the suggested Policy VL6 site extension (see above) the site is not required to meet forecast local housing needs. The AONB is not a suitable location to provide for the housing needs of populations outside the AONB and the development of this large greenfield site would encourage significantly more long-distance commuting that would conflict with sustainable development objectives.</i>
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## Recommendation

13.184 **I recommend** that the Local Plan is not modified in respect of this site.

<b>Housing Omission Site</b> 136/1923 Grampian Country Foods Group	<b>Mill site Northbridge Street, Robertsbridge (Inset Map 30)</b>
Location of site (Greenfield or previously-developed land)	<i>Mainly previously-developed land and industrial buildings last in employment use and within defined development boundary. Sequentially preferable to greenfield development. Original objection included greenfield land outside the development boundary, the development of which is no longer being pursued by the objector. Council and Objector estimate site area at 3.76ha but that includes some land outside the defined development boundary which should not be considered for development.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Good range of shops and services within level walking distance but development of site for housing only would result in permanent loss of significant potential employment including the potential for the re-use of existing employment buildings. Consequent increased risk of unsustainable long-distance commuting to employment by new and existing residents.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Potentially a major residential site which would be likely to breach some infrastructure capacity constraints such as school capacity. Close to proposed A21 road improvement and suitable for continued access by heavy vehicles. Other infrastructure not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Site development costs higher than for greenfield land but development on this scale likely to support any necessary contributions to infrastructure improvements. Residential or employment development could increase demand for local goods and service with economic benefits. Potential for affordable housing and housing for the elderly to meet identified needs.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB. Some existing buildings unsightly but others of local historic interest and merit retention. 2 Parts of objection site within floodplain but recent flood protection works have reduced risk of flooding.</i>
<b>Conclusion</b>	<i>This is a suitable site for development but there has been inadequate investigation of its suitability for continued employment use or of the form which redevelopment might take. If continued employment use of the whole site shown not to be feasible, there should be a preference for mixed use including employment. Not suitable for allocation without further investigative work therefore site should be dealt with on its merits under Policy EM2.</i>

## Recommendation

13.185 **I recommend** that the Local Plan is not modified in respect of this site.

## SEDLESCOMBE

<b>Housing Omission Site</b> 170/2169 Bellwinch Homes	<b>Land north of Park Shaw (and Orchard Way), Sedlescombe (Inset Map 30)</b>
Location of site (Greenfield or previously-developed land)	<i>Includes previously-developed land (domestic gardens) although the status of the entire site is not clear and it may include greenfield land. Approximately 0.85ha.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Range of village services and facilities within walking distance. Little local employment. Limited bus service.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not assessed.</i>
The ability to build communities to support	<i>No evidence to support Objector’s assertion that development necessary to</i>

physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>sustain local services.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB. The site is bounded by housing on three sides but its development would entail loss of attractive woodland and would be seen on skyline in some viewpoints. Risk of landscape intrusion harmful to the AONB.</i>
<b>Conclusion</b>	<i>The site is prominent in certain viewpoints. Its attractive wooded appearance contributes significantly to the rural character of the northern edge of the settlement and emphasises the setting of the village within the AONB. The extension of the development boundary to include this site, leading to the possibility of future development, would be inappropriate and potentially seriously harmful to the rural character of the area.</i>

## Recommendation

13.186 **I recommend** that the Local Plan is not modified in respect of this site.

<b>Housing Omission Site</b> 221/3265 Mr D Gammon	<b>Land E of The Street, Sedlescombe (Inset Map 30)</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield site, 0.75ha in area. Main part of the site is an open field 0.48ha in area, which is located to the rear of existing development. The balance of the site is a triangular-shaped wedge of a much larger open field, with an open frontage to The Street.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Located at the southern end of the village, close to the main community facilities, with a bus-stop nearby. A public footpath leads in a w-e direction from The Street through the smaller parcel of land and runs just beyond the southern boundary of the main part of the site.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>There is no evidence to suggest that the village infrastructure could not absorb development on this site.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>The development would provide an element of affordable housing and the suggestion has been made that a developer could contribute towards the provision of community sports facilities.</i>
The physical and environmental constraints on development	<i>The site lies within the AONB and adjoins a defined Conservation Area. It is open countryside, prominent in views from the neighbouring footpath and from The Street. A new access would be required direct to The Street running across the open, visually exposed land to the south of the village. The view across this meadow has been identified as significant in the Conservation Area appraisal.</i>
<b>Conclusion</b>	<i>Notwithstanding its potential contribution to meeting the social needs of the village, future development on the site, and, in particular, the required new access, would have a seriously adverse impact on the open visual character of the rural setting of the village. Development here would be contrary to policies seeking to protect the character of the AONB.</i>

## Recommendation

13.187 **I recommend** that the Local Plan is not modified in respect of this site.

## TICEHURST

<b>Housing Omission Site</b> 37/1161 Crofton Place Devts Ltd 37/3140 Crofton Place Devts Ltd	<b>Land to the rear of 40 and 41 High St, Ticehurst (Inset Map 35)</b>
Location of site (Greenfield or previously-developed land)	<i>Mainly greenfield agricultural land behind frontage development on northern edge of settlement but seen from adjacent public footpath, sports ground and housing. About 1.8ha..</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Ticehurst benefits from a reasonable range of shops and services within walking distance of the site. Limited local employment. Regular bus service.</i>
Capacity of existing and potential	<i>Infrastructure constraints not investigated.</i>

infrastructure to absorb further development	
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>The Objector offers to include affordable housing, access to the sports ground to the west (if required), open space, and, if required, the incorporation of employment uses. Inclusion of these elements would improve sustainability.</i>
The physical and environmental constraints on development	<i>Within the designated High Weald AONB. Development on this site would extend the settlement out into open countryside and intrude on an open landscape.</i>
<b>Conclusion</b>	<i>The development would intrude into the landscape, harming the objective to accord priority to conserving the natural beauty of the AONB. There are existing development commitments in Ticehurst and there is a lack of evidence of an overriding requirement for this additional development to meet the economic and social needs of the communities in the AONB. The Plan makes adequate provision for development elsewhere.</i>

## Recommendation

13.188 **I recommend** that the Local Plan is not modified in respect of this site.

<b>Housing Omission Site</b> 316/4074 Persimmon Homes SE Ltd	<b>Land between Upper and Lower Platts, Ticehurst (Inset Map 35)</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield land in use for grazing. Approximately 0.8ha.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Ticehurst benefits from a reasonable range of shops and services with some local employment. Reasonable bus service.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Infrastructure capacity not investigated.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>Development of the site would provide some custom for local shops but no evidence that would be needed to sustain those or other local services. Risk of increased long distance commuting to employment by occupiers.</i>
The physical and environmental constraints on development	<i>Within designated High Weald AONB. Harmful to openness of the landscape. Screened from roads by existing development but seen from public footpath across site. Closely overlooked by housing along northern boundary</i>
<b>Conclusion</b>	<i>No present local need for development on this greenfield site in the AONB. Additional housing development would be likely to attract commuters from beyond the AONB.</i>

## Recommendation

13.189 **I recommend** that the Local Plan is not modified in respect of this site.

## WESTFIELD

<b>Housing Omission Site</b> 172/2171 Mr S R Finch	<b>Land north of New Cut, Westfield (Inset Map 36)</b>
Location of site (Greenfield or previously-developed land)	<i>Status not clear, but seems to be mixed in character; part of the site appears to incorporate residential curtilages and part comprises open paddocks.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>The site lies to the north west of the developed area of the village. On foot it is located a considerable distance from the core of the settlement which contains the main shopping and community facilities. The local business park is closer and is accessible on foot. There is no public transport available.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>No specific arguments have been advanced that would support development here on the grounds that it would help sustain local facilities. The objection refers to the limited upgrading of New Cut, presumably in terms of access, but it has not been demonstrated how this would be undertaken.</i>
The physical and environmental constraints	<i>The rural setting of the site; the topographical relationship with adjacent</i>

on development	<i>development and access along New Cut and the feeder lanes.</i>
<b>Conclusion</b>	<i>The residential area to the south, based on the road New Cut, climbs the hillside in a northerly direction to the narrow lane which marks the site’s southern boundary. The objection site itself forms part of a more level plateau which is part of the rural area beyond the northern limits of Westfield. Although the site is reasonably contained visually by boundary landscaping, it is clearly separate from the adjoining residential area and relates more to the rural AONB setting of the village. The site is a substantial size in terms of Westfield and could accommodate a substantial number of dwellings. New Cut and the feeder lanes to the north are extremely narrow with limited visibility for vehicles and provide no pavements.</i>

## Recommendation

13.190 **I recommend** that the Local Plan is not modified in respect of this site.

<b>Housing Omission Site</b> 366/3731 Mrs V Faulkner	<b>Land SW of Vicarage Lane, Westfield (Inset Map 36)</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield land. Vicarage Lane essentially forms the southern boundary of the development limits of the village.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Although the site lies close to the Church and the Church Hall, it is some distance removed from the core of the village. The main community facilities lie further to the north close to the crossroads where the A28 is joined by Moor Road and Cottage Lane.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Not assessed</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>The objector has suggested that development here could incorporate some amenity land which would link with a belt of woodland to the south. Any future development would be required to provide an element of affordable housing. However, there is no evidence that the release of this land would meet a specific, overriding local need for housing or provide a clear benefit in terms of local services and facilities.</i>
The physical and environmental constraints on development	<i>The site comprises largely attractive open countryside in the AONB. Vicarage Lane is narrow with a difficult vertical and horizontal alignment.</i>
<b>Conclusion</b>	<i>The land south west of Vicarage Lane is open countryside extending towards the large wooded area comprising Whiteland Wood. It is part of an attractive belt of countryside extending to the south of Westfield, where Vicarage Lane provides a firm boundary to the development further to the north. Development on this site would seriously detract from the character of the AONB.</i>

## Recommendation

13.191 **I recommend** that the Local Plan is not modified in respect of this site.

