

Town and Country Planning Act 1990

Notice of Decision

Application No. **WD/2022/3222/MAO**



Terence O'Rourke Ltd
Everdene House
Deansleigh Road
Bournemouth
BH7 7DU

Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

DESCRIPTION AND LOCATION OF DEVELOPMENT

DEVELOPMENT OF UP TO 124 NO. RESIDENTIAL DWELLINGS, ASSOCIATED INFRASTRUCTURE (INCLUDING A NEW ACCESS JUNCTION ONTO THE A271) AND OPEN SPACE.

LAND TO THE SOUTH OF THE A271 AND EAST OF THE A22, LOWER HORSEBRIDGE, HAILSHAM

With reference to the proposals set out in the application numbered as above and shown on the plans submitted therewith, Wealden District Council, in pursuance of powers under the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), hereby **REFUSES TO GRANT PLANNING PERMISSION** for the said proposals, for the reasons stated below:-

1. The site lies outside any development boundary and within open countryside where the principle of residential development would be unacceptable having regard to local planning policy as it would be contrary to policies GD2, DC17 and EN27 of the Wealden Local Plan 1998 and Policy WCS6 and WCS9 of the Wealden District Core Strategy Local Plan (2013) (CS). These, taken together and amongst other objectives, preclude development within open countryside, set a classification of settlements suitable for additional housing and the quantum of housing and also seek development that respects the character of the area.

The proposed development would be detrimental to the character and appearance of the locality. Any residential development on this site will inevitably and irrevocably change the character and appearance of this part of the River Cuckmere corridor, which is an important swathe of undeveloped land separating the village of Lower Horsebridge from the urban area of Upper Horsebridge and Hailsham, by extending development southwards and the harmful urbanising impact which would arise from the development. The application site is considered integral to the character and visual setting of the River Cuckmere corridor. As such, the application site holds not only visual significance in terms of the landscape setting but also in terms of the historic settlement form and character and its relationship to the listed buildings to the north and west.

The proposed development for 124 dwellings on this site represents an unacceptable and inappropriate form of development. The development as indicated on the submitted plans is considered to be overdevelopment of the site, fails to reflect the existing grain of development and is poorly related to the surrounding built form and landscape. The development would appear as a highly urbanised housing estate, out of keeping with the rural location and existing low density development.

It is considered that the adverse harm caused by the development resulting in urbanisation of agricultural land and impact on the landscape and historic character would be contrary to local planning policies that seek to protect and complement the environment. The

development does not therefore meet the definition of sustainable development within the National Planning Policy Framework and the adverse harm identified would significantly and demonstrably outweigh the benefits of the proposal. The development would therefore be contrary to Policies GD2, DC17, EN1, EN2, EN8, EN14, EN27, EN29 and TR13 of the Wealden Local Plan; Spatial Planning Objective SPO13 and Policies WCS6, WCS9, WCS12, WCS13 and WCS14 of the Core Strategy, Policy LBH1 of the Hellingly Neighbourhood Development Plan and National Planning Policy Framework policies relating to sustainable development including Paragraphs 7, 8, 9, 10 and 11, those requiring good design in particular Paragraphs 130, 131 and 134 and those that seek to ensure that development protects and enhances the natural and built environment in particular Paragraph 174 in addition to advice in the Wealden Design Guide 2008, adopted Supplementary Planning Document, Chapter 2 Section 3, Chapter 5 Section 8 and Chapter 7.

2. The development would undermine the character of the setting of Brook House and Boship Farm Hotel by virtue of divorcing them from their countryside setting, providing an alien and urbanising development which by virtue of the scale, form and quantum of development would cause unacceptable harm to the character and significance of the setting of the heritage assets, and that this harm would not be outweighed by the public benefits resulting from the proposal. As such the proposal would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990, Policy EN1 and EN27 of the Wealden Local Plan 1998, Policy SPO2 of the Core Strategy and paragraphs 130, 189, 197, 199, 200 and 206 of the National Planning Policy Framework and Chapter 5, 7 and 12 of the Wealden Design Guide.
3. The proposal has failed to demonstrate that, the site is suitably accessible by non-car modes. The development would therefore be contrary to Saved Policies EN1, EN2, TR3, TR13 and CS1 of the Wealden Local Plan 1998, Spatial Planning Objectives SPO7 and SPO15 and Policies WCS7 and WCS14 of the Wealden Core Strategy Local Plan 2013 and the guidance within Chapter 9 of the NPPF in particular paragraphs 111 and 112.
4. The Planning Statement confirms the intention to deliver a policy compliant scheme to secure affordable housing. Custom build or self build homes will also be required. No mechanism exists to secure an 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 Affordable Housing Delivery Local Plan 2016, Spatial Planning Objective SPO3 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 and paragraphs 60, 61, 62, 63 and 65 the National Planning Policy Framework 2021.
5. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

