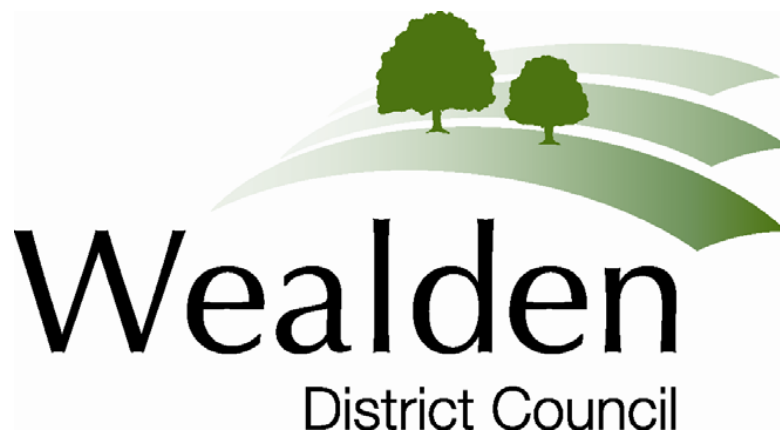




Town and Country Planning Act 1990

Appeal by Hertfordshire Holdings Ltd

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

**Land South of the A271 and east of the A22, Lower Horsebridge, Hailsham, East
Sussex, BN27 4DN**

Wealden District Council Ref:

WD/2022/3222/MAO

Planning Inspectorate Ref:

APP/C1435/W/23/3335625

PLANNING REBUTTAL

1 INTRODUCTION

- 1.1 This rebuttal proof responds to points made by the Appellant (primarily by Mr Elliott) which are within the scope of my evidence. It is limited to matters where it is considered that the Inspector would benefit from a written response, it does not repeat matters set out in my main proof of evidence and does not seek to respond to every point made by the Appellant. As such, the fact that any point is not addressed should not be taken to be agreement with the Appellant's evidence.

2 LOCAL PLAN REVIEW

- 2.1 It was agreed in the Statement of Common Ground between the Appellant and the Council that no material weight can be attributed to the emerging Draft Wealden Local Plan which is the subject of Regulation 18 consultation. Notwithstanding this, Mr Elliot's proof makes references to various parts of the Draft Local Plan throughout his proof:

- a) Paragraph 4.8 he refers to the fact that the draft plan does not meet the District's housing target as set out by the standard method and a new 'call for sites' is to be launched alongside the Regulation 18 stage consultation, for additional sites for consideration through the Strategic Housing and Economic Land Availability Assessment (SHELAA) process for the next Regulation 19 stage version of the new local plan. This is not unusual at these early stages of a local plan. The draft plan also states that further testing is being undertaken on sites already submitted to the SHELAA prior to publishing the Proposed Submission Local Plan at Regulation 19 stage site. The appeal site has already been submitted for consideration as part of the SHELAA and rejected as a potentially suitable site in both the 2019 SHELAA and the updated 2024 SHELAA (site reference 780/3100 **CD6.8**). Furthermore, the site was subjected to a Full Sustainability Appraisal and not taken forward to allocation (page 96 of the pdf Appendix A11o Parish: Hellingly **CD6.10**) based on the impact on the landscape in this location as

well as the historic environment, severance of the site from the existing built form of either Hailsham to the south or Lower Horsebridge to the east and the detrimental impact to the character and appearance of the locality.

- b) Paragraph 4.9 (and other various paragraphs throughout his POE) refers to the proposed strategic employment allocation at Knights Farm West. Again, this is very early stages of the local plan process, and no material weight can be assigned to this.

3 WEALDEN COMMUNITY SPORT HUB PLANNING APPLICATION

- 3.1 There are many references throughout Mr Elliot's proof to the resolution to grant planning permission for a Sports Hub at Knights Farm East, east of the A267, Horsebridge which lies further north of the appeal site.
- 3.2 Like the appeal site, the Knights Farm East site was considered under the SHELAA 2024 as an unsuitable site for both residential development and employment (site reference WD1155/3000). The SHELAA site summary for Knights Farm East refers to the 2023 Landscape Sensitivity Assessment which considered the site's landscape as being moderately sensitive to development because its openness along the boundary with the A267 to the north and west. It was noted that a planning application had been submitted for community and leisure use and it was indicated that this *"use could be suitable in considering its proximity to Hailsham and other settlements and could deliver a positive public/community use, subject to securing a suitable vehicular access. The impact of such uses on the historic setting of Brook House would need to be considered."*
- 3.3 Mr Elliot states at Paragraph 4.15 that the resolution to approve the application for a Sports Hub is a significant new material consideration relevant to this planning appeal. Mr Elliot considers that it involved similar planning matters including accessibility to the local area by non-car means of travel, landscape impact of development in the vicinity of Lower Horsebridge, and consideration of heritage impact of development adjacent to the Brook House listed building which fronts the A271 Horsebridge Road.

