Communities and Local Government

WEALDEN DISTRICT COUNCIL
25 FEB 2009

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24 February 2009

a) Broadway Malyan
b) Woolf Bond Planning
c) CMS Cameron McKenna Solicitors

Our Ref: APP/C1435/A/07/2046982
APP/C1435/A/07/2042597
APP/C1435/A/07/2053422

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78

A) APPEAL BY CLARENCE PRESTON WILL TRUST AND BARHAM ESTATES LTD – DOWNLANDS FARM, SNATTS ROAD, UCKFIELD, TN22 2AP
APPLICATION REFERENCE: WD/2006/2855/MEA

B) APPEAL BY TAYLOR WIMPEY (UK) LTD – LAND AT BIRD IN EYE NORTH, FRAMFIELD ROAD, UCKFIELD, TN22 5HA
APPLICATION REFERENCE: WD/2006/2173/MEA

C) APPEAL BY HERON LAND DEVELOPMENTS, PERSIMMON HOMES AND GALLAGHER ESTATES – LAND AT BIRD IN EYE SOUTH, FRAMFIELD ROAD, UCKFIELD, TN22 5HA
APPLICATION REFERENCE: WD/2006/3564/MAO

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, P E Dobsen MA (Oxon) DipTP MRTPI FRGS, who held a public inquiry between 15 January and 18 July 2008, which closed in writing on 14 October 2008, into your respective clients' appeals as listed above and summarised below:

   A) **Downlands Farm:** made by Clarence Preston Will Trust and Barham Estates Ltd against the decision by Wealden District Council to refuse outline planning permission for residential development comprising approximately 750 dwellings; a neighbourhood centre with employment uses (Class B1); community hall, land for community uses and small retail facilities; a primary school; creation of new vehicular access from the A22 and emergency and bus only accesses from Snatts Road; construction of estate roads and new cycle and footway connections; provision of a managed country park with warden's lodge/information point and education/interpretative facility; public and amenity open space, playing fields and associated development and changes of use; on land at Downlands Farm, Snatts Road, Uckfield in accordance with application reference WD/2006/2855/MEA dated 29 November 2006. This is referred to by the Inspector and the Secretary of State as Downlands (IR2).

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B) **Bird in Eye North (BIEN):** made by Taylor Wimpey (UK) Ltd against the decision by Wealden District Council to refuse outline planning permission for mixed use development of land to provide at least 300 dwellings (including 30% affordable housing), 930 sq m of B1 business use, formal and informal open space, access roads and highways improvements including footpaths, landscape proposals and environmental enhancements; on land at Bird in Eye North, Framfield Road, Uckfield in accordance with application reference WD/2006/2173/MEA dated 24 July 2006. This is referred to by the Inspector and the Secretary of State as BIEN (IR2).

C) **Bird in Eye South (BIES):** made by Heron Land Developments, Persimmon Homes and Gallagher Estates against the decision by Wealden District Council to refuse outline planning permission for the erection of 197 dwellings, including affordable housing, with associated access, structural landscaping and recreational space (including 4 LAPS and one LEAP); on land at Bird in Eye South, Framfield Road, Uckfield in accordance with application reference WD/2006/3564/MAO dated 12 April 2007. This is referred to by the Inspector and the Secretary of State as BIES (IR2).

2. On 13 July 2007, the appeals were recovered for the Secretary of State's determination in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990. The appeals were recovered as they all raise policy issues relating to residential development of 150 or more dwellings, or on more than 5 ha of land, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendations and summary of the decisions

3. The Inspector recommended that all three appeals be dismissed and planning permission be refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and with his recommendations for all three appeals. A copy of the Inspector's Report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising after the close of the Inquiry

4. Following the close of the Inquiry, the Secretary of State has received the following correspondence:

- email dated 13 October 2008 from Ashley Damiral of CMS Cameron McKenna Solicitors on behalf of the BIES appellants attaching a copy of a decision notice dated 10 October 2008 granting planning permission for development on land north of Mallard Drive, Uckfield (application reference: WD/2006/2171/MAO). She has also received a copy of the Section 106 Agreement relating to that application, dated 19 September 2008;

- letter dated 13 October 2008 from Roger Tustain of Broadway Malyan on behalf of the Downlands appellants; and

- letter dated 28 November 2008 from Laurence Keeley.