Ref.	Date Stamped. STN4R
Flood Risk Assessment and Surface Water Drainage Strategy Rev A	08 December 2022
Landscape and Visual Appraisal	8 December 2022
Illustrative Landscape Strategy	8 December 2022
Utilities Appraisal Report	8 December 2022
Ecological Appraisal	8 December 2022
Ground Contamination Assessment	8 December 2022
Transport Assessment	8 December 2022
Desk Base Heritage Assessment	8 December 2022
Planning Design and Access Statement	8 December 2022
Biodiversity Net Gain Report	8 December 2022
Composite Plan – NW Hailsham Growth Approved, proposed and potential development Dwg no/231703C/P0010	2 June 2023
Site Access Layout Dwg 332110699_5501_SK009 Rev P01	2 June 2023

Technical Note: Response to ESCC Highways	2 June 2023
Illustrative Masterplan TOR-XX-ZZ-DR-A-P010 Rev B	2 June 2023
Parameters Plan Maximum Building Heights and Access TOR-XX-ZZ-DR-A-P011 Rev B	2 June 2023
Vehicle Tracking for 11.2m Refuse Vehicle 332110699_5501 _SK004 Rev P01	4 April 2023
Vehicle Tracking for 7.9m Emergency Vehicle 332110699_ 5501_SK005 Rev P01	4 April 2023
Technical Note RSA Stage 1 Response TN001 V2	2 February 2023
Ecological Impact Assessment	2 February 2023
Lighting Strategy Report	2 February 2023
Energy Statement	2 February 2023
Biodiversity Metric	12 January 2023
Air Quality Assessment	9 December 2022
Noise Impact Assessment	9 December 2022
Arboricultural Impact Appraisal and Method Statement	8 December 2022
Site Location Plan Dwg 231703C/007	8 December 2022
Winter Bird Survey	8 December 2022
Manual for Managing Trees on Development Sites	8 December 2022
Tree Protection Plan	8 December 2022
Topographical Survey	8 December 2022
Framework Travel Plan	8 December 2022

REASON: For the avoidance of doubt.

6. In coming to this decision to refuse permission, the local planning authority have had regard to the requirement to negotiate both positively and pro-actively with the applicant, in line with the guidance at paragraph 38 of the National Planning Policy Framework 2021. However, the planning constraints leading to this refusal of permission do not appear capable of resolution.

NOTE 1: Reason 4 is a matter that can be secured through an appropriate legal agreement and Statement of Common Ground. That being so, this reason would not be contested in any s78 appeal

IMPORTANT: See Notes overleaf
DATE OF ISSUE: 30 June 2023



Stacey Robins
Head of Planning & Environmental Services

Application No. WD/2022/3222/MAO

NOTES

Appeals to the Secretary of State

- If the Applicant is aggrieved by the decision of the Local Planning Authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then an appeal may be lodged with The Planning Inspectorate (PINS) under Section 78 of the Town and Country Planning Act 1990.
- Appeals must be made on a form which is obtainable from:
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN
Tel. No. 0303 444 5000
www.gov.uk/appeal-planning-inspectorate

Appeal Timescales

- Householder planning application or minor commercial application:

12 weeks from the date on the decision notice

However, if an enforcement notice has been served for the same or very similar development the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks).

NB – if the LPA have failed to determine the householder planning application, or for an appeal against the grant of permission subject to conditions, please follow the time limits under “Planning application” below.

- Planning application:

6 months from the date on the decision notice, or

6 months from the expiry of the period which the LPA had to determine the application.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If a longer period has been agreed with the LPA, the time limit runs from that date.

Further information

- The Planning Inspectorate has discretionary power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice to appeal.
- The Planning Inspectorate is not required to entertain an appeal if it appears that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- The Planning Inspectorate does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction issued by the Secretary of State.

Purchase Notices

- If either the LPA or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the land has become incapable of reasonably beneficial use in its existing state nor rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.