## SECTION 14 – HASTINGS FRINGES

### Hastings Fringes

(Paragraphs 14.1 to 14.5)

No Representations

### Land east of Burgess Road (Inset Map 18)

(Paragraphs 14.6 to 14.9)

#### Supporting statement

225/3324                      The Northridge Trust

### Policy HF1

#### Objections

40/1176	Guestling Parish Council
40/3573	Guestling Parish Council
81/3531	East Sussex County Council T&E
225/3325	The Northridge Trust

#### Comments

105/3463	Government Office of the SE
165/3033	Environment Agency

#### Issues

- a. Need for employment development
- b. Impact on the High Weald AONB
- c. Impact on ancient woodland
- d. Access

#### Reasoning and Conclusions

##### *Need for employment development*

- 14.1 In Section 9 of this Report, I have commented on the modest local employment base within the District and highlighted the fact that *RPG9* identifies Bexhill and Hastings as a Priority Area for Economic Regeneration. I further note that there is a recent history of under-provision of new employment space in the District when compared to the Structure Plan provisions. Nevertheless, I conclude that, generally, the Plan makes adequate provision in suitable locations and, among other things, allows for smaller-scale business activities.
- 14.2 This modest extension to the larger Ivyhouse Lane industrial area fits into this latter category. It would round-off and facilitate the development of a small employment allocation contained in the adopted Hastings Local Plan, which was supported by the Local Plan Inspector. The estimated industrial floor space that would be accommodated on the Rother site would be some 3000 square metres. The job creation potential of the combined sites has been estimated at 110 jobs, a considerable

figure, in my view, given the pressure for the provision of further employment opportunities in the Hastings area.

*Impact on the High Weald AONB*

- 14.3 I acknowledge that the site lies within the designated AONB. However, this does not automatically rule out future development. Whilst the conservation of the natural beauty of the landscape and countryside should be given great weight in planning policies and development control decisions in such areas, as *PPS7* advises, the guidance further indicates that planning policies should also support suitably located and designed development necessary to facilitate the economic and social well-being of these areas and their communities. Having visited this site I am convinced that it is subject to urban fringe pressures and clearly suffers from fly-tipping and a considerable level of unauthorised use by cars and motor cycles. It is a significantly degraded landscape pocket which would benefit from a carefully designed and deliberately limited and contained employment development. Moreover, the Policy seeks to ensure that the development of this small enclave provides the means to protect and enhance the wider landscape to the north and east.

*Impact on ancient woodland*

- 14.4 I recognise that the site forms part of a wider area designated as Ancient Woodland. The future development of this allocated area would undoubtedly involve the removal of trees within this degraded pocket. However, the designated area extends further to the north and appears to be less affected by urban fringe pressures. Beyond the allocated site the woodland remains largely intact. The Policy requires that any proposals for development must provide for the retention and management of the Ancient Woodland to the north. I see this as a clear benefit of the allocation. Together with the proposed woodland planting around the site’s periphery, it is my view that the wooded landscape to the north of the site, suitably managed, would provide a strong landscape feature at the southern edge of this part of the AONB. I am satisfied, therefore, that the allocation and possible future development would not seriously impinge upon the Ancient Woodland.

*Access*

- 14.5 The existing cul-de-sacs, Burgess Road and Haywood Way, serve a variety of small, active, employment uses. Both roads are relatively narrow. They are congested with parked vehicles and, as I have seen for myself, the manoeuvring of larger vehicles is frequently difficult. The extension of employment development into the allocated site would enable both roads to be connected by a loop, thereby providing traffic with the opportunity to operate on a two-way basis and leading to a more effective system of traffic management. Moreover, the loop would “close-off” the extended estate at its eastern end, giving added protection to the woodland area beyond.

**Recommendation**

- 14.6 **I recommend that no modifications are made to the Local Plan with regard to these objections :**

## Land off Woodlands Way ( Inset Map 19)

(Paragraphs 14.10 to 14.13 and Policy HF2)

### Policy HF2

#### Objections

222/3272	Mr. F.C. Davis
105/3459	Government Office for the South East (Table 3)
222/3273	Mr. F.C. Davis
223/3230	Mr. and Mrs. Eldridge
243/3136	Mrs. Irene Doble

#### Issues

- a. Principle of development
- b. Affect on character of site and surroundings
- c. Type and density of housing
- d. Allocation boundary
- e. Access

#### Reasoning and Conclusions

##### *Principle of Development*

- 14.7 The allocated site includes a large bungalow set in extensive grounds, together with a further dilapidated property within an overgrown cartilage. Residential development backs onto the site to the east and south. Beyond much of the western boundary is an industrial complex, with ancillary car parking. Further detached properties are situated to the west and north-west. To the immediate north is a belt of woodland. The site is visually contained. In accordance with the definition in Annex C of *PPG3*, the site is previously developed (brownfield) land. It is set within an area of substantial size and I agree with the Council that its potential for further residential development has to be considered. It is located on the northern edge of Hastings, a sub-regional centre with a wide range of services and facilities. Woodlands Way runs north from The Ridge, a principal distributor road defined as a ‘Quality Bus Corridor’. Notwithstanding its fringe location on the edge of an urban area, with a large expanse of countryside to the north defined as AONB providing a tranquil setting, I am satisfied that the site is suitable for some form of residential development which would sit comfortably within a site largely enclosed by existing development.

##### *Effect on character of site and surroundings*

- 14.8 I accept that the residential development on the site and to the west and north-west comprises low density housing. This is less so to the east and south, although the properties generally possess elongated rear gardens. Looking at the wider context, the site is a visually contained enclave which sits between the countryside to the north and the densely developed residential area along and beyond The Ridge to the south. Because of the juxtaposition of employment and residential uses in the immediate vicinity and the varied nature of the houses nearby, in my view, Woodlands Way itself does not possess a distinct, well-defined residential character. I acknowledge that the development of the north-facing site would clearly change its character and

bring residential development closer to the small number of detached dwellings to the west and north. The allocated site contains a number of mature trees and bushes and these landscape features would have to be taken into account when the design of any development scheme is drawn up. Finally, I accept that there would be a noticeable increase in traffic movements along Woodlands Way.

- 14.9 However, the neighbouring dwellings to the north and west are set within enclosed plots or possess substantial grounds which provide a degree of protection. The long rear gardens of dwellings to the east also provide a considerable buffer between existing and future development. Both the Policy and the Inset Map indicate the strengthening of boundary landscaping around the site. Access into the site from Woodlands Way is intended to be from the south-west corner, opposite the industrial premises, well away from the dwellings. With careful design, I do not believe that a development scheme would seriously harm the character of the site and surroundings, nor would it fundamentally undermine the amenities of neighbouring residents.

#### *Type and density of housing*

- 14.10 The Council at the inquiry expressed the view that the area was not perceived as having a well defined ‘low density’ character that would justify requiring a density below the minimum set out in the guidance in *PPG3*. I concur with that view. However, the Policy seeks the provision of a number of dwellings that would equate only to the minimum figure referred to in the guidance. My views on this have been reiterated at various points in the Report. The Plan must adhere to Government guidance on this issue. Accordingly, the Policy must require the provision of at least 30 dwellings.
- 14.11 My conclusions on the need for affordable housing throughout the District are set out in Section 6 of the Report. I fully support the Council’s aim of seeking a proportion of 40% affordable housing on the allocated sites, including the site at Woodlands Way. There is no reason, given careful design, why a development incorporating that level of affordable housing should prove harmful to the amenities of nearby residents. The issue of the protection of property values is not one to be addressed by the planning system.

#### *Allocation boundary*

- 14.12 Objection 222/3273 suggests that the allocation site should be extended to include land to the north and west. The land to the north contains a considerable number of trees and is, in effect, the southern, elevated edge of Park Wood, a substantial woodland area which forms a major landscape feature within the southern part of the wider AONB designation. Although this suggested addition is less densely wooded than the area to the north, in my opinion it clearly relates to the wooded landscape of Park Wood and marks the southern edge of the developed area beyond The Ridge. I consider that it would be inappropriate to incorporate this land within the allocated area.
- 14.13 The area to the west is an extensive open area of mown grass and forms part of the curtilage of a large detached dwelling to the north. It has clearly defined physical boundaries on its western and northern sides. I agree with the Council’s judgement that some limited development may be possible, subject to careful design and the provision of a landscaping screen in order to mitigate its visual exposure from the north and afford protection to the amenities of nearby residents. However, its open



character distinguishes it from the allocation site. It is more visually exposed from the north than the majority of the allocated site and is within separate ownership. It is also in close proximity to the neighbouring detached property. For these reasons, I am not convinced that this land should form an integral part of the allocation.

#### *Access*

- 14.14 Woodlands Way, which leads northwards from The Ridge, is an unadopted, surfaced, road. I recognise that it serves a factory, in addition to the existing residential properties. I also accept that The Ridge carries high volumes of traffic. However, the Highway Authority has raised no objection to the principle of development on this site, subject to highway measures being undertaken to Woodlands Way, including carriageway widening and junction improvements. The evidence is that these can be achieved without affecting third party land. These measures are a specific requirement of the Policy. I am satisfied that any development here would be safely accommodated in highway terms.

#### **Recommendation**

- 14.15 **I recommend that no modifications are made to the Local Plan in relation to these objections.**

## **Section 14 Policy Omission**

### **Objections**

81/1352

East Sussex County Council T&amp;E

### **Issues**

Policy to enhance the urban fringe

### **Reasoning and Conclusions**

- 14.16 Objection 81/1352 seeks the inclusion of a policy statement to cover positive measures to enhance the urban fringe. Reference is made to Structure Plan Policy EN7 in this regard. That policy provides that urban fringe areas will be subject to positive measures to improve landscape character whilst encouraging appropriate recreational use and public access. Priority is to be given to, amongst other areas, Bexhill and Hastings.
- 14.17 Structure Plan Policy EN7 is part of the development and it already sets out the relevant policy position. This does not need to be repeated in the Local Plan. The Local Plan itself does at Policy BX4 already include proposals for a major Countryside Park in the vulnerable urban fringe area between Bexhill and Hastings which certainly qualifies as one of the positive measures sought by Policy EN7. Policies BX2 and BX3 also include landscape management and access enhancement proposals. The remaining fringe area around Bexhill appears to be in good order and less in need of early action. Parts of the urban fringe around the north of Hastings lie within Hastings Borough and are thus beyond the scope of this Local Plan.
- 14.18 Limited enhancement measures are also proposed in association with other specific development allocations. I acknowledge that there are vulnerable areas to the north of Hastings within Rother District which would benefit from positive measures of the type suggested in Policy EN7. However, having regard to the extensive work needed

to implement Policy BX4, which merits priority, I consider that it would be unrealistic within the available time to formulate further proposals for other areas as part of the Local Plan. Such considerations should therefore be deferred to future plan preparation processes.

