Subject	Wealden District Council Core Strategy: Examination in Public
	Matter 3: HOUSING (WCS1, WCS2, WSC5)
Prepared by	SKM Colin Buchanan
On behalf of	David Wilson Homes

Main Issue: Whether the overall level of housing provision and its distribution are justified and appropriate.

a) Does the overall scale and distribution of housing provision accord with the requirements of the South East Plan (SEP) having regard to policies relating to infrastructure and the environment as well as those for housing? Is the Core Strategy in general conformity with the SEP in this regard?

1. No. See our representations (see section 2) and those made by others participating in this matter. There is a shortfall in terms of housing provision across the district. Housing figures in Core Strategy are below the SEP and thus not in general conformity with it.

2. In the SEP, the requirement for the period 2006-2026 is 11,000 homes. The Core Strategy cuts this back to just 8,000 for the same period with no explanation as to where the other 3,000 units will be accommodated.

3. Advice from PINS (Advice note 1062, May 2008) confirms that housing numbers are floors not ceilings; that is, they should be interpreted as minima.

4. The housing figures contained within the SEP should be interpreted this way. Paragraph 7.7 of the SEP states that '*local authorities can test higher numbers through their development plan documents with the principles of sustainable development set out in PPS1 and tested through sustainability appraisal and Habitats Regulations Assessment*'. Indeed, at paragraph 7.8, the SEP notes that '*the fact that an annual provision or local trajectory number has been met should not in itself be a reason for rejecting a planning application. Decisions should be taken on their merit and local circumstances – including longer term housing needs and affordability in an area'*.

5. Although the Core Strategy plans for 'at least' 9,600 new houses to 2030, this minima figure is neither a flexible enough approach nor sufficient to address the significant difference in the level of housing provision between the SEP and the Core Strategy.

b) Is there evidence since the SEP was adopted that would support a different level of housing provision in the Core Strategy from that in the SEP?

6. The Core Strategy is planning for fewer homes than are needed but all the evidence suggests that housing figures should be much higher. There is a clear disconnect between the evidence base and the Core Strategy.

7. The Council's decision to establish a housing figure of 9,600 over the period 2006-2030 was not based on any submitted evidence at the time. Prior to the Dear Chief Planner letter in July 2010 setting out the Governments intention to revoke RSSs the Council's Core Strategy was being prepared in line with the SEP and accommodated 11,000 units. There is no evidence to justify the recent cut (almost 30% of the total SEP requirement) other than pure opportunism provided by the intention to revoke the SEP. There is no link with housing need as housing figures appear to be no more than a political decision.

8. In the minutes of the 19th October 2010 Cabinet Local Development Framework meeting (Extract 1 attached), it states that the Chairman explained to Members that the Core Strategy included a housing figure of 400 units per annum as this is '*the figure originally considered acceptable by the Council for the 20 year Draft South East Plan*'. This ignores any evidence pointing to the need for higher figures, including that debated and considered by the Panel review of the SEP.

9. The Council have now submitted additional information to the Inspector (EiP document Y10) to justify a housing figure below the SEP. But this evidence is flawed (see question c below). There is though plenty of evidence to justify a higher figure. The 2008 ONS/CLG household projections and the ESCC migration led variants of projected households as presented in paragraph 1.15 of EiP document Y10 both for example equate to a higher housing provision than established in the SEP.

10. Indeed, the Council's own evidence, see for example Table 5 of Background Paper 2 (BP2) states that there will be an increase of 16,900 households (taken from the Council's Strategic Housing Market Assessment, itself based on ONS 2008 trend based subnational population projections) needing housing in the district over the period 2006-2030, pointing to a need for a higher housing figure than set in the SEP.

11. PPS3 states that the CLG household projections need to be taken into considered in developing Core Strategies (paragraph 33). But Wealden appear to have ignored the evidence.

12. The Council have decided to reduce the housing figure for Wealden, even though (a) the evidence suggests that more housing is needed, and (b) that the SEP acknowledged that the housing figures it contained were below the forecast level of housing growth. The SEP states that an early review of the SEP would examine housing levels and that it is likely that it would

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result in a rate of provision higher than that in the SEP (see paragraphs 7.6 and 7.7 of the SEP).

c) How does the overall level of housing provision in the Core Strategy relate to the need for both market and affordable housing in the District?

Housing Demand

13. For the reasons given, it does not. It plans for significantly fewer. (BP2 clearly notes in Table 5 that there will be an additional 16,900 households in Wealden over the period 2006-2030. BP2 also highlights that housing growth is required to meet acute housing needs, to support services and the economy (see paragraph 8.22 in relation to Uckfield for example). But the Core Strategy only provides for 9,600 housing units over this 24 year period (or 8,000 in comparison to the SEP period).

14. In response to the Inspector's concerns at the Exploratory Meeting the Council focussed on matters of affordability rather than the overall, unconstrained level of total homes needed (See EiP document X4, paragraphs 2.0 – 2.3). Only when pressed did the Council say that the SEP reflected the unconstrained level of housing (see EiP document X5, Inspector's notes of Exploratory Meeting, page 7). But this ignores the Council's own evidence and the acknowledgement in SEP that an early review will be needed to renew housing figures (upwards).

15. More recent submissions by the Council (EiP document Y10) seek to justify the housing figure in the Core Strategy. We do not agree with the Council's rationale and, in any event, the figures quoted by the Council appear to be wrong or mis-leading. At paragraph 1.18, recent ONS/CLG information is ignored and instead household projections produced by East Sussex County Council (ESCC) and Wealden DC are used to inform the level of housing provision in the district.

16. The WDC forecasts are simply an extrapolation of historic growth rates – so it does not address the Council's own critique of ONS data (paragraph 1.34). However, the Council's evidence in relation to its own forecasts is contradictory. On one hand (paragraph 1.13) it says that 'the projection is considered to be more market orientated, compared to other projections', but it then goes on to say (paragraph 1.18) that the WDC extrapolation will take into account previous policy constraints. It also takes into account the fact that '*the attributes of Wealden will not change significantly in the next 20 to 24 years and provides a good basis to consider growth in the area'*. Where is the demographic evidence to support this assertion?

