



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

Appeal ref: APP/C1435/W/23/3335625

LPA ref: WD/2022/3222/MAO

26 March 2024

Appellant Proof: **PLANNING**

Prepared by: Andrew Elliott
BSc(Hons) MSc MBA
MRTPI MIED
Technical Director

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QUALIFICATIONS AND EXPERIENCE

My name is Andrew Elliott. I hold a BSc (Hons) degree in Geography from the University of Southampton, a MSc in City & Regional Planning from Cardiff University and a Master in Business Administration (MBA) from Bournemouth University. I have been a full member of the Royal Town Planning Institute since November 1999. I am a Technical Director of tor&co (formerly known as Terence O'Rourke Ltd) where I have worked as a town planner since September 1997. I have provided planning advice for clients in respect of a range of development projects, predominantly in southern England.

My involvement with the appeal site includes advice associated with a pre-application submission in spring 2020 and the planning application submission in late 2022. I have visited the appeal site and its surroundings on numerous occasions and I have examined the relevant plans and documents for the purposes of the appeal.

The evidence that I have prepared for the appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions and are provided to the Inquiry irrespective of by whom I am instructed.

My proof of evidence relates to planning matters.

1. KEY REFERENCES AND ABBREVIATIONS

1.1 The following list references planning policy and evidence documents that are most relevant to the appeal, including the abbreviations used for them in my proof of evidence.

- National Planning Policy Framework (NPPF), update December 2023 (first published March 2012) (CD 7.1)
- National Planning Practice Guidance (PPG), web based and first published March 2014 (CD refs 7.3, 7.5, 7.8)
- Saved policies of the Wealden Local Plan (WLP), adopted 1998 (CD 5.1)
- Wealden District Core Strategy Local Plan (WCS), adopted February 2013 (CD 5.2)
- Affordable Housing Delivery Local Plan (AHDLP), adopted May 2016 (CD 5.5)
- Hellingly Neighbourhood Plan (HNP) 'made' (adopted), July 2021 (CD 5.4)
- National Design Guide (NDG), 2021 (CD 7.6)
- National Model Design Code Part One (NMDC), 2021 (CD 7.7)
- Wealden Design Guide Supplementary Planning Document (WDG), 2008 (CD 6.5)
- Wealden Landscape Sensitivity Assessment, Residential and Employment Development, November 2023 (CD 9.2).
- Wealden Local Housing Needs Assessment (WLHNA), August 2021 (CD 10.9)
- Wealden Five Year Housing Land Supply Statement – as of 1 April 2023 (5YHLS 1 April 2023), December 2023 (CD 10.1)
- New Wealden Local Plan for Regulation 18 consultation (draft WLP), March 2024 (CD 6.6)

2. INTRODUCTION AND STRUCTURE OF THE EVIDENCE

The Appeal

- 2.1 The appeal is made by Hertfordshire Holdings Ltd (HH Ltd) against the decision by Wealden District Council (WDC) to refuse outline planning permission for the development of up to 124 homes at Lower Horsebridge, Hailsham. HH Ltd is the Appellant and landowner of the site.
- 2.2 The appeal site is a field that lies adjacent to Lower Horsebridge village, to the east of the A22 Hailsham bypass and south of the A271 Horsebridge road. A detailed description of the appeal site is given in the application documentation and is summarised in the General Planning Statement of Common Ground (SoCG) (CD 13.8).

Reasons for Refusal and Main Issues

- 2.3 WDC's reasons for refusal in the planning application decision notice (CD 4.2) relate in particular to the suitability of the site for development purposes in principle, with a focus on:
- Proposed development outside of development boundaries, contrary to local planning policies
 - The impact of development on the character and appearance of the locality
 - The relationship of proposed development to surrounding built form and landscape
 - Level of harm to the character and significance of the setting of adjacent grade II listed buildings
 - The accessibility of the site by non-car means of travel, and
 - The overall planning balance of harm of the proposals versus the benefits.
- 2.4 There is also a reason for refusal related to the need for a mechanism to secure affordable homes and self-build / custom build homes, to be addressed by a legal agreement.
- 2.5 It is now also agreed with WDC at appeal stage that the Council no longer relies on the site being inaccessible by non-car means as a reason for refusal. Therefore transport and access improvements and a policy compliant level of

affordable housing together with a requirement for self-build / custom build housing can be secured by way of a legal agreement.

2.6 In the above context, and as confirmed in the Case Management Conference (CMC) Note dated 15 March 2024 (CD 13.6), the Main Issues to which evidence should be directed are:

- Whether or not the Council has a policy compliant supply of housing land
- The effect of the appeal scheme on the landscape character and appearance of the area
- The location of the proposed development with regard to national and local policies
- The effect of the proposed scheme on heritage assets with particular regard to the setting of Brook House and Boship Farm Hotel, and
- The effect of the appeal scheme on the provision of housing to meet both demand and supply as required by both national and local policies.

2.7 The Inspector considers these matters will be taken into account in determination of the planning balance.

2.8 At the Inquiry, the running order on topics will be housing land supply, landscape, heritage, location, housing demand and supply, and then planning balance. In addition, concerns from interested parties are to be discussed, which the Appellant has also addressed.

Scope

2.9 This planning evidence and its separately bound appendices address the general town planning issues arising in respect of the appeal. My evidence specifically responds to the Main Issues raised by the Inspector, the reasons for refusal in the decision notice and other matters raised in third-party comments from a planning perspective. It addresses compliance with national policy, the development plan and the planning balance.

2.10 Reference will be made to the agreed Statements of Common Ground (SoCGs) that have been prepared as follows:

- Transport and Highways matters, prepared by Stantec (for the Appellant) and East Sussex County Council (ESCC) as Highways Authority, dated 22 February 2024 (CD 13.7), and
- General Planning matters, prepared by tor&co (for the Appellant) and WDC, signed 11 March 2024 (CD 13.8).

2.11 It is noted that following the completion of the Transport and Highways SoCG WDC confirmed that its reason for refusal on the grounds of accessibility can be addressed through a suitable legal agreement.

2.12 This planning evidence is also supported, and should be read alongside, the Appellant's further evidence on the following:

- Housing land supply, prepared by Jacqueline Mulliner of tor&co (CD 13.17)
- Landscape and visual impact, prepared by Paul Warren of tor&co (CD 13.15)
- Heritage impact, prepared by Dr James Weir of tor&co (CD 13.10)
- Transport and accessibility, prepared by Henk Gelens of Stantec (CD 13.14)
- Flood risk (technical note), prepared by Amy Hensler of Stantec and appended to my evidence, and
- Affordable housing (technical note), prepared by Gemma Saffhill of tor&co, also appended to my evidence.

Structure

2.13 This proof of evidence is structured as follows:

- Section 3: Background to the Appeal
- Section 4: The Development Plan and Planning Context
- Section 5: Main Issues
- Section 6: The Planning Balance
- Section 7: Conclusion

3. BACKGROUND TO THE APPEAL

Pre-application Advice

- 3.1 A request for pre-application advice relating to proposals for the appeal site and adjoining land was sought in 2020.
- 3.2 Following a conference call meeting with planning case officer Claire Turner on 9 April 2020, pre-application advice was received by letter on 14 April 2020 (CD 12.5). The letter confirmed that officers would not support development on the site, reporting “issues relating to the sustainability of the site with regard to the environmental impact”.
- 3.3 Notwithstanding the pre-application feedback of the planning authority, and following further technical work, HH Ltd and its consultant team considered that the planning concerns expressed by officers were capable of being addressed. A planning application was prepared informed by supporting evidence, including a flood risk assessment supported by site-specific detailed flood modelling (CD 1.13), and a landscape and visual appraisal (CD 1.14).

Application Determination Process

- 3.4 Following validation of the planning application on 2 February 2023 written feedback from the planning case officer was limited. There was a brief exchange of emails with the case officer involving agreement to an extension of time to seek to narrow down areas of objection to the planning application (principally the objection of the local highway authority) (CD 12.2).
- 3.5 The application was determined under officers delegated powers on 30 June 2023.
- 3.6 At the time of the determination of the planning application almost all of the statutory consultees responding to the formal consultation had confirmed support / no objection to the application proposals, subject to the use of planning conditions (see also the summary at Appendix A).

The Appealed Application

- 3.7 The planning application was submitted in outline. Access is a matter that is for approval at outline stage. Scale, layout, appearance and landscaping are matters reserved for later approval.
- 3.8 The outline planning application plans and drawings, for determination, are:
- Site location plan (drawing 231703C/007) (CD1.3)
 - Site access layout (332110699_5501_SK009 revP02) (CD12.1).
- 3.9 A parameters drawing (reference TOR-XX-ZZ-DR-A-P011 Rev C) (CD8.2) showing proposed zones for built development and maximum building height parameters within those zones is also put forward for determination, notwithstanding that further details of the scale and layout of proposals are reserved matters.
- 3.10 In addition, an illustrative masterplan layout has been submitted which shows a potential arrangement of strategic landscape / green space, internal roads and built spaces in accordance with the proposed parameters. This is not for determination.
- Illustrative masterplan (TOR-XX-ZZ-DR-A-P010 Rev C) (CD8.1).
- 3.11 At the request of the Inspector, a separate draft note is being prepared in advance of the Inquiry opening indicating how the latest plans have evolved and what changes have been made from those before the Inquiry compared to those originally consulted upon.
- 3.12 The Pevensey Levels Special Area of Conservation (SAC), Ramsar site and Site of Special Scientific Interest (SSSI) is located 2.7 kilometres south-east of the site. All planning applications that are not directly connected with, or necessary for, the conservation management of this habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. The need for an 'Appropriate Assessment' is set out in the Conservation of Habitats Regulations 2017 (as amended).
- 3.13 The Appellant has prepared a Habitat Regulations Assessment (Shadow Appropriate Assessment) which is attached at Appendix B to my evidence and is also provided to Natural England for its comments. This assessment

concludes that the proposed development is unlikely to result in a significant effect on the Pevensey Levels SAC/Ramsar site. The document provides information for the Habitats Regulations Assessment that the Planning Inspector will need to undertake in determining the outline planning application.