## Recommendation

14.19 **I recommend that the Local Plan is not modified in respect of this objection:**

## Section 14 Omission Sites

### HOUSING OMISSION SITES

#### Objections

293/3552	Mr & Mrs A. Miskin (Section 14) (Land at Breadsell Farm, Hastings)
103/1575	Mr R Vidler (Policy HG1) (Land off Rock Lane, Hastings)
103/1576	Mr R Vidler (Inset Map 4) (Liddham Farm, Batchelors Bump)
103/3657	Mr R Vidler (Inset Map 4) (Liddham Farm, Batchelors Bump)
43/1207	Mrs J Hare (Inset Map 37) (Land at 56 Westfield Lane)
115/1786	Mr M Wells (Inset Map 37) (Land to rear of 66-78 Westfield Lane)
210/3211	L Cook (Policy DS3) (Land at Chowns Hill, Hastings)

#### Introduction

14.20 In that part of my report dealing with Section 4 of the Plan and the issue of housing supply, I conclude that the Local Plan generally makes adequate provision for new housing and that, with some minor exceptions and subject to adjustments to the criteria for site release, no additional housing allocations are required. That general conclusion applies to the following site allocations which have been suggested by Objectors and I do not recommend that they be included in the Local Plan. However, in case that recommendation should not be accepted by the Council, I comment briefly on each site and the relevant issues.

<b>Housing Omission Site</b>	<b>Land at Breadsell Farm, Hastings Road, Hastings</b>
293/3552 Mr & Mrs A. Miskin	
Location of site (Greenfield or previously-developed land)	<i>Greenfield agricultural land. Approximately 6-7ha.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>South east corner adjoins Hastings development boundary but the development would nevertheless be highly car-dependent with only infrequent bus services for an urban area and a lack of adequate shops, primary schools or other facilities within walking distance. Cycle access also poor due to hilly terrain.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>The Objector suggests the provision of a local play facility and community centre on site but access to other facilities would remain poor.</i>
The physical and environmental constraints on development	<i>Development would significantly erode the vulnerable Policy DSS strategic gap between Hastings and Battle and blur the separate identities of the towns. Adjacent to High Weald AONB. Development on this prominent site on a ridge-top beside a main road would be widely seen and visually intrusive. Ancient woodland adjoins south east corner.</i>
<b>Conclusion</b>	<i>The site is not needed, it has poor accessibility by means other than the car and it is in a visually intrusive location in open countryside in an important strategic gap between settlements</i>

## Supplementary Reasoning

14.21 The development of this site for housing would also conflict with Policy S24 of the Structure Plan which states in reference to Hastings that ‘No further outward expansion of the town beyond existing commitments will be allowed except for that permissible for early economic development in Policy E10.’

## Recommendation

14.22 **I recommend that the Plan is not modified in respect of this site.**

<b>Housing Omission Site</b> 103/1575 Mr R Vidler	<b>Land off Rock Lane, near Hastings</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield. About 10.5ha</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>On edge of urban area but accessibility by non-car modes not assessed</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Not assessed.</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>The proposal is one for ‘low-cost’ housing but this is not defined. A large scheme of exclusively affordable housing would not create a mixed and balanced community and would require considerable supporting infrastructure. There is a lack of evidence as to how this would be funded whilst also making the housing available at a cost affordable to those unable to compete in the market.</i>
The physical and environmental constraints on development	<i>Sloping land within the designated High Weald AONB and prominent in views from the surrounding area, but particularly from the west from where the development would appear intrusive in the landscape.</i>
<b>Conclusion</b>	<i>The site is not needed and development would be intrusive in the AONB</i>

## Supplementary Reasoning

14.23 The development of this site for housing would conflict with Policy S24 of the Structure Plan which states in reference to Hastings that ‘No further outward expansion of the town beyond existing commitments will be allowed except for that permissible for early economic development in Policy E10.’

14.24 Objection 103/1575 which seeks the allocation of this site for low cost housing development was submitted at the Initial Deposit Local Plan stage in relation to Policy H14 which exceptionally provided for residential development outside development boundaries to meet the needs of local people unable to compete in the housing market (‘affordable’ housing). Policy H14 was replaced at the Revised Deposit Stage by Policy HG2. I address objections to Policy HG2 in that part of this report which deals with Section 4 of the Local Plan.

14.25 Policy HG2 reflects national Government policy to make exceptional provision for affordable housing on sites outside development boundaries where general market housing would not normally be acceptable. At the time of writing, national policy does not support the allocation of specific sites for this purpose. Whilst such a measure has in the past been floated in consultation proposals, they have not been adopted by the Government.

14.26 Having regard to the large extent of the site, its capacity at the densities recommended by PPG3 ‘Housing’ could be as much as 315-525 dwellings. That would be a large development in the context of this Local Plan. In Section 4 I conclude that there is no need for such additional housing allocations. Moreover, whereas a development

entirely comprising affordable housing would have the potential to make a significant contribution towards meeting the acknowledged need for such housing, there is a lack of evidence that a development of this scale could be funded in such a way that the housing would be available at a sufficiently low cost to the occupier and with the provision of all necessary infrastructure. Moreover, such a large development would contravene guidance in *PPG3* to create mixed and balanced communities and to avoid creating large areas of housing of similar type.

- 14.27 Whatever the type of housing proposed for this large site, its adverse visual impact on the natural beauty of the landscape of the AONB would remain a compelling objection. There evidence of an overriding economic or social need arising within the AONB to justify a development of this scale and a development at this scale in this location would be more likely to attract residents from outside the AONB and especially from Hastings.

### Recommendation

- 14.28 **I recommend that the Plan is not modified in respect of this site.**

<b>Housing Omission Site</b> 103/1576 Mr R Vidler 103/3657 Mr R Vidler	<b>Land at Lidham Farm and east of properties fronting Winchelsea Road, Batchelors Bump (Inset Map 4)</b>
Location of site (Greenfield or previously-developed land)	<i>Objection 1576 refers to a defined area of about 4.3ha to the east of buildings fronting Winchelsea Road. Objection 3657 refers to a larger area of land which overlaps the above and extends to about 24.3ha (60 acres). Both sites are mainly greenfield agricultural land which the owner chooses not to farm. No evidence to support the claim that the land is ‘redundant’. 1576 site also includes parts of existing domestic curtilages.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>Bus service on A259. Limited local services and facilities within walking distance</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Not assessed</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>3657 Objection proposes 50% affordable housing.</i>
The physical and environmental constraints on development	<i>About half of the 1576 site lies within the High Weald AONB and is very prominent in landscape. Development of this land or of further land to the west would intrude into open countryside and impact severely on the natural beauty of the area. The larger 3657 site may include ancient woodland. Development would tend to join the settlement to Hastings to the detriment of the openness of the area. Development in depth of the domestic curtilages outside the currently defined development boundary would depart from the existing pattern of development and intrude into open countryside</i>
<b>Conclusion</b>	<i>These sites are not needed and would have a seriously adverse landscape impact.</i>

### Supplementary Reasoning

- 14.29 These two sites appear to be in the same ownership as that at Rock Lane (above).
- 14.30 The development of either site for housing would conflict with Policy S24 of the Structure Plan which states in reference to Hastings that ‘No further outward expansion of the town beyond existing commitments will be allowed except for that permissible for early economic development in Policy E10.’

### Recommendation

- 14.31 **I recommend that the Local Plan is not modified in respect of either site.**

<b>Housing Omission Site</b> 43/1207 Mrs J Hare	<b>Land at 56 Westfield Lane (Inset Map 37)</b>
Location of site (Greenfield or previously-developed land)	<i>Mainly greenfield but includes some previously-developed land. Adjoins land at 66-78 Westfield Lane.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>A bus service operates through the settlement but there is a general lack of day-to-day facilities within walking distance. It is likely that residential development would be highly car-dependent.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Not assessed</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>No local services and facilities to be supported. No proposals for new facilities to meet the needs of the residents.</i>
The physical and environmental constraints on development	<i>Part of site is ancient woodland, within High Weald AONB, and/or designated as a Site of Special Scientific Interest. Even if that land is excluded, residential development in depth would be a departure from the linear pattern of development and would intrude into open countryside. Existing access route is narrow.</i>
<b>Conclusion</b>	<i>The site is not needed, has poor accessibility and its development would intrude on the landscape.</i>

## Recommendation

### 14.32 I recommend that the Local Plan is not modified in respect of this site

<b>Housing Omission Site</b> 115/1786 Mr M Wells	<b>Land to rear of 66-78 Westfield Lane (Inset Map 37)</b>
Location of site (Greenfield or previously-developed land)	<i>Mainly greenfield but includes some previously-developed land. Adjoins land at 56 Westfield Lane (see above).</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>A bus service operates through the settlement but there appears to be a general lack of day-to-day facilities within walking distance and the hilly terrain and busy roads would deter cycle use. It is thus likely that residential development would be highly car-dependent.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Not assessed</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>No evidence of existing local services and facilities in need of support. No proposals for new facilities.</i>
The physical and environmental constraints on development	<i>Part of site is ancient woodland, part of which lies within High Weald AONB,. Even if that land is excluded, residential development in depth would be a departure from the linear pattern of development and would intrude into open countryside. Existing access route is too narrow and it is not demonstrated how access would be provided.</i>
<b>Conclusion</b>	<i>The site is not needed, has poor accessibility and its development would intrude on the landscape.</i>

## Recommendation

### 14.33 I recommend that the Local Plan is not modified in respect of this site

<b>Housing Omission Site</b> 210/3211 L Cook	<b>Land At Chowns Hill, Hastings</b>
Location of site (Greenfield or previously-developed land)	<i>Greenfield area of about 2.6ha of grass and trees that has been used for grazing. Capacity for about 80 dwellings using objector’s estimate of 30 dwellings per hectare.</i>
Location and accessibility to jobs, shops and services by modes other than the car and the potential for improving such accessibility	<i>The site abuts the built up area of Hastings to the south. There is some local employment. There is a regular bus service along The Ridge which connects to Hastings town centre and there is said by the objector to be a bus service between Hastings and Three Oaks. Frequency not known. Only limited facilities are accessible on foot and the present lack of a footway along Chowns Hill makes it hazardous for pedestrians. No detailed assessment is before me of the feasibility of providing a footway or other necessary highway improvements</i>

	<i>to accommodate a development of about 80 dwellings.</i>
Capacity of existing and potential infrastructure to absorb further development	<i>Not assessed</i>
The ability to build communities to support physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities	<i>No local facilities identified as in need of support and no proposals for improvements to local infrastructure and facilities to accommodate the needs of development.</i>
The physical and environmental constraints on development	<i>Within High Weald AONB (unlike adjoining built up area to the south). Sloping land which includes mature trees, many of which risk being lost as a result of the development and associated regrading of the sloping land. Development would be widely seen within the AONB and would harm the natural beauty of the landscape and the rural character of the surroundings. Necessary improvements to Chowens Hill to accommodate a development could damage country lane character.</i>
<b>Conclusion</b>	<i>The site is not needed to meet the social and economic needs of communities in the AONB or the District as a whole. Development would be harmful to the character and appearance of the site and its surroundings in the AONB.</i>

### Supplementary Reasoning

14.34 The development of this site for housing would conflict with Policy S24 of the Structure Plan which states in reference to Hastings that ‘No further outward expansion of the town beyond existing commitments will be allowed except for that permissible for early economic development in Policy E10.’