17. At paragraphs 1.19 through to 1.21 a series of mid-points for calculating housing need are calculated. At paragraphs 1.25 and 1.26 a different set of mid-points are then used to calculate the housing figure. It is not clear how these have been derived.

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18. Tables 2 and 3 present figures of housing requirements alongside the SEP and Core Strategy. These show that the Core Strategy is providing for a figure less than required by the calculations of housing need, and significantly, that the housing figure in the Core Strategy for the north of the district is well below housing need. This is despite the Council acknowledging, at paragraph 1.29, that '*it is clear from the analysis that there is a greater need for housing provision in North Wealden than South Wealden*'.

19. So, not only are the figures in the Core Strategy below the actual total requirement, they are being located in the wrong place.

Cross Boundary Implications

20. If not enough housing is provided in the District then residents (not just those looking for affordable housing) will have to move elsewhere, but that depends on other authorities making provision for them. Although the SEP did provide for some additional housing in other districts to offset the lower housing figure for Wealden, there is nothing to suggest that a further 3,000 homes (difference between SEP and Core Strategy 2006-2026) can and will be distributed elsewhere.

21. Assessment of the Core Strategies of all Wealden's neighbouring districts and boroughs shows that none are planning to provide housing in excess of the SEP (see Table 1, Appendix A). Most (other than Mid Sussex which is planning for a far lower target than the SEP), are planning to provide for similar numbers as set out in the SE Plan. The purpose of the EiP is not to critique neighbouring Core Strategies, but this assessment demonstrates that there are no plans to provide the '3,000' lost units from the Wealden Core Strategy elsewhere. There is no evidence to suggest the Council have cooperated with their neighbours to redistribute the housing figures.

Housing Need

22. Turning to affordable housing, it is unclear as to what the Council's approach to delivery is: there is no clear justification or explanation provided.

23. If affordable housing is expected to be provided at 35%, then this means the Core Strategy will deliver a maximum of 2,800 units (out of 8,000) over the 20-year period 2006-26. This is below the need identified in the Councils own evidence base. BP2 establishes an annual affordable housing need of 812 in Wealden. Para 5.17 of BP1 says this equates to 4,060 dwellings over the next five year period. This is less than the actual housing target in the Core Strategy for the same five year period (2,000 units). Based on the 2,000 units and 400 per annum housing set out in the Core strategy, this translates into an annual average of 140 affordable units (delivered at 35%): 672 less than the Councils own evidence suggests is required. BP2 and the Council's responses at the Exploratory

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Meeting (EiP document X4) suggest that not all of this need translates into a requirement for new affordable homes. But the actual requirement is not spelt out anywhere. Even if the need for new homes is less than the 812 per annum, it is difficult to see where and how the need for the remaining 672 will be accommodated. The Council have now submitted additional evidence to the Inspector (EiP document Y10). This lists at Appendix B ways in which housing needs have been met in the last few years. But the Council recognise that this list includes an 'element of double counting'. It is still not clear what the actual need for new affordable housing is.

24. In Maresfield, Appendix 1 of BP2 shows that there are currently 21 households on the housing register and the housing need assessment shows that there are 41 households in current need. How will these be provided if the total development in Maresfield is limited to just 50 units? At 35%, 50 units will generate an absolute maximum of just 17 affordable homes (assuming that 50 units will come forward on one site and policy requirements are met).

25. If smaller sites come forward, particularly if they are below the policy threshold for providing affordable housing, there is no guarantee that the need will be met. BP2 (Table 8) shows that between 1999 and 2009, 40% of all completions in the districts rural parishes were on sites of five or fewer units. More than five is the proposed threshold for requiring affordable housing. So, we can infer that 40% of all developments in rural areas are not providing affordable housing.

26. Over the period 2001/02 – 2009/2010, the Council report that 476 affordable houses were completed across the district. Over the same period, BP2 shows that 2,313 units were completed in total. Affordable housing was only being delivered at a rate of 21%. This is below policy requirements. This situation is unlikely to improve given drastic cuts to social housing grant as demonstrated by the dramatic shortfall reported by the HCA (in November 2011) in the delivery of affordable housing and the number of HCA funded starts in the six month period April to September 2011 (of which there were only 141 in the entire South East region (Extract 2 attached).

27. If these patterns continue, then it is unlikely that the Council will be able to deliver on its objectives and meet affordable housing needs in Maresfield (or indeed any of the villages in the district).

28. We indicate in our representations and our responses to Matter 1, 2 and 3 that there is a housing shortage in the district, that more homes need to be provided, that significant less homes are allocated in Maresfield than should be and that is has the ability to deliver more homes (private and affordable).

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d) Has the distribution of housing between the different types of settlement been justified by the evidence base and does it accord with national and regional policy?

29. No. See our response to Matter 2 where we contend that the approach taken to the rural settlement hierarchy is flawed.

e) Have reasonable alternatives to the distribution and location of housing development been considered? Has it been demonstrated that there are no reasonable options that would avoid the infrastructure and environmental constraints identified in the Core Strategy?

30. See responses above. No reasonable alternatives, based on a housing figure of 9,600 units over the period 2006 – 2030, have been explored. Only one spatial approach, based on this figure, has been presented. Housing development in the south of the district is constrained and thus the balance should be located elsewhere. Potential exists to accommodate additional housing in the north of the district. We have shown that Maresfield presents an opportunity for some of this redistribution.

f) Does the Core Strategy assist in providing a continuous supply of deliverable sites so that housing requirements of the next 5 years can be delivered?

31. For reasons given below, we have concerns that the Council do not have a deliverable supply of sites for the next five years.

32. Indeed, this has been proven at appeal cases in the district. At the recent Honey Farm (Polegate) appeal, the Secretary of State agreed with the Inspector that the Council could not demonstrate a five year supply of land for housing (Extract 3 attached).