5. The Secretary of State does not consider that this correspondence raises any new issues which would either affect her decision, or require her to refer back to parties, prior to reaching her decision. Nevertheless, the correspondence can be made available upon request to this office.

Procedural matters

6. At the inquiry five applications for costs were made. These applications are the subject of separate decision letters but can be summarised as follows:

   - two identical applications for a full award of costs by the Woodland Trust and Downlands Action Group against the Downlands appellants;
   - alternative applications for a full and partial award of costs by Wealden District Council and East Sussex County Council against the Downlands appellants;
   - an application for a partial award of costs by the Downlands appellants against Wealden District Council;
   - two identical applications for a full award of costs by the BIEN and BIES appellants against the Downlands appellants; and
   - an application for a partial award of costs by the Downlands appellants against the BIEN appellants.

7. The Secretary of State notes that, at the appeal stage, the Downlands appellants amended their application as described in inquiry document W3 (IR34). She also notes that the BIEN appellant amended their original application as described in inquiry document SCG4 (IR448). The Secretary of State considers that there would be no prejudice to any party in determining these appeals on the basis of these amendments, and has done so.

Environmental Statement

8. In reaching her decision on Downlands and BIEN, the Secretary of State has taken into account the Environmental Statements which were submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (IR633). The Secretary of State is content that the Environmental Statements comply with the above regulations, and that they are sufficient to ensure that the environmental effects of the proposed developments can be rigorously assessed.

Policy considerations

9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan comprises the Regional Spatial Strategy for the South East (formerly RPG9), published in 2001; the saved policies of the East Sussex and Brighton Structure Plan 1991-2011, adopted in 1999; and the saved policies of the Wealden Local Plan, adopted in 1998. The Secretary of State considers that the development plan policies most relevant to the appeals are those set out in section 4 of inquiry document SCG1.

10. In terms of the emerging development plan, the emerging Regional Spatial Strategy (the South East Plan) is at an advanced stage, with the Secretary of State having published her Proposed Changes on 17 July 2008 for public consultation. The Secretary of State has accordingly given its policies significant weight. The LDF is at an early stage of preparation and carries little weight.

11. Material considerations which the Secretary of State has taken into account include Planning Policy Statement 1 (PPS1): *Delivering Sustainable Development*; *The Planning System: General Principles* and *Climate Change Supplement*; Planning Policy Statement 3 (PPS3): *Housing*; Planning Policy Statement 7 (PPS7): *Sustainable Development in Rural Areas*; Planning Policy Statement 9 (PPS9): *Biodiversity and Geological Conservation;* Planning Policy Guidance note 13 (PPG13): *Transport*; Planning Policy Guidance note 24 (PPG24): *Planning and Noise;* Circular 11/95: *The Use of Conditions in Planning Permission*; and Circular 05/2005: *Planning Obligations*.

12. In determining the appeals, the Secretary of State has had regard to the non-statutory Wealden Local Plan (NSLP). For the reasons given in IR649-651, she considers that although the NSLP does not form part of the statutory development plan, it is a material consideration that should be afforded some weight.

13. In determining the BIES appeal, and in view of the proximity of the site to the Grade II listed oast house, the Secretary of State has had special regard to the desirability of preserving the listed building or its setting, or any features of special architectural or historic interest which it possesses, as required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (IR496).

Main issues

<u>The development plan</u>

14. The Secretary of State notes that the Inspector had assumed that the final SE Plan would be published imminently and therefore recommended that the appeals be determined on the basis of the SE Plan (IR640-641). However, as it has not yet been published, the development plan remains as set out in paragraph 9 above.