4. THE DEVELOPMENT PLAN AND PLANNING CONTEXT

General Provisions

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. The NPPF does not change the statutory status of the development plan, but NPPF paragraph 11 does confirm the approach to sustainable development through both plan making and decision taking.

The Development Plan

- 4.2 The relevant development plan documents comprise:
- Saved policies of the Wealden Local Plan (WLP), 1998
 - Wealden District Core Strategy Local Plan (WCS), adopted February 2013
 - Affordable Housing Delivery Local Plan (AHDLP), adopted May 2016, and
 - Hellingly Neighbourhood Plan (HNP), 'made' (adopted) July 2021.

Material Considerations

National Guidance

- 4.3 The NPPF is a material consideration and provides an expectation that sustainable development should be granted planning permission. In accordance with NPPF paragraph 11 and relevant to the appeal scheme, for decision making there is a presumption in favour of sustainable development where:
- development accords with an up to date development plan, or alternatively (as is proposed in this case)
 - the adverse impacts do not significantly and demonstrably outweigh the benefits, when weighed against the policies of the NPPF taken as whole.
- 4.4 NPPF section 4 on 'Decision Making' further confirms that local planning authorities should approach decisions on proposed development in a positive and creative way and should seek to approve applications for sustainable development where possible.

4.5 In the context of the reasons for refusal it is important to note the requirements of the NPPF with regards to:

- Delivering a sufficient supply of homes (section 5)
- Promoting healthy and safe communities (section 8)
- Promoting sustainable transport (section 9)
- Making effective use of land (section 11)
- Achieving well-designed places (section 12)
- Conserving and enhancing the natural environment (section 15)
- Conserving and enhancing the historic environment (section 16)

4.6 The application was determined and the appeal was submitted before the December 2023 update to the NPPF was issued (CD7.1). This appeal is now concerned with the updated version.

Local Plan review

4.7 On 8 February 2024 an Extraordinary Meeting of Full Council at WDC agreed to commence consultation on a Regulation 18 stage Local Plan, which subsequently began at 5pm on 15 March 2024 and will end at 5pm on 10 May 2024. Because the draft Wealden Local Plan (draft WLP) is at such an early stage, and in accordance with paragraph 48 of the NPPF, limited weight can currently be put on it for decision making purposes.

4.8 Of note, the covering report to the Full Council agenda item on the committee draft version of the WLP (CD 12.4) confirms at paragraph 31 that the draft plan does not meet the District's housing target as set out by the standard method and a new 'call for sites' is to be launched alongside the Regulation 18 stage consultation, to allow agents, landowners and developers to put forward additional sites for consideration through the Strategic Housing and Economic Land Availability Assessment (SHELAA) process for the next Regulation 19 stage version of the new local plan. In summary, therefore, WDC is seeking additional sites to fulfil its housing need, notwithstanding any draft allocations in the emerging plan.

4.9 Of further note, the draft local plan proposes a strategic employment allocation involving 40,000 sq m (net) on land to the north-west of the appeal site, beyond the Boship roundabout, known as 'Knights Farm West, Hailsham' (CD 6.6, draft

Policy SS6). The site is in the ownership of WDC. This site is also shown on the draft Policies Map 28 for the combined area of Hailsham, Hellingly and Lower Horsebridge (CD 6.7), presented in the context of wider proposals for the growing town, including consented housing sites and proposed new housing site allocations.

Wealden Community Sports Hub Planning Application

- 4.10 HH Ltd's planning application was determined by WDC under officers delegated powers on 30 June 2023. At this time WDC had already progressed a public exhibition in relation to its proposals for a 'Community Sports Hub' on its 'Knights Farm East' landholding north of the A271 and opposite the appeal site, with a public consultation exercise ending on 24 March 2023. The consultation involved an online survey and face to face interviews with a number of stakeholders.
- 4.11 A planning application by WDC for the proposed sporting and leisure facility, reference WD/2023/2100/DC, was validated on 29 August 2023 with the following description of development:

Full planning permission for the development of a new sports hub facility, including two artificial football pitches, two multi-use games areas (containing four tennis courts and four netball courts), two padel tennis courts, skate park, play facilities and a sports building providing changing rooms, toilets and café, alongside parking, landscaping, drainage, ancillary works and vehicular access via the A267.

- 4.12 The proposals include a new non-car pedestrian and cycle access for the Sport Hub from the A271, opposite the appeal site.
- 4.13 On 23 October 2023, the Appellant's transport consultant wrote to WDC's planning case officer, copying in ESCC, to confirm HH Ltd's support for the Sports Hub planning application in principle and offering to co-operate in respect of working with the Sports Hub applicant to improve sustainable transport (CD 12.6). The letter identified that accessibility and connectivity for the Sports Hub through 'active travel' can be improved, taking into account comments on the Sports Hub application received from Active Travel England, a new statutory consultee.

- 4.14 On 25 January 2024, WDC's Planning Committee South resolved to grant planning approval for the proposed Sports Hub in accordance with an officer recommendation to approve the application, subject to the completion of a s106 agreement and confirmation from Natural England that it agrees with WDC's Appropriate Assessment that there would be no impact on the protected sites at the Pevensey Levels (see officer's report to Planning Committee South, CD 11.1). Natural England subsequently wrote to WDC on 13 February 2024 to confirm that the proposal is considered acceptable under the Habitats Regulations as not having likely significant effect subject to conditions secured on the recommendation to grant planning permission (CD 11.3).
- 4.15 The planning committee resolution to approve the Sports Hub is a significant new material consideration relevant to this planning appeal. The decision making process for it involved similar planning matters including accessibility to the local area by non-car means of travel, landscape impact of development in the vicinity of Lower Horsebridge, and consideration of heritage impact of development adjacent to the Brook House listed building which fronts the A271 Horsebridge road.
- 4.16 In particular, the acceptance by ESCC that the Sports Hub site is, or can be, made accessible by non-car modes from a point of access on the A271 has implications on the assessment of non-car accessibility for the appeal site opposite. ESCC has now withdrawn its objection to the appeal scheme on transport grounds and WDC has withdrawn its reason for refusal 3.

5. MAIN ISSUES

Introduction

- 5.1 This section addresses each of the Main Issues set out in paragraph 2.7 above in turn.

Whether or not the Council has a policy compliant supply of housing land

- 5.2 WDC has confirmed that is not able to demonstrate a policy compliant supply of housing land. The Appellant and WDC are seeking to agree the range of the shortfall, but it is less than four years supply.
- 5.3 Jacqueline Mulliner addresses the matter of shortfall in detail in her proof of evidence (CD 13.17).
- 5.4 Where a housing land supply cannot be demonstrated, as in this case, the parties agree that the so-called 'tilted balance' is applicable (as per paragraph 11d of the NPPF), whereby there is presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 5.5 Section 6 of my evidence is concerned with the overall planning balance.

The effect of the appeal scheme on the landscape character and appearance of the area

- 5.6 This Main Issue is concerned with the impact of the proposed development on the landscape character and appearance of the locality, and therefore the relationship of proposed development to surrounding built form and landscape.
- 5.7 WDC's local policies that are most concerned with this impact are the WLP 1998 Policy EN8 'Development in the Low Weald' (CD 5.1) and the WCS 2013 Policy WCS12 (CD 5.2), which are referenced in the Council's pre-application advice letter (CD 12.5) and in the decision notice (CD4.2).

Landscape designations and character areas

- 5.8 It is common ground with WDC that the site does not form part of a designated landscape. This is notable as, according to paragraph 6.112 of the draft WLP

(CD 6.6), approximately 53% of Wealden District lies within the High Weald Area of Outstanding Natural Beauty (AONB – rebranded ‘National Landscapes’ in November 2023) and around 7% lies within the South Downs National Park. This suggests a greater role for non-designated landscapes to accommodate development requirements.

- 5.9 The appeal site does not form part of the ‘Area of Locally Valued Landscape’ identified by Policy HNPD1 and Map 1 of the HNP (CD 5.4). This local designation covers the northern part of Hellingly parish but not the southern part where the appeal site and its landscape surroundings are situated.
- 5.10 Furthermore, whilst the HNP identifies Local Green Space sites pursuant to the approach in NPPF paragraph 106, the site and its surroundings are not subject to this designation (which relate to spaces that are demonstrably special to a local community and hold a particular local significance, for example because of their beauty, historic significance, recreational value, tranquillity or richness of wildlife).
- 5.11 The northern part of Hellingly parish is within the High Weald National Character Area, which extends beyond the National Landscape boundary. The HNP explains at paragraph 20 that this landscape is valued because it is an area of unspoilt countryside of the southern High Weald which provides an easily accessible ‘green lung’ for the rapidly expanding town of Hailsham.
- 5.12 The appeal site is within the Low Weald National Character Area, which is a low lying clay vale with heavy clay soils. Policy EN8 of the WLP is specifically concerned with development in the Low Weald, stating the need to “conserve the low rolling agricultural character of the landscape” and for development proposals to have regard to:
- (1) areas of unspoilt and remote countryside
 - (2) the setting of settlements
 - (3) areas on the fringe of adjacent statutorily designated landscapes
 - (4) the retention of woods, boundary trees and hedges, and
 - (5) attractive vernacular buildings and groups of buildings.