33. To assist with the EiP we have attempted to calculate what we believe to be the Council's five year supply. This is not easy. The Council do not have an up-to-date monitoring report on housing showing completions on site, those sites under construction, those benefitting with a planning permission and the status of that permission. Material submitted by the Council to the Inspector for the Exploratory Meeting in response to his queries includes, at Appendix H and I, a list of sites and planning permissions (EiP document X4). These are though not easy to reconcile with the Councils planning register (they do not include planning application numbers for example) and thus it is difficult to get a clear picture of the total number of deliverable units in the five year supply. Sites appear in both appendices and so there is an element of double counting. They do not indicate whether the planning permission for a site is outline, full or reserved matters, or for a particular phase of development. It also appears to include sites that have previously lapsed and extension of time applications have been submitted. The Council should be asked to submit a clear and up-to-date monitoring report on housing for assessment.

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34. There is also a history of underperformance in Wealden. The delivery of housing has been well below Plan requirements. The summary table in Appendix B demonstrates significant shortfall since 2001 against Structure Plan targets and also since 2006 against SEP targets. Consideration needs to be given to how this should be accounted for in the Plan (certainly the shortfall since 2006). Therefore, the Council needs to provide for more housing now.

35. We also note the slow rate of delivery on sites that are currently in the development pipeline in Wealden. Interrogation of the Council's online planning register shows that since the beginning of 2010 (a period of almost two years at the time of writing), there have been eleven applications for extensions of time on sites delivering six units or more (Appendix C). In total, these applications account for 609 units. In terms of the Core Strategy housing requirements, this equates to about eighteen months worth of supply. This pattern of extension of time applications would imply there is a significant over estimate of supply.

36. This trend is exacerbated by the time lag observed between outline and reserved matters approvals in the district. Since the start of 2010,there have been six applications for reserved matters on just four major sites (10 units or more) in the district, accounting for a total of 371 units (Appendix D). The duration between outline approval and reserved matters approval ranges between 14 months and 43 months. And this is before work commences on site and the first completions can be recorded.

37. Based on the SEP housing requirement of 550 units per annum, the Council are providing for less new homes in their Core Strategy than they should. We note that the draft emerging NPPF (paragraph 109, second bullet point) states that plans should provide for five years plus 20% (i.e.: six years). This exacerbates the Council's difficulties.

38. For all these reasons, additional housing land needs to be identified and brought forward in the next five years in order to deliver the housing requirements.

g) Is the Core Strategy likely to result in an adequate supply of developable sites in the plan period beyond 5 years?

39. The housing figures are below need. This means that the Core Strategy has not identified sufficient land to meet need. The SHLAA identifies more than enough land for housing that it considers as deliverable. This however has not been reflected in the Core Strategy. The Council are artificially constraining supply. If land cannot come forward in the south of the district due to environmental, transport and infrastructure constraints, then land in the north, outside of the AONB and the immediate 400m buffer around the Ashdown Forest should be prioritised. Our representations and responses to this and other matters show that

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Maresfield can accommodate additional housing and the SHLAA also identifies that land here is deliverable, available and achievable.

h) Is there an adequate strategy for bringing previously developed land into housing use? Should there be a local previously developed land trajectory? Is the Core Strategy sufficiently clear about an overall target for the proportion of new housing on previously developed land and should this be included in a policy?

40. No response

Summary Response

What part of the CS is unsound?	Housing numbers (SPO3, WCS1, WCS2, WCS5)
Which of the soundness criteria it fails to meet	It is not justified or effective
Why it fails	Does not reflect evidence or consultation, and undersupply of housing means the plan will not be able to deliver on its priorities.
How the CS can be made sound	Increase housing numbers in the district in line with evidence. Also reconsider spatial distribution of housing in district. If the south is constrained due to infrastructure then increased housing numbers need providing in the north of the district.
The precise change / wording sought	n/a

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APPENDIX A: HOUSING FIGURES IN CORE STRATGIES OF NEIGHBOURING DISTRICTS

Table 1: Assessment of housing figures in Core Strategies in districts neighbouring Wealden with figures set out in the SEP

DISTRICT	Core Strategy				SEP	
	Status	Plan period	Housing Total	Housing Per Annum	Housing Total	Housing Per Annum
Ashford	Adopted July 2008	2001-2021	20,561	1,028	22,700	1,135
Eastbourne	Proposed Submission September 2011	2006-2027	5,022	240	4,800	240
Lewes	Strategy Consultation September 2011	2010-2030	4,150	207	4,400	220
Mid Sussex	Consultation Draft District Plan October 2011	2011-2031	10,600	530	17,100	855
Rother	Submission draft June 2011	2011-2028	3,908*	230	5,600	280
Sevenoaks	Adopted February 2011	2006-2026	3,300	165	3,300	165
Tandridge	Adopted October 2008	2006-2026	2,500	125	2,500	125
Tunbridge Wells	Adopted June 2010	2006-2026	6,000	300	6,000	300

* Based on a mid-point

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APPENDIX B: SUMMARY HOUSING COMPLETIONS TABLE

Table 2: Housing completions and undersupply in Wealden DC 2000/01 – 2009/10

Period	Net Completions [a]	Housing Requirement	Undersupply
2000/01 – 2005/06	1,232	2,640 [b]	-1,408
2006/07 – 2009/10	1,332	2,200 [c]	-868
2000/01 – 2009/10	2,564	4,840	-2,276

Notes:

a. Based on net completions recorded by Wealden DC in Appendix 9 of Background Paper 2

b. Based on East Sussex and Brighton & Hove Structure Plan housing requirement: six years at 440 units per year = 2,640

c. Based on SEP housing requirement: four years at 550 units per year = 2,200

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APPENDIX C: EXTENSION OF TIME APPLICATIONS SINCE 2010 ON SITES IN EXCESS OF FIVE UNITS

WD/2010/0521/FE
Location: LAND TO THE EAST OF WOODSIDE FARM, HEMPSTEAD LANE, HAILSHAM BN27 3AE
Proposal: EXTENSION OF TIME OF WD/2006/3045/MAO - RESIDENTIAL DEVELOPMENT COMPRISING 75 NO. DWELLINGS WITH ASSOCIATED ACCESS
Decision: Approval
Decision Date: 30/04/2010