### Recommendation

14.35 **I recommend that the Local Plan is not modified in respect of this site**

## EMPLOYMENT OMISSION SITE - IVYHOUSE LANE, HASTINGS

### Objections

119/3271 Hastings Borough Council (Ivyhouse Lane)  
267/3358 Sea Space (Ivyhouse Lane)

### Supporting Statements

THE FOLLOWING STATEMENTS OPPOSED THE INITIAL DEPOSIT ALLOCATION OF THE IVYHOUSE LANE EMPLOYMENT SITE AND ARE THUS TAKEN AS SUPPORT FOR THE DELETION OF THAT ALLOCATION IN THE REVISED DEPOSIT PLAN

149/2019 Mr Roy Higgs  
150/2020 Mrs. Julie Higgs  
154/2024 Mrs M Roberts  
155/2025 Mr D Gore  
156/2026 Mr R W N Scollay

### Issues

- a. Impact on the AONB;
- b. Need for release of further employment land

### Reasoning and Conclusions

#### *Impact on AONB*

14.36 The triangular-shaped objection site is 5.6ha in area, comprising grassland, scrub and small groups of trees. There is a general fall across the site towards the south-east. This field extends to the west beyond the District boundary into the administrative area of Hastings Borough Council to a tree belt which runs N-S along the line of an old trackway. The administrative boundary is not defined physically on the ground.

In assessing this issue I recognise that the area of land which extends on both sides of the old track, and which lies within Hastings, is allocated for employment purposes in the adopted Hastings Local Plan, notwithstanding a recommendation to the contrary by the Local Plan Inspector.

- 14.37 Paragraph 21 of *PPS7* confirms that AONBs carry the highest status of protection in relation to landscape and scenic beauty and that in these areas the conservation of the natural beauty of the landscape and countryside should be given great weight in planning policies. I accept that paragraph 22 allows for major developments in exceptional circumstances, nevertheless, in the absence of a clear definition of what this entails, the specific reference to ‘major developments that raise issues of national significance’ suggests to me that this would not apply to employment development on this site. I acknowledge that the guidance, in paragraph 21, encourages support for suitably located and designed development necessary to facilitate the economic and social well-being of AONBs and their communities. In my view, any assessment of this need has to be balanced against the potential landscape impact.
- 14.38 The site lies at the southern head of a south-north valley which extends northwards at a right angle away from the Hastings Ridge. It forms part of a relatively broad valley, forming a belt of countryside extending up to the urban edge of Hastings. Two spurs of more elevated land leading away from the main E-W ridge flank the valley. Large stands of woodland, much of it designated as Ancient Woodland, occupy extensive areas of the valley floor. Apart from the Hastings-Ashford railway line which runs through this woodland and overhead power lines that also cross the valley, the southern end of this landscape tract is affected by other urban features, including a cemetery on higher ground to the west; the existing industrial estate and a caravan park to the south and residential development located on rising ground well to the east.
- 14.39 I recognise that various urban features close to the periphery of this valley affect its character at present. As the objection site is at the southern end of the valley, it is in a sensitive and vulnerable location. The land is poorly managed, with invasive scrub a particular feature and on my visit I noted various examples of urban detritus dumped on the land. However, most of the urban developments are placed either on the main ridge to the south or the elevated areas flanking the valley. The exception to this is the Ivyhouse Lane industrial area, along with the neighbouring caravan park, which extends beyond the ridge down its north-facing slope. Nevertheless, the existing valley woodland tends to mitigate the visual effect of the urban development, including a mature tree belt which physically contains the present industrial area on its northern edge. To the east the lower slopes of the valley below the existing housing is undeveloped open land. Having walked through the objection site, and studied it from various more distant elevated viewpoints on both sides of the valley, I am convinced that its character relates clearly to the adjoining countryside to the north and north-west, as opposed to the urban area to the south.
- 14.40 In my view, the valley is a significant landscape feature forming an integral part of the wider Brede Valley countryside to the north. I consider it to be a critically important element of the rural setting of Hastings, immediately beyond the interface with the urban area. Notwithstanding the mature hedgerow along the northern boundary of the site, there is no distinct topographical or substantial landscape feature which would define or contain an extension of the existing employment uses in this direction. I

believe that to release this site for development would seriously erode the character of this valley, compromise its function as an important part of the defined AONB and run counter to the national policy which seeks to protect and conserve the natural beauty of the AONB. My visual assessment of the site from a number of vantage points to the east and west convince me that these conclusions are justified. In my opinion, development on this site would be conspicuous and would seriously intrude upon the extensive views of the valley from these more elevated areas. This conclusion is given added force when account is taken of the site’s sloping topography which would require substantial and potentially intrusive earthworks.

- 14.41 I accept that the allocation of the area to the west within Hastings may lead to development which would extend existing employment uses further into the valley. This would clearly change the character of the valley at this point. Nevertheless, I do not consider that the effect of this development on its own would be quite so adverse. The site tapers to the north and, therefore, its northern projection into the valley would be less extensive and it would be contained by roads and development on two of its three sides. Fundamentally, however, I do not consider that this neighbouring allocation should be used to justify the release of the further large site within Rother because of the significantly cumulative adverse impact on this sensitive part of the AONB.

#### *Need for the Release of Further Employment Land*

- 14.42 I have carefully noted the evidence and concerns regarding the acknowledged weakness of the Hastings economy, which also impacts upon Bexhill and other neighbouring areas in Rother. These concerns are reflected in the designation of Hastings and Bexhill as part of the Sussex Coast and Towns Priority Area for Economic Regeneration; the setting up of the South-East Economic Development Agency (SEEDA) Task Force in partnership with both Rother and Hastings Councils and the formation of Sea Space as the executive delivery vehicle for the Task Force. Strategic planning policies also seek to address these concerns. Policy RE7 of RPG9 supports the economic regeneration of the designated Priority Areas. Structure Plan Policy S4(d) requires the making of new allocations of land early in the Plan period for employment use as close to the Hastings urban area as practicable and is linked to Policy S24 with its emphasis on regeneration and economic diversification. Finally, Policy E10(b) seeks to boost the local economy and redress acknowledged shortages of suitable sites in the Hastings/Bexhill area with the release of up to 15ha of land in the short term for high quality business development, subject to the outcome of studies to examine the potential and location of sites. This policy imperative is the subject of an important cross-reference in Policy S24 of the Structure Plan which states in reference to Hastings that ‘No further outward expansion of the town beyond existing commitments will be allowed except for that permissible for early economic development in Policy E10.’ (my emphasis).
- 14.43 It is clear that the two Authorities concerned with the Hastings/Bexhill area have struggled to meet the short-term imperative of Policy E10(b), particularly bearing in mind that the Structure Plan was adopted well over 5 years ago, with the Policy first published in draft form in 1996. Furthermore, Hastings Borough Council in their evidence has stressed the great difficulty that they have experienced in finding suitable sites, notwithstanding the ‘A21 Corridor Study’ in 1996. The Hastings adopted Local Plan has allocated 5 new sites. Two, on land west of Queensway, total



just under 8ha gross. Two other sites together have a gross area of just under 3ha, including a small extension to Burgess Road of 0.4ha, with the remaining allocation to the west of the objection site totalling 5.8ha. Purely in numerical terms the Local Plan would meet the 15ha requirement within Hastings. In addition, within the Hastings Fringe area of Rother covered by the Deposit Draft Local Plan, further allocations are made on Burgess Road (0.8ha) and the 3 small areas at Westfield and Marley Lane which total 1.64ha.

- 14.44 The Structure Plan does not define the term ‘high quality business development’ and the parties at the inquiry were unable to throw clear light on this matter. It is possible that the two Queensway sites may fall within this category. The two small sites would not. In terms of the extension to Ivyhouse Lane, both in relation to the adopted allocation in Hastings and the objection site in Rother, my view is that any employment development would struggle to attain the status of “high quality” principally because the combined sites have no primary frontage to attract potential developers or occupiers and because of the rather tortuous access through an unattractive industrial area. Additionally, as the G.L.Hearn Study of 2002 confirms, the site is straddled by high voltage transmission lines and the ground quality is likely to be poor. When these factors are combined with the potential highway difficulties of channelling more traffic from Ivyhouse Lane on to The Ridge, which already suffers from congestion, I do not believe that the site could be classed as ‘high quality’.
- 14.45 The Structure Plan policy sets out 3 requirements; that 15ha should be released; that this should be in the short term and that it would lead to ‘high quality business development’. The timing imperative has not been met and, although the numerical total may achieve the 15ha figure, it would not lead to “high quality business development”. In addition, there must be some doubt as to whether the whole of the 15ha allocated would be developed. The G.L.Hearn Study of Ivyhouse Lane not only drew attention to the likelihood of poor ground conditions, but also pointed to the sloping topography which would require extensive infrastructure and earth moving investment and the absence of services within the site. None of the development appraisals undertaken by the study produced a positive figure. Consequently, the viability of developing the combined site must be called into question.
- 14.46 Putting the timing question to one side, my conclusion is that the adopted Hastings Local Plan on its own would not produce the Structure Plan requirement in terms of employment land. However, the Strategic Policy refers to the wider Hastings and Bexhill area. Consequently, the Rother District Local Plan also comes into play. With regard to the quantum and quality aspects of Policy E10(b), these would be fulfilled by implementation of 16.3ha of business uses as part of the new community at N E Bexhill, set out in Policies BX2 & BX3. In that sense, therefore, the Revised Deposit Local Plan would resolve the situation. These provisions would be critical in meeting the need for a high quality business location and, in particular, attracting inward investment.
- 14.47 Once more, however, the issue with N E Bexhill, as with the housing provision of the Deposit Draft Local Plan, focuses on the timing of development with regard to the employment provision. This is related to the timing of the completion of the Link Road. Both Policies require that no occupation shall take place until the Link Road is constructed and open. Whilst I recommend some modification in respect of the

housing development, it would be impractical to achieve earlier release of the employment land there without adequate new roads. The forecast date for the Link Road opening has slipped to, at best, the middle of 2009. Not all the employment floor space would be completed before the end of the Plan period. If the completion of the Link Road were to be delayed further, then less floor space would be constructed and available in the Plan period. These considerations, in my view, indicate that, in terms of the provision of employment land, the adopted Local Plan in Hastings and the Deposit Draft Local Plan for Rother, taken together, may fall short of the strategic requirements. As a result, the question to be examined is whether the employment land position is of such concern that the objections identified in relation to the objection site ought to be set aside and the site allocated for employment use.