- 5.13 In view of the local soils type, the appeal site is Grade 3b, moderate quality, according to the Agricultural Land Classification (England), which means it is not the Best and Most Versatile (BMV) agricultural land. The appeal site itself does not comprise any rare landscape features and, in view of the soils, the agricultural use of the field and the neighbouring riverside field owned by the Appellant is grazing by horses and sheep on a seasonal basis. The two fields are divided from each other by the Lower Horsebridge Stream and are each separately accessed from the A271. The fields seem likely to have been part of the wider Boship Farm historically, but were cut off from the wider farm when the Hailsham bypass was built across the area in the 1930s. In view of the boundaries of the road and the stream the appeal site is somewhat constrained in terms of its use for agricultural purposes.
- 5.14 At a district level, the landscape of Wealden has been divided into six Landscape Character Types and 12 component areas of different character (Landscape Character Areas - LCAs). The appeal site is within the 'Uckfield to Hailsham Wooded Clay Vale LCA', which itself is further broken down into assessment units for the purposes of assessment through the Council's evidence study, prepared by consultant LUC, called 'Landscape Sensitivity Assessment, Residential and Employment Development' (LSARED), November 2023 (CD 9.2). The appeal site lies within the 'Hailsham West' assessment unit, on the edge of the largest settlement in south Wealden. The availability of this study work demonstrates that the broad area on the fringe of Hailsham is being assessed by WDC as a candidate area to accommodate additional growth.
- 5.15 In respect of the consideration of landscape character as referenced by WLP EN8, I emphasise that the site is not on the fringe of a statutorily designated landscape and therefore point 3 of the policy is not of concern.
- 5.16 Whilst the Uckfield to Hailsham Wooded Clay Vale LCA is part of the Low Weald, which WLP EN8 states is to be conserved in terms of the low rolling agricultural character of the landscape, Table 3.1 of the LSARED (CD 9.2, pages 21-24) identifies that the assessment units within the LCA 3A Uckfield to Hailsham Wooded Clay Vale are of relatively less sensitivity in terms of accommodating development than the High Weald assessment units. Whilst at paragraph 2.43 on page 18 of the LSARED it is confirmed that the evidence document does not assess landscape capacity for development, it is noted that the guidance of the PPG Natural Environment (CD 7.8, Para 037, Reference ID:

8-037-20190721) is that landscape sensitivity and capacity assessments can help to assess the type and scale of development that might be able to be accommodated without compromising landscape character.

- 5.17 Paul Warren comments further on the interpretation of the LSARED by reference to the appeal proposal site in his evidence (CD 13.15). Overall however, as per paragraph 3.13 of the LSARED, the lowland landscapes surrounding the settlements in the Uckfield to Hailsham Wooded Clay Vale, which includes Hailsham West and Lower Dicker, have reduced sensitivity to development due to the “low-lying landform, influence of urban-fringe land uses and trunk roads, undefined settlement edge and the visually enclosed character”.

The locational context – urban influences

- 5.18 I identify the following relevant points in respect of the existing urban influences in this locality:

- The appeal site lies within the confines of the A22 Hailsham bypass and the A271. These busy roads have a strong influence on the structure and character of the area, and cut across the river corridor.
- Where these two roads join, at Boship roundabout, there is existing development on three sides, including residential buildings to the east that front the northern side of the A271. The Boship roundabout is illuminated in hours of darkness.
- The appeal site is crossed by powerlines and faces the existing built edge of Lower Horsebridge, which is to the east beyond the Lower Horsebridge Stream. Properties in the village do not front or overlook the stream or river. There is a mobile phone mast alongside the western boundary of the site. The built edge of the ‘Welbury Meadows’ development (which includes development in the Berkley Avenue, Telford Lane and Solent Crescent areas of Hailsham) is seen to the south, beyond the River Cuckmere.

- 5.19 The Council has recently described the general locality west of Lower Horsebridge to be “on the edge of Hailsham” and “in the urban-rural fringe” (see for example the planning officer’s description of the location of the adjacent Sports Hub site in the 25 January 2024 Planning Committee South report, Principles of Development section of the report, starting on page 32 (CD 11.1)).

- 5.20 As seen on Policies Map 28 for the draft WLP, which covers the combined area of Hailsham, Hellingly and Lower Horsebridge (CD 6.7), the past and proposed future growth of Hailsham is in all directions, and has, for example, already filled out most available land to the west, up to the A22 bypass.
- 5.21 WDC landholdings at Knights Farm West and Knights Farm East are proposed for further development. The Council has resolved to grant planning permission for its Sport Hub development to the north, opposite the appeal site, and is now also proposing and consulting upon a new major employment allocation at Knights Farm West, *Hailsham* (my emphasis) on its own land north-west of Boship roundabout, through Policy SS6 of the draft WLP (CD 6.6).

Appeal site design principles

- 5.22 More specifically, in relation to the broad design principles of the appeal site proposals:
- The proposed developable area of the appeal site is concentrated to the north and west, which is heavily influenced by the existing roads (A22 and A271) and is opposite to existing residential development fronting the northern side of the A271. An extensive landscape buffer is proposed to the Lower Horsebridge Stream. Structural landscape strips are additionally proposed on the northern and western boundaries of the site.
 - The proposals do not obstruct the identified local view and vista from the A271 across the Lower Horsebridge Stream as identified by Map 4 of the HNP (CD 5.4).
 - There is the potential to remove overhead powerlines by undergrounding them through the site.
 - Noting point 4 of WLP Policy EN8 (CD 5.1), the proposals would not result in the direct loss of existing trees and woodland (aside from those identified as requiring removal on safety/health grounds). Boundary trees and hedges are retained, with the exception of A271 frontage hedgerow. This is proposed to be removed and replaced with the planting of a higher quality hedge set into the site so that the site access, visibility splays and the proposed widened footway with new off-road cycleway can be accommodated.
 - Less than 40% of the appeal site area would be used for built development purposes, with an extensive area of land on the eastern and southern sides

of the site being provided for landscape, habitat and informal recreation purposes. This will enhance green links and the ecological network along the Lower Horsebridge Stream to achieve, for example, the policy objectives of WCS Policies WCS12 on Biodiversity and WCS13 Green Infrastructure, and HNP Policy HNDP4 Green and Blue Infrastructure.

- 5.23 The appeal scheme would sit alongside the river corridor in a similar manner the Welbury Meadows development, which similarly retains and enhances the immediate riverside landscape for biodiversity and public access purposes through a fairly naturalistic approach to riverside landscape planting and management.

Planning response to WDC landscape objection

- 5.24 In its decision notice (CD 4.2), WDC refers to the application site being “integral to the character and visual setting of the River Cuckmere corridor”. It references the importance of this “swathe of undeveloped land separating the village of Lower Horsebridge from the urban area of Upper Horsebridge and Hailsham” and that “harmful urbanising impact” would arise from the development “by extending development southwards”.
- 5.25 In section 6 of its Statement of Case (CD 13.5), WDC also claims that the edge of Hailsham is “clearly defined by” the Welbury Meadows residential development, that the site lies within “open countryside to the north of Hailsham”, and that the proposed development would be “the first development to extend Hailsham into the wider landscape north and west of the Cuckmere valley”.
- 5.26 WDC further suggests in its Statement of Case that the River Cuckmere corridor is a valued landscape (as per paragraph 180 of the NPPF) and development would impact on that landscape by reason of its close proximity to it.
- 5.27 I address each of these points in turn from a planning perspective.
- 5.28 Some definition is firstly needed of the term ‘River Cuckmere corridor’. In its Statement of Case (CD13.5, section 6.1.2 (ii), page 19), WDC describes the corridor as being a “broad area of low lying land which also contains numerous tributary streams and channels”. This reflects its functional and physical

characteristics. I consider that a river corridor is the width of the channel in which water normally flows, and also the banks and land close to the river which carry flood waters and accommodate the meander pattern of the watercourse.

- 5.29 That part of the appeal site that is proposed to be built upon is outside of the river corridor area as defined above, however the lowest parts of the site adjoining the Lower Horsebridge Stream, a River Cuckmere tributary, are partly within it.
- 5.30 The corridor of a river has an influence on, and interaction with, the surrounding landscape and townscape. The higher part of the site is within the visual setting of the river corridor in common with other land and existing built development that can be seen in its surroundings.
- 5.31 Whether or not the river corridor / adjoining land is a 'valued landscape' as identified in paragraph 180 a) of the NPPF is directly addressed by Paul Warren in his landscape proof of evidence (CD 13.15). As noted above, the river corridor wasn't formally designated as a valued landscape by the HNP preparation process. There is no formal policy with accompanying published evidence which sets out any special characteristics that may be attributed to the river corridor.
- 5.32 The development of the Hailsham bypass in the 1930s cut off the appeal site and neighbouring field from the former Boship Farm to the west.
- 5.33 In view of the surrounding urban influences of roads, the Boship roundabout and other existing built areas, which are part of the setting, the appeal site and the river corridor are not remote, tranquil or open countryside. They are not 'areas of unspoilt and remote countryside' referenced in point 1 of WLP Policy EN8 (CD 5.1).
- 5.34 The river corridor as a flood plain is an absolute constraint to development. The river is a physical feature that has shaped the pattern of development at the urban fringe of Hailsham, including preventing the merging of Lower Horsebridge with Upper Horsebridge.
- 5.35 I strongly disagree that Welbury Meadows clearly defines the existing edge of Hailsham. The town has been expanding to the north and the border with Hellingly is difficult to distinguish. Notably, at paragraph 4.102 of the draft WLP

(CD 6.6), the Council carefully describes the location of the Sports Hub as being “on the edge of Hailsham to the west of Lower Horsebridge within the Parish of Hellingly”. I consider that draft WLP Policies Map 28 (CD 6.7) intentionally groups together Hailsham, Hellingly and Lower Horsebridge as it is the appropriate scale for communicating the combined plans for an expanding town.