WD/2010/0688/FE
Location: DALHOUSIE & SUNFIELD, GREEN LANE, HEATHFIELD
Proposal: EXTENSION OF TIME OF WD/2007/1791/F - DEMOLITION OF EXISTING HOUSES AND REDEVELOPMENT OF LAND TO PROVIDE TWO SEMI-DETACHED DWELLINGS AND FOUR DETACHED DWELLINGS
Decision: Approval
Decision Date: 26/05/2010

WD/2010/0825/FE
Location:LOW WOOD, MUTTON HALL HILL, HEATHFIELD TN21 8NB
Proposal:EXTENSION OF TIME FOR WD/2007/1660/O - DEMOLITION OF EXISTING HOUSE, GARAGE AND OUTBUILDINGS AND ERECTION OF A TERRACE OF SEVEN, TWO STOREY AND TWO AND HALF STOREY HOUSES
Decision: Approval
Decision Date: 01/06/2010

WD/2010/1940/FE
Location:LAND AT PARK FARM, MARESFIELD
Proposal: EXTENSION OF TIME OF WD/2007/0526/MAO - OUTLINE PERMISSION FOR THE ERECTION OF 80 DWELLINGS INCLUDING DEMOLITION OF EXISTING BUILDINGS AND ASSOCIATED WORKS
Decision: Withdrawn
Decision Date: 18/02/2011

WD/2010/2874/FE
Location: LAND NORTH OF MALLARD DRIVE, UCKFIELD
Proposal: RESIDENTIAL DEVELOPMENT COMPRISING OF 146 DWELLINGS, INCLUDING AFFORDABLE HOUSING, OPEN SPACE INCLUDING CHILDREN'S PLAY AREAS AND AN EQUIPPED PLAY AREA, STRUCTURAL LANDSCAPING AND ASSOCIATED WORKS, WITH ACCESS FROM MALLARD DRIVE
Decision: Approval
Decision Date: 15/03/2011

WD/2010/2861/FE
Location: WILLETTS HOUSE, PILMER ROAD, CROWBOROUGH TN6 2UD
Proposal: EXTENSION OF TIME FOR WD/2007/3113/F - DEMOLITION OF EXISTING HOUSE AND ERECTION OF 9 FLATS ON 3 STOREYS PLUS ANCILLARY WORKS
Decision: Approval
Decision Date: 01/02/2011

WD/2011/0070/FE
Location: RESIDENTS PARKING AREA, LEALANDS DRIVE, UCKFIELD TN22 1DW

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Proposal: DEVELOPMENT OF 2 NO 3 BEDROOM HOUSES AND 4 NO 2 BEDROOM FLATS WITH 8 PARKING SPACES
Decision: Approval
Decision Date: 09/06/2011

WD/2011/0400/FE
Location: OAKSDOWN & LOWLANDS, HIGH STREET, HEATHFIELD TN21 0UP
Proposal: EXTENSION OF TIME FOR WD/2008/0276/F - DEMOLITION OF EXISTING PAIR OF SEMI DETACHED HOUSES AND REDEVELOPMENT OF THE SITE WITH A BLOCK OF 9 APARTMENTS
Decision: Approval
Decision Date: 04/04/2011

WD/2011/1467/FE
Location: CRANBOURNE, WHITEHILL ROAD, CROWBOROUGH TN6 1LD
Proposal: EXTENSION OF TIME FOR WD/2006/2036/F - DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF 8 SEMI-DETACHED DWELLINGS AND 1 DETACHED DWELLING ON THE SITE TO BE SERVED BY A WIDENED ACCESS DRIVE OFF WHITEHILL ROAD
Decision: Withdrawn
Decision Date: 26/10/2011

WD/2011/1909/FE
Location: BAKERS FARM MOBILE PARK, HAILSHAM, BN27 3BE
Proposal: EXTENSION OF TIME OF WD/2008/2852/FA- (USE OF HOMEPARK FOR THE SITING OF 49 NO. RESIDENTIAL MOBILE HOMES I.E. IN SUBSTITUTION FOR THE TWO EXISTING CONSENTS WHICH PERMIT 24 NO. HOMES ON THE SOUTHERN PART OF THE PARK AND 25 NO. HOMES ON THE NORTHERN PART OF THE PARK.)
Decision: Approval
Decision Date: 13/10/2011

WD/2011/2086/OE
Location: GORSEDENE, GOLDSMITHS AVENUE, CROWBOROUGH TN6 1RH
Proposal: EXTENSION OF TIME OF WD/2008/1904/O (DEMOLISH EXISTING AND ERECT 9 DWELLINGHOUSES (7 DETACHED AND A SEMI- DETACHED PAIR)).
Decision:
Decision Date:

WD/2011/2486/MFE
Location: LAND EAST OF SHEPHAM LANE, POLEGATE, BN26 6LZ
Proposal: EXTENSION OF TIME FOR WD/2007/1054/MEA (CONSTRUCTION OF 260 DWELLINGS, A NEW ROUNDABOUT ACCESS ON TO DITTONS ROAD, AN EMERGENCY ACCESS AND FOOTWAY/CYCLEWAY ON TO SHEPHAM LANE, INTERNAL ACCESS ROADS, FOOTPATHS AND CYCLEWAY, OPEN SPACE AREAS AND LANDSCAPING)
Decision:
Decision Date:

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APPENDIX D: DURATION BETWEEN OUTLINE APPROVAL AND RESERVED MATTERS APPROVALS GRANTED SINCE 2010 ON MAJOR SITES (10 units plus)

WD/2011/0458/MRM
Location: LAND EAST OF BATTLE ROAD, HAILSHAM BN27 1EW
Proposal: APPROVAL OF RESERVED MATTERS FOR THE LAYOUT, SCALE AND APPEARANCE OF THE BUILDINGS AND LANDSCAPING PHASE 2 & 3 FOR 112 DWELLINGS FOLLOWING OUTLINE PERMISSION WD/2009/2705/MEA
Reserved Matters Decision Date: 24/08/2011
Outline Application Decision Date: 30/06/2010
Duration between Outline and Reserved Matters: 14 months
(Note: Application WD/2010/2067/MRM approved 30/06/2010 in relation to access)

