

**Town and County Planning Act 1990
Section 78 (As Amended)**

**ADDENDUM
STATEMENT OF COMMON GROUND**

Prepared by:

**Woolf Bond Planning LLP
for Croudace Homes Ltd**

and

Wealden District Council



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

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

LPA Ref: WD/2024/1799/O

WBP Ref: 7336

4th June 2025

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Appendices

Appendix A Schedule of Draft Conditions (to follow)

1.0. INTRODUCTION

- 1.1. Preparation of this Addendum Statement of Common Ground (“SoCG”) follows discussions between Steven Brown, Managing Director of Woolf Bond Planning LLP, acting on behalf of the Appellant, and Declan Redman, Assistant Team Leader, acting on behalf of Wealden District Council (“WDC”).
- 1.2. Unless indicated below, the content of the SoCG (24 Jan 2025) (**CD4.1**) remains unchanged.
- 1.3. The content of this Addendum SoCG reflects the outcome of the agreement reached with the Local Highway Authority (“LHA”) (East Sussex County Council) in relation to the acceptability of the access design and highway safety, which matters are explained in the separate Highways SoCG (**CD4.2**).
- 1.4. WDC accepts that highway matters have been resolved, thus addressing their putative reason for refusal 1 in its Statement of Case (**CD3.3**).
- 1.5. Accordingly, the only “live” issue between the Appellant and WDC is the acceptability of the Appeal Scheme in heritage terms.
- 1.6. It is the Appellant’s case that the Appeal Scheme results in no harm to the significance of the Oast (Grade II listed) through development within its setting, whilst WDC’s position is that the Appeal Scheme results in less than substantial harm at the moderate level.
- 1.7. WDC considers that the heritage harm is not outweighed by the public benefits, thus providing a strong reason for refusing Appeal Scheme.
- 1.8. The Appellant considers that even if some less than substantial harm was identified, the public benefits would outweigh that harm (the NPPF paragraph 215 balance).
- 1.9. The respective heritage positions are set out in the Heritage SoCG (**CD4.3**).

2.0 THE APPEAL SCHEME: AMENDMENTS AND PLAN

Revised and Updated Plans and Particulars

- 2.1. Following the agreement reached with the LHA upon the revised access design, a set of revised and updated particulars were submitted to PINS by letter dated 9th May 2025 (**CD5.1**).
- 2.2. By email that same day (9th May 2025), PINS accepted the revised and updated and particulars, as agreed with the LHA, were acceptable for submission under the Wheatcroft principles, with the updated plans substituted in place of those originally submitted with the Application.
- 2.3. The revised and updated particulars published for consultation comprise as follows:
 - Appellant's Letter to the Planning Inspectorate (9 May 2025) (**CD5.1**)
 - Proposed Access Plan No.23138/001 Rev J (**CD5.2**)
 - Shared Footway/Cycleway Plan No. 23138/004 Rev F (**CD5.3**)
 - Overall Access Strategy Plan No. 23138/006 Rev H (**CD5.4**)
 - Illustrative Site Layout Plan No. 292403-TOR-SK-102 (**CD5.5**)
 - Illustrative Parameter Land Use Plan No. 292403-TOR-SK-103 (**CD5.6**)
 - Indicative Storey Heights Plan No. 292403-TOR-SK-104 (**CD5.7**)
 - Landscape Strategy Plan No. CSA/2646/123F (**CD5.8**)
 - Road Safety Audit (Gateway RSE) (6 May 2025) (**CD5.9**)
 - Designers Response and Highway Plans (Milestone Transport Planning) (6 May 2025) (**CD5.10**)
 - Arboricultural Note on Highway Access and Footway/Cycleway link (Barton Hyett) (7 May 2025) (**CD5.11**)
 - Drainage and Level Strategy Update Summary Report No. 2401070-R02 (Ardent) (May 2025) (**CD5.12**)
- 2.4. The consultation upon the revised and updated particulars ran from 12th May 2025 until 26th May 2025.
- 2.5. The consultation exercise was sufficiently comprehensive in the circumstances, and allowed interested persons the opportunity to comment upon the amended and updated plans and particulars.