5.36 The resolution of WDC’s Planning Committee South to approve the Wealden Sports Hub and the Council’s draft WLP policy proposal for 40,000 sq m (net) strategic employment allocation at Knights Farm West, Hailsham further signify that north-west Hailsham is being deliberately planned by the Council as an area for growth.

5.37 The appeal proposal will *not* be the first development to extend Hailsham into the wider landscape north and west of the Cuckmere valley. WDC has already approved new greenfield development on Land east and west of North Street at Lower Horsebridge on the basis of its meeting wider town and district needs. For example, outline planning permission for up to 130 homes on Land east of the B2104 North Street, Lower Horsebridge (ref. WD/2019/1575/MAO), which was approved in August 2021, was assessed and presented in the officer’s report as a further major scheme in the vicinity of North Hailsham / Hellingly (CD 11.6). It lies on the western side of the River Cuckmere, extending into the river corridor. The report states on page 56 of 63:

“the loss of the existing field to development will have a permanent impact on the character of the immediate locality, but the change is not considered to be harmful to the landscape character, provided the development is set back from the western boundary and appropriate structural planting and buffer planting are incorporated into the scheme design. The long term management of these areas would improve the biodiversity of the location as well as offering opportunities for recreation. Through the landscape and environmental enhancements and the ecological mitigation proposed, these factors would positively contribute to the overall sustainability of the application site.”

5.38 Similarly, in recommending approval of the Sports Hub planning application on an undeveloped parcel of land “on the edge of Hailsham” west of the Lower Horsebridge Stream tributary of the River Cuckmere in January 2024, officers reported that “there is no significant harm to the landscape character” (CD

11.1). The development includes a sports pavilion building, 195 space car park and various floodlit sports courts and pitches.

5.39 Paragraph 135 c) of the NPPF states that decisions should ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting, but notably does not prevent or discourage appropriate change. The large area of proposed green infrastructure provision on the site provides an opportunity to make a positive contribution to the local landscape and ecology and fulfils the broader policy objectives of WCS WCS13 (CD 5.2), including to improve the quality of networks for nature and to provide open space of good quality and value to its users.

5.40 Overall, in my view the appeal site is on the edge of Hailsham where there is and will continue to be change by reason of the current and proposed growth of the town. Whilst the development of the appeal site will result in some further change to the appearance of the immediate area, this is localised and is compatible with other recent developments and further proposals in the area.

The location of the proposed development with regard to national and local policies

5.41 The purpose of submitting the planning application (and in lodging the appeal) is to seek to establish the principle of developing the site for residential use. In view of the objection by WDC officers in principle to the site being developed from the outset of the pre-application process, the focus of the planning application is to demonstrate that a range of constraints could be overcome and that development of the site is both feasible and appropriate in this location with regard to relevant planning policy.

5.42 I respond to this Main Issue in respect of the following policy matters:

- Location in respect of development boundaries
- Promoting sustainable transport
- Settlement pattern, the setting of settlements, managing patterns of growth and making effective use of land.

5.43 Whilst not strictly associated with 'location', I also respond in this section to WDC's objection in respect of the amount, form and density of development - and the relationship of this to the surroundings - by reference to policy.

Proposed development outside of development boundaries

- 5.44 There has been no adopted plan that has made site specific housing allocations in Wealden District for a considerable period of time. As a brief and simplified summary of the local plan-making history:
- The WLP, 1998 made housing site allocations at that time
 - The WCS, 2013 identified proposed 'Strategic Development Areas' for growth, referencing that site allocation details would be provided for by a future 'Strategic Sites Development Plan Document' (DPD) and 'Delivery and Site Allocations DPD'.
 - The above documents weren't prepared. Instead, WDC proceeded with a proposed new Local Plan that was eventually submitted for examination in January 2019, and subsequently withdrawn in February 2020 following receipt of recommendations of a planning inspector in December 2019.
 - Now in March 2024, WDC is consulting on a new draft WLP, which has some way to go before adoption and which launches a new 'call for sites' so that additional housing allocations may be assessed to help meet the local requirement.
- 5.45 In the continuing absence of an up-to-date local plan, the further growth of Hailsham has been provided for in recent years by the approval of planning applications for sites outside of development boundaries on previously undeveloped land. Policy WCS4 of the WCS, 2013 (CD 5.2) identified a Strategic Development Area at 'North Hailsham' (without defining a new development boundary) which has provided a policy lead for the subsequent approval of a series of large housing developments at Hellingly parish. Many of these schemes are already developed, expanding the town to the north.
- 5.46 In addition, development has been recently approved at Lower Horsebridge by WDC on land outside development boundaries in locations on the north-western, north-eastern and south-eastern sides of the village.
- 5.47 The largest of the approved developments is an outline planning permission for up to 130 homes on Land east of North Street, Lower Horsebridge (ref. WD/2019/1575/MAO) approved in August 2021. Within section 4 of the officer's report to committee (CD 11.6, page 47 of 73), the policy justification for the principle of development is that:

“The adopted Core Strategy Local Plan 2013 accepts that the development boundaries contained within the 1998 Local Plan will have to be breached to deliver the level of housing required. Policy WCS4 seeks provision of at least 1300 dwellings within and around Hailsham and included land in the northern part of the town between Hailsham and Hellingly. Whilst the figure of 1300 homes is long since met (and indeed is based on housing growth that does not represent full objectively assessed housing need) policy WCS4 postdates the 1998 Local Plan and has identified land in north Hailsham as required for outward growth. This is part of a spatial strategy that recognises the need to breach the 1998 settlement boundaries in order to deliver the housing and community needs of the town. Thus, the scheme’s location outside the settlement boundary would not be at odds with the spatial strategy in the development plan taken as a whole.”

- 5.48 The above quotation confirms that a development of 130 homes outside of development boundaries at Lower Horsebridge has been previously justified on the basis of its contribution to delivering the housing needs of Hailsham. The same policy justification was made by officers in recommending approval of planning application WD/2021/2056/MAO for up to 55 homes on Land west of North Street, Lower Horsebridge, permitted in March 2023. Whilst this site was also reported to lie in open countryside, in breach of development boundaries, it was similarly justified due to these development boundaries - and the saved policies that refer to them - being out of date.
- 5.49 It is noted that the HNP, 2021 (CD5.4) does not allocate housing sites and there is no specific policy within the HNP that prohibits residential development outside of the development boundary. The HNP acknowledges at paragraphs 83 and 86 that a future Wealden Local Plan will set policy for housing for Wealden District including proposed housing allocations.
- 5.50 It is common ground with WDC that in the absence of a five year supply of deliverable housing land the effect of policies GD2 and DC17 of the WLP 1998 (CD 5.1) would be to restrict the supply of housing and prevent local housing needs being met and they are therefore out of date. Very limited weight should be given to these two policies and to any conflict with them in the consideration of this appeal. The issue of housing delivery is considered to be a significant material consideration that further provides a reason why any policy conflict with development plan policies GD2 and DC17 should not determine the outcome of

the appeal in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004.

- 5.51 Whilst WDC may choose to apply the term ‘open countryside’ to *all* land outside of the development boundaries of towns and villages, I do not consider the site to be either open countryside or in a rural location. On the contrary, it is part of a broad urban fringe location in Hellingly parish that has been accommodating growth on the edge of Hailsham, which is expanding the town outwards. This process is set to continue, as evidenced by proposed allocations of the emerging local plan, including for example a strategic employment allocation at Knights Farm West (CD 6.6, draft Policy SS6). Moreover, the planning committee resolution to grant planning permission for the Sports Hub at Lower Horsebridge, north of the A271, signals the important role of the area in meeting a variety of development needs for the growing town of Hailsham and surrounding communities. As such, this broad overall location at north-west Hailsham is a growth area.

Promoting sustainable transport

- 5.52 It is the approach of the planning system to actively manage patterns of growth, with the opportunity to maximise sustainable transport solutions being a priority. Paragraph 109 of the NPPF emphasises that significant development should be focused at locations which are or can be made sustainable. The location of the appeal site and the content of the non-car accessibility proposals of the appeal scheme achieve these objectives.
- 5.53 The site fronts a public transport corridor and, as demonstrated in evidence of Henk Gelens (CD 13.14), it is accessible to a wide range of facilities and services.
- 5.54 There is a very good public transport service along the A271. The new Regency 28 service bus service runs every 30 minutes from Monday to Saturday, with a route that connects Brighton, Hailsham, Eastbourne, and includes stops at the new Hailsham primary and pre-school (Hailsham Primary Academy) and Hailsham Community College secondary school / sixth form. It complements the pre-existing 54 bus service between Uckfield and Eastbourne which also stops at the Community College and Hailsham town centre. The 54 services runs hourly in the day time and additional evening services have been operating

Monday to Saturdays since July 2023. The application proposes a new westbound bus stop and links to eastbound bus travel can be enhanced by the content appeal proposal.

