STATEMENT OF CASE

On behalf of:

The Mockbeggars Residents' Steering Group

In respect of:

Mockbeggars Farm, London Road, Budletts Common, Uckfield

Date:

11th December 2023

PINS ref:

APP/C1435/W/23/3330872

Local Planning Authority ref:

WD-2022-0648-MAO

1. Introduction

1.1. This Statement of Case is prepared on behalf of the Mockbeggars Residents' Steering Group ("MRSG") in respect of the Appeal with reference APP/C1435/W/23/3330872 ("The Appeal").

1.2. MRSG is a group of local residents and we are members of the Coopers Green Residents and Neighbourhood Watch Associations. We reflect the views of the 63 households who wrote to object against the original planning application.

1.3. MRSG was granted Rule 6 status in the Appeal on 8th December 2023. Mr Algy Williams is a member of the group and the nominated advocate.

1.4. Obsidian Strategic Asset Management Ltd (the "Appellant") applied for planning permission in respect of land at Mockbeggars Farm, (the "Appeal Site") for: "*Outline application for the development of 60no. dwellings, access and internal roads, parking, ancillary structures, landscaping and open space, drainage and other associated works. All matters reserved apart from access."*

1.5. The Appellant's application for the Proposed Development (the "Application") was received by Wealden District Council (the "District Council") in March 2022 and refused on 20th June 2023. The Appellant has lodged the Appeal on the basis that the District Council refused the Planning Application.

1.6. On 6th December Wealden Council announced that they would no longer be defending the Appeal. As we believe that there are material reasons why this Appeal should be refused, and that the residents should have the greatest possible voice at this Inquiry - which would and should have been provided by Wealden – Wealden's withdrawal has necessitated MRSG's late request and we are grateful to the Inspector for the rapid decision to grant us Rule 6 status.

1.7. The members of MRSG and local people have objected to the Proposed Development throughout, and made representations to the District Council in respect of the Application on a number of occasions.

1.8. MRSG has been in contact with Uckfield Town Council and has agreed common ground between the two parties to avoid duplication. Therefore, for the purposes of Rule 6 status, MRSG will not present evidence on all the subjects that have been covered in previous correspondence.

1.9. The main thrust of our argument is that there are crucial issues that have been overlooked or inadequately assessed by the Appellant and which need to be raised.

1.10. The Inspector has already received the issues that Uckfield Town Council wish to raise. We intend to cover:

- Landscape Character and Visual Impact
- Heritage
- The impact on Mockbeggars Farmhouse and Smallholding
- The Landfill at the development site
- Principles of Development
- Claimed Benefits of Proposed Development

2. Landscape Character and Visual Impact

2.1. Threats to the existing landscape character is one of the most common threads in the many local objections to the development and is therefore one of the main focuses of this Statement. Central to the argument is that the site falls within the High Weald National Character Area.

2.2. The Appellant cites their Landscape and Visual Impact Assessment which states that *"the proposals will not result in a significant change to the landscape character or visual environment over the longer term and, as such, it is considered that the proposed development can be successfully integrated in this location and is supportable from a landscape and visual perspective."* Further, the Appellant claims that neither the site nor its immediate setting represents a *"valued landscape with reference to para 174(a) of the NPPF".*

2.3. Mr Williams will illustrate that this is untrue. The NCA Profile: 122 High Weald (NE508) describes this area as "*an area of ancient countryside and one of the best surviving medieval landscapes in northern Europe*" and that it "*consists of a mixture of fields, small woodlands and farmsteads connected by historic routeways, tracks and paths*". The Profile also acknowledges that the geology of the area has an important influence on the landscape, notably the *"fissured sandrock and ridges running east–west, deeply incised and intersected with numerous gill streams which give rise to the headwaters and upper reaches of rivers".* These features are seen all around Mockbeggars and will be described later. They are an important and integral part of the landscape.

2.4. The significance of these features has been completely overlooked by the Appellant and we believe that the proposed development would have adverse impacts upon them.

2.5. We will provide evidence regarding three particular aspects of landscape character which we consider have not been adequately addressed:

Retained Medieval Landscapes

2.6. Mr Williams will provide evidence that Mockbeggars is part of Budletts Common, an important well-preserved Medieval Heritage Landscape which, in turn, historically formed part of Buxted Park, a Grade II* listed and Medieval National Monument.

2.7. Mr Williams will additionally provide evidence that the Mockbeggars site will break the development boundary and heritage rural corridor of Uckfield within the National Character Area 122 High Weald, and is wholly inappropriate for WDC Policy EN17 (no development), which maintains the important countryside gap between Uckfield, Budletts Common and Maresfield.

