
STATEMENT OF COMMON GROUND

APPEAL REFERENCE APP/C1435/W/23/3335625

START DATE OF INQUIRY 23 April 2024

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:

Address:

Land south of the A271 and east of the A22, Lower Horsebridge, Hailsham, East Sussex

Outline application:

Development of up to 124 no. residential dwellings, associated infrastructure (including a new access junction onto the A271) and open space

LA reference: WD/2022/3222/MAO

APPELLANT: Hertfordshire Holdings Ltd

LOCAL PLANNING AUTHORITY: Wealden District Council

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1.0 Introduction

- 1.1 This Statement of Common Ground (SoCG) has been drafted to inform the planning appeal made by Hertfordshire Holdings Ltd (the Appellant) in respect of 'Land south of the A271 and east of the A22, Lower Horsebridge'.
- 1.2 It identifies the areas where the Appellant and Wealden District Council (WDC) are in agreement and sets out the areas of disagreement.
- 1.3 A SoCG can assist the parties in providing relevant evidence, reduce the quantity of material which needs to be presented and considered, and helps inform the early engagement process. It provides a commonly understood basis for the appellant and the local planning authority and provides context to inform the statements of case and, in the case of an inquiry, the subsequent production of proofs of evidence.
- 1.4 The parties intend to agree necessary conditions and planning obligations in advance of the inquiry. The parties also intend to agree a list of Core Documents. A preliminary Draft Core Document list is included in Appendix A.

2.0 Description of the site and surrounding area

- 2.1 The appeal site extends to 7.67 hectares (ha) in area and is located to the south west of Lower Horsebridge village, to the immediate east of the Boship roundabout, and approximately 2.5km north west of Hailsham town centre. The site is located within Hellingly parish.
- 2.2 The site comprises a large, grazed field. The western boundary of the site is formed by the A22 Hailsham Bypass and the northern boundary by the A271 distributor road.
- 2.3 The northern and western boundaries of the site are defined by existing hedgerows.
- 2.4 The southern and eastern boundaries of the Site are formed by the Lower Horsebridge Stream, a tributary of the Cuckmere River. The Cuckmere River lies approximately 50m to the south of the site at the closest point.
- 2.5 There is a deciduous broadleaved woodland block approximately 60m in diameter towards the edge of the eastern boundary.
- 2.6 The site ground levels range between approximately 18.6m AOD adjacent to the A22 and A271, and gradually fall from west to east towards the Horsebridge Stream to a level of approximately 14.7m AOD adjacent to the watercourse.
- 2.7 Services and facilities in Lower Horsebridge include a recreational field with play area and associated sports clubs, two village public houses/restaurants and bus stops located along the A271 (two pairs of bus stops opposite to and adjacent to The Kings Head pub and Pay Gate Cottages). The closest school, Hellingly Community Primary School, is approximately 1km away to the north-northeast of the Site.
- 2.8 There is a 'Co-op' convenience store on Upper Horsebridge Road, situated approximately 1.2km to the east of the Site. Commercial and hospitality development at the Boship Roundabout involves a petrol station with 'Budgens' convenience retail store, 'Starbucks' coffee shop, 'Greggs' food-on-the-go outlet and a 'Travelodge'. Residential properties front the northern side of the A271 road close to the roundabout.
- 2.9 The overall site, which extends to the Lower Horsebridge Stream, includes land across Flood Zones 1, 2 & 3, which relate to areas of low, medium and high risk respectively.

- 2.10 There are two listed buildings in close proximity to the site: the grade II listed Brook House which is to the north of A271 opposite the north eastern corner of the site, and the grade II listed Boship Farm Hotel, situated to the west of Boship Roundabout and the Hailsham Bypass.
- 2.11 There have been no other recent planning applications on the site.
- 2.12 A planning application for a 'Wealden Sports Hub' development on 8.87ha of land at Knights Farm East was validated on 29 August 2023 (reference WD/2023/2100/DC). WDC is the applicant. The proposed scheme includes artificial football pitches, outdoor courts / games areas, play facilities, a changing room / toilets / café building, parking and landscape works. The application proposes a pedestrian and cycle link between the sports hub and A271, opposite to the Appellant's Site, to provide a non-car connection between the proposed sports hub and Lower Horsebridge. On 25 January 2024, WDC's Planning Committee South resolved to grant planning approval for the proposed sporting and leisure facility in accordance with an officer recommendation to approve the application.

3.0 The application (including a list of plans and documents that informed the Council's decision)

3.1 The application that is subject to the appeal is an outline planning application, reference WD/2022/3222/MAO, with description of development as follows:

Development of up to 124 no. residential dwellings, associated infrastructure (including a new access junction onto the A271) and open space.