WD/2010/2831/MRM
Location: LAND BETWEEN ARLINGTON ROAD EAST, SOUTH ROAD AND A22, HAILSHAM, BN27 3NH.
Proposal: SITE LANDSCAPING, SITE APPEARANCE, SITE LAYOUT AND SCALE.
Reserved Matters Decision Date: 11/04/2011
Outline Application Decision Date: Refused 27/12/2006 - Allowed at appeal 13/09/2007
Duration between Outline and Reserved Matters: 43 months
(Note: Application WD/2010/0216/MRM approved 12/05/2010 (duration of 32 months between outline approval and reserved matters approval) for 70 dwellings, including parking, amenity space, open space, appearance, landscape, layout and scale)

WD/2010/1856/MRM
Location: LAND AT PARK FARM, MARESFIELD
Proposal: APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION WD/2007/0526/MAO
Reserved Matters Decision Date: 08/11/2010
Outline Application Decision Date: 21/08/2007
Duration between Outline and Reserved Matters: 39 months

WD/2010/0200/MRM
Location: LAND NORTH OF DITTONS ROAD, POLEGATE
Proposal: RESERVED MATTERS APPLICATION RELATING TO DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE COMPRISING 109 DWELLINGS (INCLUDING 42 AFFORDABLE UNITS) 6,500 SQ M GROSS B1(A) EMPLOYMENT FLOORSPACE, 74.5 SQ M CAFE (A3), 600 SQ M CHILDREN'S NURSERY (D1), OPEN SPACE AND ASSOCIATED LANDSCAPING, ROADS AND CAR PARKING
Reserved Matters Decision Date Decision Date: 25/05/2010
Outline Application Decision Date: Refused 21/10/2007 – Allowed at appeal 09/07/2008
Duration between Outline and Reserved Matters: 22 Months

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EXTRACT 1: MINUTES – WDC CABINET LDF MEETING, 19/10/2010

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Wealden
District Council

Minutes of meeting of the CABINET LOCAL DEVELOPMENT FRAMEWORK SUB COMMITTEE held on Tuesday, 19th October, 2010 in Committee Room 1, The Council Offices, Pine Grove, CROWBOROUGH (10.00 a.m. to 12.10 p.m.).

PRESENT: Councillor R Galley (Chairman), Councillor D G White (Deputy Chairman), Councillors J L Blake, Mrs P Doodes, D Jonas, R Standley and Mrs S M Tidy.

Also present in accordance with Access to Information Procedure Rule 22(5): Councillors R Angel, K J Balsdon, R G Cussons, B Dashwood-Hall, Jan Dunk, Mrs J Howell, M J Hoy, A P Long, Mrs S D Martin, Mrs A E Newton, K Ogden, J L Padfield, Dr B T Redman, S S H Shing, Mrs S C Stedman, R C Sweetland, A C J Watkins and Mrs C F Wilson.

In attendance were the Head of Planning and Environmental Policy and Director of Development Services, Planning Policy Manager and Democratic Services Manager

10/16 MINUTES

The Minutes of the meeting held on 7th July 2010 were **agreed** as a correct record.

10/17 LOCAL DEVELOPMENT FRAMEWORK - DRAFT CORE STRATEGY

Members considered the Draft Core Strategy which is the first and most important Development Plan Document (DPD) in the Council's Local Development Framework (LDF). It was noted that the Draft Core Strategy has to be a succinct and accessible document that accurately reflects the considerable evidence base and national guidance it is required to be founded upon. It also has to be in line with the Council's own policies as set out within and beneath the Sustainable Community Strategy. The timetable at appendix B to the report was also drawn to the Committee's attention and was noted

The Chairman in presenting the Strategy to the Sub-Committee explained to Members that the proposal is for a housing growth figure of 400 per annum which was the figure originally considered acceptable by the Council for the 20 year Draft South East Plan. This will equate to 9600 houses over the 24 year period and 8000 by 2026. The Strategy has been developed on a basis of progressive refinement, with options being assessed and discounted in favour of what has now emerged. There has been Member input at all key stages and wide-spread consultation has taken place with the community in general and the parish and towns in particular.

The areas highlighted by the Chairman for further consideration were infrastructure; review of the Strategy including phasing; rural settlements and development boundaries; and affordable housing. These were discussed in

detail with the addition of windfall sites being raised as an important issue.

In relation to infrastructure concern was expressed that the wording in WCS7 is not strong enough to ensure that the infrastructure required to accommodate the developments would be appropriately provided. Therefore it was requested that consideration be given to changing the wording of WCS 7 to 'The release of land for development will *be conditional* upon ...'. The Head of Planning and Environmental Policy explained that although it would be ideal for all infrastructure to be in place before a development commences this was not considered to be practicable by the inspectors when the South East Local Plan was being developed. He also reported that the draft Infrastructure Delivery Plan is currently being developed and will be available to Members shortly. It was further requested that the infrastructure included the provision of high speed broadband. The Chairman reported that this is one of the key priorities of the Local Enterprise Partnership as it is critically important to many communities.

Keeping the Core Strategy under review was considered to be important to ensure that the phasing was kept as balanced as possible over the life of the Strategy and so that delivery issues could be identified. The Chairman felt that the Sub-Committee would take on this role.

Opinion was very divided on the classification of some of the rural settlements and the removal of development boundaries for a number of villages as set out in WCS6. The Head of Planning and Environmental Policy explained that consultation had taken place in 2007 and again in 2009 on this issue and that whatever approach was finally taken it must be consistent across the District. He also reported that any review of the boundaries would be the subject of further consultation as part of the DPDs. The Chairman concurred with this and felt that the parishes had been consulted and that ward councillors also have a responsibility to liaise with their parishes and feedback through the process. He also considered that the District and Parish conference being held in November would be an opportunity for parishes to feedback.

In respect of affordable housing it was agreed that there is a need for housing to meet the identified housing needs of the community and that new housing developments should be expected to deliver that. It was suggested that the wording of WCS8 should be amended to 'affordable housing will be *required* at a level of 35% ... unless material considerations indicate otherwise'. It was also requested that the issue of part build sites be looked at. The Chairman informed the meeting that the new legislation expected later in the year on the Community Right to Build will relate to affordable housing and that the exceptions policy in the proposed Strategy was more flexible than the current one.