3.4 I will deal with each of these in turn:

a) Accessibility

As this reason for refusal was withdrawn for the reasons set out in the SoCG, there is no need to discuss this matter.

b) Landscape Impact

The officer's report to committee acknowledged that there would a change to the landscape, but his judgement was that the impact was minimised and mitigated through the contained nature of the site to the south and west, combined with the fact that the scheme is highly landscape led. The officer acknowledged that views from the public right of way to the east would change given the undeveloped nature of the existing site at present. However, the officer concluded there would be no significant harm to landscape character and any impact would not conflict with the objectives and recommendations in the Landscape Character Assessment and the nature of the development proposed, which is green infrastructure. In the planning balance the officer concluded there would be significant public benefits arising from the scheme which I address later.

The relevance of this grant of permission is addressed in the main proof of evidence and rebuttal of Ms Bolger.

c) Heritage Impact

The officer's report to committee (CD11.1) and the written update to committee (CD11.14) assessed the heritage impact regarding the relationship between Knights Farm East site and the grade II listed Brook House. The officer's conclusion was that less than substantial harm at the lower end of the scale would arise as a result of the development and that *"the wider public benefits of the proposal to address the unmet need of outdoor sports provision, the health and wellbeing benefits, employment and economic prosperity that would arise are considered to more than outweigh the less than substantial harm, albeit at the lower level of this scale, as set out under paragraph 208."*

The relevance of this grant of permission to the Appeal Scheme is addressed in the evidence of Ms Hall.

- 3.5 Public benefit is a major consideration regarding both the Sports Hub application and the appeal scheme. There is no disputing that the Council has a need for both market and affordable housing across the district and I have already given this substantial weight as set out in the planning balance of my proof. However, there is similarly an unmet need for sports provision both across the district and indeed locally, which historically has proved difficult to deliver for a number of reasons as set out below.
- 3.6 Housing allocations both in the Non-Statutory Wealden Local Plan 2005 **(CD12.8)** and the Core Strategy Local Plan 2013 attempted to deliver sports facilities as an integral part of the housing allocations within the Hailsham and Hellingly parishes, however only one football pitch has been delivered to date at Welbury Meadows and the restoration of the cricket pitch at Roebuck Park. Two other pitches that were to form part of housing allocations were not delivered due to a combination of site constraints and the issue of usability of single pitches without associated changing facilities and adequate parking provision. Furthermore, single pitches tended to be unattractive options regarding management and maintenance. This is confirmed by the Wealden Playing Pitch & Outdoor Sport Strategy: Strategy & Action Plan 2023 (PPOSS) **(CD6.11)** which notes that *“single pitch sites which have been provided traditionally by developers are not considered to provide long term sustainable provision for the relevant sports”* (Para 264 page 98). The remaining housing allocations approved had issues of site configuration and topography. Sites unable to meet the required provision for outdoor recreation space onsite, as required under Policies LR1, LR3 and LR5 of the Wealden Local Plan 1998 and the Draft Outdoor Playing Space Supplementary Planning Guidance **(CD6.12)**, paid financial contributions towards off-site provision, secured through legal agreements. These off-site provisions related largely to provision of youth and adult recreation space. To accord with the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and in paragraph 57 of the Framework, contributions for youth and adult recreation space, must be used for facilities that are accessible to the

contributing developments. I would also refer to the conclusions of the PPOSS which advises at paragraph 265 *“that providing single pitch sites is generally considered, by Sport England and NGBs, to represent low value assets due to the limited sporting outcomes associated with these. In these instances, the Council should consider pooling S106 pots with nearby allocations to create bigger and more strategically functional multi pitch offers”*.