3.2 The application was submitted to WDC in December 2022 and validated on 2 February 2023 following receipt of further information, requested by WDC for validation purposes. Supplementary information was submitted on 2 June 2023 to address objections, primarily those raised by ESCC Highways. The additional highways information was subject to re-consultation with ESCC Highways. Amended parameter plans were also submitted.

3.3 The application was refused on 30 June 2023 under officer delegated powers.

3.4 In addition to the application forms and certificates, the following plans and documents were submitted as part of the original application:

- Site location plan (drawing 231703C/007)
- Development parameter drawing (maximum building height zones and access) (TOR-XX-ZZ-DR-A-P011)
- Site Access Design Ghost Island Junction (332110699_5501_SK001)
- Illustrative Masterplan (TOR-XX-ZZ-DR-A-P010)
- Planning, Design and Access Statement (Terence O'Rourke¹, December 2022)
- Topographical Survey T-332110699-03 (Precision Point Surveys, May 2022)
- Transport Assessment (Stantec, November 2022)
- Flood Risk Assessment and Surface Water Drainage Strategy (Stantec, November 2022)
- Landscape and Visual Appraisal (Terence O'Rourke, November 2022)
- Illustrative Landscape Strategy (Terence O'Rourke, TOR-XX-XX-DR-L-P-013)
- Ground Contamination Assessment (Stantec, March 2022)
- Desk Based Heritage Assessment (Terence O'Rourke, November 2022)
- Ecological Appraisal (LC Ecological Services, April 2020)

¹ Terence O'Rourke rebranded to tor&co in April 2023, during the determination period. Therefore, the original documentation is under the name Terence O'Rourke and the more recent work under tor&co.

- Ecological Impact Assessment (LC Ecological Services, February 2023)
- Winter Bird Survey (Lizard Ecology, March 2022)
- Biodiversity Net Gain Report Ecological Services, December 2022)
- Biodiversity Metric
- Arboricultural Impact Appraisal and Method Statement (Barrell Tree Consultancy, December 2022)
- Manual for Managing Trees on Development Sites
- Tree Protection Plan
- Framework Travel Plan
- Noise Impact Assessment (Stantec, December 2022)
- Air Quality Assessment (Stantec, December 2022)
- Utilities Appraisal Report (Stantec, May 2022)
- Energy Statement (Hertfordshire Holdings Ltd, January 2023)
- Lighting Strategy Report (Hertfordshire Holdings Ltd, January 2023)
- Technical Note Road Safety Audit Stage 1 Response TN001 V2

3.5 The applicant submitted the following on 4 April 2023 which had been omitted from the original submission (Appendix C to the Transport Assessment):

- Vehicle Tracking for 11.2m Refuse Vehicle 332110699_5501_SK004 Rev P01
- Vehicle Tracking for 7.9m Emergency Vehicle 332110699_5501_SK005 Rev P01 4

3.6 In response to matters raised during the determination period the applicant also prepared and submitted the following on 2nd June 2023:

- Consultation response letter (tor&co,)
- Technical note, Response to ESCC Highways (Stantec, May 2023)
- Site Access Layout Dwg 332110699_5501_SK009 Rev P01
- Composite Plan – NW Hailsham Growth Approved, proposed and potential development Dwg no/231703C/P0010
- Illustrative Masterplan TOR-XX-ZZ-DR-A-P010 Rev B
- Parameters Plan Maximum Building Heights and Access TOR-XX-ZZ-DR-A-P011 Rev B

3.7 The planning application was refused on 30 June 2023 (see the decision notice and officer's report in **CD4.2** and **CD4.1** respectively) with WDC's stated principal reasons for refusal summarised as:

- (1) Development outside of development boundaries, within the open countryside, being detrimental to the character and appearance of the locality, over development, and poorly related to the surrounding built form and landscape – with adverse harm significantly and demonstrably outweighing the benefits of the proposal;
- (2) Harm to the significance of two adjacent grade II listed buildings (Brook House and the Boship Farm Hotel) through development within their settings;
- (3) Failure to demonstrate that the site is suitably accessible by non-car means; and
- (4) The lack of a mechanism to secure affordable homes and self or custom build homes (although recognising that this may be secured through an appropriate s106 legal agreement).

3.8 In the decision notice, WDC confirms that the fourth reason for refusal (lack of a mechanism to secure affordable and self or custom build homes) is a matter that can be secured through an appropriate legal agreement and SoCG, and that this matter would not be contested at appeal.

3.9 Since the lodging of the appeal, ESCC Highways have withdrawn their objection to the application on grounds of accessibility subject to securing various off-site works and financial contributions. WDC adopts the position of ESCC Highways on this issue and therefore considers that reason for refusal 3 can be addressed through a suitable legal agreement.