15. None of the appeal sites are allocated in the saved policies of the Local Plan. The Secretary of State has had regard to Structure Plan policy S22 which proposes 'major peripheral expansion' at Uckfield during 2006-2011. However, as stated in IR642, planning permission has already been given for significant peripheral expansion at Uckfield; S22 states that the scale, nature and location of any such allocation will be determined in the Local Plan; and S22 further states that the expansion is subject to the availability of appropriate transport infrastructure. She therefore agrees with the Inspector that this policy contains important caveats which do not support the three appeal schemes. In addition, there are some site-specific development plan conflicts, as set out below. Overall, she considers that none of the proposals are in accordance with the development plan. She has gone on to consider whether there are material considerations weighing in favour of the proposals which are sufficient to overcome this lack of accordance.

16. While it does not form part of the development plan, the Secretary of State agrees with the Inspector that the appeals are all, to varying degrees, contrary to the NSLP strategy, its housing allocations and its development boundaries (IR652).

The emerging development plan

17. The Secretary of State has had regard to the fact that the emerging SE Plan maintains the status of Wealden as a split district, and that the 'rest of Wealden' is to make provision for 200 d.p.a under a 'balanced dispersal' strategy (IR643-645). She agrees with the Inspector's view that the emerging Plan's housing requirement cannot be read as proposing any major peripheral expansion of Uckfield during the Plan period (IR646). She notes his conclusion that the appeals are not in accordance with the emerging SE Plan, either individually or cumulatively (IR648). The Secretary of State agrees with this conclusion in respect of Downlands Farm, as she considers that the provision of 750 dwellings would constitute a major peripheral expansion which would not be in accordance with a 'balanced dispersal' strategy. She also agrees with this conclusion in respect of any of the schemes in combination. However, she considers that BIEN and BIES, which would provide 300 and 197 dwellings respectively, are individually not strongly in conflict with the emerging SE Plan in this respect.

Housing land requirements and supply

18. For the reasons given in IR655, the Secretary of State agrees with the Inspector that conclusions on housing land requirements should be based on the figures in the emerging SE Plan as this represents the most up to date position. For the reasons given in IR657-658, the Secretary of State agrees with the Inspector that the Council's assessment of housing supply is robust. She is satisfied that there is at present a more than 5 year supply of housing in Wealden. She is further satisfied that the supply is higher in 'rest of Wealden' than for the district as a whole. Notwithstanding the fact that emerging SE Plan housing requirements are to be treated as a minimum (IR662), she therefore considers there is no good case to allow any of the three appeals on the basis of housing need at this time.

19. The Secretary of State has considered the appeals in the light of paragraphs 69-72 of PPS3. In the light of her conclusion above, and the fact that these greenfield sites are not allocated in the overall land supply, she considers that they do not fall to be considered under paragraph 71. Paragraph 72 states that applications should not be refused solely on the grounds of prematurity; the Secretary of State's reasons for refusing all of the appeals are set out in this decision letter and summarized in the conclusions (paragraphs 51-55). Given the existence of a 5 year housing land supply, she considers that the damage to the plan-led system that would arise from granting permission for housing on any of these unallocated greenfield sites weighs against all the schemes, and that it would be preferable for housing sites to come forward via the LDF process, and in tandem with a town centre traffic scheme.

20. In the determination of these appeals, the Secretary of State has had regard to the Inspector's appeal decision cited (APP/C1435/A/07/2061628 re. land north of Dittons Road, Polegate) (IR660). She notes that the Inspector in that case concluded that supply in Wealden stood somewhere between 'just over five years...(to) less than four years'. However, as different evidence was before that

inquiry, and taking into account that the Polegate case was within the Sussex Coast sub-region rather than 'rest of Wealden', the Secretary of State is satisfied that the situation is sufficiently different in relation to these three appeals to justify reaching a different conclusion on housing land supply.

Affordable housing

21. The Secretary of State is satisfied that the three appeals would all provide the level of affordable housing required by local policy (IR789-791). Although she considers that the potential contribution to meeting the shortfall of affordable housing carries some weight in favour of the three appeals, she agrees with the Inspector that there are no grounds to allow any of the appeals solely on the basis that they would provide affordable housing (IR791).