- 3.7 Historically, despite efforts to secure land allocations for multi-purpose sports facilities in the locality, the demand and desire for land promoters for housing sites have meant no sites were coming forward or could be secured for sports provision, having regard to the need for accessibility to the housing developments in Hellingly and Hailsham. Paragraph 147 of the Hellingly Neighbourhood Plan (NHP) highlights the historic problem that *“Recent housing development within the area arising from proposals in Wealden’s adopted Core Strategy has meant that the acknowledged open playing space deficiency in North Hailsham and Hellingly has increased significantly”*. As such, the HNP under Recommendation 2 (LBH R2) states: *“Proposals which provide additional land for leisure/recreational use in the vicinity of Lower Horsebridge Recreation Ground will be welcomed.”*
- 3.8 The Playing Pitch and Outdoor Sports Strategy: Assessment Report April 2022 **(CD6.13)** presents a supply and demand assessment of playing pitches and other outdoor sports in accordance with Sport England guidance. The assessment considered cricket, football, rugby union, hockey, bowls, tennis, netball and stoolball. The assessment provides an up-to-date evidence base on the outdoor sports needs in the district.
- 3.9 The proposed facilities at Knight’s Farm East responds to the need arising from those housing developments already approved specifically in Hellingly Parish but also adjoining parishes. It also addresses the wider need of improving and providing new leisure and sporting facilities to address current and future sports deficit. The Knight’s Farm East Sports Hub specifically addresses the shortfall for 3G pitches which cannot be reduced without new stock (para 222 **CD6.11**)
- 3.10 As set out in the officer report to the Corporate Management Team (CMT) in July 2021 **(CD12.7)**, the delivery of a sports park facility was seen as important

in having a direct impact on health and well being which is a key priority for the Council. As highlighted in the report to CMT (July 2021), the district has specific challenges around obesity with 64% of adults classified as overweight or obese and 16.7% of Year 6 pupils. Across the district 21% of residents are classed as 'inactive' (doing less than 30 minutes of exercise a week). Furthermore, the report stated that *"Wealden's population is anticipated to grow 0.5% annually to 2043 (greater than regional and national rates) and South Wealden is anticipated to be where much of this growth will be focused. This is illustrated by the fact that 22% of net dwelling completions in Wealden between 2010 and 2020 were located in Hailsham"*

- 3.11 Paragraphs 96 and 97 of the NPPF encourage planning policies and decisions to plan positively for the provision and use of shared spaces and community facilities, including sports venues and open spaces, to enhance the sustainability of communities and residential environments. For rural areas, the NPPF (para 88d) seeks the retention and new development of accessible local services and community facilities, including sports venues and open space. Paragraph 89 indicates that planning decisions should recognise that sites to meet community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The Framework emphasises the importance in these circumstances, that the development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 3.12 Both the appeal site and Knights Farm East were considered under the SHELAA 2024 as unsuitable sites for residential and employment uses.
- 3.13 Evidence as detailed in the WDC Playing Pitch and Outdoor Sport Strategy and Action Plan (March 2023) identifies a current shortfall of 6 full size 3G sports pitches to meet training needs for football, rugby, and hockey throughout the district. Three of these pitches are identified as being required within Hailsham, Heathfield and the Rural South of Wealden. The shortfall is in part due to the quantum of development in these areas. Approved development has been unable to provide a level of onsite playing pitch facilities to meet the requirements of the existing clubs and future members due to site, topographical

or other constraints. Single pitches, in isolation, fail to provide adequate facilities for club based sports and training resulting in offsite contributions for youth and adult sports facilities being collected in many instances.

- 3.14 The delivery of a consolidated site, funded via CIL and S106 contributions, with provision for multiple sport uses, changing rooms and club house with associated parking and infrastructure at the Knights Farm East location addresses these shortfalls.
- 3.15 Sport and physical activity has a profound effect on peoples' lives, and plays a crucial role in improving community cohesion, health & mental wellbeing, educational attainment, and self-confidence. Chapter 8 of the NPPF seeks to ensure that Health and Wellbeing remains a priority referencing sports facilities as part of the solution. Locally, three of the four wards within the district identified with rising levels of obesity and high indices of deprivation lie within Hailsham and surrounding wards.
- 3.16 Having regard to the above, I do not consider that the resolution to approve full planning permission for the Knights Farm Sports Hub is a key or indeed relevant material consideration in the determination of the appeal scheme as contended by Mr Elliot.