4.0 New Plans

- 4.1 This section lists new plans not previously seen or consulted on by the local planning authority before the appeal submission.
- 4.2 In view of reason for refusal 2, which relates to harm to the character of the setting of two adjacent grade II listed buildings (Brook House and the Boship Farm Hotel), the Appellant decided on submitting the appeal to remove a small zone of built development within the proposal site with the objective of seeking to reduce the level of harm to the setting of Brook House.
- 4.3 The revised plans are:
- Development parameter drawing (maximum building height zones and access) (TOR-XX-ZZ-DR-A-P011 Rev C)
 - Illustrative site layout (TOR-XX-ZZ-DR-A-P010 Rev C)
- 4.4 The amended plans show a reduction of the area of built development, and replacement of this area with additional green space.
- 4.5 Having regard to nature of the amendments, WDC confirms that the changes made at appeal will not require advertising.
- 4.6 In view of the above, the outline planning application plans and drawings for determination are:
- Site location plan (drawing 231703C/007);
 - Parameters drawing (reference TOR-XX-ZZ-DR-A-P011 Rev C) showing proposed zones for buildings and maximum building height parameters within those zones; and
 - Site access layout (332110699_5501_SK009 revP01).
- 4.7 Additionally, the submitted illustrative masterplan (TOR-XX-ZZ-DR-A-P010 Rev C) shows a potential arrangement of strategic landscape / green space, internal roads and built spaces, and surface water drainage features to reflect the latest parameters drawing. It is indicative and is therefore not for determination.

5.0 Development plan and relevant planning policy overview

- 5.1 The statutory development plan for the district principally consists of the 'saved' policies of adopted Wealden Local Plan (1998), the adopted Wealden District Core Strategy Local Plan (February, 2013), the Affordable Housing Delivery Local Plan (May, 2016) and the Hellingly Neighbourhood Plan (July 2021).
- 5.2 East Sussex County Council has also prepared minerals and waste plans which form part of the statutory development plan but which are not relevant to the appeal.
- 5.3 It is agreed that the development plan policies most important for determining the appeal application are out-of-date by virtue of a five-year housing land supply shortfall. Specific national and local policies referenced in the decision notice are:

'Saved' policies of adopted Wealden Local Plan (1998)

(WDC and the Appellant agree that the saved policies which are underlined are the most relevant to the determination of the appeal)

- GD2 Development outside the development boundaries
- EN1 Sustainable development
- EN2 Development pattern
- EN8 Landscape conservation of the Low Weald
- EN14 Landscaping within developments
- EN27 Layout and design of development
- EN29 Light pollution
- DC17 Housing development
- TR3 Traffic impact of new development
- TR13 Footpaths and bridleways
- CS1 Community services - Provision of capital works and services

Wealden District Core Strategy Local Plan (February, 2013)

(WDC and the Appellant agree that the Core Strategy policies which are underlined are the most relevant to the determination of the appeal)

- WCS6 Rural Areas Strategy
- WCS7 Effective Provision of Infrastructure
- WCS9 Rural Exception Affordable Housing

- WCS12 Biodiversity
- WCS13 Green Infrastructure
- WCS14 Presumption in Favour of Sustainable Development
- Spatial Planning Objective SPO2 Historic environment
- Spatial Planning Objective SPO3 Provision of homes
- Spatial Planning Objective SPO13 Quality of development / environment
- Spatial Planning Objective SPO15 Strategic and local infrastructure

The Affordable Housing Delivery Local Plan (May, 2016)

- AFH1 Affordable Housing

Hellingly Neighbourhood Plan (July 2021)

- LHB1 Lower Horsebridge

National Planning Policy Framework (NPPF), July 2021 version. The NPPF December 2023 references are updated and shown in brackets italicised:

- Paragraphs 7, 8, 9, 10, 11 on achieving sustainable development (*7,8,9,10,11*)
- Paragraphs 130, 131 and 134 on good design (*135, 136 and 139*)
- Paragraph 174 on protection of the natural and built environment (*180*)
- Paragraphs 60, 61, 62, 63 and 65 on delivering a sufficient supply of homes. (*60, 61, 63, 64 and 66*)
- Chapter 9 and paragraphs 111 and 112 on transport and highways (*Chapter 9 and paragraphs 116 and 117*)
- Paragraphs 189, 197, 199, 200 and 206 on heritage assets (*195, 203, 205, 206, 212*).

Wealden Design Guide 2008, adopted supplementary planning document (which is a material consideration in the determination of planning applications):

- Chapter 2 Character zones and local distinctiveness;
- Chapter 3 Landscape, trees and wildlife;
- Chapter 5 (section 8) Character appraisal of sites and settings – detailed considerations; and
- Chapter 7 New residential development.