- 14.48 The objective of Policy E10(b) is to address acknowledged shortages of suitable sites in the Hastings/Bexhill area. In addition to the allocated sites, summarised in paragraph 14.27 above, other sites need to be taken into account. According to the business land supply evidence (2003), undeveloped sites on existing estates in Hastings total some 6.5ha, providing a potential estimated gross floor space total of 26,351sqm. There are no such sites recorded for the Hastings Fringe (including Bexhill). Sites with planning permission in Hastings have a combined gross floor space total of 10,744sqm. The equivalent figure for the Hastings Fringe, including Bexhill, is 4,598sqm. I accept that these floor space estimates are not insignificant, particularly when combined with the total gross floor space estimate of the allocated sites in both Plans (57,060sqm).
- 14.49 There is no doubt that, once implemented, this floor space would assist in meeting the need for jobs and growth in the defined Priority Area. The fact that some of these sites may already be earmarked for development and occupation by specific local firms who are seeking to relocate is not the important consideration. It is the job-creating potential of this future space that is critical. In that context the range of schemes being brought forward by the Task Force in the town centres of Hastings and Bexhill (58,00sqm) must be taken into account, notwithstanding the fact that these are proposed for office use, with a substantial proportion of the two large sites in Hastings planned for educational purposes.
- 14.50 My judgement is that the period between the likely adoption date of the Local Plan in 2006 and the completion of the Link Road, when some of the main employment provision at N E Bexhill would become available, may span approximately 4 years. In my view, given the current supply of allocated, committed and available sites and the employment opportunities they would provide, the situation in the Priority Area is not so calamitous as to require urgent attention in terms of the allocation of additional sites. I acknowledge that the present position in terms of employment site provision may not be wholly comfortable, but in reaching this view I have taken particular note of the active involvement of the Task Force in the area and the fact that within this period the Council’s work on the emerging Local Development Framework will be progressed when further thought would be given to the issue of employment land supply. My overall conclusion, therefore, is that, although the range of sites is not wide, with the majority being relatively small, the need for additional sites in the Hastings/Bexhill area is not so pressing as to outweigh the cogent objections that I have highlighted in relation to the objection site. I consider that the site’s contribution to the role of the AONB and its landscape character must remain paramount.

## Recommendation

- 14.51 **I recommend that no modifications are made to the Local Plan in relation to these objections.**

## TOURIST ACCOMMODATION OMISSION SITE – COGHURST WOOD, GUESTLING THORN

### Objection

34/1093

Coghurst Wood Leisure Park, Coghurst Wood, Guestling Thorn (Proposals Map)

### Issues

Allocation of land for mobile home/holiday chalet development

### Reasoning and Conclusions

- 14.52 Objection 34/1093 referred to paragraph 9.24 of the Initial Deposit Local Plan which in turn referred to a then forthcoming appeal inquiry to determine (in summary) whether a 1990 planning permission for 250 self-catering chalets at this site could lawfully be implemented. The objection sought that, notwithstanding these circumstances, part of the site should be allocated for a mobile home park or chalet development in the Local Plan together with an amenity area with enhanced public access. The precise extent and location of the proposed development is not defined in the objection although a letter of 14 February 2005 from the Objector’s agent refers to possible developments of 50-100 chalets depending upon the available access arrangements. However, rather than seeking an allocation for a specific number of chalets, the letter concludes by requesting the allocation of a site of some 4-5 hectares for a ‘tourist development’ associated with a management plan for the balance of 34.8 hectares. The location within the wood for the chalets is not defined.
- 14.53 Since the objection was submitted, the appeal seeking a lawful development certificate has been dismissed [Appeal Ref: APP/U1430/X/03/1124716].
- 14.54 Coghurst Wood lies to the north of Hastings within the designated High Weald AONB. It has been classified as ancient ‘semi natural’ woodland. However in Section 4 I support the Council’s Proposed Change PC/04/03 which would delete the words ‘semi-natural’ and thus bring the local plan definition into line with that in the Structure Plan. I do not consider that the modification would materially affect Coghurst Wood since I understand that it is the longevity of a woodland which is more material to the definition than is the origin of the trees. Structure Plan policy EN17 and Policy DS1 of this plan seek amongst other things to protect such habitats. I acknowledge that some aspects of the defined area of the ancient woodland and of the species present are questioned by the Objector. However, my understanding is that the presence of non-native species is not itself a determining factor. Moreover even were there proven to be errors in the classification it is not open to me to recommend any alteration to that status as it is not part of the Local Plan process.
- 14.55 Even were the woodland not ancient woodland, it would remain a very large and important landscape feature in the AONB. In an AONB, *PPS7* accords great weight to the conservation of the natural beauty of the landscape and countryside and states the conservation of wildlife and cultural heritage as important considerations.

Structure Plan policy EN2 sets conserving and enhancing landscape quality and character as the primary objective in the AONB. Whilst policy EN3 refers to protecting and promoting the quiet enjoyment of the AONB, that objective is heavily qualified in the text and would not to my mind support development of the type and scale envisaged and its associated activity levels, particularly where it would be likely to contravene the other stated criteria and objectives of Structure Plan policies EN2 and EN7 and Local Plan policies DS1 and GD1.

- 14.56 I have concluded above that an extension of the employment area at the nearby Ivyhouse Lane site would contravene the AONB objectives and I recommend against that suggested allocation. Similar considerations apply here and are reinforced by the woodland character of the site, and by its greater separation from the development boundary of the built up area.
- 14.57 In Section 9 I address objections to Policy EM10 which concerns amongst other things the development or extension of static caravan parks or chalets in the countryside. There I endorse the principle of not permitting such developments except where it would result in a significant improvement in the appearance of an existing site (or in other limited circumstances which do not apply here). There is no evidence that such a visual improvement would be achieved in this case and I consider that the inevitable loss of trees and the prominent raised topography of the land would be certain to result in harm to the landscape of the AONB, notwithstanding the proposed reduction in scale from previous proposals. That harm would not be outweighed by tourism benefits, particularly as the damage to the landscape would itself affect the area’s attractiveness to other visitors. I conclude that a development allocation would not be appropriate

### **Recommendation**

- 14.58 **I recommend that no modification is made to the Local Plan in respect of this site.**

## SECTION 15 – Maps

**Inspector’s Note** In addition to the recommendations in this section, further recommended modifications of the Proposals Map and Inset Maps are included alongside relevant recommendations for modifications to the policy and text of other sections of the plan. Further minor consequential modifications may also be needed as a result of other recommendations.

### The Proposals Map

#### Objections

45/1215	Mr. S. Hardy (General)
287/3432	Rye Harbour Nature Reserve

THE FOLLOWING OBJECTIONS HAVE BEEN REALLOCATED TO OTHER SECTIONS OF THE PLAN

16/1044	Network Rail (See Section 13 – Omission Sites - Etchingham)
34/1093	Coghurst Wood Leisure Park Ltd (See Section 14 – Omission Site)
148/2017	Dr. P.V. Player (See Section 13 – Omission Site - Flimwell)

#### Issues

- a. Designated nature conservation sites
- b. Ewhurst Green development boundary

#### Reasoning and Conclusions

##### *Designated nature conservation sites*

- 15.1 Objection 287/3432 seeks the inclusion of a plan showing national and European designated nature conservation sites. However the main Proposals Map and Inset Maps already depict Sites of Special Scientific Interest (SSSI), wetlands of international importance (Ramsar), candidate Special Areas of Conservation (SAC) and proposed Special Protection Areas (SPA) all as requested by the Objector. It may be that the Objector has not seen the large scale main Proposals Map which provides the requested overview and is not bound in with the other Maps.
- 15.2 In my report on Section 4 I recommend a modification in accordance with the Council’s proposed change PC/00/01 which highlights the possibility that the extent of environmental designations may change during the Local Plan period and may be checked with the Local Planning Authority or relevant agency.

##### *Ewhurst Green conservation area boundary*

- 15.3 Objection 45/1215 relates to Inset Map 43 in the Initial Deposit Local Plan that indicated the proposed boundary of a conservation area. However the designation of new conservation areas is a matter for separate legislation and is not suitable for inclusion in the Local Plan. The proposed boundary is not shown in the substantive Revised Deposit Local Plan and no further modification is necessary or appropriate in respect of this objection.

#### Recommendation

- 15.4 **I recommend that no modification is made in relation to these objections.**

## Bexhill - Inset Map No. 1

### Objections

92/1514	Mr. and Mrs. T. Taylor
FOR THE FOLLOWING OBJECTIONS SEE SECTION 10:-	
9/1020	Mrs. P. Ward-Jones (See Omission Sites - 168 Oakleigh Drive/Spring Lane)
9/1023	Mrs. P. Ward-Jones (See Omission Sites - 168 Spindlewood Drive)
13/1032	Mr. G. Marchant (See Omission Sites - 168 Land at Barnhorn Road)
90/1512	Mr. and Mrs. T. Graham (See Omission Sites - 168 Peartree Lane)
110/1728	Ibstock Brick Limited (See Policy BX10)

### Issues

- a. Environmental designations outside the District Boundary.
- b. Flood plain at 1 The Byeway, Little Common

### Reasoning and Conclusions

#### *Environmental designations outside the District Boundary*

- 15.5 Inset Map 1 for Bexhill depicts in colour a number of environmental designations and shows where they extend beyond the District boundary into Hastings Borough and Wealden District. Those areas however have their own Local Plans and the notation should therefore end at the boundary. The Council has appropriately proposed the following change and no objections were made when the change was advertised.

#### **Pre-Inquiry Change – PC/PM/01**

Delete environmental designations from area outside of district boundary.