4 LANDSCAPE DESIGNATIONS AND CHARACTER AREAS

- 4.1 Mr Elliot notes at Paragraph 5.14 that the appeal site lies within the 'Hailsham West' assessment unit, on the edge of the largest settlement in south Wealden.
- 4.2 He concludes that the availability of this study work demonstrates that the broad area on the fringe of Hailsham is being assessed by WDC as a candidate area to accommodate additional growth. It would appear that Mr Elliot is referring to **CD9.2** Landscape Sensitivity Assessment to Residential and Employment Development.
- 4.3 This study focuses on the relative landscape sensitivity of different landscapes within the district to residential and employment development to help inform decisions on the potential location of housing and employment growth, and the

subsequent allocation of sites in the new Local Plan. For the avoidance of doubt, it does not indicate that Hailsham West is a candidate area for growth. Furthermore, just because the appeal lies within the Hailsham West assessment unit does not endorse the suitability of the appeal site for development. Indeed, in the Summary of Overall Landscape Sensitivity (Page A-103) and considering variations in landscape sensitivity, specific reference is made to:

- *“The River Cuckmere valley is an important landscape feature, and has a high degree of remoteness and tranquillity, and therefore a higher sensitivity to development.*
- *The land between Lower Horsebridge and Hailsham in the north is more sensitive to development, as development here could cause coalescence of the two settlements.”*

4.4 The Landscape and Visual Appraisal: New Settlements and Large Urban Extensions November 2023 **(CD9.3)** looked at potential development sites in the Hailsham West Assessment Unit. The sites assessed were all west of the A22 namely SHELAA sites 805/1310, 806/1310 and 825/1310. The appeal site was not included in this assessment, presumably as it had already been considered as an unsuitable site as part of the SHELAA. None of these sites were carried forward into the Draft Local Plan for various reasons including landscape impact.

5 LOCATIONAL CONTEXT

5.1 Mr Elliot makes various references throughout his proof to support his argument that the appeal site is a logical extension to the Hailsham urban settlement, to which the appeal site is more closely related to than either Lower Horsebridge or Lower Dicker/Golden Cross, (this appears to contradict the views of the Appellant’s Landscape evidence). Mr Elliot seeks to add support to this argument by referencing various Officer’s reports for the Sports Hub at Knights Farm East and the major developments approved at Lower Horsebridge or indeed the proposed allocations in the Draft Local Plan with regard to the employment site Knights Farm West which has no material weight at this stage.

5.2 There are two key areas that Mr Elliot raises through his proof:

- a) the locational relationship of the appeal site to the surrounding settlements:
 - Existing urban influences on the site (Para 5.18); and
 - The general locality west of Lower Horsebridge being “on the edge of Hailsham” and “in the urban-rural fringe” (Para 5.19).
- b) the historic growth and future growth around Hailsham:
 - past and future growth of Hailsham in all directions. Development has already filled out most available land to the west, up to the A22 bypass” (Para 5.20);
 - Welbury Meadows does not define the existing edge of Hailsham. (Para 5.35);
 - Hailsham has been expanding to the north and the border with Hellingly is difficult to distinguish (Para 5.35);
 - Draft WLP Policies Map 28 (CD 6.7) intentionally groups together Hailsham, Hellingly and Lower Horsebridge communicating the combined plans for an expanding town (Para 5.35);
 - Recent permissions/resolutions to approve, combined with strategic employment allocations in the draft Local Plan signify that north-west Hailsham is being deliberately planned by the Council as an area for growth (Para 5.36);
 - WDC has already approved new greenfield development north and west of Cuckmere Valley at land east and west of North Street at Lower Horsebridge (para 5.37); and
 - Broad overall location at north-west Hailsham is a growth area having approval of Sports Hub and proposed strategic employment allocations.

5.3 I will briefly deal with these in turn:

- a) the locational relationship of the appeal site to the surrounding settlements.

5.4 The site lies within the Parish of Hellingly. The village of Lower Horsebridge lies to the east of the site and Lower Dicker to the west both areas being covered by the Hellingly Neighbourhood Plan. The site does not lie within the area covered by the Hailsham Neighbourhood Plan, as it falls outside the Parish boundary, and thus the Neighbourhood Plan area. Further, the development will

be clearly separate from Hailsham. It is considered that there is no basis for considering the appeal site as part of Hailsham.