Draft Wealden Local Plan

- 5.4 A new local plan is being prepared for Wealden District. A first stage of engagement on the new plan took place between November 2020 and January 2021 in the form of a 'Direction of Travel Consultation' which set out broad policy issues and options but didn't set out specific sites or locations for new growth. The Wealden Draft Local Plan was discussed at an Extraordinary Meeting of Full Council on Thursday 8th February 2024 when Councillors approved it and agreed for the formal Regulation 18 consultation to begin in March 2024. The consultation will run for eight weeks.
- 5.5 Once the plan is submitted for Regulation 18 consultation the Council will only need to demonstrate a four year supply of housing land. The Council's Statement of Case indicated that it would keep the Appellant and Inspector updated as to its housing land supply position prior to the Inquiry. The Council has reviewed its position in relation to this and confirms that it considers that it will not be able to demonstrate a four year housing land supply by the time of the Inquiry and therefore the parties agree that the appeal should be determined with the tilted balance applied.
- 5.5 At present, the emerging Local Plan is insufficiently advanced for its policies to attract material weight in relation to this appeal.

6.0 Areas of agreement and disagreement

6.1 Areas of Agreement

6.1.1 The following matters are not in dispute between the two parties:

- a) The site is outside the development boundary that was formerly identified by the Wealden Local Plan (1998) proposals map for Lower Horsebridge. Policy WCS6 of the Wealden Core Strategy (2013), removed the development boundary for Lower Horsebridge;
- b) It is agreed that the settlement boundaries of the adopted development plan are out of date;
- c) The site is located outside of the 'Lower Horsebridge Village Area' as shown in yellow by Map 4 (page 65) of the Hellingly Neighbourhood Plan, July 2021;
- d) There is no specific policy within the Hellingly Neighbourhood Plan that prohibits residential development outside of the development boundary. The neighbourhood plan does not allocate housing;
- e) WDC has permitted housing development adjoining Lower Horsebridge village to the north and more widely within Hellingly parish outside of the development boundary;
- f) The need to provide affordable housing stock is a WDC priority;
- g) Further to the submission of evidence the parties will seek to agree the range of the five year housing land supply shortfall;
- h) The application is made in outline. All matters are reserved other than access to the site;
- i) The developable area is concentrated to the north and west of the site near existing roads (A22 and A271);
- j) The illustrative masterplan indicates one possible option of how the site could be developed;
- k) The proposed built development including associated infrastructure will need to be located entirely within flood zone 1 (low probability). The location of soft

landscaping and informal open amenity space is acceptable on land within flood zones 2 and 3;

- l) The appeal site does not form part of a designated landscape;
- m) The site is visible from the A271 over the hedgerow, from the east along a Public Right of Way (PRoW) and from the south from Public Open Space (POS) associated with the recent Welbury Meadows residential development;
- n) The site borders the River Cuckmere corridor. The River Cuckmere corridor forms an important green/blue corridor and creates a sense of separation between Lower Horsebridge and the urban area of Upper Horsebridge and Hailsham to the south;
- o) Both the Lower Horsebridge Stream and the River Cuckmere are designated as Main Rivers. The River Cuckmere Habitat Link Biodiversity Opportunity Area 74 (BOA 74) extends into the eastern part of the appeal site;
- p) The existing undeveloped site contributes positively to the significance of Brook House through its setting;
- q) The proposals would result in harm to the significance of Brook House through development within its setting. This would be classed as less than substantial;
- r) Where harm is considered to be less than substantial, as is the case here, the harm should be weighed against the public benefits of the proposal;
- s) Other than stated in the Areas of Disagreement, the proposals result in no harm to the significance of any other designated or non-designated heritage assets, whether directly or through development affecting their setting;
- t) The delivery of housing, including market and affordable homes, can be classed as a public benefit; and
- u) Reasons for refusal 3 and 4 are matters that can be secured through an appropriate legal agreement and Statement of Common Ground.

6.2 Areas of Disagreement

6.2.1 The matters that remain in dispute relate to the following main key issues:

- a) The principle of development on a site located in the countryside, outside of any defined settlement boundary and compliance with local and national policies;
- b) Whether or not 124 dwellings can acceptably be accommodated on the site having regard to constraints and policy requirements;
- c) Visual impact of the proposed development;
- d) The extent and magnitude of the impact of the proposed development on the historic and landscape character of the area;
- e) The extent of harm to the significance of Brook House within the less than substantial harm category;
- f) Whether the proposals result in harm to the significance of the Boship Farm Hotel through development affecting its setting; and
- g) Whether the planning balance justifies the grant of planning permission.