- 5.55 Through the creation of a widened footpath and a new off-road cycleway link along the full length of the site's A271 frontage, the proposals not only improve non-car accessibility to future residents, but also form an essential part of a two way non-car link that will promote wider travel choice between communities to the west (including development beyond the Boship roundabout at Lower Dicker and the proposed new Knights Farm West Employment Park) and those to the east / south-east (Lower Horsebridge / Hailsham). The appeal proposals also improve accessibility to the proposed Sports Hub, which is subject to a Planning Committee resolution to grant planning permission. In view of the lack of available land on the northern side of the road, these movement corridor enhancements are *only* capable of being made by the use of the Appellant's landholdings along the southern side of the A271.
- 5.56 There is presently no public access to the site. The extensive green space within the site provides opportunity to deliver a network of additional footpath and cycleway routes and connections, and to provide public access to the western bank of the Lower Horsebridge Stream.

Settlement pattern, the setting of settlements, managing patterns of growth and making effective use of land

- 5.57 WLP Policy EN2 (CD 5.1) states that WDC will seek to maintain the existing settlement pattern and ensure that major new developments generating significant travel movements are located efficiently in relation to existing development and to public transport. Whilst it is clear that development boundaries as defined by the WLP are out of date, and have been breached to deliver the level of housing required, the appeal site is well located in relation to the existing pattern of development along the east-west corridor of the A271 and A22 towards Lower Dicker and to existing and proposed developments at north-west Hailsham.

- 5.58 As implied by the recent approval of residential developments, which will substantially expand Lower Horsebridge to the north-west and north-east¹, development “within and around Hailsham” is consistent with the broad guidance of WCS Policy WCS4 and SPO3, and this has been necessary to accommodate the objectively assessed housing need (CD 11.6, page 47). At Lower Horsebridge this will further transform the settlement from that of a small linear village along an historic route into Hailsham, to a larger and more suburban community on the edge of Hailsham.
- 5.59 There is a line of ribbon development fronting the northern side of the A271, opposite the appeal site, and the historical development of Lower Horsebridge - and indeed much of Hailsham - has been through expansion along main routes. Importantly, the appeal site is contained within the limits of the A271 and A22 Hailsham bypass.
- 5.60 The retention of a broad landscape buffer to the Lower Horsebridge Stream provides for continuity of the green river corridor and further planting can reinforce and connect this with wider network of riverside habitat to the north. In combination with the green bank on the eastern side of the stream, I consider that this buffer can retain permanent physical and visual separation between the developed area of the appeal site and the existing developed edge of the village. Furthermore, subject to a sensitive detailed landscape design, it can contribute to providing a semi-natural, green landscape setting to settlements, albeit not one of agricultural function or character.
- 5.61 I consider that implemented development at the site would be an identifiable part of Hailsham, albeit physically detached from Lower Horsebridge, with the village retaining its own separate character and identity in accordance with the broad aims of the HNP (CD 5.4, Introduction, page 6). The site is outside of the Lower Horsebridge Village Area identified by Map 4 of the HNP, and is similarly distinct from the dispersed, linear Lower Dicker Village Area in view of the physical boundary of the Hailsham bypass and Boship roundabout.

¹ A combined number of up to 185 additional homes is approved in outline on Land east and west of North Street. From a rough count of properties on a plan, I estimate that the main area of the village currently comprises approximately 80-90 residential properties. Therefore, the recently proposed scale of expansion of the village has been justified on the basis of accommodating the wider growth of the town and district, and not the needs of the village itself.

- 5.62 I therefore consider that the appeal site is under-utilised land on the edge of Hailsham. The land of the appeal site is within grade 3b ‘moderate quality’ and not the best and most versatile (BMV) agricultural land. The further limitations of the site for agricultural use are that it is bounded to the north and west by two busy roads, encircled by a stream on its eastern and southern sides which cuts it off from the neighbouring field, and the seasonal extent of flooding as expected within the flood zones on the lower part of the field.
- 5.63 Presently the appeal site has moderate ecological value (as concluded by the submitted Ecological Appraisal, CD 1.11), however the identification of the ‘River Cuckmere Habitat Link’ covering the natural floodplain of the river as a Biodiversity Opportunity Area (BOA)² (indicated on Map 2 of the HNP CD 5.4, page 63) promotes the potential for positive change and encourages the enhancement / restoration of habitats. BOAs are landscape-scale areas where conservation action is likely to have the most benefit to biodiversity based on existing ecological interest and physical opportunities for enhancement. This positive approach to the identification of potential areas for the protection and enhancement of green and blue infrastructure assets is also pursued by HNP Policy HNBP4.
- 5.64 In my view, the overall approach of the appeal proposal fully accords with the principle of making effective use of land outlined in chapter 11 of the NPPF, for example in terms of:
- Promoting and supporting the development of under-utilised land (bearing in mind its limitations for agricultural use as identified above)
 - Seeking to achieve multiple benefits from urban and rural land including meeting the need for homes, enabling new habitat creation and improving public access and recreation, and
 - Encouraging the most efficient use of the available land that optimises its potential.

² BOAs are the regional priority areas of opportunity for restoration and creation of Biodiversity Action Plan (BAP) targets and are areas of opportunity not constraint. They are identified through mapping and the active involvement of local biodiversity partnerships. There are 75 such areas in Sussex (www.sussexlnp.org.uk/boa).

Amount, form and density of development - and the relationship of this to the surroundings

- 5.65 The third paragraph of reason for refusal 1 asserts that the appeal scheme is overdevelopment.
- 5.66 I would firstly identify that in view of WDC planning officers' objection to residential development at the site in principle, there was limited engagement with WDC on an appropriate amount, form or density of development for the site. For example the planning case officer was clear in her pre-application advice letter dated 14 April 2020 (CD 12.5, page 4) that "officer's [sic] consider development inappropriate in this location" and further at page 7 when commenting on spatial and design that "Details of the layout were not discussed in depth as there are fundamental policy objections to the proposed development".
- 5.67 Secondly, as far as I'm aware, WDC does not have an in-house urban design officer consultee and there is not a dedicated in-house landscape officer / landscape architect. Nevertheless, the comments from conservation, biodiversity and trees officers provide a degree of design and landscape response and I understand that planning officers typically assess proposals in terms of their broad impacts. Concern has been expressed by the conservation officer about illustrative layout proposals including development blocks of up to three storeys in height on the frontage, although there has been no steer from officers about what an appropriate amount, scale or location of development might involve, presumably in view of WDC's in-principle objection to the development of the site.
- 5.68 I consider that the National Design Guide (NDG) and National Model Design Code Part One (NMDC) (CDs ref 7.6 and 7.7 respectively) are helpful general guidelines for a best practice approach to design, and are directly referenced at paragraph 11 of the NPPF. For example paragraphs 64-66 of the NDG communicate the important role for a compact form of development.
- 5.69 Part One of the NMDC 2021 (CD 7.7) identifies at Figure 10 on page 14 and Figure 19 on page 21 examples of typical density being in the range 30 - 50 dwellings per hectare for suburbs, and 20 - 40 dwellings per hectare at outer suburbs, and at page 22 identifies the height of three storey dwellings being up

to 12m. In my view these height and density ranges are appropriate to the appeal site in order to meet guidelines for well-designed development that makes best use of the available land and is suitably compact in form.

5.70 As shown on the measured areas plan at Appendix C, the net developable area of the site, which is less than half of the overall appeal site area, is approximately 2.6ha. Whilst scale and layout are reserved matters, the application proposes a maximum number of homes at 'up to 124 residential dwellings' and proposes parameters in terms of maximum building height by reference to two development zones:

- One zone involving development at *up to* three residential storeys in height (the northern half of the developable area, closer to the A271 and bus stops), and
- The other zone at *up to* two residential storeys in height (the southern half of the site, closer to the River Cuckmere).

5.71 Applying the NMDC densities, the site might appropriately deliver between 78 and 130 homes at a density range of 30 - 50 dwellings per hectare assuming a compact form of development is pursued that optimises density as is required by paragraphs 135 e) and 146 b) of the NPPF. It is recognised that this is a wide range. The planning application description of development is set towards the upper end of this range, at up to 124 dwellings, reflecting the greater ambition of the NPPF, NDG and NMDC in respect of density for locations well served by public transport.

5.72 It is noted that the Welbury Meadows development that was completed in 2011/2012 contains parcels with a net development density of up to c. 38.5 dwellings per hectare. For example the developed parcel at Lundy Walk / Solent Crescent BN27 3BJ (which has a very similar developable area to the appeal site and is also located alongside the River Cuckmere corridor) is built at this density, comprising approximately 100 homes. The housing mix includes a range of homes for families in the form of town houses and detached homes, and incorporates some four, five and six-bedroom property as well as smaller-sized accommodation, including an affordable housing flats block. As a comparison the (non site-specific) housing mix analysis put forward by the Wealden Local Housing Needs Assessment, August 2021 (CD 10.5), has greater emphasis on small and medium sized property (as communicated at

page 3 of the Executive Summary) provided as both affordable and market homes. This type of property has the capability to be accommodated in a more land efficient urban form than much of the existing development at Welbury Meadows, potentially through a greater proportion of accommodation on a site being developed in the form of apartments or terraces (e.g. retirement flats or more small starter homes).