Landscape considerations

22. The Secretary of State agrees with the Inspector that in terms of its character, Downlands seems everywhere more 'rural' than BIEN or BIES and is more part of the countryside than of the urban fringe (IR667). She also agrees that, in terms of its landscape quality, Downlands is a more attractive and unspoilt swathe of countryside, and therefore more sensitive and worthy of protection from development than BIEN or BIES (IR668). For the reasons given in IR670, the Secretary of State agrees with the Inspector that development on the Downlands site would have by far the greatest overall impact on the character and appearance of the site, and on the wider landscape, whereas BIEN and BIES are far more influenced in terms of both character and quality by the very immediate and highly visible proximity of the town (IR671-672).

Downlands

23. The Secretary of State has had regard to the mitigating factors put forward by the Downlands appellants relating to design, screening and the fact that there are comparatively few publicly accessible locations from which any of it would be clearly visible (IR675-677). For the reasons given in IR678, the Secretary of State agrees with the Inspector that whilst there may be some truth in these assertions, the Downlands scheme would 'spill out' into a new and relatively pristine area of countryside and, because of its scale, would appear as a separate and self-contained new settlement ill-related to the existing town. She agrees with the Inspector that no amount of tree screening or high quality design would compensate for that (IR679).

24. For the reasons given in IR684-685, the Secretary of State agrees with the Inspector that the Snatts Road Link would have some adverse impact on the landscape, and that the proposed roundabout would have a considerable visual impact.

25. The Secretary of State therefore agrees with the Inspector's conclusion in IR690 that Downlands would have a far greater and more harmful impact on landscape than BIEN or BIES, and that its landscape impact would be contrary to relevant development plan policies. She shares the Inspector's view that this amounts to a major planning objection sufficient on its own to justify refusal of planning permission (IR690).

BIEN and BIES

26. For the reasons given in IR680, the Secretary of State agrees with the Inspector that BIEN and BIES are both much better related to Uckfield and would appear, far more so than Downlands, to be natural or logical urban extensions.

27. For the reasons given in IR686-688, the Secretary of State agrees with the Inspector that although the BIEN scheme would lead to the loss of some unremarkable countryside on the urban edge, there are no good reasons to refuse the BIEN scheme purely on landscape grounds. She also agrees with the Inspector, for the reasons given in IR689, that there are no cogent reasons to resist the BIES proposals purely on landscape grounds.

Ecology and nature conservation

28. The Secretary of State has had regard to the ecological characteristics of the three sites, as described by the Inspector at IR694-697, and to the differences of opinion between the parties on the likely impact of the proposals as described at IR700-705. For the reasons given in IR707-708, the Secretary of State considers, like the Inspector, that enough sound and reliable ecological survey work has been done on the three appeal sites for the purposes of her consideration of these appeals.

Downlands

29. The Secretary of State has taken into account the benefits that Downlands claim would be derived from the 55ha country park, and the positive management of the site, which it is claimed would increase and enrich the biodiversity of the wider site and its surroundings. For the reasons given in IR714, the Secretary of State agrees with the Inspector that the ecological benefits of the Downlands appeal would contribute positively to the management of some of the undeveloped portions of the site in accordance with local nature conservation planning policies. However, these potential benefits must be set against the other potential effects on the ecology of the site.

30. For the reasons given in IR715-717, the Secretary of State agrees with the Inspector that very little ancient woodland would be directly lost as a result of the Downlands proposals (IR718). For the reasons given in IR719-723, she also agrees with the Inspector that although the indirect impact of the proposals on ancient woodland is more difficult to assess, the Downlands scheme has the potential to be quite damaging in the long term, contrary to PPS9 and related development plan policies.

31. For the reasons given in IR727-728, the Secretary of State considers that there is no conclusive evidence about the impact on priority habitats and protected species. However, she agrees with the Inspector that there is a possibility that some protected species might suffer significant harm in terms of damage to their habitats and loss of population, if the Downlands scheme were implemented (IR728).

32. Overall, the Secretary of State considers that there are some potential benefits, and also some potential for harmful impact on the ecology of the site. While she agrees with the Inspector's conclusion in IR730 that Downlands should not be refused outright on the basis of harm to its ecology or biodiversity, she considers

that the overall balance of benefit against harm does not weigh in favour of the proposal.