6.2.2 A table is provided as an appendix (Appendix B) setting out areas of disagreement in relation to the key issues set out above.

7.0 Planning conditions

- 7.1 It is agreed that there will be a schedule of conditions agreed between the parties, for discussion with the Inspector during the Inquiry.
- 7.2 The schedule will be compiled and submitted to the Inspector prior to the Inquiry.

8.0 Core Documents

- 8.1 It is agreed that there will be a common list of reference documents, and these will be referenced as Core Documents to the Inquiry. A preliminary draft list is attached as Appendix A. The list will be completed, and a full set of the documents will be provided for the Inspector, prior to the Inquiry.

9.0 Heads of Terms for Legal Agreement

- 9.1. It is agreed between the parties that the Appellant will provide planning obligations, in the form of an undertaking under Section 106 of the Town and Country Planning Act (1990).
- 9.2. The legal agreement will ensure the financial contributions and other compliant obligations to enable the proposed development to go ahead are provided in accordance Regulation 122(2) of the Community Infrastructure Levy Regulations and the content at paragraphs 55 and 57 of the NPPF.
- 9.3. Subject to meeting all of the tests at paragraph 57 of the NPPF, it is considered that the following may be provided for in a legal agreement:
- i. Affordable Housing (35%)
 - ii. Providing 5% of residential units as plots for self-build and/or custom build homes
 - iii. On-site public open space provision and arrangements for its long-term management in perpetuity
 - iv. Off-site highways works to include:
 - A Right Turn Lane access to the site to tie in with ESCC scheme at the Boship roundabout;
 - Provision of a shared footway/cycleway along the A271 site frontage to tie in with ESCC scheme at the Boship roundabout;
 - Bus stop on the A271 to the west of the main site access with an associated pedestrian and cycle link into the site;
 - Pedestrian refuge to the east of the site access close to the proposed pedestrian/cycle access to the Wealden Sports Hub;
 - Bus stop improvements to the existing bus stops to the east of the site.
 - v. Financial contributions of:
 - £1,100 per dwelling for bus services serving the site;
 - £12,000 per Real Time Passenger Information sign (2 bus stops);
 - £500 per bus stop clearway;
 - Traffic Regulation Order (TRO) fee of £5,000 for the implementation of the extended 30mph zone on the A271;

- TRO fee of £5,000 for the implementation of a 20mph speed limit within the site if needed;
- Contribution towards the Local Cycling and Walking Infrastructure Plan (LCWIP) schemes specifically routes 220, 221 and 310;
- Travel Plan and Travel Plan Audit fee of £6,000;
- £1,000 per dwelling for Major Road Network (MRN) schemes (Boship roundabout);
- £500 registration fee and £10,000 monitoring fee for obligations in the legal agreement.

9.4. The legal agreement will be completed prior to the commencement of the Inquiry.

10.0 Agreement: Schedule of Common Ground

- 10.1 This document is accepted as the agreed Statement of Common Ground for the Appeal being considered under PINS Ref APP/C1435/W/23/3335625.
- 10.2 It has been duly signed by representatives of the Appellant (Hertfordshire Holdings Ltd) and Wealden District Council.

Signed... [REDACTED] of tor&co on behalf of Hertfordshire Holdings Ltd

NAME Andrew Elliott DATE 11 March 2024

Signed..... [REDACTED] on behalf of Wealden District Council

NAME Claire Turner DATE 11 March 2024

SoCG Appendix A: Draft Core Documents List

It should be noted that Terence O'Rourke underwent a rebranding exercise on the 1 April 2023, becoming tor&co. Therefore, the author reference relates to whether the document was produced before or after this date.