- 5.5 The appeal site clearly lies outside and beyond any existing development boundary of the development plan and the proposed development boundary in the draft plan currently the subject of Regulation 18 consultation. Therefore, in policy terms, it is defined as being in open countryside, this is a widely accepted planning premise. At no time has the Council contended the appeal site lies in an area of unspoilt or remote countryside (para 5.33 of Mr Elliot's Proof).
- 5.7 The appeal site is open and undeveloped with a pleasant rural character. It contributes positively to what is a prevailing open rural feel to this edge of settlement location notwithstanding the proximity of the A22. These positive qualities can be easily appreciated by users of the public right of way, traffic using the A271 and users of the public open space which forms part of the Welbury Meadows development to the south.
- 5.8 The River Cuckmere and its associated flood plain remains a strong natural barrier between the urban edge of Hailsham and the open fields of the appeal site. The development "leap frogs" a significant landscape feature and defining feature of the edge of north-west Hailsham town and clearly cannot be considered an urban extension to the existing town.
- 5.9 The proposed development would have a strongly urbanising effect on the existing open rural character of the appeal site changing it from open countryside to a dense housing estate. The proposed development would relate poorly to the existing configuration of any of the surrounding settlements.

b) the historic growth and future growth around Hailsham;

- 5.10 Hailsham has been a major focus for development being one of the largest towns in the district. It has had a history of growth with allocations in both the Non-Statutory Wealden Local Plan (NSWLP) 2005 (**CD12.8**) and the adopted Wealden Core Strategy Local Plan 2013.
- 5.11 Paragraph 5.44 of Mr Elliot's proof states that there has been no adopted plan that has made site specific housing allocations for a considerable period of time.

- 5.12 No reference is made to the Wealden Non-Statutory Local Plan 2005 (NSWLP) which was approved in December 2005 as an Interim Guide for Development Control purposes. Indeed, under this plan there were a number of housing allocations across the district and specifically in Hailsham there were nine housing allocation sites of which seven of these have been built out. With regard to the Hailsham area, the majority of these housing allocations in the NSWLP were on the western and north-western edge of the town. Two of these north-western housing allocations are Woodholm Farm (Policy HA3) and Welbury Farm (Policy HA4) now referred to as Welbury Meadows. Also importantly, there was an allocation for the redevelopment of the former Hellingly Hospital (Policy HA2), the only major brownfield site in the area.
- 5.13 The adopted Core Strategy identified Strategic Development Areas under Policy WCS4 and around Hailsham these concentrated development to the east and north of the existing town. The provision of 700 dwellings to the north (Policy WCS4 SD3) have been completed. There have been planning approvals for other sites north and west of this strategic site, which included the redevelopment of a former nursery site and the remaining agricultural land separating the SD3 strategic site and the redeveloped Hellingly Hospital Site now known as Roebuck Park. Importantly these three major sites were identified as allocation sites in the Proposed Submission Plans which was later withdrawn.
- 5.14 I agree with the comments made by Mr Elliot at Paragraph 5.35 that Hailsham has been expanding to the north and the border with Hellingly is difficult to distinguish. Historically, Hailsham had extended northwards with the result that there has been coalescence with the settlement of Upper Horsebridge, so the further allocations resulting in the expansion to the north east can be considered as a logical urban extension having regard to the location of the large development at Roebuck Park.
- 5.15 The Draft Policies Map 28 for Hailsham, Hellingly and Lower Horsebridge (**CD6.7**) usefully shows the context of the historic growth and existing consented and/or constructed allocation sites both in and around the town of Hailsham and the parish of Hellingly. What is very clear from this plan is that the A22 forms the definitive boundary of the western extents of Hailsham. Similarly, the River

Cuckmere and its floodplain boundary provides a clearly defined boundary to the northwestern edge of Hailsham settlement until it meets the Cuckoo Trail. Except for two planning approvals for housing development to the north of the village of Lower Horsebridge, which I will refer to later, all the development to the north of the town does not extend west of the Cuckoo Trail. The Cuckoo Trail, like the River Cuckmere and the A22, provides clear geographical delineation of the extents of new development in and around Hailsham and Hellingly.