The Changes: Access Design

2.6. As explained in **CD5.1**, a summary of the key changes between the original scheme submitted with the application/Appeal and the revised scheme as now agreed with the LHA is as follows:

- 1) The Site Access roundabout has been reduced in scale to a 28-metre diameter 'Compact' 3-arm roundabout, designed in accordance with DMRB CD116, sited midway along the Appeal Site frontage to the B2102 Bird in Eye Hill.
- 2) A 40mph speed limit is to be introduced on the B2102 Bird in Eye Hill between Lantern Cottage (to the east of the Site Access) that will extend for a distance of 538 metres west towards Uckfield town centre to a relocated termination point for the existing 30mph speed limit, 42 metres east of its current location on the B2102 Framfield Road.
- 3) A 3-arm mini roundabout is to be constructed 45 metres south of the Site Access roundabout, facilitating access to the proposed residential units to the north-west of the Appeal Site, the retained commercial uses in Bird in Eye Farm as well as the main body of the residential units to the south and east of the Appeal Site and SANG. This is a slight revision on the initial proposed access arrangements for this internal part of the Appeal Site.
- 4) Vehicular access to Nos. 18/19 Bird in Eye Hill is to be retained off the Site's internal road network, south of the Site Access roundabout. (For the avoidance of doubt, the Appellant has power under relevant land transfers to make this minor adjustment to the relevant access/egress rights through its land, and it materially improves the safety of vehicular access to/from Nos 18/19 as compared with the current situation.)
- 5) The alignment of the shared footway / cycleway between the proposed residential development and Framfield Road has been adjusted within the Appeal Site to reduce gradients, where achievable / introduce level platform areas to enhance facilities for active travel users.

- 2.7. It is agreed that the key fundamentals and principles of the initial access proposals are not materially changed. In particular:
- 1) There is no proposed change to the redline, or to the locations where access is to be taken from.
 - 2) The proposed vehicular access into the Site remains a 3-arm roundabout located in essentially the same place.
 - 3) As previously, the Site Access roundabout incorporates geometry to accommodate the swept path of larger HGVs for all movements, including turning requirements for larger vehicles accessing / egressing the retain commercial uses on the Appeal Site. Further, the Site Access roundabout can be constructed wholly within land controlled by the Appellant and the publicly maintainable highway boundary , including areas that will need to be managed to maintain visibility splays. In addition, the southern arm of the Site Access is provided with cycle lanes, refuge islands and dropped kerbs, and the earthworks associated with the construction of the Site Access roundabout ensure the delivery of the requisite visibility splays in the horizontal and vertical planes.
 - 4) And as before, the agreed scheme maintains the bus stop works on the B2102 Framfield Road comprising provision of weather protection shelters with seating and RTPI. The agreed scheme also maintains the installation of improved dropped kerbs and tactile paving at the junctions of the B2102 Framfield Road with Selby Road, Keld Avenue, Harcourt Road and Alexandra Road.
- 2.8. The amended access design has been subject to a Road Safety Audit and Designers Response.
- 2.9. The financial obligations and off-site highway improvements requested by the LHA will be secured through the preparation of a legal agreement, subject to satisfying the requirements at para. 58 of the NPPF (Regulation 122) (2) of the CIL Regulations 2010.

- 2.10. For comparative purposes, the changes to the main access design are shown on the below plan extracts.

Extract from the Originally Submitted Access Strategy Plan (No. 006)



Extract from the Revised Access Strategy Plan agreed with the LPA (No. 006H)



- 2.11. The access amendments resulted in corresponding updates to the Application Plans, which form part of the schedule of particulars listed at paragraph 2.3 above.

