

Land at Bird in Eye Farm, South of Bird in Eye Hill, Uckfield

LPA ref: WD/2024/1799/MAO

PINS ref: APP/C1435/W/24/3356658

APPELLANT'S OPENING SUBMISSIONS

- 1 This Appeal against non-determination concerns a proposal for up to 190 homes (up to 67 of which will be affordable (35%)), associated infrastructure and POS/SANG, and access from the B2102. The Appeal Scheme has been carefully thought through to address the reasons for which the 2023 scheme (for up to 290 homes and a strategic SANG) was dismissed. It is now agreed with the Council and County Highways that three of those four reasons have been addressed. Only heritage remains, where the extant objection is without merit. The Appeal Scheme will bring substantial and weighty planning benefits in a location which it is agreed with the Council and County Highways (consistent with the 2023 findings) is locationally sustainable. The Appeal Scheme is much needed in this District. A high quality scheme in an attractive setting surrounded by woodland and open land is eminently achievable.
- 2 The substantial planning benefits of the Appeal Scheme include the following:
 - 2.1 **The provision of up to 190 new homes** in a District with a significant 5 yr deficit. The Council's claimed supply is 3.68yrs, resulting in a minimum shortfall of **2270** new homes that should be provided in the 5 year period, but won't be. The position has worsened since the 2023 appeal, when the Council claimed a 3.93 yr supply (shortfall: 1579). This District has lacked a 5 yr supply for nearly a decade and it has been a 20% authority for a good number of years. Its adopted LP has been out of date since 2018, and there is no emerging strategy to speak of, with the Council accepting that "no weight" should be afforded such emerging process as there is. The Council's area is heavily constrained (with AONB/NL and the National Park alone comprising over 60% of the District). The Core Strategy (§5.8) acknowledges it is "inevitable" that "there will have to be a substantial use of greenfield land to meet existing and future housing needs". A further agreed positive feature is that the Scheme includes 5% self-build units, in an area where there is a need for such opportunities.
 - 2.2 **The provision of up to 67 new affordable homes.** The Council has a very high affordability ratio. The latest assessed need (in the LHNA) is for 854dpa (519dpa for affordable rent; and 335dpa for ownership), in which regard there is already a cumulative deficit – in just 5 years – of **2957**. Again, the position

has materially worsened since the 2023 appeal. Reasonably available opportunities (such as the Appeal Scheme) to make a material contribution to these acute needs must be taken. The current unsustainable and socially unacceptable deficits must be addressed.

2.3 **Other material benefits** of the Appeal Scheme (leaving aside the heritage position, commented on below) include (a) 13.9 ha of SANG and POS (well over policy expectations), equating to around 70% of the Site, which will be available to existing as well as new residents of the area; (b) substantial BNG, again well in excess of the 10% requirement; (c) significant ensuing economic benefits (of which the Council, because of its persistent under-performance in housing delivery, has not been facilitating enough); (d) ancient woodland preservation benefits; and (e) highway safety and sustainability improvements benefitting existing as well as new residents of the area. Mr Brown accords each of these items “moderate” weight (much of which seems to be agreed by the Council). Cumulatively, they amount to a significant package of additional benefits.

3 The Inquiry will hear detailed evidence over the next few days on the limited matters which remain in dispute, which it would not assist to address extensively at this stage.

4 In brief summary:

4.1 The Council’s heritage case over-states impacts. The Council fails to have proper regard to the 3.5 hectare retained open area west of the oast, both in terms of the substantial separation it introduces between the oast and the proposed housing, but also in terms of the illustrative nature of the current scheme (save for access). This is not consistent with the Council’s approach during the last application, where the outline nature of the proposals was emphasized (Miele App 5). It is also surprising to see the Council expressing concerns that users of the POS west of the oast would “significantly diminish” the tranquility of a building located within a commercial complex with parking demand up to 42 cars and 8 HGVs. The Council’s inquiry stance appears to be that any housing west of the oast is unacceptable, with POS use of that land similarly harmful. This is not accepted, nor is it consistent with the Council’s approach during the last application (Miele App 5), which did not suggest a need to avoid housing or related use west of the oast (in a manner that would likely reduce the scheme to around 120/130 homes). Further, it is of note that the Council appears to be seeking to expand its case beyond the putative reason for refusal and statement of case. Design and density grounds are now relied on in relation to the small number of proposed houses in the NW part of the Site, notwithstanding the Council’s apparent acceptance that the proposed “hopper huts” are likely to reinforce local distinctiveness. In addition, the Council’s points on the access fail to recognize (inter alia) that (a) views to the oast (the top part of which is seen behind large utilitarian buildings within the commercial cluster) are not blocked or reduced, and (b) the access is not a location from which it is possible to appreciate any significant historic link between the oast and surrounding open land.

- 4.2 The Appeal Scheme brings a number of heritage enhancements. In particular, with the Site currently private land, the Scheme facilitates new opportunities for residents to appreciate the oast in an open setting (the 3.5 ha retained open area to the west). This is clear enhancement, in accordance with GPA3, para 38. Further, removal of the parking area in the oast's immediate setting and undergrounding of the adjacent power-lines also offer restorations of elements of the former setting. Favourable consideration should be afforded these benefits, in accordance with NPPF 212 and 219.
- 4.3 The heritage balance (if it arises) is one-way traffic in the Appeal Scheme's favour.
- 5 For these summary reasons, at the conclusion of this Inquiry, the Inspector will respectfully be invited to allow the Appeal and grant planning permission.

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LONDON

17 July 2025