BIEN and BIES

33. For the reasons given in IR731-738, the Secretary of State agrees with the Inspector that there is no sound case for rejecting the BIEN or BIES schemes on the grounds of any harm to ecological/nature conservation interests.

Highways and transport

Transport sustainability – Downlands

34. For the reasons given in IR746, the Secretary of State agrees with the Inspector that Downlands would be further away from many, although not all, town centre facilities and destinations than BIEN and BIES, requiring on aggregate longer journeys, often with steeper gradients, and that this places Downlands at a disadvantage in terms of crude accessibility compared with BIEN and BIES. Considered on its own merits, she concludes that the accessibility of Downlands presents a problem which weighs against a grant of permission for the scheme.

35. The Secretary of State has carefully considered the proposed measures which have been put forward to mitigate problems with accessibility. She agrees with the Inspector that the Downlands proposals would provide a good measure of support for local bus services and the travel plans would assist in this and encourage bus use (IR751). For the reasons given in IR752, the Secretary of State agrees with the Inspector that whilst the use-mix of the Downlands scheme may provide a desirable level of internalisation of trips, boosting the sustainability credentials of the development, the pros and cons of this internalisation are fairly evenly balanced. However, the Secretary of State considers that the matters set out in IR747-749 would tend to increase car-dependency, particularly given the site's considerable ease of access onto the A22 by-pass (IR750).

36. Overall, the Secretary of State therefore agrees with the Inspector's conclusion in IR753 that Downlands would not be particularly accessible, particularly by non-car modes of transport, and exhibits signs of likely car-dependency, contrary to national and local transport policies.

Transport sustainability – BIEN and BIES

37. For the reasons given in IR754-757, the Secretary of State agrees with the Inspector that both BIEN and BIES have advantages in terms of their intrinsic accessibility and sustainability over Downlands (IR758). However, she also agrees that both have drawbacks of their own (IR758) and she notes that neither would offer a choice of pedestrian/cycle routes into town (IR755). In addition, she agrees with the Inspector that the failure of BIEN to provide a cycle/footpath link over the River Uck and the railway line is a significant failing in its wider connectivity with the town (IR756).

Impact on Uckfield town centre

38. The Secretary of State further notes that the District and County Councils' preferred option is for a 'town centre scheme' to relieve ongoing town centre traffic congestion, but that such a scheme is at an early stage. While they consider that

any further major housing development should come through the LDF process in tandem with such a town centre scheme, they have also determined that there is 'headroom' to build up to 300 units (above already committed sites) in advance of a town centre scheme, provided that there is in place a 'retrofit package' of soft demand management measures to reduce car usage (IR762-764). Downlands would not fall within that headroom figure, and the Secretary of State therefore considers that it would be unacceptable in terms of traffic impact, notwithstanding the arguments put forward by Downlands on its likely lack of impact on the town centre (IR767-769). For the reasons given in IR765-766, the Secretary of State concurs with the Councils' view that the BIE schemes are not unacceptable on the grounds of traffic impact. In reaching this conclusion, she has also taken into account that BIEN and BIES would make a contribution to the eventual town centre solution, while Downlands would not (IR767-769).

39. Whilst the Secretary of State considers that the BIE schemes could be accommodated by this offer of headroom capacity, and that this is a matter of some weight in favour of the BIE appeals, she is of the view that it does not justify the release of these greenfield sites at this present time. Overall, the Secretary of State agrees with the Inspector that the two Councils' preferred position on the matter of town centre traffic impact is to be preferred, and that this takes primacy over the 'offer' of headroom capacity (IR770).

Other matters

Deliverability of Downlands and BIES

40. The Secretary of State has had regard to the Council's claim that the Downlands scheme is not deliverable, particularly the proposed Snatts Road Link and the primary school, but that this claim has been denied by the appellants (IR777-778). For the reasons given at IR779, the Secretary of State agrees with the Inspector that the Council's concerns are reasonable. She further agrees with the Inspector that the evidence suggests that there is not a reasonable prospect of the delivery of the Snatts Road link. In any case, even if it was appropriate to impose a Grampian condition, the Secretary of State does not consider that this would overcome the planning objections to the appeal proposal.

