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CHARTERED TOWN PLANNERS

Helix House, High Street, Wadhurst TN5 6AA Tel: 01435 873999
[redacted] www.bloomfieldsltd.co.uk

Ninfield Neighbourhood Development Plan Steering Group

Our reference: 07.051.2909

2 November 2022

Dear Chairman/Parish Clerk

Ninfield Neighbourhood Development Plan consultation feedback

We submit this letter as a formal response to the draft Ninfield Neighbourhood Development Plan (NDP), specifically in connection with land within Ms M. Godden's ownership, which is currently drafted to form part of allocation site LG3, which is labelled as 'Church Wood & Fields'. The land within Ms Godden's ownership is shown in **Figure 1** below.

Figure 1 – Land within Ms M. Godden's ownership outlined in red

On behalf of Ms M. Godden, we thank you for the opportunity to provide feedback at this time, which we provide in relation to the draft proposed policy N7, as follows;

Policy N7 – Local Green Spaces

View

Strongly disagree.

Comments

As the Steering Group would have become accustomed and as stated at paragraph 10.1 of the NDP, Paragraph 101 of the National Planning Policy Framework (NPPF) says *"The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

Paragraph 102 of the NPPF says, *"The Local Green Space designation should only be used where the green space is:*

a) in reasonably close proximity to the community it serves;
b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
c) local in character and is not an extensive tract of land".

It is acknowledged that the agricultural land at Church Fields is (a) in reasonably close proximity to the community it serves, with public footpaths NIN 4/1, NIN 6/1 and NIN 7/1 providing a connection to the High Street to the north, Downs View to the east, Moor Hall Drive to the west. However, it is strongly submitted that the site is not (b) demonstrably special to the local community or hold any particular local significance. It is also considered that the proposed area to be designated as Local Green Space is (c) most certainly an extensive tract of land which exceeds that which the Government has intended to encourage for such proposes.

Special to its community?

With reference to the requirement that a site is 'demonstrably special to a local community and holds a particular local significant', the NPPF provides the example that such sites may be capable of fulfilling such criteria due to its;

- Beauty,
- Historic significance,
- Recreational value (including as a playing field),
- Tranquillity, or
- Richness of its wildlife.

With regards to the beauty of the agricultural land at Church Fields, it does, as with much of the other land surrounding the south of the village falls outside of the village settlement envelope and is defined as countryside falling within the Low Weald character area. It is therefore already protected by District-wide policies that require that:

- Development within the Low Weald will be permitted if it conserves the low rolling agricultural character of the landscape, with particular regard had to the setting of settlements (Policy EN8 of the adopted Wealden Local Plan).
- The Council will resist the loss of open areas and undeveloped gaps within settlements which contribute to the character or amenities of the locality (Policy EN18 of the adopted Wealden Local Plan).
- Will protect, and work with others to enhance and manage, the distinct landscapes of the District, particularly, but not exclusively, those nationally designated (Spatial Planning Objection 1 of the Wealden Local Plan Core Strategy).

It is respectfully submitted that this particular tract of agricultural land owned by Ms M. Godden as shown in figure 1, does not merit any specific designation on the basis that it is demonstrably more special to the local community than other land surrounding the village, due to its beauty. Moreover, it is considered that there are already sufficient policy means in place to ensure the appropriate protection of the land.

With regard to the historic significance of the agricultural land within Ms M. Godden's ownership, whilst it is acknowledged that the site has historically formed an undeveloped parcel of land to the south of the settlement, it is no different in this regard to other swathes of open land on the edge of the settlement.

The Grade I listed church of St Mary the Virgin is located to the east of the wider LG3 site, however, the mature vegetation at the churchyard boundary provides visual and physical separation from the site (LG3) and therefore it is not considered that the site has significant historic association with the church. More specifically, the land in Ms M. Godden's ownership is also separated from the church of St Mary the Virgin by intervening fields. Site LG5 (the Churchyard) has been proposed as a Local Green Space within the NDP, and it is clear that, that site has some historic interest, essentially forming the immediate setting around the Grade I church. However, the site identified in figure 1, to which this letter relates, is visually and physically separated from site LG5 due to the mature boundary vegetation and intervening fields.

With regard to recreational value of the agricultural land within Ms M. Godden's ownership, it is clear that this land is, by definition, agricultural, and so does not have recreational value in the same way that a playing field may provide. It is noteworthy that the nearby village Recreation Ground, which includes sports pitches, pavilion, bowling green and facilities for children and young people is include at site LG1 to form a Local Green Space. Unlike the site to which this letter relates, the Recreation Ground is in public ownership and is of recreational importance to the village and its potential inclusion within NDP as a Local Green Space accords with the objectives as set out in paragraph 102 of the NPPF.

With regards to the tranquillity of the agricultural fields subject to this letter. It is submitted that any tranquillity afforded to this area can and is already enjoyed via the public rights of way which transverse through the wider LG3 site and woodland, and then onto the open countryside to the south. It is respectfully submitted that the inclusion of the wider tract of land, including that within Ms M. Godden's ownership, is likely to dilute rather than add to the tranquillity of this part of the village.