Third Party Comments and Agreement with WDC

- 2.12. The consultation resulted in the submission of some responses, including those from the LHA (confirming no objection) (**CD2.3**), Uckfield Town Council (**CD2.6**), Framfield Parish Council (**CD2.7**) and Town Legal (on behalf of a local resident) (**CD2.5**). WDC is of the view that all of the matters raised in the third-party comments, including those at **CD2.4**, **CD2.5**, **CD2.6** and **CD2.7**, including in relation to flooding/drainage, ecology, landscape impacts, impact on local infrastructure, highway safety, and locational sustainability are satisfactorily addressed and the only issue that remains is heritage.
- 2.13. All other matters have been addressed to WDC's satisfaction (subject to the imposition of conditions and receipt of a signed and dated legal agreement that satisfies the requisite contributions and mitigations).

The Application Plans

- 2.14. The changes to the access design have resulted in an amendment to the proposed Access Plan (now Revision J) (**CD5.2**), with consequential changes made to the Illustrative Site Layout Plan (now SK-102) (**CD5.5**), Illustrative Parameter Land Use Plan (now SK103) (**CD5.6**), the Indicative Storey Heights Plan (now SK-104) (**CD5.7**) and the Landscape Strategy Plan (now 123F) (**CD5.8**).
- 2.15. As such, the Appeal Scheme is set out in the following plans:

The Scheme

1. Site Location Plan No. PRB/BIE/201C (**CD1.5**)
2. Proposed Access Plan No. 23138/001J (**CD5.2**)
3. Shared Footway/Cycleway Plan No. 23138/004F (**CD5.3**)
4. Overall Access Strategy Plan 2318/006H (**CD5.4**)

Supporting Plans

5. Illustrative Site Layout Plan No. 292403-TOR-SK-102 (**CD5.5**)
 6. Opportunities & Constraints Plan No. PRB/BIE/203C (**CD1.7**)
 7. Parameter Land Use Plan No. 292403-TOR-SK-103 (**CD5.6**)
 8. Indicative Storey Heights Plan No. 292403-TOR-SK-104 (**CD5.7**)
 9. Indicative Streetscene Plan No. PRB/BiE/205D (**CD1.9**)
 10. Landscape Strategy and SANG Design Plan No. CSA/2646/123F (**CD5.8**)
- 2.16. It is agreed that Plans (1) to (4) comprise the Application Plans for the purpose of assessing the Scheme.
- 2.17. Plans (5) to (10) are submitted for illustrative purposes, but provide context for the assessment of the potential impact of the Scheme upon the Site and surrounding area.

3.0 THE COUNCIL'S PUTATIVE REASONS FOR REFUSAL

3.1. WDC's Statement of Case (**CD3.3**) identified two putative reasons for refusal of the Appeal Scheme:

- Putative Reason 1 – Highway Safety
- Putative Reason 2 – Heritage: Impact on a listed building (the Oast)

3.2. WDC accepts that highway matters have been resolved, thus addressing putative reason for refusal 1.

3.3. Accordingly, the only "live" issue between the Appellant and WDC is the acceptability of the Appeal Scheme in heritage terms (putative reason 2).

3.4. As outlined in section 1 above, it is the Appellant's case that the Appeal Scheme results in no harm to the significance of the Oast (Grade II listed) through development within its setting, whilst WDC's position is that the Appeal Scheme results in less than substantial harm at the moderate level.

3.5. WDC considers that the heritage harm is not outweighed by the public benefits, thus providing a strong reason for refusing Appeal Scheme.

3.6. The Appellant considers that even if some less than substantial harm was identified, the public benefits would outweigh that harm (the NPPF paragraph 215 balance).

3.7. The respective heritage positions are set out in the Heritage SoCG (**CD4.3**), and will be addressed in evidence. The planning balance will also be addressed in evidence.