41. The Secretary of State has also had regard to the Council's claim that BIES may not be deliverable owing to concerns relating to the matter of legal title to a piece of land required for the main cycle/pedestrian route (IR780). If she had been minded to allow the BIES appeal, she is satisfied that this issue could have been satisfactorily dealt with by way of a Grampian condition to ensure that matters of legal title were fully explored before development could take place. However, in the circumstances of this case, the Secretary of State does not consider that the imposition of a Grampian condition would overcome the planning objections to the appeal proposal.

Noise – BIEN

42. The Secretary of State notes that a noise issue was raised initially because of the potential impact of the existing industrial uses at The Yard upon the BIEN scheme. However, for the reasons given in IR784-787, she agrees with the Inspector that BIEN should not be refused on any grounds relating to the proximity of The Yard (IR788).

Effects on listed buildings

43. The Secretary of State notes that there is a Grade II listed oast house immediately adjacent to BIES. Like the Inspector, the Secretary of State is satisfied that the setting of this building would not be materially harmed by the BIES proposals (IR792).

Employment – Downlands and BIEN

44. The Secretary of State has taken into account that the proposals in Downlands and BIEN would provide an element of employment land. However, given the relatively small quantum of employment development proposed by each scheme, the Secretary of State does not consider that this carries significant weight in the determination of the appeals.

Conditions and obligations

Downlands

45. The Secretary of State has considered the proposed conditions and the Inspector's comments at IR331-334, as well as national policy set out in Circular 11/95. She considers that the proposed conditions are reasonable and necessary and meet the tests of Circular 11/95.

46. The Secretary of State has considered the signed and dated Section 106 Unilateral Undertaking and the Supplemental Undertaking (both dated 31 July 2008), along with the Inspector's comments at IR336-338. The Secretary of State has also had regard to the District and the County Councils' comments on the two Undertakings, as set out in inquiry document WDC29. The Secretary of State is satisfied that the Undertakings are, in principle, capable of meeting the tests of Circular 05/2005. However, if she had been minded to allow this appeal, she would have wished to see some minor amendments made (as highlighted by the Councils in inquiry document WDC29). Overall, the conditions and the obligations proposed do not overcome the Secretary of State's concerns about this appeal.

BIEN

47. The Secretary of State has considered the proposed conditions and the Inspector's comments at IR484-487, as well as national policy as set out in Circular 11/95. She considers that the proposed conditions are reasonable and necessary and meet the tests of Circular 11/95.

48. The Secretary of State has considered the signed and dated Section 106 Undertakings (both dated 29 September 2008), along with the Inspector's comments at IR488-492. The Secretary of State has also had regard to the District and the County Councils' comments on the two Undertakings, as set out in inquiry document WDC29. Like the Inspector, the Secretary of State is satisfied that the Undertakings are, in principle, capable of meeting the tests of Circular 05/2005. However, if she had been minded to allow this appeal, she would have wished to see some minor amendments made (as highlighted by the Councils in inquiry document WDC29). Overall, the conditions and the obligations proposed do not overcome the Secretary of State's concerns about this appeal.

BIES

49. The Secretary of State has considered the proposed conditions and the Inspector's comments at IR610-613, as well as national policy set out in Circular 11/95. She considers that the proposed conditions are reasonable and necessary and meet the tests of Circular 11/95.

50. The Secretary of State has considered the signed and dated Section 106 Unilateral Undertakings (both dated 11 September 2008), along with the Inspector's comments at IR614-617. The Secretary of State notes that although the District and County Councils appear to be satisfied with the terms of the Undertakings, some of the provisions of the BIEN Undertakings with which they have raised concerns are also contained in the BIES Undertakings. The Secretary of State is satisfied that the Undertakings are, in principle, capable of meeting the tests of Circular 05/2005. However, if she had been minded to allow this appeal, she would have wished to see some minor amendments made (as highlighted by the Councils in inquiry document WDC29 in relation to the BIEN Undertakings). Overall, the conditions and the obligations proposed do not overcome the Secretary of State's concerns about this appeal.