With regard to the richness of the wildlife at the agricultural land identified in figure 1, again it is respectfully submitted that there is no evidence that this particular tract of land does merit any special designation on the basis that it is demonstrably more special to the local community than other land surrounding the village, due to the wildlife. The land to which this letter relates is actively used for agricultural purposes and there is considered to be already sufficient policy means in

place to ensure the appropriate protection of wildlife here. Church Wood which forms part of the wider LG3 site, is ancient woodland and in this regard is a valuable natural asset important for fauna and flora. However, Ancient Woodlands are afforded strong policy protection at both local and national level.

Given that the agricultural land within Ms M. Godden's ownership is not considered to fulfil any of the example criteria as to why the site might otherwise be considered demonstrably special to the local community or hold any particular local significance, it has been considered whether the designation of the site as a Local Green Space would fulfil any other objective for the NDP, as follows;

A means to prevent development at the site?

Consideration has been given to whether the Steering Group sees the proposed allocation of the agricultural land at site LG3 as a means to prevent future development at the site. It is noted that draft Policy N1 says *"Development proposals should be located so as to minimise the need to travel by car and minimise loss of countryside its biodiversity. Within the development boundary of Ninfield village as shown in the adopted Wealden Development Plan documents (including any enlarged development boundary forming part of any adopted replacement Wealden Local Plan), development will in principle be supported subject to the other policies of the Neighbourhood Plan. Development outside this boundary will in principle only be supported if it needs a countryside location in terms of meeting the policy requirements of the National Planning Policy Framework and the adopted Wealden Development Plan document and it accords with the relevant policies of the Neighbourhood Plan".* The site clearly includes land to which any proposal would be subject to consideration under this Policy. It is therefore strongly submitted that it should not be designated as a Local Green Space on the grounds that the implementation of management policies would have any greater prospect of preventing development at the site.

This being said, it is recognised that the site would also be affected by a number of other policies proposed as part of the draft NDP. These include the following;
Policy N5 – Key Views. Development proposal should be located and designed to take account of these Views and, where practicable, the development should enhance or provide greater accessibility to the Views concerned. Development proposals which would have an unacceptable impact on a Key View will not be supported.
Policy N6 – Areas of Locally Valued Landscape. Within the Area of Locally Valued Landscape as identified on the Policies Map, the distinctive character and inherent scenic qualities of the area concerned will be protected.
Policy N10 – Design. New development will be supported where it respects a number of criteria including Ninfield's landscape features, heritage assets, 'Design guide for Ninfield' and 'soft' edge to the countryside.

It is therefore respectfully submitted that there would be adequate policies implemented to ensure the management of any proposed development in the future, notwithstanding the proposed designated of the site as a Local Green Space. There are also other policies, relating to biodiversity and light pollution, for example, which would be likely to reduce any developable area further still.

Moreover, planning application under WD/2020/1166/MAJ which sought permission for 70 dwellings on part of site LG3, outside of Ms M. Godden's ownership, was refused by Wealden District Council, by virtue of its detrimental impact to the visual and rural setting of the village, causing harm to the character and appearance of this part of the village; that residential development would inevitably and irrevocably change the character and appearance of the

countryside and that it represented an unacceptable and inappropriate form of development. Moreover, the development would result in the unacceptable loss of habitat to farmland birds. This decision further indicates that there are adequate local and national policies in place to ensure the management of any proposed development in the future, without the proposed designation of the site as a Local Green Space.

Worthy of Green Belt designation?

The proposed draft Policy N7 says *"Development requiring planning permission will not be permitted unless there are very special circumstances in line with national policy or where the development will enhance and not compromise their primary function as Local Green Space".* It is not made clear within the draft policy under what circumstances a proposal would be considered as very special circumstances.

Considering this point further, it is noted that Paragraph 103 of the NPPF says 'Policies for managing development within a Local Green Space should be consistent with those for Green Belts', this is reflected in paragraph 10.1 of the draft NDP. Paragraph 149 of the NPPF is most relevant as a policy for managing development within Green Belts. This Paragraph confirms that the construction of new buildings is inappropriate in the Green Belt but also lists a number of exceptional circumstances when new buildings may be considered acceptable. This includes the following circumstances;

a) buildings for agriculture and forestry;
b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purpose of including land within it
c) limiting infilling in villages; and
d) limiting affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites).

It is therefore taken that, in being consistent with policies which apply to the Green Belt, notwithstanding any proposed designation of the site as a Local Green Space, it would still be permissible for buildings to be erected at the site, for any of the fore-listed purposes.

What change would we like to see?

In light of these comments, it is considered that Church Wood would, by itself, fulfil the appropriate criteria for inclusion within the NDP, whereas the land within Ms M. Godden's ownership and the wider tract of agricultural land, which surrounds the woodland to the north, east and west, which is also currently drafted for inclusion as a Local Green Space (as site LG3) does not fulfil the relevant criteria, is an extensive tract of land and thus should be omitted in its entirety.

If you have any concerns of queries about this representation, please feel free to reach me on 01435 873999 or at [redacted]

Yours sincerely

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Senior Planner