The effect that windfall sites have on the overall figures was queried. The Director of Development Services confirmed that the Council is not allowed to include possible windfall sites in the overall allocations in the Strategy but that once permission is granted and the site complete the site can be included in the annual housing delivery figure. Clarification was sought as to whether sites could be de-allocated if the windfall figures year on year meant that enough housing had been or would be delivered. The Head of Planning and

Environmental Policy explained that sites can be reviewed through the Core Strategy but that to de-allocate any sites would have significant cost implications attached. Also that a windfall site could be refused if it could be shown that it was prejudicial to the delivery of the overall Strategy. It was requested that absolute clarity be given to the next meeting considering the Strategy on the policy regarding windfall sites and whether they do or do not count towards the overall figure of 9600 and whether such sites could be refused due to their not being in any allocation.

A question was asked about when the South Wealden and Eastbourne Transport Study would be available and it was confirmed that this should be ready shortly and that the sustainability study that will accompany the Strategy may need to be revised to take into account the results of the study.

The Sub-Committee, taking into account the discussion as detailed above, advised the Chairman, as the Portfolio Holder for Planning and Development, that the following areas should be considered before the Core Strategy is finalised:

Infrastructure: that the wording of WCS 7 be changed to 'The release of land for development will *be conditional* upon ...' and that an infrastructure delivery plan be required with every major development.

Settlement Classification: Members requested further clarification on the methodology and criteria used to develop the settlement classification and asked that this be reviewed to ensure settlements were appropriately classified.

Development Boundaries: that further consideration is given to the removal or retention of the development boundaries.

Affordable Housing: that the wording of WCS8 should be amended to 'affordable housing will be *required* at a level of 35% ... unless material considerations indicate otherwise' and that the issue of part build sites be looked at.

Windfall Sites: that absolute clarity be given at Cabinet on 24th November on the policy regarding windfall sites and whether they do or do not count towards the overall figure of 9600 and whether such sites could be refused if not allocated within the core strategy. That the Core Strategy be kept under review to ensure that the phasing was kept as balanced as possible over the life of the Strategy and so that delivery issues could be identified.

10/18 LOCAL STRATEGIC PARTNERSHIP - ORAL REPORT

The Chairman reported to the Committee on behalf of the Policy and Partnerships Manager that the Local Strategic Partnership (LSP) were generally impressed with balance of the draft Core Strategy as it addresses priorities identified in all the eight themes of the Sustainable Community Strategy particularly Housing, the Environment, Prosperity (the economy) and Transport & Access, as might be expected, but also in the less obviously spatial themes of Health and Social Care, Learning (Education) Community

Safety and Culture, Sport & Leisure.

It was noted that the next meeting of the LSP is on November 17 where the Draft Core Strategy will be discussed by all partners.

10/19 DATE OF NEXT MEETING

To be advised

Councillor R Galley
Chairman

EXTRACT 2: HCA FUNDED AFFORDABLE HOUSING STARTS APRIL 2011 – SEPTEMBER 2011

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Homes and Communities Agency

Table 2: Housing outputs by region – 2009/10, 2010/11 and 1 April – 30 September 2011 [1,2]

Table 2f: Total Affordable Housing

	Housing Starts on Site											
	1 April 2009 - 31 March 2010				1 April 2010 - 31 March 2011				1 April 2011 - 30 September 2011			
	Social Rent	Intermediate Affordable Housing		Total Affordable Housing Starts [6]	Social Rent	Intermediate Affordable Housing		Total Affordable Housing Starts [6]	Social Rent	Intermediate Affordable Housing		Total Affordable Housing Starts [6]
		Intermediate Rent	Low Cost Home Ownership			Intermediate Rent	Low Cost Home Ownership			Intermediate Rent	Low Cost Home Ownership	
North East	2,045	248	127	2,420	932	74	241	1,247	7	0	10	17
North West	3,347	83	1,170	4,600	3,420	45	942	4,407	0	0	0	0
Yorkshire and the Humber	2,941	27	930	3,898	1,828	14	661	2,503	5	0	0	5
East Midlands	2,735	0	575	3,310	1,564	19	712	2,295	13	0	12	25
West Midlands	2,870	352	925	4,147	2,312	101	720	3,133	143	0	44	187
East of England	4,069	254	1,039	5,362	4,488	224	1,404	6,116	1	0	0	1
London	10,633	1,935	3,123	15,691	11,332	809	4,190	16,331	56	0	0	56
South East	6,222	467	1,788	8,477	6,712	179	2,219	9,110	17	0	124	141
South West	4,639	216	1,543	6,398	3,102	57	1,060	4,219	17	0	5	22
England Total	**39,501**	**3,582**	**11,220**	**54,303**	**35,690**	**1,522**	**12,149**	**49,361**	**259**	**0**	**195**	**454**

	Housing Completions											
	1 April 2009 - 31 March 2010				1 April 2010 - 31 March 2011				1 April 2011 - 30 September 2011			
	Social Rent	Intermediate Affordable Housing		Total Affordable Housing Completions [6]	Social Rent	Intermediate Affordable Housing		Total Affordable Housing Completions [6]	Social Rent	Intermediate Affordable Housing		Total Affordable Housing Completions [6]
		Intermediate Rent	Low Cost Home Ownership			Intermediate Rent	Low Cost Home Ownership			Intermediate Rent	Low Cost Home Ownership	
North East	1,397	100	562	2,059	1,633	143	547	2,323	434	24	123	581
North West	2,547	5	1,370	3,922	3,320	39	1,754	5,113	850	0	590	1,440
Yorkshire and the Humber	1,329	23	1,164	2,516	2,586	26	1,496	4,108	946	34	301	1,281
East Midlands	2,095	13	1,372	3,480	3,095	6	1,382	4,483	563	0	226	789
West Midlands	2,831	114	1,593	4,538	3,256	359	1,658	5,273	665	53	292	1,010
East of England	4,453	276	2,901	7,630	4,139	236	1,886	6,261	681	85	322	1,088
London	6,992	743	5,057	12,792	8,557	1,254	3,059	12,870	2,108	215	575	2,898
South East	5,553	467	4,295	10,315	5,580	339	3,062	8,981	1,698	52	521	2,271
South West	3,724	194	1,985	5,903	4,496	68	1,884	6,448	1,090	57	298	1,445
England Total	**30,921**	**1,935**	**20,299**	**53,155**	**36,662**	**2,470**	**16,728**	**55,860**	**9,035**	**520**	**3,248**	**12,803**

Notes to tables:

[1] The figures exclude any housing outputs which may be attributable to the programmes inherited from the Department for Communities and Local Governme

[2] The delivery of housing outputs is impacted by seasonal factors and, therefore, the rate of delivery is expected to increase in the second half of 2011/12.

