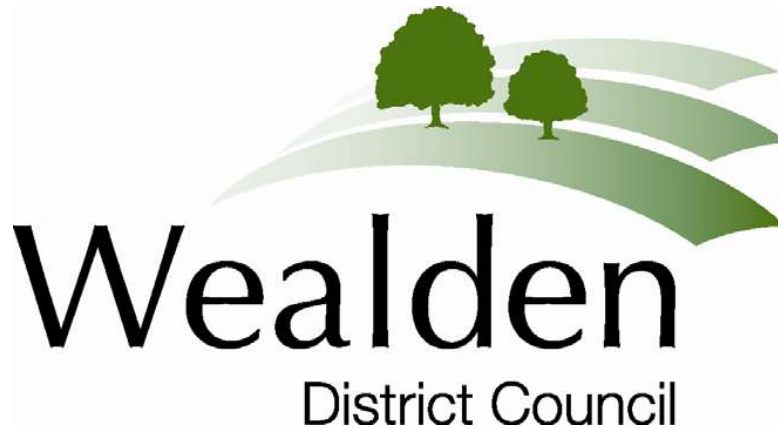




Town and Country Planning Act 1990

Appeal by Croudace Homes Ltd

**OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 290 DWELLINGS,
ASSOCIATED LANDSCAPING, INFORMAL OPEN SPACE AND STRATEGIC SANG, WITH
ACCESS FROM THE B2102.**

Land at Bird in Eye South, South of Bird in Eye Hill, Framfield, TN22 5HA

Wealden District Council Ref:

WD/2021/2198/MAO

Planning Inspectorate Ref:

APP/C1435/W/22/3307820

SUMMARY OF PLANNING PROOF OF EVIDENCE

- 1.1. My name is Claire Andrea Turner and a Chartered Town Planner. I have over 38 years of town and country planning experience. I work within the Council as Principal Planning Officer for Major Projects.
- 1.2 In my proof of evidence I have:
- Summarised and assessed the development against the policy context of the development plan; and
 - Summarised and assessed the development against other material considerations including the NPPF.
- 1.3 My main proof of evidence concluded that the appeal scheme amounts to a breach of the development plan. In particular there is a breach of policies GD2, DC17, EN1, EN2, EN12, EN13, TR3, TR13 and CS1 of the Wealden Local Plan and Strategic Planning Objectives SPO3, SPO7, SPO12, SPO13 and SPO15 and Policies WCS7, WCS12 and WCS14 of the Core Strategy. The balance of material considerations also weigh heavily against a grant of planning permission.
- 1.4 I set out the Council's Case as to why planning permission should be refused for any or all of the reasons for refusal.

Reason for Refusal 1: Conflict with Development Plan:

- 1.4.1 The appeal scheme is not policy compliant in terms of the spatial growth strategy identified in the development plan. It is accepted that the Council cannot demonstrate a five-year supply of deliverable housing sites. This means that policies relating to the supply of housing should not be considered up to date and that the proposals should be considered in the context of the presumption of sustainable development as set out in the NPPF. However, having regard to the effect of the development on the Ancient Woodland, defined in the NPPF as an irreplaceable habitat, and in accordance with footnote 7 of Paragraph 11 and Paragraph 180(c), the tilted balance is disengaged. Even if this were not the case, because of the environmental harm identified, the proposals would not be sustainable development, its environmental impacts significantly and demonstrably outweighing its social and economic benefits when assessed against the policies in the Framework as a whole.

- 1.4.2 Section 38 (6) of the Planning and Compulsory Purchase Act requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. 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.

Reason for Refusal 2: Impact on Ancient Woodland and Veteran Tree

- 1.4.3 Ancient Woodland and Veteran Trees are irreplaceable. The Woodland Trust's guidance (**CDG.5** page 12) states *"Since Ancient Woodland covers less than 3% of England's land mass, the country's development needs can be fully delivered without negatively impacting on ancient woodland or veteran trees"*
- 1.4.4 The appeal proposal's impact on the ancient woodland and veteran tree would be significantly greater than the appellant recognises or acknowledges. These impacts would not be mitigated through the provision of a wholly inadequate landscape buffer or compensated for by the creation of the proposed SANGS. Apart from the direct loss of some Ancient Woodland through the creation of the footpath through it, there would be many indirect impacts arising from the close proximity of a large residential development. These indirect impacts would result in the inevitable degradation of the woodlands which would suffer significantly more disturbance and incursion than currently happens. The routing of the proposed SANG pathway would also result in direct impacts by encroachment into the protective buffer of the veteran tree.
- 1.4.5 As the appeal proposal will result in the loss and deterioration of irreplaceable habitats of the ancient woodland and veteran tree, and in the absence of wholly exceptional reasons to justify the development and no compensation strategy, the appeal scheme should be refused, in accordance with Paragraph 180(c) of the Framework. Having regard to Paragraph 11(d)(i) including footnote 7, this disengages the presumption in favour of sustainable development.

Reason for Refusal 4: Suitability of Location and Accessibility

- 1.4.6 The appeal scheme is in a location that is contrary to the development plan's strategy which seeks to ensure that new developments which generate significant travel movements are located efficiently in relation to public transport and seeks to resist housing development outside development boundaries. The

proposal would also conflict with the Framework's aim to manage patterns of growth in order to promote sustainable transport. The site is poorly located for travel by sustainable transport modes.

Reason for Refusal 5: Safe Access, Effect on the Local Road Network and Town Centre

1.4.7 The proposed site access arrangements are unacceptable and inappropriate for the scale of development proposed. ESCC Highways have also raised concerns regarding the impact of the scheme on the local highway network and the safe and efficient operation of junctions within the Town Centre. To date the appellant has not demonstrated that the scheme can provide a safe access for all users and will not have an unacceptable impact on highway safety. Highway safety is an important matter not only for future occupiers of the development but also for other road users. The harm that would be caused to highway safety would significantly and demonstrably outweigh the benefits in this instance. The tilted balance provided by Paragraph 11 of the Framework is therefore not sufficient to outweigh the conflict with the policies in the development plan and Framework when taken as a whole.

Reason for Refusal 6: No mechanism to secure affordable housing, custom built housing and other key infrastructure mitigation measures.

1.4.8 A draft S106 Unilateral agreement has been circulated but there is no agreed S106 at the time of writing this proof of evidence to secure the delivery of the necessary infrastructure improvements and the provision and maintenance of the SANG in perpetuity. Until this is secured, the reason for refusal remains.

1.5 My overall conclusion was that the appeal scheme was a breach of the development plan as a whole by virtue of a breach of the policies set out above. Whilst there are material considerations which weigh in favour of the scheme namely the benefits, the balance of the material considerations weigh against the scheme. In particular these include: breach of the various emerging development plan policies; the breach of various NPPF policies; the loss and deterioration of Ancient Woodland and Veteran Trees, the inability to offer alternative sustainable transport modes from the site to Uckfield Town Centre, the lack of a safe access for all users, the potential for a severe transport impact on the local highway and Uckfield Town Centre and the failure to mitigate the impacts of the development through the provision of necessary infrastructure. I did not consider that the development could be defined as sustainable.

1.6 For all the above reasons I considered that the appeal scheme should be refused.