- 5.16 Lower Horsebridge is a settlement separated from Hailsham by the River Cuckmere. Mr Elliot refers to the two planning permissions for development to the east and west of North Street (Paras 5.46 and 5.47). I have referred to both of these sites in my proof of evidence. The planning permission referred to for 130 dwellings was on a site which had previously gained planning consent for 110 dwellings, originally being seen at the time as an extension of a permission for 32 dwellings. The site had also been included as an allocation for Lower Horsebridge (Policy SWGA 34) in the Proposed Submission Wealden Local Plan which was withdrawn in February 2020. Both sites lie to the north of the village and abut existing development and therefore clearly read as a logical extension to the village. Indeed, the road frontage on both sides of North Street has existing residential development to both the south and the north of the consented schemes. In any event, as set out above, the appeal site does not form part of Lower Horsebridge and is clearly isolated from it. As such there is little to be gained by considering the historic development of that settlement.

6 AMOUNT, FORM AND DENSITY OF DEVELOPMENT AND THE RELATIONSHIP OF THIS TO THE SURROUNDINGS.

- 6.1 I have already dealt with this in my proof, however I would like to comment on the further amendment to the developable area and the Illustrative Masterplan.
- 6.2 Mr Elliot's Planning Proof: Appendix C now confirms the developable area of the site as being 2.6 hectares. For a development of up to 124 units this would equate to a maximum density of 47.7 dph. I note that at Paragraph 6.20 of his proof, Mr Elliot admits that the achievement of 124 units as proposed in the

description of the development is ambitious and should be further tested through a more detailed design and options analysis process.

6.3 In support of this excessively high density, which in my view is unacceptable both in relation to the character and density of the existing settlements and new housing developments that have been approved, Mr Elliot refers to the following:

- Paragraphs 64-66 of the National Design Guide (NDG) communicates the important role for a compact form of development. (Para 5.68 of his proof);
- Part One of the National Model Design Code 2021 (CD 7.7) identifies at Figure 10 on page 14 and Figure 19 on page 21 examples of typical density being in the range 30 – 50 dwellings per hectare for suburbs, and 20 - 40 dwellings per hectare at outer suburbs, and at page 22 identifies the height of three storey dwellings being up to 12m (Para 5.69 of his proof);
- These height and density ranges are appropriate to the appeal site in order to meet guidelines for well-designed development that makes best use of the available land and is suitably compact in form (Para 5.69 of his proof);
- The site might appropriately deliver between 78 and 130 homes at a density range of 30 - 50 dwellings per hectare through application of the NMDC densities assuming a compact form of development is pursued that optimises density as is required by paragraphs 135 e) and 146 b) of the NPPF. He acknowledges that this is a wide range and that the appeal scheme is set towards the upper end of this range. The justification of this is solely based on the “reflecting the greater ambition of the NPPF, NDG and NMDC in respect of density for locations well served by public transport. (Para 5.71 of his proof); and
- Welbury Meadows development that was completed in 2011/2012 contains parcels with a net development density of up to c. 38.5 dwellings per hectare (Para 5.72 of his proof).

6.4 Mr Elliot’s reference to Figure 10 of the NMDC and net residential densities of density being in the range 30-50 dwellings per hectare for suburbs (NMDC actually refers to 40-60 dph), and 20-40 dph at outer suburbs is inappropriate to the appeal site for the following reasons:

- The appeal site does not form part of Hailsham;

- The appeal site cannot be characterised as a suburb or outer suburb. Suburb is defined as areas on the edge of a large town or city where people who work in the town or city often live;
- The NMDC is not a statement of national policy. It is a toolkit that provides guidance for the preparation of local design codes and guides (paragraph 6). It provides advice on the process of preparing design codes and design guides as opposed to prescriptive standards;
- Paragraph 47 of the NMDC states that the use of town centre, urban neighbourhoods and suburban area types are examples and purely illustrative. It clearly states *“the suggested settings are illustrative and should not be taken as a policy suggestion”*;
- The Glossary to the NMDC refers to the example area types in the main body of the document however importantly the guidance is clear that *“in practice area types should be defined locally”*;
- Wealden’s Character and Density Study March 2024 (WCDS) (**CD6.14**) sets out on page 90 of the PDF the maximum and minimum densities found in each settlement and that of the surrounding/adjoining areas. With regard to Lower Horsebridge minimum densities are stated as being between 20-22 dph and maximum densities of 25 dph;
- Sites that were allocated under the Non-Statutory Wealden Local Plan (NSWLP) 2005 which included the Welbury and Woodholm developments (Welbury Meadows) were based on a net density of 35dph (Table 7.1 of the NSWLP **CD12.8**). These densities were based on Planning Policy Guidance 3 (PPG3) which set minimum density targets for residential developments of 30 dwellings per hectare and PPG13 which advocated maximum parking spaces (1.5 spaces per dwelling). These minimum density standards are no longer applicable with greater emphasis on development reflecting the character of the locality and there are no maximum parking standards as advised by the Framework.
- The NMDC Part 2 Guidance Notes Paragraph 5 refers to the National Design Guide which states *“that an understanding of the context, history and character of an area must influence the siting and design of new development. This context includes the immediate surroundings of the site, the neighbourhood in which it sits and the wider setting. This*