EXTRACT 3: DECISION LETTER – HONEY FARM APPEAL, POLEGATE

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Communities and Local Government

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17 May 2011

Jennifer Owen & Associates
Bargrove Farm
Newington
Folkestone
Kent
CT18 8BH

Our Ref: APP/C1435/A/10/2130580
Your Ref: WD/2008/2180

Dear Mrs Owen,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY PELHAM HOLDINGS LTD
AT LAND AT HONEY FARM, EASTBOURNE ROAD, POLEGATE, EAST SUSSEX
APPLICATION: REF WD/2008/2180

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, RPE Mellor, BSc DipTRP DipDesBEnv DMS MRICS MRTPI, who held a public local inquiry on 11-14, 18-21 January and 2-4 February 2011 into your client's appeal against a decision of Wealden District Council ('the Council') to refuse outline planning permission for up to 520 dwellings together with a one-form entry primary school incorporating community uses, a convenience store and doctors surgery on land at Honey Farm, Eastbourne Road, Polegate, East Sussex, in accordance with application number WD/2008/2180, dated 10 August 2008.

2. On 12 August 2010, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990. The reason for the recovery was that the appeal involves proposals for residential development of over 150 units or is on a site of over 5 hectares, and 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 recommendation and summary of the decision

3. The Inspector recommended that the appeal be refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Maria Stasiak, Decision Officer
Department for Communities and Local Government
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Bressenden Place
London SW1E 5DU

Tel 0303 444 1624
Email PCC@communities.gsi.gov.uk

Procedural matters

4. In reaching this position the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and the further environmental information which was submitted under Regulation 19. For the reasons given at IR9, the Secretary of State is satisfied that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

5. As set out in IR7, the planning application was amended to substitute two foot/cycle bridges for the at-grade crossings across the A27. Public consultation was carried out on the amendments, and associated amendments were made to the Environmental Statement and its updating. The Secretary of State is satisfied that no party has been prejudiced and he has considered the appeal on the basis of the amended proposal.

Matters arising after the close of the inquiry

6. The Secretary of State has taken into account the representations set out at Annex A, which were received after the close of the inquiry. As all these representations raised either matters considered at the Inquiry or matters that would not affect his decision, he has not considered it necessary to circulate them to all parties. Copies of these representations can be made available upon written request.

Policy considerations

7. In determining the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

8. In this case, the development plan comprises the South East Plan (2009), which is the Regional Spatial Strategy, and those policies of the Wealden Local Plan (1998) (WLP) which were saved by direction of the Secretary of State in 2007. The Secretary of State considers that the development plan policies most relevant to the appeal are those set out by the Inspector at IR15, 16 and 18.

9. The Secretary of State has made it clear, following the judgment of the Court on 10 November 2010 in Cala Homes (South) Ltd v Secretary of State for Communities and Local Government and Winchester City Council [2010] EWHC 2886 (Admin), that it is the Government's intention to revoke RSSs, and the provisions of the Localism Bill which is now before Parliament reflect this intention. This gave rise to a subsequent decision of the Court on 7 February 2011 in *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government [2011] EWHC 97 (Admin)* which held that the Government's intention to legislate to revoke regional spatial strategies was capable of being a material consideration. However, while the Secretary of State has taken this

matter into account in determining this case, he gives it limited weight at this stage of the parliamentary process.

10. The Secretary of State has taken into account, as a material consideration, the Proposed Submission Core Strategy, which was approved for consultation in December 2010. He has also taken into account that the Appellant has applied for Judicial Review of the Council's decision to approve the Core Strategy (IR28). For the reasons set out by the Inspector at IR359, he accords the Proposed Submission Core Strategy limited weight.

11. Other material considerations which the Secretary of State has taken into account include PPS1: Delivering Sustainable Development and the Planning System: General Principles; PPS3: Housing; PPS5: Planning for the Historic Environment; PPG13: Transport; Circular 05/2005: *Planning Obligations;* Circular 11/95: *The Use of Conditions in Planning Permission;* and the *Community Infrastructure Levy (CIL) Regulations,* which came into force on 6 April 2010. The Secretary of State has also taken into account the draft document entitled *New Policy Document for Planning Obligations,* issued for consultation on 25 March 2010. However, as this document is still at consultation stage and may be subject to change, he affords it little weight. He has also taken into account the other documents referred to at IR34-37.

12. In determining the appeal, the Secretary of State has had regard to the Non-statutory Wealden Local Plan – Interim Guide for Development Control (NSWLP), which was adopted for development control purposes in 2005. Although the NSWLP does not form part of the statutory development plan, the Secretary of State considers that it is a material consideration that should be afforded some weight.

13. In determining the appeal, the Secretary of State has had regard to the impact of the proposed development on the setting of the listed buildings of Wootton Manor and of its registered park and garden. In accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, he has paid special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they may possess.

Main issues

14. The Secretary of State considers that the main issues in this case are those listed by the Inspector at IR356.

<u>Housing need and housing supply</u>

15. For the reasons set out in IR360-375, the Secretary of State agrees with the Inspector's conclusions at IR375 that the Council cannot demonstrate a 5-year supply against RSS figures, and that this means the appeal proposal should be considered favourably under the terms of PPS3 paragraph 71, subject to the criteria in PPS3 paragraph 69. Accordance with the criteria set out at paragraph 69 is addressed in paragraphs 23-24 below.