2.8. The Appellant has claimed 'existing development' and used this view below. The red line drawn on their image indicates where the 60 houses would currently sit. The top end of the Mockbeggars development will be elevated, and therefore it will dominate the landscape and directly affect the wider landscape character and visual setting.



Connectivity between Fields and Woodlands

2.9. Mr Williams will show that The High Weald consists of a mixture of fields which are identified as Mockbeggars Farm, Budletts House, Budletts Meadow, Budletts Farm, the common, Whitehouse Farm, Downlands Farm; small woodlands and farmsteads such as Blackhouse Farm and * Budletts Lodge Lands connected by historic routeways and tracks and paths through the woodlands and ancient woodland coppicing across North Uckfield.

Geodiversity in the Landscape

2.10. The NCA Profile for the High Weald places considerable emphasis on the presence of 'sandrock' (Ardingly Sandstone) outcrops, which form a distinctive part of the landscape character and also help to support much of the area's biodiversity. Excellent examples of these are present directly adjoining the Mockbeggars Farm site, confirming the relevance of the NCA description, and are instrumental in supporting the continuity of this landscape character in an arc from Lake Wood through Downlands Farm and Budletts Common to Buxted Park (this being an important theme within the emerging Local Nature Recovery Strategy for the area).

2.11. Illustrations relating to each of the foregoing landscape topics are provided in the Annex to this Statement.

2.12. In conclusion, with respect to landscape character, we will refer to page 5 of the NCA profile which arguably describes what planners *should* be seeking to achieve in this area. Whilst we accept that this is a 'Strategic Environmental Opportunity', rather than an adopted policy, we believe that it is extremely relevant to the emerging concept of a Local Nature Recovery Strategy for this area and should be afforded considerable weight. Moreover, we believe that it contrasts markedly with what the Appellant is proposing.

3. Heritage

3.1. Whilst the Appellant commissioned a Heritage Statement by Savills, and whilst the WDC Conservation Officer raised no objection to the development, we maintain that there has been an inadequate or non-existent assessment and a lack of understanding of the surrounding heritage. This applies both to heritage aspects of the landscape (as noted above) and to built form.

3.2. According to NPPF 16, applications are supposed to conserve and enhance the historic environment, and Mr Williams will argue that this application does not deliver an enhancement of heritage assets (quite the opposite), nor does it provide a strategy for the conservation and enjoyment of our historic environment.

3.3. Quite apart from the mediaeval landscape, covered above, there are numerous non-designated (and some designated) heritage assets within the area surrounding Mockbeggars Farm which have not been recognised nor assessed by the Appellant.

3.4. The following represents an illustration of the heritage assets that have not been recognised nor assessed, but is not a definitive list:

- **Spring Cottage**

  A known heritage asset recognised by Historic England, Spring Cottage is the 'moated' property opposite the development site.





- **Mockbeggars Farm**





A former coaching inn and barn of Grade II* Buxted Park estate (which is also a SSSI and a National Monument for its medieval landscape), Mockbeggars Farm shares a boundary to the West of the development.

- **Durrant House and The Quarry**



View from Durrant House of the development site.



Durrant House lies directly North of the development site, above the fields at Mockbeggars. Formerly known as The Warren, Durrant House is a highly unusual Arts and Crafts country house built by local master builder Stanley Durrant, in sandstone on the site of a sandstone quarry (The Quarry). The property is characterised by large Ardingly Sandstone outcrops with associated geomorphological features (ghylls produced by periglacial 'cambering' of the strata) and probable man-made rock shelters from the Mesolithic era.

- **Eagle Rock**





Located to the west of Mockbeggars is an RIBA Award winning house. Eagle Rock has twice been proposed for listing, and the architect has requested it be listed on his death. It is featured on the cover of the Architects Journal, illustrated in Pevsner's "Buildings of England" and picked as one of the top 100 houses of the 20th century. Along with Durrant

House, Eagle Rock hosts sandstone outcrops and rare Bryophites that are extremely sensitive to changes in air quality.

3.5. Mr Williams will offer as evidence a list of heritage assets that the Appellant has not recognised nor assessed. These heritage assets demonstrate that there is a pocket of buildings and countryside of great historic interest between Lake Wood and Buxted Park, and the Redline Boundary has not reflected on the heritage impact in this corridor. The evidence will show that the Appellant's contention that Mockbeggars and its surrounding area is an urban corridor is inaccurate.

4. Mockbeggars Farmhouse and Smallholding

4.1. Mockbeggars Farm Smallholding is situated immediately to the West of, and adjoining the proposed housing estate, CPH Reference 41/138/0415, Location Map Reference TQ4753323129.

4.2. Neither the Wealden Planning Office nor the Appellant or its consultants have undertaken onsite assessments nor consultations with the owner and resident of Mockbeggars Farm Smallholding.