*Reason: To correct computer software error.*

No representations

#### *Flood risk area at 1 The Byeway, Little Common*

- 15.6 Objection 92/1514 disputes the accuracy of the flood risk area at this location as defined on Inset Map 1 of the Initial Deposit Local Plan. Flood risk areas are defined by the Environment Agency and not by the Council. The objector is disputing with the Agency the definition of the floodplain at this location. The Council’s response to the objection indicated that the Inset Map would be updated to show the currently identified flood risk area. However Inset Map 1 was replaced at the Revised Deposit stage by a much smaller scale map that does not show the flood risk area in the vicinity of this location. I do not consider that any further modification is needed to address the objection

### Recommendation

- 15.7 **I recommend that Inset Map 1 is modified in accordance with PC/PM/01.**

## Bexhill - Inset Map No. 1a

### Objections

241/3129	Mr. J. Sayers (See Section 10 Omission Sites – 228 Ninfield Road)
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**High School & Drill Halls, Down Road, Bexhill - Inset Map No. 1b**

No representations

**Former Galley Hill Depot, Ashdown Road, Bexhill -Inset Map No. 1c**

No representations

**Land off the Gorseway, Bexhill - Inset Map No. 1d****Objections**

245/3163

Westbury Homes (Holdings) Ltd. (See Section 10 Omission Sites – Land off The Gorseway)

**Bexhill Town Centre - Inset Map No. 1e**

No representations

**Bexhill Cemetery - Inset Map No. 1f**

No representations

**Sidley - Inset Map No. 1g**

No representations

**Little Common - Inset Map No. 1h**

No representations

**Issues**

Annotation of shopping area at Little Common

**Reasoning and Conclusions**

15.8 The Council has proposed a change to the Inset map as follows:-

**Pre-Inquiry Change – PC/PM/03**

(Inset Map 1h)

‘Little Common Shopping Area’ should be amended to read: ‘**Little Common District Shopping Area**’.

*Reason: For clarification.*

15.9 No representations were received when the Proposed Change was advertised before the Inquiry. The modification would clarify that this is a District Centre where retail development is supported by development plan policies.

**Recommendation**

15.10 **I recommend** that Inset Map 1h is modified in accordance with PC/PM/03.

## Battle – Inset Map No. 2

### Objections

129/1899	Crowhurst Parish Council (See Inset Map 12 below)
FOR THE FOLLOWING SITES SEE SECTION 11 BATTLE	
84/1452	Millwood Designer Homes Ltd.(Omission Site – Land at Lillybank Farm)
142/1973	The Battle Partnership (Inset Map 2a)
185/2308	The Beech Estate
67/1261	Mr. J. Richards

### Issues

Pre-Inquiry Change – PC/PM/04

### Reasoning and Conclusions

15.11 In response to Objection 67/1261, the Council has proposed the following change to Inset Map 2:-

#### **Pre-Inquiry Change – PC/PM/04**

(Inset Map 2)

Amend the development boundary for Battle to include existing consolidated development off Netherfield Road, as shown on the attached plan.

*Reason: To recognise it as part of the urban form of Battle.*

No representations

15.12 This change recognises the urban character of the existing residential development off Netherfield Road. I have referred to this earlier in Section 11 of my Report (paragraph 11.35). In my view, this would be an appropriate change to the development boundary of the town incorporating a substantial area of consolidated development.

### Recommendation

15.13 **I recommend that Inset Map 2 is modified in accordance with Proposed Change PC/PM/04.**

## Battle Town Centre – Inset Map No. 2a

### Objections

142/1973	The Battle Partnership (Inset Map 2a- See Section 11 Battle)
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## Rye & Rye Harbour – Inset Map No. 3

### Objections

192/2333	Mr B A Benn
194/2340	Mr Clive Sutton

FOR THE FOLLOWING OBJECTIONS SEE SECTION 12 – RYE OMISSION SITES

12/1031	Rastrum Limited
16/1042	Network Rail
88/1501	Clive Hacking



88/1502	Clive Hacking
88/1503	Clive Hacking
88/1504	Clive Hacking
121/3209	Cinque Port Leisure Group (Policy DS3)
219/3558	Mr & Mrs. K. Hall

### Supporting Statements

111/1731	Rye Town Council
178/2195	Rye Conservation Society

### Issues

- a. Whether the defined development boundary for Rye should include West Undercliff
- b. Whether the defined development boundary should be extended to the south of 136 New Winchelsea Road.

### Reasoning and Conclusions

*Whether the defined development boundary for Rye should include West Undercliff*

- 15.14 Although West Undercliff is located close to existing substantial development in the Udimore Road area, the small group of dwellings occupies a separate, distinct rural setting, served by a narrow access track, on land lying at a much lower level to the east. It relates more to the ‘levels’ area extending away from the base of Cadborough Cliffs, rather than the more elevated urban development to the west and south west. Moreover, the evidence before me is that this land lies within a flood risk area. I consider, therefore, that the boundary should not be amended to include this site.

*Land south of 136 New Winchelsea Road*

- 15.15 I accept that this site would result in only a small extension to a long existing finger of development fronting the east side of the road. Nevertheless, the site, together with the adjoining development lies close to flat open countryside. The existing ribbon is prominent in views from most directions, including the nearby public footpaths. The defined development boundary seeks to contain the present urban ribbon of development which extends a long distance away from the core of the town. Development on this site would extend ribbon development beyond the present limits towards open country in an area which lies within a defined floodplain and is subject to risk of flooding. I consider that the suggested alteration to the defined boundary would be inappropriate.

### Recommendation

- 15.16 **I recommend that no modification be made in relation to these objections:**

### Rye Town Centre – Inset Map No. 3a

No representations

## Batchelor’s Bump – Inset Map No. 4

### Objections

FOR THE FOLLOWING SITES SEE SECTION 14 OMISSIONS SITES – LIDHAM FARM

103/1576	Mr R Vidler
103/3657	Mr R Vidler

## Beckley – Inset Map No. 5

### Objections

No representations

## Brede & Cackle Street– Inset Map No. 6

### Objections

No representations

## Broad Oak – Inset Map No. 7

### Objections

387/3791	Brede Parish Council (See Section 13 – Omission Sites – Broad Oak)
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## Burwash – Inset Map No. 8

### Objections

144/3354	Westridge Construction Ltd (See Section 13 Burwash)
162/2041	Mr. and Mrs. G.S. Cooper
253/3275	Councillor Gaynor Leeves (Policy VL1)
253/3764	Councillor Gaynor Leeves
258/3285	Mrs S Ormrod (Policy VL1)
258/3286	Mrs S Ormrod (Policy VL1)
258/3288	Mrs S Ormrod (Policy VL1)
258/3289	Mrs S Ormrod (Policy VL1)
258/3290	Mrs S Ormrod (Policy VL1)

FOR THE FOLLOWING OBJECTIONS SEE SECTION 13 OMISSION SITES - BURWASH

123/1863	Mr. R. Ramagee
259/3784	Exors. of J. Stevenson

### Supporting Statements

25/1068	Mr. and Mrs. D. McKeever
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### Issues

- a. The development boundary at Weeping Birch
- b. Development boundary on south side of village

## Reasoning and Conclusions

### *The development boundary at Weeping Birch*

- 15.17 Several objections seeking the inclusion of this land within the development boundary were originally and inappropriately recorded against Policy VL1 which concerns a specific housing allocation elsewhere in Burwash and referred to in Section 13 of the Plan.
- 15.18 The detached property “Weeping Birch” sits on top of an elevated plateau on the western edge of the village. To the east is the residential estate known as Highfields. To the west, at a distinctly lower level is the driveway to ‘Ashlands’, a large detached dwelling separated from the village to the south. Although ‘Weeping Birch’ and its garden to the south occupy a generally level site, other land within the cartilage to the north, which is well wooded and undeveloped, falls steeply towards the A265.
- 15.19 The development boundary at this point in the village, by excluding “Weeping Birch”, cuts back and follows the residential estate boundary to the east. As the site is bounded to the west by the drive to ‘Ashlands’, I understand the argument that the development boundary should be drawn to extend up to that access and include the objection site. However, the steeply wooded land which forms the bulk of the site, in my view, marks the distinct change in character between the developed part of the village comprising Highfields in its elevated location and the more rural fringe at a lower level to the west. The well wooded site, along with land of a similar character to the west of the ‘Ashlands’ drive, makes a significant contribution to the landscape framework on the western edge of the settlement. Approaching from the west, this woodland provides a prominent and attractive visual feature. Any development within it would seriously damage this wooded character. I consider that the rear western boundary of Highfields provides a clear “stop” to the developed part of the village on the south side of the A265. In my view, “Weeping Birch” and its surrounds are an integral part of the rural fringe of the settlement. I consider, therefore, that the present alignment of the development boundary has been appropriately drawn at this point.

### *Development boundary on south side of village*

- 15.20 Although recorded as an objection to the Plan, Objection 162/2041 is really an expression of support for the development boundary defined for the south side of the village on Inset Map No. 8. It does not seek any modification of that boundary and only opposes any future changes. However any such changes are not a matter for me but would be for others to consider at a future date.

## Recommendation

- 15.21 **I recommend that the Local Plan is not modified in respect of these objections.**

## Burwash Common/Burwash Weald – Inset Map No. 9

### Objections

136/3766

Grampian Country Food Group (See Section 13 Omission Sites – Burwash Common)

## Camber - Inset Map No. 10

### Objections

160/2038 C.S.G. Saunders (See Section 13 Omission Sites - Camber)

### Comments

186/2324 Highways Agency

## Catsfield - Inset Map No 11

### Supporting Statements

22/1055 Catsfield Parish Council

## Crowhurst – Inset Map No. 12

### Objections

129/1899 Crowhurst Parish Council (Incorrectly attributed to Inset Map 2)  
140/1961 BT plc

### Issues

- a. Flood risk in the vicinity of Crowhurst
- b. Inclusion of Crowhurst telephone exchange within the development boundary.

### Reasoning and Conclusions

#### *Flood risk in the vicinity of Crowhurst*

15.22 Objection 129/1899 was originally submitted in respect of the omission of Crowhurst from a list of areas at risk of flooding in paragraph 10.92 of the Initial Deposit Plan. That paragraph does not appear in the substantive Revised Deposit Local Plan. The objection was then incorrectly attributed by the Council as an objection to Inset Map 2 (Battle). In fact it is Inset Map 12 of the latter Plan which depicts the fluvial and tidal floodplains in the vicinity of Crowhurst as defined by the Environment Agency in 2002. No purpose would be served by adding a written list of areas at risk of flooding. Policies DS1 and GD2 of the Plan and their supporting text include criteria for new development in flood risk areas. I address in the relevant sections of the report other objections relating to flooding matters and recommend some wording changes. The Local Plan is not the appropriate vehicle for determining the priorities of the Environment Agency in relation to the management of existing areas of development at risk of flooding.