- 5.73 The detailed design of the scheme would be resolved at reserved matters stage. It is proposed that this be informed by a design code / masterplan, secured by planning condition. A design code / masterplan will support the design development process for the site. It can assess further options for making efficient use of the land with an amount and mix of development that optimises density whilst contributing positively to the local character and context.
- 5.74 There would be opportunity through the preparation of the design code / masterplan, and then a reserved matters submission, to further develop and refine the approach to the mix of building form, type and scale within the broad overall parameters outlined for the appeal site.
- 5.75 An illustrative layout has been submitted as part of the application, however this is indicative only, providing just one example option of how development might be laid out in accordance with the proposed parameters. It is not proposed that development be designed at the maximum height parameter across the whole of each zone, rather the use of the parameter signifies that there are opportunities for height within the site to respond to particular opportunities. For example, height can be used to create 'marker' buildings at key entrances or focal points within a site, to concentrate development at those parts of the site that are best served by bus stops, and/or to optimise overlooking of principal footways and cycle routes so that they feel safer to use. As an example of a local approach to accommodating three storey development, Lundy Walk / Solent Crescent has been designed with scale and massing of development concentrated within the built core of the site, generally concealed from wider landscape views, and behind lower scale buildings on the development edge.
- 5.76 I am content that a satisfactory design can be achieved for the appeal site having regard to the following:

- The site fronts the A271 movement corridor to the north and it is appropriate to propose higher densities close to public transport networks to help create walkable neighbourhoods and reduce reliance on the private car (as noted for example at paragraph 8.24 of the WDG 2008, CD 6.5).
- National planning policy emphasises the importance of making effective and efficient use of land for homes and other uses. For example NPPF paragraph 129 states that where there is an existing shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of each potential site.
- Well-designed places can have a compact form and optimise density, as well as relating well to and enhancing existing character and context, as identified by the Built Form section of the NDG, 2021 (CD 7.6).
- The number of units is expressed in the application as an 'up to' total, the parameters suggest maximum heights using 'up to' figures in metres, and it would open to the applicant at detailed design stage to adapt the scale, massing and proposed a number of units proposed within those parameters.

5.77 There are examples nearby of residential development that includes three storey built elements at Hempstead Lane / Hedley Way / Stanier Street, Welbury Meadows BN27 3GG, Hawksley Crescent, Welbury Meadows BN27 3GH and Malthouse Way, Hellingly, Hailsham BN27 4DA. The nearby Boship Farm Hotel is also a three storey building.

5.78 Overall I consider that the appeal site is capable of accommodating the proposed number of units in principle, and that the appeal proposal sets the parameters for an appropriate design response for the site that reflects national policy and guidance. A well-considered detailed design response at reserved matters stage should ultimately influence the development density outcome at the site.

The effect of the proposed scheme on heritage assets with particular regard to the setting of Brook House and Boship Farm Hotel

5.79 It is common ground between the Appellant and WDC that, other than the need to consider the level of harm to the significance of the two adjacent grade II listed buildings, the proposals result in no harm to the significance of any other

designated or non-designated heritage assets (General Planning SoCG, CD 13.8, paragraph 6.1.1s).

- 5.80 Notwithstanding local planning policy related to heritage assets, including WCS Policy SPO2 (CD 5.2), I consider that the most important planning policy for the assessment of the effect of appeal proposals on the listed buildings is provided in chapter 16 of the NPPF, in particular paragraphs 205, 206 and 208. This includes that great weight should be given to any heritage asset's conservation. Any harm to the significance of a designated heritage asset from development within its setting requires clear and convincing justification.
- 5.81 As discussed in the proof of evidence of Dr James Weir (CD 13.10), the Boship Farm Hotel, to the west of the appeal site, is physically and visually separated from the site by the Boship Roundabout, A22 road and vegetation. His assessment provides a comprehensive overview of significance of the asset and how its setting contributes to it. He concludes that the proposed development would result in no harm to the significance of the Boship Farm Hotel through development affecting its setting.
- 5.82 Prior to the determination of the planning application an amendment was made to the parameters plan to reduce the built area of development south-east of Brook House. In submitting this Appeal, a further amendment was made to remove all built development south-east of Brook House / east of the proposed site entrance access road. The effect of this amendment on the setting of Brook House and its significance has been reassessed in the submitted Heritage Assessment Addendum (CD 8.3). It concludes that the harm to the asset will be reduced to the lower end of less than substantial harm. This conclusion is further explained in Dr James Weir's evidence (CD 13.10). My clear view is that this harm is outweighed by the public benefits of the proposal. This is explained further in section 6 of my evidence below.
- 5.83 The application has been submitted in outline, with the submitted parameters plan indicating the proposed zonal location of residential development and maximum development heights. This is expressed as being *up to* 12m from the finished floor level for proposed development on the appeal site, set back from the site frontage to the A271, to the south-west of Brook House. Within these parameters there is considerable opportunity for the scheme to evolve in terms of site layout, the massing and appearance of buildings, and the landscape

design of green spaces. Therefore, there is considerable scope to consider the detailed relationship of site design to local character and the setting of Brook House, both through a design code / masterplan preparation process (as proposed to be secured by planning condition) and through the development of detailed design proposals at reserved matters stage.

The effect of the appeal scheme on the provision of housing to meet both demand and supply as required by both national and local policies

- 5.84 The appeal proposals seek approval in principle for up to 124 residential units, through a mix of provision including new build homes for market sale, affordable housing and the availability for sale of plots for self-build and/or custom build homes. Additionally, building regulations are concerned with ensuring that dwellings which are built are accessible and adaptable to meet the demand and requirements of a range of users.
- 5.85 Whilst the detailed mix of housing types would be determined at reserved matters stage, I have no doubt that an appropriate mix of housing types is capable of being delivered for the local community, noting for example that HNP Policy HNPD7 Housing Type (CD 5.4) confirms in particular that proposals which provide for a high percentage of homes for the elderly and starter homes / shared ownership (2-3 bed or smaller) will be supported.
- 5.86 In this section I comment further on the overall local housing requirement and supply, affordable housing need and supply, demand and supply for self-build and custom build homes, and then conclude on the overall effect of the appeal scheme on these by reference to relevant policies.

Local housing requirement and supply

- 5.87 As confirmed by WDC's Five Year Housing Land Supply Statement – as of 1 April 2023 (5YHLS 1 April 2023), published in December 2023 (CD 10.1), the evidence base underpinning Wealden District's housing need within the adopted WCS is out of date and therefore the adopted housing requirement policy is out of date.
- 5.88 In accordance with paragraph 61 of the NPPF, to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the 'standard method' in the

planning practice guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

- 5.89 Using the 'standard method' for calculating housing need, the Council calculates a minimum housing need of 1,200 homes per annum for the District. As presented in Jacqueline Mulliner's evidence (CD 13.17), taking into account the requirement calculated by reference to using the standard methodology local housing need, the addition of a 20% 'buffer' to the requirement in view of the Housing Delivery Test, and the need for the Council to demonstrate a four year housing land supply due to the transitional arrangements in place (by reason of the recent publication of the Regulation 18 draft WLP and paragraphs 77 and 226 of the NPPF), WDC confirms that it can only demonstrate a housing requirement of 3.83 years, below the four year requirement. This is a shortfall that amounts to 1,687 dwellings. Her own calculation is that the housing land supply is 3.14 years and therefore the shortfall is very much larger (2,674 homes).
- 5.90 For decision taking purposes, there is currently an insufficient supply of 'deliverable' housing sites to meet the requirement for even four years' worth of housing land supply and the extent of the shortfall is a relevant and material consideration that bears directly on the weight to be given to the benefits or disbenefits of the appeal proposals.
- 5.91 The predicted substantial level of under supply in WDC over the next four / five years is underscored by significant levels of previous under provision. The Housing Delivery Test has not been met in full in Wealden District since 2018, and the results are getting progressively worse.

Affordable housing need and supply

- 5.92 It is common ground with WDC that the need to provide affordable housing stock is a WDC priority (General Planning SoCG, CD 13.8, paragraph 6.1.1f).
- 5.93 I attach to my evidence at Appendix D a technical note on this topic, prepared by Gemma Saffhill of tor&co.
- 5.94 The note identifies that the most recent housing need evidence for the District is produced in the Wealden Local Housing Needs Assessment (WLHNA)

published in August 2021 (CD 10.5) which assesses affordable housing need for the 2019 – 2039 period. It states a combined affordable housing need of 854 homes per annum, split as 519 for rent and 335 for affordable home ownership.

- 5.95 The technical note finds that since 2013 - 2014, the average affordable housing delivery is of 160 homes per annum (net).
- 5.96 In response to a Freedom of Information request, WDC has confirmed that as of April 2023, there are 743 households on WDC's Housing Register.
- 5.97 By reference to a calculated backlog of some 3,272 affordable homes, a record of 743 people on the housing register, and the average waiting time for an affordable home in the district last year ranging from 9 – 24 months on said register, that leaves real people in need without a home for a considerable period of time.
- 5.98 Policy AFH1: Affordable Housing of the AHDLP is the adopted local policy which dictates affordable housing supply in the district. This policy requires the delivery of 35% affordable housing on all development sites which propose 5 or more (net) dwellings.
- 5.99 Whilst it is acknowledged that WDC's policy has facilitated the delivery of some affordable housing, the technical note concludes that it is neither of a sufficient quantum, nor with sufficient pace to match even newly arising housing need, let alone to make meaningful inroads to address the backlog of need experienced in WDC.
- 5.100 Overall there is, and will continue to be, a pressing need for additional affordable housing in the District.

Self-build and custom build housing demand and supply

- 5.101 There is a statutory duty on WDC to have regard to the self-build and custom homebuilding register that it is required to keep, and to give permission for enough suitable serviced plots of land to meet demand in its area. Whilst there is no adopted local planning policy on this subject, the Council has been routinely securing such provision in recent planning approvals.