includes: C.1: An understanding of how the scheme relates to the site and its local and wider context. C.2: The value of the environment, heritage, history and culture.”

- 6.5 Having regard to the above and the inappropriate proposed density of the 47.7 dph, I would argue that contrary to Paragraph 5.76 of Mr Elliot's proof, the appeal scheme may optimise density, but it would not result in a well-designed place that relates well to and enhances existing character and context, as identified by the Built Form section of the NDG, 2021 (CD 7.6).
- 6.6 Furthermore, whilst the site fronts the A271 and ESCC Highways have withdrawn their original objection to accessibility, the argument that it is appropriate to propose higher densities close to public transport networks to help create walkable neighbourhoods and reduce reliance on the private car (paragraph 8.24 of the Wealden Design Guide 2008, CD 6.5) is tenuous in relation to the appeal scheme. The site will have accessibility to a 30-minute bus service, but the site will still be largely car dependent even though the bus service provision has increased, and contributions will be secured toward bus services provision.
- 6.7 It is noted that Planning Appendix E: Technical Note: Flood Risk and Surface Water Drainage Summary includes an amended Illustrative Masterplan Alternative Option 1. This now shows the attenuation ponds and the equipped play area in Flood Zone 1.
- 6.8 Whilst clearly an issue for reserved matters, I would nonetheless comment that the indicated equipped play space falls below the Council's minimum requirements even for the lowest denominator, namely if one assumed all the flats were one bed units and all the houses were two bed units which is unlikely. Policies LR1, LR3 and LR5 of the Wealden Local Plan 1998 and Policy WCS13 of the Core Strategy set out the requirements for open space. Policies LR3 and LR5 set specific policy expectations for open space provision in new developments and the Draft Outdoor Playing Space Supplementary Planning Guidance (SPG) sets out further guidance on these requirements. The spatial requirements are based on a formulaic approach whereby the type and number

of the Dwellings are multiplied by the open space requirements set out in the table below:

Size of Dwelling as approved by Reserved Matters	Total Open Space requirement (sqm)	Casual and informal children's playspace (sqm)	Equipped children's playspace (sqm)
1 bedroom	24	4.5	2.5
2 bedroom	48	9	5
3 bedroom	72	13.5	7.5
4 bedroom	96	18	10
5 bedroom	120	22.5	12.5

- 6.9 Based on this hypothetical mix set out above and using the Council's standards as above, the equipped play provision should be a minimum of 445sqm (70 one bed flats x 2.5sqm=175sq) + (54 two bed houses x 5sqm = 270sq) (total requirement 445sqm) which the illustrative plan does not meet. The proximity of the equipped play space so close to two attenuation ponds would also be an issue of concern for future occupants on safety grounds. It is also noted that the amended illustrative plan results in a reduction in the number of proposed houses. If the shortfall results in a higher number of flats this adds to an already distorted housing mix based on the proofing layout. This further highlights the inability of the site to accommodate the quantum of development proposed and deliver a high-quality living environment.

7 LOCAL HOUSING REQUIREMENT AND LAND SUPPLY

- 7.1 The Council's Housing Action Plan June 2022 sets out the Housing Delivery Test results for Wealden (page 12 **CD 10.2**).
- 7.2 In summary, it is only when the HDT measurement of 2020 resulted in an HDT measurement of 83% that the Council has been required to add a 20% buffer to its five-year housing land supply position in 2021.
- 7.3 Mr Elliot in paragraph 5.91 refers to a predicted substantial level of under supply in WDC over the next four/five years which he justifies based on previous under

provision. Housing Land Supply is a matter that will be addressed by Mr Stacey Robins in the round table discussions, however, I would note that whilst the Council has confirmed that it cannot demonstrate a four year housing land supply by the time of this public inquiry, it will only be a short period of time before it will achieve a four year supply of deliverable sites, contrary to the assertions of Mr Elliot.