#### *Inclusion of Crowhurst telephone exchange within the development boundary*

15.23 Crowhurst is a dispersed and open settlement within the AONB. Development is often to be found only on one side of a road and there are wide gaps between groups of buildings. To reflect this character the development boundary is divided into 3 areas and it excludes several small groups of buildings. The telephone exchange is a timber building in one such small group of low density buildings within a well wooded area. The exchange stands on ground that is raised above road level and fringed by trees. The character of this group of buildings differs from the higher

density residential frontage on the opposite side of the road that lies within the development boundary. I conclude that to bring the telephone exchange within the boundary would encourage development that would undermine the open rural character of the site and its surroundings and risk harm to the natural beauty of the AONB.

## **Recommendation**

15.24 **I recommend that the Plan is not modified in respect of this objection.**

## **Etchingham – Inset Map No. 13**

### **Objections**

FOR THE FOLLOWING OBJECTIONS SEE SECTION 13 – OMISSION SITES - ETCHINGHAM

69/2346	Mr J.R. Boyle
70/1269	Mrs M.R.A. Boyle
182/2286	Dr C. Ahrens
182/2325	Dr C. Ahrens
280/3419	Mr Richard M. Childs

FOR THE FOLLOWING OBJECTIONS WHICH RELATE TO THE COUNCIL’S PROPOSED CHANGE TO INSET MAP 13, SEE SECTION 13 – OMISSION SITES - ETCHINGHAM

64/9040	John Fleming
65/9039	Mr M R Crouch
79/9054	Mrs V J Crouch
181/9049	Etchingham Parish Council
264/9050	Etchingham Primary School
265/9051	Etchingham P C & E Trust for Sport and Recreation
545/9041	Mrs A Stubbs
546/9042	Mrs A Waterhouse
547/9043	Mr & Mrs A W Peters
548/9044	Mr & Mrs A R Howard
550/9048	Mr & Mrs J Higgins
549/9056	Mr & Mrs Withnall

### **Supporting Statements for the Substantive Inset Map 13**

65/1259	Mr M R Crouch
79/1326	Mrs V J Crouch
199/2345	Mr and Mrs P. Shaw
200/2347	Mr and Mrs T. Crane
202/2349	Mr R L Baxter
204/2351	Mr and Mrs G. Rhodda

### **Supporting Statements for the Council’s Proposed Change to Inset Map 13**

69/9038	Mr J R Boyle
70/9053	Mrs M R A Boyle
182/9047	Dr C Ahrens
280/9046	Mr Richard M Childs
546/9055	Mrs A Waterhouse
549/9045	Mr & Mrs J Withnall

### **Comments**

205/2352	Mr. C. French
69/9052	Mr J R Boyle

**Fairlight Cove – Inset Map No.14**

No representations

**Flimwell – Inset Map No. 15****Objections**

FOR THE FOLLOWING OBJECTIONS, SEE SECTION 13 OMISSION SITES - FLIMWELL

83/1445	Scaling Limited
83/1449	Scaling Limited
125/1888	Mr. A. Moore
383/3783	Messrs. Poland Bros.

**Four Oaks – Inset Map No. 16**

No representations

**Guestling Green – Inset Map No. 17**

No representations

**Hastings Fringes – Ivyhouse Lane/Austen Way - Inset Map No. 18**

No representations

**Hastings Fringes – Parkwood Road/Denehurst Gardens - Inset Map No. 19****Objections**

No representations

**Hurst Green – Inset Map No. 20****Objections**

47/3703	Mrs. Alexandra Bayley (See Section 13 - Omission Sites – Hurst Green)
171/2170	Tabfern Limited (See Section 13 - Omission Sites – Hurst Green)

**Icklesham – Inset Map No. 21**

No representations

**Iden – Inset Map No. 22****Supporting Statements**

381/3781	Mr. D. Hall
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## Marley Lane Employment Sites – Inset Map No. 23

### Objections

99/1571 Tarquin Desoutter

### Issues

Initial Deposit Local Plan employment allocation

### Reasoning and Conclusions

15.25 The objection refers to an employment allocation that was proposed by Policy E2 in the Initial Deposit Local Plan. It was described as the Blackman, Pavie & Ladden site and was situated to the north of Marley Lane close to the junction with the A21. That allocation was entirely deleted from the substantive Revised Deposit Local Plan and no further modification is needed to address this objection.

### Recommendation

15.26 **I recommend that no modification is made in respect of this objection.**

## Netherfield – Inset Map No. 24

### Objections

74/1281 The Newcombe Estates Company (See Section 13 – Omission Site – Netherfield)

## Norman’s Bay – Inset Map No. 25

No representations

## Northiam – Inset Map No. 26

### Objections

68/1266 Mr and Mrs P Rigby (See also Section 13 – Omission Sites, Northiam)  
316/4073 Persimmon Homes (South East) Ltd. (See Section 13 – Omission Sites - Northiam)

### Issues

The development boundary at Friars Cote Farm

### Reasoning and Conclusions

15.27 In Section 13 I addressed Objection 68/3201 and concluded that the allocation of land at (and adjoining) Friars Cote Farm as a housing site was not justified. The site comprises a mix of mainly derelict farmbuildings together with a former oast house in residential use and originally included adjacent open land. The farmbuildings are technically a greenfield site according to the definition in Annex C of *PPG3*. Development of the open land would harm the rural character of this part of Northiam and, if that area is excluded, the residual area would be too heavily constrained by its small size, the prominent ridge-top location on the edge of the settlement and by the

restricted vehicular access along a narrow unmade shared track to warrant allocation for housing.

- 15.28 The same objector had previously lodged Objection 68/1266 to the Initial Deposit Local Plan seeking the amendment of the defined development boundary of Northiam to include a similar area of land and buildings. The main consequence of such a change would be that the more restrictive policies for development in the countryside would not apply. However the derelict buildings are separated from the development boundary by land in other ownership that is occupied by a barn which appears to be in active use.
- 15.29 I acknowledge that the derelict farm buildings detract from their surroundings. That part of the objection site would merit works to improve its appearance. Because the land and buildings are no longer attached to an agricultural unit, such improvements are likely to depend upon a new use being found. However the buildings are themselves are ill-suited to a conversion to another use and they may require substantial rebuilding before they would be functionally suitable. In this regard, new Government policy in paragraphs 19 and 20 of *PPS7* supports the inclusion in the forthcoming Local Development Documents of policy criteria for the replacement of suitably located buildings in the countryside for economic development purposes. Such a policy would need to address matters such as the scale of development and the circumstances in which replacement would not be acceptable. There are however no such proposals before me for the Local Plan and no criteria for such a policy were suggested at the Inquiry. In my view, having regard to the imperative to secure the early adoption of a Local Plan for the District, it is too late in the Local Plan process to recommend the introduction of potentially complex and contentious new policy criteria for replacement buildings. The matter would thus be better addressed in the forthcoming Local Development Documents to which *PPS7* is directed.

### Recommendation

- 15.30 **I recommend that the Local Plan is not modified in respect of this objection.**

## Peasmarsh – Inset Map No. 27

### Objections

130/3697	Peasmarsh Village Society
140/1960	BT plc
161/3651	Mrs. S.K.M. Cavilla
130/1901	Peasmarsh Village Society (see also Section 4 Policy DS3)
161/2040	Mrs. S.K.M. Cavilla (see also Section 4 Policy DS3)

### Issues

- a. Principle of having a development boundary for Peasmarsh
- b. Land rear of Fortune Cottage and Toby’s Cottage
- c. Telephone Exchange



## Reasoning and Conclusions

### *Principle of having a development boundary for Peasmarch*

- 15.31 Peasmarch is an identifiable settlement, incorporating considerable built development, with clearly defined development limits and a satisfactory range of services including a school and an unusually large supermarket. The Plan does not identify any sites for development but the settlement would be suitable for ‘internal’ growth. Consequently, a defined development boundary is appropriate. Should proposals be brought forward for development within the boundary, planning permission would be needed and the proposals would still need to be assessed against other plan policies and any other material considerations such as the location of the village within the designated High Weald AONB. With regard to the inclusion of the Recreation Ground within the boundary, Policy CF2 resists development that would result in the loss of such facilities unless strict tests are satisfied.

### *Land rear of Fortune Cottage and Toby’s Cottage*

- 15.32 Although the Council had considered this land as a possible allocation for housing development, the proposal was not included within the Revised Deposit Local Plan, apparently due to the identification of several impediments to development and because of associated local opposition. Were new proposals to be brought forward and a planning application submitted for development, it would remain necessary to satisfy relevant planning policies with regard to such matters as access, drainage, the impact on the character and appearance of the area and on the AONB and the effect on the living conditions of neighbouring occupiers. Without prejudice to that process, there is insufficient information before me to demonstrate whether or not these and any other issues are capable of resolution. In the absence of such evidence and with the land bounded by built development on three sides, I nevertheless consider that it has been appropriately included within the development boundary.

### *Telephone Exchange*

- 15.33 Peasmarch telephone exchange is a small building at the end of a frontage of built development and adjoining open countryside. The telephone exchange building has been included within the defined development boundary. However the small-scale Inset Map appears to exclude about half of the width of the already narrow forecourt to that building. The boundary appears to be unrelated to any physical feature and it would be difficult to identify precisely on the ground having regard to the small scale of the Map and the thickness of the line depicting the boundary.
- 15.34 The Council’s expressed intention not to intensify the ribbon of development does not explain why the telephone exchange building has itself been included within the boundary. The site is in any event so narrow that there is little risk of development harmful to the semi-rural character of the area. In order that the boundary may be more readily identified on the ground, I conclude that it should be realigned to the western boundary of the curtilage of the Exchange.

## Recommendation

- 15.35 **I recommend that the development boundary on Inset Map 27 is realigned to coincide with the western boundary of the curtilage of the telephone exchange.**

## Pett & Friars Hill – Inset Map No. 28

### Objections

362/3722

The John Woodward Partnership

### Issues

Home Cottage and land east of ‘Peacehaven’

### Reasoning and Conclusions

*Home Cottage and land east of ‘Peacehaven’*

- 15.36 Pett is a linear village in the High Weald AONB. The proposed development boundary generally includes the almost continuous frontage development. The objection site lies at the eastern end of the village where the development boundary would include a row of dwellings ending with that known as Peacehaven but would exclude the side garden of Peacehaven which lies to the east and would also exclude a small dwelling known as Home Cottage which stands between that garden and the lane. The Council has proposed the following change that would include Home Cottage within the boundary whilst continuing to exclude the side garden of Peacehaven:-

#### **Pre-Inquiry Change – PC/PM/06**

(Inset Map 28)

Amend the development boundary for Pett to include Home Cottage at its eastern end.