Whether prejudice to the Local Development Framework

16. For the reasons set out at IR380-392, the Secretary of State agrees with the Inspector's conclusion at IR392 that allowing the appeal would risk prejudice to the CS by predetermining decisions about the scale, location or phasing of new development. The Secretary of State considers that this weighs against the appeal, although it does not by itself constitute a sufficient reason to dismiss the appeal.

Accessibility

17. For the reasons set out at IR393-408, the Secretary of State agrees with the Inspector's conclusions at IR450 that notwithstanding the use of bridges, the trunk road would remain a barrier to movement and consequently the site would not be easily accessible, well-connected to public transport and community facilities, and otherwise safe, attractive, accessible and inclusive for all parts of the community in respect of access arrangements. In addition, the poor access arrangements by foot or by cycle would discourage the use of these sustainable modes of transport and instead encourage reliance on the car such that this location would be inappropriate in terms of environmental sustainability.

18. He further agrees that the lack of safe and convenient pedestrian links to the existing footpath network and Polegate town centre, the poor surveillance of the bridge access and the associated opportunities for criminal behaviour, and the poor connectivity on foot or by cycle contravene development plan policies set out in the RSS and WLP, as well as policies set out in the NSWLP, PPS1 and PPG13 (IR408).

Living conditions, landscape and heritage

19. For the reasons set out at IR409-420, the Secretary of State agrees with the Inspector's conclusions at IR416 that the southern bridge would have a significant adverse impact on the living conditions of neighbouring residents in respect of outlook and loss of privacy, in contravention of WLP policy, and at IR420 that there would be some harm to protected trees and their associated amenity value.

20. For the reasons set out at IR421-428, the Secretary of State agrees with the Inspector's conclusion at IR428 that in terms of landscape and visual impact, there would be no conflict with the relevant RSS policies. He further agrees that there is a conflict with the WLP in that the development would be outside the development boundary in that adopted local plan, but considers that the seriousness of that conflict is mitigated by the fact that the adopted RSS, NSWLP and the proposed CS all identify the need for urban extensions which would necessarily be outside that boundary (IR428).

21. For the reasons set out at IR429-437, the Secretary of State agrees with the Inspector's conclusion at IR437 that there would not be substantial harm to the setting of the heritage assets in the terms of PPS5, including Policy HE9, or otherwise significant conflict with the objectives of the relevant RSS or NSWLP policies.

Infrastructure and services

22. For the reasons set out at IR439-447, the Secretary of State agrees with the Inspector's conclusions at IR447 that the proposed provision for transport and other infrastructure is necessary to meet the needs of residents of the appeal development, and that the provision for health services, a community hall and a local convenience store is in reasonable accordance with the relevant WLP and NSWLP policies.

Accordance with paragraph 69 of PPS3

23. The Secretary of State agrees with the Inspector for the reasons given at IR376 that the development would comply with the second and fourth criteria under PPS3 paragraph 69 (achieving a good mix of housing, and using land effectively and efficiently), and further agrees for the reasons given at IR 377-379 that while the PW1 allocation in the NSWLP provides some support for the site's suitability for development, that is not definitive in respect of the paragraph 69 criteria (IR379).

24. For the reasons set out at IR450, the Secretary of State agrees with the Inspector that the first, third and fifth criteria of PPS3 paragraph 69 (achieving high quality housing, the suitability of the site for housing, and ensuring the proposed development is in line with planning for housing objectives) are not met, and considers overall that the proposed development is not in accordance with paragraph 69.

Conditions

25. The Secretary of State has considered the proposed conditions at Annex D of the IR, the Inspector's assessment at IR448 and the policy tests set out in Circular 11/95. He considers that the conditions are reasonable and necessary and comply with the provisions of Circular 11/95. However, they do not overcome his reasons for dismissing the appeal.

Planning obligations

26. The Secretary of State has had regard to the s. 106 agreement between the appellant/landowners and East Sussex County Council, the unilateral s. 106 undertaking by the appellant/landowners to Wealden District Council and the unilateral s. 106 undertaking by the appellant/landowners to East Sussex County Council and the Highways Agency, and has considered them in the light of the Community Infrastructure Levy (CIL) Regulations 2010, and Circular 05/2005. He agrees with the Inspector's assessment of the obligations as set out at IR439-447 and 449 and is satisfied that the obligations comply with Circular 05/2005 and the tests set out in Regulation 122 of the CIL regulations. However, they do not overcome his reasons for dismissing the appeal.

Overall conclusions

27. The Secretary of State considers that the appeal proposal is not in accordance with the development plan in respect of accessibility and the significant adverse

effect on the living conditions of properties neighbouring the proposed southern bridge. He has gone on to consider whether there are material considerations which would justify granting permission in these circumstances.

28. The Secretary of State considers that the provision of new housing in an area where there is a housing shortage is a significant benefit of the scheme. He further considers that the local shortage of housing and the lack of a 5-year supply mean that, notwithstanding its location outside the WLP development boundary, the application should be treated favourably under the provisions of PPS3 paragraph 71, but subject to the provisions of paragraph 69 as to its suitability. However, overall the proposed development is not in accordance with paragraph 69, and this consideration therefore adds no weight in favour of the appeal. The Secretary of State further considers that allowing the appeal would risk prejudice to the CS by predetermining decisions about the scale, location or phasing of new development, and that this weighs against the appeal.

29. Overall the Secretary of State considers that there are no material considerations of sufficient weight to overcome the conflict with the development plan, and that planning permission should therefore be refused.

Formal decision

30. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses outline planning permission for up to 520 dwellings together with a one-form entry primary school incorporating community uses, a convenience store and doctors surgery on land at Honey Farm, Eastbourne Road, Polegate, East Sussex, in accordance with application number WD/2008/2180, dated 10 August 2008.

31. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

32. 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 six weeks from the date of this letter.

33. A copy of this letter has been sent to Wealden District Council and Rule 6(6) parties. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours sincerely,

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