4.3. The impact on the Smallholding will be significant, with anticipated complaints regarding noise, smell, pollution and outlook, from both parties, affecting living conditions both for humans and for livestock, with new residents making complaints against an existing smallholder who is continuing a documented tradition dating back to at least the 1600's, for keeping farm animals such as pigs, geese, ducks, hens and cockerels.

4.4. We are concerned that contaminated water from the site would diffuse over surrounding woodland.

4.5. The impact on animal welfare and amenity from a perspective of space, grazing, suitable lighting, noise levels, arable and grazing land and interference from humans is of substantial concern.

4.6. Other areas of concern for the owner of Mockbeggars Farm Smallholding include, but are not limited to, the application of the code of practice for the welfare of pigs, made under the Animal Welfare Act 2006, the Welfare of Farmed Animals (England) Regulations 2007, and the Animal Health Act 1981 where interference from residents of the adjoining planned housing estate cannot be limited or controlled.

4.7. The Developer's proposal to place a SuDS directly above the existing grazing site would cause significant changes to the grazing quality and availability for the existing smallholder.

4.8. The Appellant's Block plan / Determined plan / Site Survey plan clearly shows the landfall towards the existing property, having an impact on both water drainage, and being overlooked.

4.9. The Appellant's Flood risk report Drawing No. CV8210667-SK04/A clearly indicates the intent to divert all road run off for the top field site into the proposed SuDS directly adjacent to existing grazing land.

4.10. There is also likely to be a risk associated with groundwater conditions, which are of critical concern to the property: It has a cellar through which groundwater currently flows – by design – all year round, and any reduction in the water table (for example due to the interception of water by the proposed SUDS scheme) could result in a risk of subsidence as the clay beneath the property dries out. This possibility has not been considered by the Appellant.

4.11. The Appellant's Determined Document – Part 1 - Flood Risk attempts to deal with various issues relating to surface water, groundwater, contamination and other ground-related conditions but is demonstrably inadequate. It relies almost entirely on desk-study work, including a seemingly automated report sourced from the British Geological

Survey (BGS) and takes little or no account of any local observations. In particular, although the report notes (at para. 6.8), that groundwater is a concern at this site, it then relies on a single existing borehole, located some 350m north (at Blackhouse Farm), to suggest that groundwater is at a depth of 10m below ground level. Simple observations at Mockbeggars Farm itself (where groundwater is present within the cellar) would have revealed a very different picture. By way of confirmation, a second borehole, located just 100m away from Blackhouse Farm, reveals that groundwater was struck at a depth of only 1.5m and rose to a depth of 1.0m within 15 minutes. This was not reported in the Appellant's document but is in the public domain. It clearly demonstrates the poor quality of the Appellant's evidence. Whilst such evidence might be considered, by the Appellant, as being appropriate for an outline application, we argue that this is clearly not the case, given that the concerns identified here are of fundamental importance – not things which can be avoided by aspects of detailed design. The stated limitations of the flood risk report are also worth taking into consideration, specifically the impact on surrounding land, and the indication that on site tests should be conducted.

4.12. In addition the Appellant has submitted water management design documents which include a pipe running beneath the existing property at Mockbeggars Farm Smallholding. This pipe does not exist, the Appellant has not consulted the owner, and the owner under no circumstances intends to grant access to install this pipe. (Document ref: Determined Document – Part 1 - Flood Risk)

4.13. The proposed housing estate would dominate a rural farmstead, and the high density housing estate will eradicate the important setting, skyline and landscape within the site which contributes to the heritage setting of the farm. Creating a suburban character and appearance would contrast starkly with the farmyard and agriculture barns and would be unacceptable and incongruous.

4.14. Current screening and SANGS propositions for the proposed site would cause significant harm to the smallholding in terms of land drainage and parchment of grazing land used for livestock, further impacting animal welfare, and causing a substantial increase in operating costs for the current landowner.

4.15. This proposal causes undue harm to the operation of an existing smallholding, it further reduces our green spaces and sustainable farming operations locally, and severely impacts the character and appearance of both Mockbeggars Farmhouse Smallholding and the adjacent Agricultural Stagecoach barn.

4.16. The oppressive and overshadowing effects of the scheme's housing estate, proposed drainage solutions, boundary treatments, from an open field setting, would leave the current owner at a permanent disadvantage, in a historic property built facing the proposed site. Of the 18 windows of Mockbeggars Farm, 14 look out towards the proposed fields. The scheme provides no mitigation for this loss of privacy and seclusion, and indeed it would be impossible to do so.

4.17. We consider the harm to the living conditions of the current owner of Mockbeggars Farmhouse have not been considered, surveyed, nor accommodated, and would also not be satisfactory to the environment or future occupants of the proposed housing estate.