Ref	Document	Reference / drawing number	Revision	Author	Date
CD1	Application Documents and Plans				
1.1	Planning application cover letter	231703C	-	Terence O'Rourke Ltd	December 2022
1.2	Planning application form	-	-	Terence O'Rourke Ltd	December 2022
1.3	Site location plan	231703C/007	-	Terence O'Rourke Ltd	November 2022
1.4	Illustrative masterplan	TOR-XX-ZZ-DR-A-P010	-	Terence O'Rourke Ltd	November 2022
1.5	Parameters plan	TOR-XX-ZZ-DR-A-P011	-	Terence O'Rourke Ltd	November 2022
1.6	Site access plan	332110699_5501_SK001	P02	Stantec	November 2022
1.7	Planning design and access statement	231703C	2	Terence O'Rourke Ltd	December 2022
1.8a	Transport assessment (part 1)	332110699	1	Stantec	November 2022
1.8b	Transport assessment (part 2)	332110699	1	Stantec	November 2022
1.8c	Transport assessment (part 3)	332110699	1	Stantec	November 2022
1.9	Framework travel plan	332110699	1	Stantec	November 2022
1.10a	Arboricultural impact assessment and method statement	22175-AA-LF	-	Barrell Tree Consultancy	December 2022
1.10b	Tree protection plan	22175-2	-	Barrell Tree Consultancy	December 2022
1.10c	Tree SGN Manual	-	-	Barrell Tree Consultancy	December 2022
1.11	Ecological appraisal	-		LC Ecological Services	April 2020
1.12	Winter bird surveys	LLD1993		Lizard Ecology	March 2022
1.13	Flood risk assessment (three parts)	4000_FRA01		Stantec	November 2022
1.14	Landscape visual appraisal (report and two figures)			Terence O'Rourke	November 2022
1.15	Illustrative landscape strategy drawing	TOR-XX-XX-DR-L-P-013	1	Terence O'Rourke	December 2022
1.16	Heritage desk-based assessment	231703C	1	Terence O'Rourke	November 2022
1.17	Utilities appraisal report (four parts)		1	Stantec	May 2022
1.18	Biodiversity net gain report	-	-	LC Ecology Services	December 2022

1.19	Biodiversity metric v3	-	-	LC Ecology Services	
1.20a	Ground conditions (parts 1)	332110699/3500/GEO/R002/G CA/Rev01	1	Stantec	March 2022
1.20b	Ground conditions (parts 1)	332110699/3500/GEO/R002/G CA/Rev01	1	Stantec	March 2022
1.21	Air quality assessment	-	-	Stantec	December 2022
1.22	Noise assessment	ACR001	1	Stantec	December 2022
CD2	Post submission documents				
2.1	Biodiversity metric v3.1			LC Ecological Services	December 2022
2.2	WDC application form updated extract	-	-	-	January 2023
2.3	Energy statement	-	-	Hertfordshire Holdings Ltd	January 2023
2.4	Lighting strategy	-	-	Hertfordshire Holdings Ltd	January 2023
2.5	Ecological impact assessment	-	-	LC Ecological Services	January 2023
2.6	Road safety audit	TN0001 V2	2	Stantec / Acorn Project Ltd	January 2023
2.7	Consultation response letter	-	-	tor&co	May 2023
2.8	Illustrative masterplan	TOR-XX-ZZ-DR-A-P010	B	tor&co	May 2023
2.9	Parameter plan	TOR-XX-ZZ-DR-A-P011	B	tor&co	May 2023
2.10	Response to ESCC Highways Objection	-	-	Stantec	May 2023
2.11	Site access layout	332110699_5501_SK009	1	Stantec	May 2023
2.12	Composite plan: NW Hailsham growth approved, proposed and potential development	231703C/P0010	-	tor&co	May 2023
CD3	Statutory and non-statutory organisation consultation responses				
3.1	WDC Biodiversity and Arboricultural response	-	-	WDC	28 April 2023
3.2	WDC Environmental Health	-	-	WDC	28 April 2023
3.3	CPRE	-	-	CPRE	19 February 2023
3.4	ESCC Highways 1 st response	-	-	ESCC	13 April 2023
3.5	ESCC Highways 2 nd response	-	-	ESCC	28 June 2023
3.6	Southern Water	-	-	SW	08 March 2023
3.7	Nature Space – GCN	-	-	NS	23 February 2023
3.8	Pevensey and Cuckmere Water Level Management Board and the Lead Local Flood Authority	-	-	WLMP / LLFA	01 March 2023
3.9	WDC Drainage	-	-	WDC	28 February 2023

3.10	Environment Agency	-	-	EA	14 February 2023
3.11	WDC Trees and landscape	-	-	WDC	25 April 2023
3.12	ESCC Archaeology	-	-	ESCC	02 March 2023
3.13	WDC Heritage	-	-	WDC	06 April 2023
3.14	East Sussex Fire and Rescue Service	-	-	ESFRS	21 February 2023
3.15	Hellingly Parish Council	-	-	HPC	28 February 2023
3.16	Sussex Police	-	-	SP	15 February 2023
3.17	WDC Waste Management	-	-	WDC	03 May 2023
3.18	WDC Housing Development	-	-	WDC	08 February 2023
CD4	Planning report and decision notice				
4.1	Delegated officer report	-	-	-	30 June 2023
4.2	Decision notice	-	-	-	30 June 2023
CD5	The Development Plan				
5.1	Adopted Wealden Local Plan 1998	-	-	Wealden District Council	
5.2	Wealden District Core Strategy Local Plan (adopted February 2013)	-	-	Wealden District Council	February 2013
5.3	Wealden Local Plan Direction of Travel Consultation	-	-	Wealden District Council	November 2020
5.4	Hellingly Neighbourhood Plan 2018 to 2028 (Referendum Version)	-	-	Hellingly Parish Council	February 2021
5.5	The Affordable Housing Delivery Local Plan (May 2016)				
CD6	Other local policy guidance				
6.1	ESCC Local Transport Plan 3 (2011-2026)	-	-	East Sussex County Council	June 2011
6.2	ESCC Local Cycling and Walking Infrastructure Plan (2020-2030)	-	-	East Sussex County Council	October 2020
6.3	Travel Plans for Development, Guidance for Developers	-	-	East Sussex County Council	February 2020
6.4	Local Design Guide for Residential Development	-	-	East Sussex County Council	September 2010
6.5	Wealden Design Guide				
CD7	National Policy and Practice Documents				