- 5.102 Whilst it has no weight, the draft WLP contains includes Draft Policy H05 (CD6.6, page 225) seeking at least 5% of the total dwellings to be available for self-build / custom build plots where this will not result in over provision of this type of housing when considering the Council's supply / demand evidence.
- 5.103 Paragraph 4.60 of the Wealden Local Housing Needs Assessment, published in August 2021 (CD 10.5), reports that local agents see strong local demand for self-build. Paragraph 12.15 recommends that the exact level of self-build / custom build should be determined in reference to the number and capacity of strategic sites and the overall local need as identified on the register.
- 5.104 WDC regularly updates its website³ with respect to individuals and associations enrolled on its self-build and custom build housebuilding register. Individual entries to the register have been recorded annually since March 2016. In each recorded year between 21 and 51 applicants have been registered, evidencing a modest but continuing unmet demand.

The effect of the appeal scheme

- 5.105 I assess the scale of the benefits of a development of up to 124 residential units including affordable housing and self-build / custom build homes in the next section of my evidence, but it is clear that the provision of new homes to meet evidenced need is the most important element of the planning balance.
- 5.106 In the context of the housing land supply position, it is recognised that these benefits should accrue through on-site delivery within an efficient timeline, shaped by appropriate planning condition timescales for the submission of a design code / masterplan and reserved matters for approval, and then for the subsequent commencement of development on site. It is noted that the appeal site is currently subject to a Farm Business Tenancy Agreement which is renewed annually. The site can therefore be made available for development 'immediately'.
- 5.107 Reason for refusal 4 of the decision notice (CD 4.2) references that the submitted planning statement confirms the intention to deliver a policy compliant scheme to secure affordable housing, and that self-build or custom build homes will also be required. It states that no mechanism exists to secure an

³ <https://www.wealden.gov.uk/planning-and-building-control/planning-policy/self-build-and-custom-housebuilding/>

appropriate package that would ensure delivery of these matters and as a result the proposed development is contrary to the provisions of Policy AFH1 of the AHDLP, Spatial Planning Objective SPO3 and Policy WCS14 of the WCS and paragraphs 60, 61, 62, 63 and 65 the NPPF 2021 (which are now paragraphs 60, 61, 63 and 66 of the December 2023 update to the NPPF).

- 5.108 Note 1 of the decision notice (CD 4.2) identifies that reason for refusal 4 is a matter that can be secured through an appropriate legal agreement and SoCG and that this reason would not be contested in any s78 appeal. In making this provision a wide range of important local and national policy as listed above is met.
- 5.109 The Appellant is currently resolving this matter with WDC through the use of an appropriately worded legal agreement, including the provision of 35% affordable housing (to comply with Policy AFH1) and 5% of residential units as plots for self-build and/or custom build homes (to reflect the Council's request which has been agreed by the Appellant, and which helps it to meet its statutory duty for such provision).

6 THE PLANNING BALANCE

Introduction

- 6.1 This section of my evidence considers the most important policies for determining the planning appeal and any benefits and disbenefits which are to be weighed in the planning balance.
- 6.2 Where a housing land supply cannot be demonstrated, as in this case, the so-called 'tilted balance' is applicable (as per paragraph 11d of the NPPF), whereby there is presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This approach is also explained in Policy WCS14 (CD 5.2).
- 6.3 At paragraph 8, the NPPF refers to the three interdependent and overarching objectives to be pursued in achieving sustainable development. These are economic, social and environmental objectives.
- 6.4 I consider that the benefits of the appeal proposals cut across all three of these objectives. Any potential adverse impacts are principally related to the environmental objectives.
- 6.5 In this section I firstly set out the benefits and potential adverse impacts of the appeal scheme. I then list the Main Issue-related topics as I see them, and summarise:
- the overarching objectives of the planning system to which they relate
 - the weight to be attributed to identified benefits or adverse impacts, and
 - the most important policies on these topics.
- 6.6 To carry weight as the 'most important' policies they must be consistent with the NPPF and, as explained in paragraph 225, the closer that local policies are to policies in the Framework, the greater weight that may be given to them. As such it is possible for development plan policies which are deemed out of date by reason of an inadequate land supply to still carry significant weight.

The benefits of the appeal proposals

- 6.7 In my view, in determining the planning application, WDC failed to fully recognise, or otherwise place sufficient weight in the planning balance to, the full range of benefits that the proposed development can offer. WDC's delegated officers report briefly references public benefits of the proposal as:
- The social benefits of delivering much needed housing on a site that is ready and available, and
 - The economic benefits of delivering and supporting jobs on and off the site, including spin off benefits to other businesses in the area and supporting local services at Lower Horsebridge.
- 6.8 My summary of the benefits is as follows.
- 6.9 Most importantly of all, the development of up to 124 homes at the appeal site can support the social objective of sustainable development by its contribution to providing additional homes to meet the needs of current and future generations. This is within a context where a housing land supply cannot be demonstrated and there is very strong evidence of need for affordable housing, together with wider demand for a mix of types of homes for a range of types of household, including demand for self-build and custom build homes. Despite recent delivery in Hellingly parish through various North Hailsham developments, the need to provide considerable amounts of additional affordable housing remains a pressing need for the District as a whole.
- 6.10 I also identify that the housing proposals can support the economic objectives of sustainable development by helping to ensure that sufficient housing land, and a resident workforce, is available to support the economic growth of Hailsham and Wealden District.
- 6.11 The increase in resident population will also be beneficial to local business and services by providing a permanent source of additional trade and footfall and ongoing commercial expenditure, which will create and support economic activity and jobs.
- 6.12 Furthermore, the implementation of the appeal scheme development would have direct and indirect economic benefits in the short term by sustaining and

creating employment at various skill levels and in supporting the national and local construction supply chain during the construction period.

- 6.13 Through the creation of widened footpath and new off-road cycleway link along the full length of the site's A271 frontage, bus stop provision, reduced speed limit on the road, and a new crossing point with refuge to the approved Sports Hub, the proposals will not only improve non-car accessibility to residents, but also dramatically improve the experience of moving through the area for those on foot, by cycle and by bus, including future users of the Sports Hub. This route is an essential non-car link in an area of wider growth and change in this north-western sector of Hailsham. Additional on-site footpath and cycle routes will be available to both residents and the wider community with benefits in terms of public access and healthy living. These transport and wellbeing-related benefits contribute to achieving the social and environmental objectives of sustainable development.
- 6.14 The appeal scheme can also provide social and environmental benefits through proposals for a large area of on-site amenity landscape⁴, with extensive proposed new landscape planting including additional trees, hedgerows and scrub, which will enhance on-site habitat and deliver biodiversity net gain (BNG)⁵ that would leave the natural environment in a measurably better state than currently. Opening up public access to this land, to the western side of the Lower Horsebridge Stream, can deliver an attractive informal recreational experience for residents and visitors.
- 6.15 In his planning application consultation response (CD 3.1), WDC's biodiversity officer also reports benefits in terms of the landscape planting proposed by reason of the connectivity in the local ecological network, including buffering and expanding the existing 'island' of woodland on site and providing higher

⁴ The on-site amenity open space provision involving approximately 4ha of land (as indicated at Appendix C) vastly exceeds what would normally be sought on a residential development site of up to 124 homes. For example, the emerging guidance of Table 27 and paragraph 16.11 of the draft WLP (CD 6.6) suggests that a large multifunctional greenspace park of 3ha or more in area, which consists of amenity and natural greenspace, would be suitable for developments of up to 416 homes).

⁵ The planning application BNG report (CD identifies a theoretical capability to achieve in excess of 25% BNG on-site (change of habitat units), well in excess of the 10% minimum national figure (NB - the outline planning application was submitted before mandatory BNG became applicable in February 2024).

quality habitat linking existing ecological links to the north and south/south-east of the site. I agree that this is another important benefit.

The disbenefits of the appeal proposals

- 6.16 WDC has not raised concern in respect of any adverse impact of the appeal proposals in relation to the social and economic related objectives of sustainable development, as identified by the NPPF.
- 6.17 However, in terms of the environmental objective it is inevitable that there would be some adverse impact with the loss of part of the appeal site field to built development. Furthermore there would be impact on the wider landscape, albeit largely limited to the immediate local area. The level of overall impact can be ameliorated, for example through well sited development footprint, contained within extensive structural and buffer planting. In addition, through the future preparation of a design code for the built development and landscape elements, together with a carefully considered approach to the detailed design and materials for the new buildings at reserved matters stage, further opportunities to integrate the proposals within their context can be explored.
- 6.18 The appeal proposals have been amended to reduce harm to the significance of Brook House listed building through its setting by removing a proposed area of development opposite its frontage, thereby retaining a green open outlook over land well beyond its frontage. It is common ground with the Council that the level of harm is 'less than substantial' in the terms of the NPPF. The Appellant considers the harm to be at the lower end of less than substantial and is to be weighed against the public benefits of the proposals. As concluded in Dr James Weir's evidence (CD 13.10), there would be no negative impacts on the elements that contribute to the setting of the Boship Farm Hotel listed building, and therefore no harm to the asset's significance.

Other impacts

- 6.19 WDC has expressed concern in relation to the proposed number of dwellings that can be accommodated within the developable area. However, I am content that a satisfactory design and density can be achieved at the reserved matters stage, informed by a design code / masterplan process.