4.0 MATTERS NOT IN DISPUTE

4.1. Informed by the agreement reached with the LHA in relation to the access design, matters agreed and not in dispute are as follows:

1. It is accepted that the Council is not able to demonstrate a five-year supply of deliverable housing land against the Standard Method, and paragraph 11(d) of the NPPF applies on this basis.
2. The development policies for the supply of housing are out of date.
3. It is agreed that paragraph 11(d) of the NPPF applies.
4. It is accepted that the provision of up to 190 dwellings from the Appeal Scheme should be afforded substantial weight.
5. There is an under-delivery of affordable housing in the District and the provision of up to 67 affordable homes (35%) from the Appeal Scheme should be afforded substantial weight.
6. It is accepted that the previous appeal decision relating to the Site (dismissed by decision dated 12 October 2023 (PINS Ref: APP/C1435/W/22/3307820) (LPA Ref: WD/2021/2198/MAO)) is a material consideration.
7. In light of that appeal (PINS APP/C1435/W/22/3307820) it is agreed that the Appeal Site is in a sustainable location within walking and cycling distance from the town centre. It is further agreed that there is no basis for the appeal to be refused on locational sustainability grounds.
8. In transport terms, the degree of impact on Uckfield Town Centre is agreed and can be mitigated through the agreed financial contribution secured in the legal agreement.
9. There are no landscape objections to the Appeal Scheme.

10. It is agreed that there are no flooding/drainage reasons to withhold planning permission. It is also agreed by the parties that the sequential test submitted in support of the Appeal Scheme is on balance acceptable in scope, extent and in relation to its conclusions.

11. The impact of the Scheme in ecological terms, including on account of the additional surveys included at **CD13.1**, **CD13.2**, **CD13.3** and **CD13.4**, is acceptable.

12. It is accepted that the totality of the package of works on the Ancient Woodland, including:

- Securing the buffer zone to the Ancient Woodland as per the landscape plan and SANG layout plan
- the closure and blocking off of the existing path in the Ancient Woodland
- the wider management of the Ancient Woodland
- the delineation (and exclusion) of the root protection area to the T6 veteran Ash tree by post and rail fencing)

all to be secured in the s106, results in no overall harm to the irreplaceable habitat and the ecology within it.

13. It is accepted that Wealden District is a CIL Charging Authority and financial contributions will be secured at the reserved matters stage once the amount of chargeable floorspace is fixed.

14. It is agreed that the Appeal Site and open land on it forms part of the setting to the listed Oasthouse abutting the Site.

5.0 MATTERS IN DISPUTE

The Appeal Scheme

- 5.1. The only “live” issue between the parties relates to heritage impacts, concerning the:
 1. The effects on the significance of a designated heritage asset (the Oast) through development within its setting.
- 5.2. In light of the above, the parties are in dispute as to whether:
 - (a) The application of the heritage policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposed, or
 - (b) Whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 5.3. In the circumstances, the Council considers that the appeal scheme is only in conflict with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Paragraphs 212 – 217 of the NPPF, Policies EN1 and EN27 of the Wealden Local Plan 1998, Spatial Planning Objective SPO2 of the Wealden Core Strategy Local Plan 2013, and Chapters 5, 7 and 12 of the Wealden Design Guide 2008 (Supplementary Planning Document). The Appellant disputes this and finds no conflict.

6.0 CONDITIONS

- 6.1. A schedule of draft conditions, agreed between the Appellant and WDC is included at **Appendix A**.

7.0 AGREEMENT: SCHEDULE OF COMMON GROUND

- 7.1. This Addendum SoCG for Appeal APP/C1435/W/24/3356658 has been duly signed by representatives of the Appellant (Croudace Homes Ltd.) and Wealden District Council.

Signed [REDACTED] [REDACTED] on behalf of Croudace Homes Ltd.

Steven Brown BSc Hons DipTP MRTPI 4th June 2025
NAME DATE

Signed [REDACTED] [REDACTED] ... on behalf of Wealden District Council

Declan Redman BSC (Hons), MA 4th June 2025
NAME DATE