*Reason: To include a dwelling well related to the existing development boundary.*

No representations

- 15.37 The inclusion of the small Home Cottage and its curtilage is appropriate and would be consistent with the inclusion of all other dwellings along this frontage. Because the curtilage is small and provides little opportunity for further development, that change would be unlikely to result in material changes to the character and appearance of the area. However the side garden of Peacehaven is substantially open and would be large enough to physically accommodate an additional dwelling, being larger in area than the existing curtilage of Home Cottage. Such development would further extend the built up area of the village into open countryside. A building as large as a dwelling would be likely to appear intrusive. It would border open countryside and would stand in very close proximity to Home Cottage to the front of the dwelling. Whilst the Objector is not currently seeking such development, a future owner may decide to do so were the development boundary to be amended. Whether the objection site lies within the development boundary or otherwise would not affect the exercise of permitted development rights to erect ancillary buildings in the garden. I note that the Council has similarly excluded several other gardens on the edge of the settlement.

### Recommendation

- 15.38 **I recommend** that Inset Map 28 is modified in accordance with PC/PM/06.

## Pett Level – Inset Map No. 29

### Objections

No representations

## Robertsbridge – Inset Map No. 30

### Objections

30/1089	Mr. Quentin Black
467/3926	Mr G Sharman (Policy DS3)
FOR THE FOLLOWING SITES, SEE SECTION 13 OMISSION SITES – ROBERTSBRIDGE:-	
10/1025	Devine Homes plc
10/1026	Devine Homes plc
136/1923	Grampian Country Food Group
136/1924	Grampian Country Food Group

### Issues

- a. Development boundary north of Brook House, Northbridge Street
- b. Development boundary rear of Beech House, Langham Road

### Reasoning and Conclusions

#### *Development boundary north of Brook House Northbridge Street*

- 15.39 Objection 30/1089 seeks the inclusion within the development boundary of an area of land beyond the frontage development on the west side of Northbridge Street at the northern end of the settlement. The land is within the nationally-designated High Weald AONB where priority is to be accorded to the conservation of the natural beauty of the area whilst regard is also to be had to the economic and social needs of local communities including the need for affordable housing.
- 15.40 Were the boundary to be modified it is the declared intention of the Objector to seek residential development on this land. The precise area of land is unclear as the objection is accompanied by only a very small scale plan. However it appears that the land would be a small site that would accommodate 5 dwellings or fewer, depending upon the size of the dwellings.
- 15.41 An appeal in respect of a refused planning permission for the erection of only one dwelling on part of the site was dismissed in 2000, on the grounds amongst other things of harm to the character and appearance of the area through an inappropriate intrusion into the attractively rural setting of the settlement. I consider that statement would also apply to the larger development likely to result from the proposed change to the development boundary. I also agree with the comment of the appeal Inspector in 2000 that built development would be not be a suitably measured response to the claimed problem of fly-tipping on this land. I note that a similar area of land on the opposite side of the street was deliberately removed from the development boundary to prevent similarly harmful development.
- 15.42 I acknowledge that Robertsbridge has a range of facilities and services including bus and rail services and is a sustainable location for some additional development. However the Local Plan has already identified sufficient sites for development closer to those facilities and services and on a scale that would be more likely to contribute to meeting identified social and economic needs for affordable housing and

employment provision. The objection site is more remote from the village’s facilities and would not make a similar contribution. I have also drawn attention in this report to an opportunity for a major redevelopment of previously-developed land at the vacant mill site in Northbridge Street.

*Development boundary rear of Beech House, Langham Road*

- 15.43 Objection 467/3926 seeks the inclusion within the development boundary of an area of garden that has been excluded. It lies behind a dwelling on the western end of the village. The land is within the nationally-designated High Weald AONB where priority is to be accorded to the conservation of the natural beauty of the area. The existing garden of the house is on two levels with the upper level being more formal in planting and layout and the lower level having an informal semi-wooded character that blends into adjoining ancient woodland. I acknowledge that the proposed development boundary does not precisely follow the division between these two character areas. However to amend the boundary to that line would not materially affect the development potential of the land.
- 15.44 To amend the boundary to include the entire garden, as the Objector seeks, would create the potential to erect an additional dwelling using the side access to a lane. Whilst the Objector claims that not to be his present intention, future owners could take a different view. Such development would intrude on the area’s natural beauty and woodland character.
- 15.45 I acknowledge that large adjacent rear gardens have been included within the development boundary. However they are further from the ancient woodland and they lack convenient access points, making proposals for their redevelopment much less likely. Moreover there are no relevant duly-made objections before me to their inclusion.

**Recommendation**

- 15.46 **I recommend that the Local Plan is not modified in respect of these objections.**

**Sedlescombe – Inset Map No. 31**

**Objections**

170/2169

Bellwinch Homes (See Section 13 – Omission Sites - Sedlescombe)

**Staplecross – Inset Map No. 32**

**Supporting Statements**

45/1213

Mr. S. Hardy

**Stonegate – Inset Map No. 33**

**Supporting Statements**

17/1050

Ms. Phoebe Cameron

## Three Oaks – Inset Map No. 34

### Objections

362/3721                      The John Woodward Partnership

### Issues

Development boundary at Maxfield Lane

### Reasoning and Conclusions

#### *Development boundary at Maxfield Lane*

- 15.47 Three Oaks is a mainly linear village with occasional salients of development that extend at right angles from the main settlement into the countryside. The settlement has few services or facilities. It is unusual in the District in having a railway station at its heart with approximately hourly daytime services to Ashford and Hastings. The development boundary includes the main linear development and three existing closely built-up salients. However Objection 362/3721 seeks the inclusion of a further small group of buildings fronting Maxfield Lane together with an intervening vacant site. That site was formerly used as a dairy and contains a partially demolished building and several mature oak trees.
- 15.48 The objection site lies (like the rest of the settlement) within the designated High Weald AONB where priority is to be accorded to the conservation of the area’s natural beauty. Maxfield Lane is a narrow unmade lane dropping away from the village into a partially wooded area. It has a strongly rural and informal character with sporadic development on one side or the other. These characteristics distinguish it from the main development along Butchers Lane and from the more densely built up salients of development within the boundary. I consider that the extension of the development boundary would encourage the consolidation of built development with associated harm to the sylvan rural character of the lane and to the natural beauty of the AONB.

### Recommendation

- 15.49 **I recommend that the Local Plan is not modified in respect of this objection.**

## Ticehurst – Inset Map No. 35

### Objections

124/3454	CPRE Sussex Branch
273/3395	Miss M P Annetts
274/3397	Mrs E A Fraser
282/3826	Mrs S. May
289/3345	Mrs M J Fraser
373/3765	Mr and Mrs J. Kempe

## FOR THE FOLLOWING OBJECTIONS, SEE SECTION 13 OMISSION SITES - TICEHURST

37/1161	Crofton Place Developments Ltd
37/1162	Crofton Place Developments Ltd
37/3140	Crofton Place Developments Ltd
73/1280	Mr P D H Burfoot
316/4074	Persimmon Homes (South East) Ltd.

## FOR THE FOLLOWING OBJECTION, SEE SECTION 13 OMISSION SITES - FLIMWELL

148/2018	Dr P V Player
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**Supporting statements**

275/3402	Ticehurst Parish Council
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**Comments**

273/3396	Miss M.P. Annetts
282/3447	Mrs S. May

**Issues**

Development boundary at Orchard Farm

**Reasoning and Conclusions***Development boundary at Orchard Farm*

- 15.50 The objection site is a disused horticultural nursery in a backland position. It lies to the south of frontage housing on the High Street between the former County Council Depot site to the west and a recreation ground to the east and to the north of Orchard House and Cottage. The latter dwellings stand outside the proposed development boundary and they share with the objection site and a frontage dwelling a narrow private access drive from the High Street. There are several unsightly and dilapidated vacant utilitarian buildings on the objection site that were associated with the former nursery use.
- 15.51 Before publishing the Revised Deposit Local Plan the Council had considered a housing allocation on the land in association with a redevelopment of the County Council depot. This was not pursued owing to the physical difficulty of forming an access between the two areas of land and because of the constraints on creating a more direct access from the highway to this land. For access and other reasons several objectors are opposed to the retention of the nursery site within the defined development boundary.
- 15.52 Like the rest of Ticehurst, Orchard Farm lies within the High Weald AONB where priority is to be accorded to the conservation of natural beauty. As land last used for horticulture, which in planning law is a form of agriculture, the land is excluded from the definition of previously-developed land according to the definition in Annex C of *PPG3 'Housing'* and is thus not a priority site for housing development. Neither does the Local Plan propose that it be allocated for such development. However its inclusion within the development boundary would create a policy context more favourable to built development. In 2002, when the site lay outside the development boundary proposed in the Initial Deposit Local Plan, a planning appeal was dismissed in respect of a refusal of outline planning permission for the erection of two dwellings. The Inspector concluded then amongst other things that the land largely relates to the countryside and that the development would have a harmful impact on the rural character and appearance of the area.
- 15.53 Were another development to be proposed, the proposed relocation of the development boundary would be a material change in circumstances since the previous appeal. However the access constraints remain and would be likely to rule

out development that would exceed that which could normally be served off a shared private drive.

- 15.54 Taking all of these considerations into account, I consider that the site as a whole is unsuitable for inclusion within the development boundary. However that small part of the area occupied by the former nursery buildings does relate closely to the adjoining built up area and its inclusion within the development boundary with the remainder of the land remaining open would allow for a form of limited redevelopment that would replace the buildings and so improve the character and appearance of the area whilst generating only modest use of the narrow access drive. Nevertheless the actual traffic impact would be a matter to determine as part of the development control process.

### **Recommendation**

- 15.55 **I recommend that Inset Map 37 is modified by amending the development boundary at Orchard Farm to exclude all of the land except for that occupied by the former nursery buildings.**

## **Westfield – Inset Map No. 36**

### **Objections**

172/2171	Mr. S.R. Finch (See Section 13 – Omission Sites – Westfield)
366/3731	Mrs. V. Faulkner (See Section 13 – Omission Sites – Westfield)

### **Supporting statements**

175/2179	Hamish Monro
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## **Westfield Lane – Inset Map No. 37**

### **Objections**

43/1207	Mrs. Joyce Hare (See Section 14 – Omission Sites Westfield Lane)
115/1786	Mr. Michael Wells (See Section 14 – Omission Sites Westfield Lane)

## **Winchelsea – Inset Map No. 38**

No representations

## **Winchelsea Beach – Inset Map No. 39**

No representations