7.1	National Planning Policy Framework	-	-	Department for Levelling Up, Housing and Communities	20 December 2023
7.2	National Planning Practice Guidance	-	-	Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government	Last updated November 2023
CD8	Plans, drawings and documents submitted by not previously seen by the LPA				
8.1	Illustrative masterplan	TOR-XX-ZZ-DR-A-P010	C	tor&co	September 2023
8.2	Parameters plan	TOR-XX-ZZ-DR-A-P011	C	tor&co	September 2023
8.3	Heritage Statement Addendum	-	1	tor&co	November 2023
CD9	Relevant appeal decisions / judgements				
CD10	Other relevant information				
10.1	Appendix 4 to SHELAA Report – Parish Site Summaries				
10.2	Wealden Landscape Character Assessment 2022				
10.3	Wealden Landscape Sensitivity Assessment to Residential and Employment Development 2023				
10.4	Five Year Housing Land Supply Statement – as of 1 st April 2023				December 2023

APPENDIX B: AREAS OF DISAGREEMENT

Reason For Refusal I		
	Areas of Disagreement: The Position of the Appellant	Areas of Disagreement: The Position of WDC
1.1	In the absence of a five year supply of deliverable housing land, policies that have the effect of restricting the release of additional land for housing outside settlement boundaries carry only limited weight. In this case, the delivery of housing at the appeal site carries substantial weight in the planning balance.	The Council is unable to demonstrate a five-year housing land supply. The proposed development fails to comply with the development plan. Furthermore, material considerations do not indicate that permission should be granted.

	Reason For Refusal I	
	Areas of Disagreement: The Position of the Appellant	Areas of Disagreement: The Position of WDC
1.2	The detailed design of the scheme is to be resolved at reserved matters stage, however the Appellant is content that a satisfactory design and density can be achieved.	The Council has an in-principle objection to residential development on this site. In addition, the Council considers that the proposed number of dwellings cannot be accommodated within the developable area without exacerbating the harmful effects of the development.

Reason For Refusal I		
	Areas of Disagreement: The Position of the Appellant	Areas of Disagreement: The Position of WDC
1.3	Given the location of the built development (the north western corner of the appeal site), together with the provision of the substantial area of open space associated with the scheme, there is limited reduction to the green landscape setting around the historic village of Lower Horsebridge, and the key views identified in relation to policy LHB1 are retained by the proposed development.	The location of the built development in the north western corner of the appeal site means that there is no meaningful connection between it and the historic village of Lower Horsebridge. However, it would disrupt the current relationship between the south eastern edge of the village and the wider landscape to the west which includes the continuation of the River Cuckmere corridor . The village would no longer be connected to that wider landscape but would face the proposed development across an area enclosed by development and with the character of Public Open Space (POS) rather than open countryside.

	Reason For Refusal I	
	Areas of Disagreement: The Position of the Appellant	Areas of Disagreement: The Position of WDC
1.4	The submitted proposals enhance the landscape planting of this part of the 'River Cuckmere Habitat Link', a major planning benefit of the proposals. The green corridor will be retained around the village to the west and south.	The submitted proposals would be significantly harmful to the character of the River Cuckmere corridor which would be enclosed on two sides by built development.
1.5	There is a relatively high degree of landscape enclosure by reason of existing development and vegetation on site boundaries. This is a key factor in the limited extent of visibility of the site, limiting effects on the wider landscape and limiting effects on views to a localised area.	The site is not enclosed. There is no enclosure at all on two of the four boundaries (west and south) and only a low hedge on the third boundary 200m+ of which is to be removed for the site access and visibility splays. The proposed development would be clearly visible from the A271, the PRow to the east of the site and from the POS beyond the northern edge of Hailsham. This clear visibility would result in harm to the visual amenity of local people as well as the harm to the intrinsic character of the landscape.
1.6	There is limited reduction to the green landscape setting around the historic village of Lower Horsebridge and the key views identified in relation to policy LHB1 are unaffected by the proposed development.	As above the relationship between the historic village of Lower Horsebridge and the wider landscape would be significantly harmed by the proposed development.