Overall conclusions

51. The Secretary of State concludes that all three appeals would conflict with the development plan. In each case, she has gone on to consider whether there are material considerations which outweigh this conflict and which would justify the release of these unallocated greenfield sites. In doing so, she has carefully considered the Inspector's Report, and the evidence which was put before the inquiry in respect of each appeal. She has also considered whether the proposed conditions and the planning obligations offered would overcome her concerns about these planning appeals.

52. The Secretary of State is satisfied that there is more than a five year supply of housing land and therefore no good case for releasing any of these greenfield sites on grounds of housing need at this time. She considers that the damage to the plan-led system that would arise from granting permission for housing on any of these unallocated sites weighs against all of the schemes, and that it would be preferable for housing sites to come forward via the LDF process, and in tandem with a town centre traffic scheme.

Downlands

53. The conflict with the development plan is most serious in the case of Downlands, and the Secretary of State considers that the proposal is unacceptable in terms of landscape impact and traffic impact. She further considers that the overall balance of ecological considerations does not weigh in its favour. While the provision of affordable housing carries some weight in favour of the proposal, the Secretary of State considers that, overall, in the light of her conclusions on housing need, there are not sufficient material considerations in favour of the scheme to outweigh the conflict with the development plan.

BIEN

54. The Secretary of State has taken into account that the landscape and ecology considerations do not make this proposal unacceptable, but that there are some

site-specific drawbacks in terms of transport sustainability, the town centre linkage and the failure to provide a town centre link across the railway and the river Uck. While she notes that the traffic impact would fall within the 300-unit headroom figure, and considers that the provision of affordable housing carries some weight in its favour, the Secretary of State considers that, overall, in the light of her conclusions on housing need, there are not sufficient material considerations in favour of the scheme to outweigh the conflict with the development plan.

BIES

55. The Secretary of State has taken into account that the landscape and ecology considerations do not make this proposal unacceptable, but that there are some site-specific drawbacks in terms of transport sustainability and the town centre linkage. While she notes that the traffic impact would fall within the 300-unit headroom figure, and considers that the provision of affordable housing carries some weight in its favour, the Secretary of State considers that, overall, in the light of her conclusions on housing need, there are not sufficient material considerations in favour of the scheme to outweigh the conflict with the development plan.

56. The Secretary of State therefore considers that the release of these greenfield sites is not justified, and permission should be refused for all three schemes.

Formal decision

57. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby dismisses your clients' appeals and refuses planning permission for:

A) **Downlands Farm:** residential development comprising approximately 750 dwellings; a neighbourhood centre with employment uses (Class B1); community hall, land for community uses and small retail facilities; a primary school; creation of new vehicular access from the A22 and emergency and bus only accesses from Snatts Road; construction of estate roads and new cycle and footway connections; provision of a managed country park with warden's lodge/information point and education/interpretative facility; public and amenity open space, playing fields and associated development and changes of use; on land at Downlands Farm, Snatts Road, Uckfield in accordance with application reference WD/2006/2855/MEA dated 29 November 2006.

B) **Bird in Eye North:** mixed use development of land to provide at least 300 dwellings (including 30% affordable housing), 930 sq m of B1 business use, formal and informal open space, access roads and highways improvements including footpaths, landscape proposals and environmental enhancements; on land at Bird in Eye North, Framfield Road, Uckfield in accordance with application reference WD/2006/2173/MEA dated 24 July 2006.

C) **Bird in Eye South:** the erection of 197 dwellings, including affordable housing, with associated access, structural landscaping and recreational space (including 4 LAPS and one LEAP); on land at Bird in Eye South,

Framfield Road, Uckfield in accordance with application reference WD/2006/3564/MAO dated 12 April 2007.

Right to challenge the decision

58. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within 6 weeks of the date of this letter.

59. A copy of this letter has been sent to Wealden District Council and interested third parties.

Yours faithfully

Maria Stasiak
Authorised by the Secretary of State
to sign in that behalf