5. Principles of Development

5.1. Sustainable location

- The appeal site is located outside of the defined settlement boundary (Chapter 19 of the 2019 Wealden Plan). It is in open countryside in relation to planning policy.
- The Appellant claims that the appeal site falls within a sustainable location and represents a sustainable form of development. Mr Williams will demonstrate that this

development is in fact unsustainable, due to the fact that the residents of the development will be predominantly reliant on cars (based in part on the community's long experience of the area), and due to the distance and accessibility issues between the development site and key infrastructure such as local shops, schools, surgeries, supermarkets, the High Street and leisure facilities. In addition, the inhospitable nature of London Road (5,000-10,000 cars per day noted in SUSTRANS, 2018) means that it is not conducive for pedestrians or cycling especially for families with small children and the elderly.

- One of the NPPF's social objectives is to support strong, vibrant and healthy communities. It will be demonstrated that this development does not integrate into the local community at all. In fact, with only one entrance on London Road, the development is completely isolated within its own bubble, with no immediate access to the local communities of Coopers Green, Five Ash Down and Snatts Road.

6. Claimed Benefits of Proposed Development

6.1. Claimed Economic Benefits

- The Appellant is contributing funds to the local SANG. However, Mr Williams will show that this contribution is misplaced and should not be counted as an economic, nor indeed an environmental, benefit. This, we believe, shows that the Mockbeggars site is in the wrong place, and why it will further promote use of the car.

6.2. Claimed Social Benefits

- The Appellant points to boosting the Council's supply as a Social Benefit. Given the stretched infrastructure and clogged roads of Uckfield, the additional 750 houses that have received planning permission, but have not yet been built on the Ridgewood Estate (we understand that the developer is attempting to sell on this Phase due to lack of demand), and the circa 8,500 homes that have already been approved and are awaiting construction in Wealden, we do not believe that this argument should carry any weight.
- We believe the scheme to be in direct conflict with a major Wealden Planning principle, namely that of avoiding Coalescence. This is a principle that is designed to prevent communities simply being swallowed up into Uckfield as ribbon development continues apparently unchecked.

7. In Conclusion

7.1. It is essential that development and management of change across Wealden is carefully assessed and integrated if true sustainable development fit for the 21st century is to be achieved.

7.2. Ad hoc and opportunistic developments in the wrong locations fundamentally conflict with this overriding and urgent strategic objective. Mockbeggars Farm is the wrong development in the wrong place.

7.3. This objective is at the heart of the international government action including the British planning system. The objective goes well beyond the meeting of inherently short-term 5 year housing land requirements. Central government has already indicated the intention of moving away from slavish housing targets that distort the outcomes of the planning system.

7.4. The site serves as a gap between hamlets and settlements forming an important part of the historic medieval High Weald / Low Weald landscape and Budletts Common, a valued Medieval landscape. The ridge is prominent in the landscape; its development would lead to disjointed urban sprawl merging Uckfield Town with Buxted Parish and with Maresfield Parish. It would also materially impact a significant number of non-designated heritage assets that the developer has persistently ignored. This includes Mockbeggars Farm

Smallholding where the current smallholder is continuing a documented tradition dating back to at least the 1600's, and which will be permanently harmed by the development.

7.5. In this case, the proposal quite simply does not represent sustainable development. If this is permitted, then in effect the pursuit of true sustainable development is rendered meaningless. The site is inherently unsuitable for residential use:

7.6. Location – in practice the site is not integrated into existing urban areas; services are not walkable; the site is outside development boundaries; the site will be served principally by the car given the location and the lack of comprehensive and attractive public transport infrastructure. Travel plans do not break the car habit in practice for countryside locations such as this.

7.7. In conclusion, the extensive and widespread social, economic and environmental harm which would be caused by the development more than outweighs the benefit of 60 unsustainable homes. The planning balance lies firmly in favour of refusal of the developer's Appeal. We respectfully request that the Inspector does so.

8. List of documents relied on

8.1. Mr Williams will refer to the following documents:

- The Appellant's application documents;
- The Appellant's Statement of Case;
- Previous Appeal Decisions;
- The National Planning Policy Framework;
- The Wealden Design Guide Part 1;
- The District Council's Notice of Decision;
- Wealden District Core Strategy Local Plan (February 2013);
- Adopted Wealden Local Plan (1998);
- Representations By Peter Waldock, Wealden District Councillor;
- Blandford Landscape Assessment including Budletts Common North Uckfield;
- Character Assessments & SUSTRANS;

8.2. Mr Williams reserves the right to refer to additional documents if appropriate and/or necessary.

8.3. As a Rule 6 party, Mr Williams also expects to have the opportunity to contribute to the preparation of the core documents to be used during the Appeal.