- 6.20 I accept that the achievement of 124 units as proposed in the description of development is ambitious and should be further tested through a more detailed design and options analysis process. Nevertheless, the site is capable of accommodating that number in principle and given (1) the direction of national planning policy on making efficient use of land, (2) the existing accessibility of this location, and (3) the proposed further accessibility enhancements that can be delivered by the proposals, it is appropriate that all efforts are made to achieve the most effective use of the available land.
- 6.21 Interested parties raise other matters of harm in their written responses to the appeal, particularly in terms of flood risk and highway impact. I consider that these have been satisfactorily addressed through the course of the planning application and in evidence. For completeness, a tabulated summary on these matters is included at Appendix A of this proof, indicating how they have been addressed to the satisfaction of WDC and statutory consultees. I don't however consider that they affect the Main Issues as have been identified by the Planning Inspector.
- 6.22 Nevertheless, given the number of comments raised about flood risk and highways, a technical note on flood risk prepared by Amy Hensler of Stantec is enclosed at Appendix E of this evidence, and highways matters are addressed in the proof of evidence of Henk Gelens (CD 13.14).

Planning balance - summary

- 6.23 In assessing the benefits and any adverse impacts of the appeal proposals I adopt a five point scale as follows:
- Very substantial weight
 - Substantial weight
 - Moderate (medium) weight
 - Limited weight, and
 - No (nil) weight.
- 6.24 I avoid the term 'significant', except where quoted in national or local policy, given the level of ambiguity it causes in terms of communicating the degree of significance involved.

6.25 My overall assessment is that there are important benefits of the proposals and that in the planning balance - taking into account the presumption in favour of sustainable development - the adverse impacts of granting permission would not significantly and demonstrably outweigh these benefits. This includes my assessment that the less than substantial harm to heritage assets, which is at the lower end of the less than substantial scale, is outweighed by the public benefits of the proposals.

6.26 My summary is as follows:

Topic	Sustainability objective(s)	Description of impact, weight attributed, and 'most important' policies
Need for, demand for, and supply of homes	Social Economic	<u>Benefit – Very Substantial Weight</u> - Provision of up to 124 homes to accommodate local requirements, with a mix of size and type, including affordable housing (for which there is clear evidence of very substantial need and demand) and other forms of housing in local demand, including family homes, units for small households and self-build / custom build home plots. - Short-term construction benefits and the benefits of long-term spending in the local economy. NPPF paragraphs 11d), 60, 61, 63, 64, 66, 77, 79 and 226. WCS Policy WCS8 AHDLP Policy AFH1
Effect on landscape character and appearance	Environmental	<u>Adverse Impact – Moderate Weight</u> Loss of an agricultural field at the urban fringe of Hailsham to a combination of built development and

		amenity open space / natural greenspace provision. Level of change to the character and appearance of the landscape / townscape in the immediate local area – including the appearance of the site from local viewpoints. NPPF paragraphs 135 and 180 WLP Policy EN8 WCS Policy WCS13
Access and connectivity	Social Economic Environmental	<u>Benefit – Substantial Weight</u> Creating east-west active travel links and supporting public transport use in the A271 corridor. NB – The use of appeal site land on the site frontage for widening the highway is the only realistic option for making movement through this area substantially more attractive for pedestrians, cyclists and public transport users. NPPF paragraphs 108, 109, 114, 116 and 117 WLP Policies EN2 and EN8 WCS Policy SPO3
Heritage	Environmental Social	<u>Adverse Impact – Moderate Weight</u> Development within the setting of Brook House listed building (NB – The NPPF requires ‘great weight’ to be given to the conservation of heritage assets. It is common ground with the Council that there is less than substantial harm to the significance of the listed building)

		NPPF paragraphs 200, 201, 205, 206 and 208.
Natural environment	Environmental	<u>Benefit – Substantial Weight</u> Landscape planting and management to provide new on-site habitat, deliver biodiversity net gain and enhance public access to nature. NPPF paragraphs 102, 124 a), 180 d), 185 b) and 186 d) WCS Policy WCS13 HNP Policy HNDP4
Design, placemaking and making effective use of land	Environmental Social	<u>Neutral – Nil Weight (currently)</u> The detailed design and appearance of the development is to be resolved at reserved matters stage NPPF paragraphs 123, 124, 128, 129, 135, 137 WLP Policies EN14 and EN27 WCS Policies SPO13, WCS12 and WCS13

7. CONCLUSION

- 7.1 The purpose of submitting the planning application (and in lodging the appeal) is to seek to establish the principle of developing the site for residential use. In view of the known in-principle objection by WDC planning officers to the site being developed, from the outset of the pre-application process, the focus of the planning application has been to demonstrate that a range of constraints can be overcome and that development of the site is both feasible and appropriate. Therefore, it is an important outcome, for example, that no objection to the original planning application was raised by technical statutory consultees on important matters including noise, flood risk, ecology and trees.
- 7.2 The development plan is out of date in terms of the numerical application of its housing policies, as WDC is not able to demonstrate a five-year (or four-year) supply of deliverable housing land.
- 7.3 Where a housing land supply cannot be demonstrated, as in this case, the so-called 'tilted balance' is applicable (as per paragraph 11d of the NPPF), whereby there is presumption in favour of sustainable development unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.4 The outline planning application was hastily refused by officers under delegated powers. Officers did not feel able to approach the decision-making on the proposed development in a positive and creative way, or to work proactively with the applicant to explore development options that might improve the economic, social and environmental conditions of the area, as is required by the NPPF at paragraph 38.
- 7.5 The evolving development context locally, including the Council's own adjacent proposals for its landholdings at Knights Farm East (Wealden Community Sports Hub) and Knights Farm West (Employment Park), were drawn to the attention of the planning case officer before the planning application was determined. Considered strategically alongside other recent planning approvals – including proposed residential developments that will substantially increase the number of homes at Lower Horsebridge compared with its current size – the combination of new major proposals in the locality signal that the urban fringe of north-west Hailsham is a current direction for the town's growth.

- 7.6 Since WDC determined the application there is a material change of planning circumstances that is relevant to the determination of the planning appeal. Firstly, WDC has resolved to grant planning permission for its own proposals for the Sports Hub. And secondly, since summer 2023, an increased frequency of bus services has been operating along the A271 site frontage throughout the day, serving an expanded range of destinations, which substantially enhance the public transport accessibility of the appeal site and north-west Hailsham.
- 7.7 Influenced by these changes, and following negotiation with the Appellant on further transport improvements and contributions, ESCC has withdrawn its transport objection to the application. As a result, WDC is not now pursuing its non-car accessibility reason for refusal, subject to the completion of a legal agreement that secures the local improvements sought by ESCC.
- 7.8 I consider that WDC has overstated the landscape harm that may be associated with the proposals, and has disregarded that this is an urban fringe locality which is to experience further change by reason of the planned / approved housing, employment and community sports provision in the area. In addition, WDC has not fully identified, or has otherwise overlooked, the range of benefits that the proposed development will offer. In view of the presumption in favour of sustainable development these benefits fully merit the application of additional weight in the overall planning balance.
- 7.9 In particular I draw attention to:
- The very substantial weight that I apply to the provision of housing to meet clearly evidenced need and demand, including a pressing need for additional affordable housing.
 - The substantial weight that should be placed to the transport and access improvements that are proposed on the site frontage to the A271, which will dramatically improve the experience of moving through the area for those on foot, by cycle and by bus, including future users of the Sports Hub. This is an essential non-car link improvement that will encourage the use of active travel and public transport in an area that will experience further growth and change. The development of the appeal site can also contribute towards delivering a 'critical mass' of users to support and sustain the bus services.

- The substantial weight I place on the proposed expansive landscape planting and new public amenity space provision, that will deliver habitat enhancement at the site including biodiversity net gain, improving connectivity in the local ecological network (consistent with the inclusion of part of the appeal site within the River Cuckmere Habitat Link BOA).

- 7.10 The appeal scheme provides an on-site informal green space area for public access of in excess of four hectares in area, which is larger than the area proposed to be built upon, and well in excess of what would ordinarily be required for a residential development of the scale proposed. The existing stream and woodland on site are proposed to be buffered and enhanced. Overall, the substantial area of strategic landscape planting enclosing the development area would, as it establishes and grows, provide an attractive planted edge that retains the green setting to Lower Horsebridge, the stream corridor and the wider Cuckmere River corridor. This will offer multiple benefits in terms of public access, amenity and biodiversity, as well as some mitigation to the visual impact of new built development on the remainder of the site.
- 7.11 The adverse impacts of the appeal scheme, including the change of the appeal site from a field used for grazing to a new combination of built residential development and informal open space / semi-natural greenspace, and the effect of that change on the character and appearance of the immediate surroundings, do not significantly and demonstrably outweigh the overall benefits of the proposals in terms of economic, social and environmental outcomes. The less than substantial harm to heritage assets, which is at the lower end of the less than substantial scale, is outweighed by the public benefits of the proposals as described.
- 7.12 I consider that the appeal proposals are a logical part of a wider strategy for change at north-west Hailsham, which actively manages the local pattern of growth to meet important development needs whilst enhancing the natural environment and informal recreational experience on the edge of a river corridor. I see the appeal proposal as an essential, integral part of the wider changes that will be experienced in this broad location in coming years.
- 7.13 I consider that the approach to the appeal proposal site is fully in accordance with the positive approach to planning for sustainable development that the

NPPF promotes, pursuing economic, social and environmental objectives in mutually supportive ways.

- 7.14 The outline planning application is concerned with the principle of developing the site. Through the further process of preparing a design code / masterplan and the subsequent preparation of reserved matters stage detail I am confident that a high quality scheme can be achieved for the site, subject to the adoption of best practice design advice and guidelines.
- 7.15 Overall, I therefore conclude and respectfully request that the appeal should be allowed and that planning permission be granted.