	Reason For Refusal I	
	Areas of Disagreement: The Position of the Appellant	Areas of Disagreement: The Position of WDC
1.7	The effects on landscape and visual receptors will be very localised largely due to the enclosed nature of the site.	See above. The site is not enclosed.
1.8	Landscape effects would be limited to direct effects on the site itself where development would result in a large magnitude of change but indirect effects on the character of the wider landscape would be negligible.	Harmful landscape effects would extend to the River Cuckmere corridor which is considered to be a NPPF valued landscape. The site is considered integral to the character and visual setting of the River Cuckmere corridor which would be enclosed on two sides by built development and severed from the wider landscape. This would have an urbanising effect on the landscape. The application site holds visual significance in terms of the landscape setting and in terms of the historic settlement form and character.
1.9	Effects on visual receptors would be restricted to the large, or in some cases medium to large adverse effects residents of the limited number of houses close to the developed area of the site and persons using the public footpath that passes close to the site. Visual effects on receptors in the wider landscape would be sometimes small, but mostly negligible to none.	As above there would be major adverse effects on the visual amenity of people using the PRoW to the east of the site and the POS to the south. There would be moderate/major adverse effects on users of the A271 to the north of the site.
1.10	The appeal proposals have been carefully designed having regard to the surrounding built form and landscape.	The appeal proposals due to their urban character, their detachment from the nearby settlements and their density would not be sympathetic to the sporadic dispersed nature of settlement in this area and would appear entirely out of character. The undeveloped character of the site is important in the landscape setting of adjacent settlements. Development on this site would harm the historic settlement pattern.
1.11	The development is designed so as to retain and enhance a strong landscape corridor to the and surrounds, within the wider Cuckmere River corridor.	The development would harm both the Lower Horsebridge Stream and the River Cuckmere corridor as they would both become enclosed by development.
1.12	WDC has overstated the harm that may be associated with the proposals and has not placed enough weight in the balance on the full range of public benefits that the proposed development can offer. The adverse effects of granting permission would not significantly and demonstrably outweigh the benefits.	The degree of harm to the character and appearance of the site and surrounding area that would arise from the proposed scheme is such that WDC consider this to carry substantial weight. The adverse effects (landscape and heritage harm) taken either individually or cumulatively significantly and demonstrably outweigh the benefits of granting permission.

	Reason For Refusal 2	
	Areas of Disagreement: The Position of the Appellant	Areas of Disagreement: The Position of WDC
2.1		The scheme would not satisfy the aims of the National Planning Policy Framework as regards the conservation of heritage assets, nor would it 'preserve' the significance of the listed buildings, including two grade II listed buildings.
2.2	In making a design change at appeal stage (by removing all built development to the southeast of Brook House / east of the proposed site entrance access road) it is considered that the degree of harm to this designated heritage asset would now be at the lower end of less than substantial harm.	The proposed development would result in harm to the significance of the grade II listed Brook House as a result of the changes within its setting. The Council considers that this would be less than substantial, but still at a medium level due to the form of development proposed.
2.3	Boship Farm Hotel, to the west of the site, is physically and visually separated from the site by the Boship Roundabout, A22 road and vegetation. It is considered that there is no potential for effects on its significance as a result of the proposed development.	The urban form of development would also present harm to the significance of Boship Farm Hotel as a result of the changes within its setting. The Council considers that this would be at the lower end of less than substantial harm.
2.4	The proposals do not give rise to any other harmful effects to other designated heritage assets.	It is considered that the scheme would not preserve the setting of Brook House and Boship Farm Hotel, with considerable importance and weight given to the statutory duty.
2.5	The public benefits weigh in favour of permitting the appeal proposals.	The public benefits of the scheme do not outweigh the less than substantial harm.

3	Overall Planning Balance	
	Areas of Disagreement: The Position of the Appellant	Areas of Disagreement: The Position of WDC
3.1	The benefits offered by the development (including provision of market and affordable housing, pedestrian and cycle improvements, increased public access to green space, biodiversity net gain and landscape planting enhancements) have not been appropriately balanced by WDC. The proposals do not give rise to significant and demonstrable harm. The appeal proposals should be approved by reference to the development plan and material considerations.	On balance the adverse impacts of granting planning permission in this case significantly and demonstrably outweigh the benefits. The proposal conflicts with the adopted development plan when read as a whole. Given that on the basis of the planning balance it would not be sustainable development, there are no material considerations warranting a decision other than in accordance with the development plan.