8 AFFORDABLE HOUSING NEED AND SUPPLY

8.1 The Wealden District Affordable Housing Delivery Local Plan (May 2016) requires that 35% of net completions (of sites of more than 5 (net) dwellings) within a monitoring period are affordable dwellings. The Council does not dispute the fact that there is a very clear need for affordable homes across the district and an on-going need for affordable housing as evidenced by the Wealden Local Housing Needs Assessment 2021 (**CD10.9**).

8.2 Mr Elliot refers in his proof at Paragraph 5.95 to his Appendix D that since 2013-2014, the average affordable housing delivery is of 160 homes per annum (net). I would comment on this as follows:

- a) I consider that going as far back as 2013-2014 is unreasonable having regard to the fact that the Wealden District Core Strategy Local Plan was adopted in February 2013. Consequently, the delivery rates since the adoption of the Wealden District Core Strategy Local Plan largely mirrored and indeed exceeded the Core Strategy target of 450 dwellings per annum, with average (net) housing completions between 2013/14 and 2016/17 of over 550 dpa. The objectively assessed housing need (OAN) did change with the publication of the SHMA in August 2016 to 734 dpa and was later updated by the Council's evidence base in March 2017 to 950 dpa (i.e. in the 2016/17 monitoring period). Having regard to the fact that affordable housing completions are based on a percentage of net housing completions, it is not considered either reasonable or appropriate to account for the historic undersupply between the 2013/14 and 2016/17 monitoring periods, since Wealden District Council had only adopted its current Core Strategy Local Plan at the start of this new plan period and could not be

reasonably expected to plan and/or deliver significantly higher levels of housing growth at this time and consequently higher levels of affordable housing. Having regard to the above, I consider a reasonable baseline would be from the year 2017-18. Based on the net completions and affordable housing delivery rates as derived from the Annual Housing Monitoring Reports the average affordable housing delivery per annum between 2017-18 and 2022-23 is 203 affordable homes per annum. It is not disputed this is still a significant undersupply, but it is a more accurate reflection of the historic supply situation.

- b) The average referred to by Mr Elliot masks the fact that affordable housing delivery has been increasing in real terms although the numbers of both affordable homes and completions were impacted on by the knock-on effects of Covid on the construction industry, which as shown by the 2022/23 monitoring period has regained momentum but nonetheless, does fall short of the percentage requirement of net completions and housing need.

In the 2022/23 monitoring period, affordable dwelling completions formed 218 of the overall net housing completions that stood at 1,138. This equates to approximately 19% of net completions. Whilst the proportion (in percentage terms) of affordable housing dwellings dropped from the 2021/22 monitoring period where the delivery of affordable housing dwellings was at 26%, nevertheless this was an increase of 42 more affordable housing completions than the previous year. The AMR noted *“that a greater number of smaller sites have completed during this period than in previous years, which has contributed to a higher net completions figure and a lower affordable housing proportion. Housing completions on smaller sites below the affordable housing threshold will not yield affordable housing completions.”*

- In the 2021/22 monitoring period, affordable dwelling completions formed 176 of the overall net housing completions that stood at 685. This equates to approximately 26% of net completions.

- In the 2020/21 monitoring period, affordable dwelling completions formed 275 of the overall net housing completions that stood at 722 equating to approximately 38%.
- In the 2019/20 monitoring period, affordable dwelling completions formed 273 of the overall net housing completions that stood at 1,034, equating to approximately 26.4%.
- In the 2018/19 monitoring period, affordable dwelling completions formed 130 of the overall net housing completions that stood at 828, equating to approximately 15.7%.
- In the 2017/18 monitoring period, affordable dwelling completions formed 144 of the overall net housing completions that stood at 462, equating to approximately 31.2%.

During 2020/2021 and 2021/2022 the completions dipped and consequently impacted on the affordable housing completions, this was a result of the impact of Covid. Paragraph 2.24 of the Five-Year Housing Land Supply Statement 1 April 2023 states:

“It should be noted that the Covid-19 pandemic had a significant impact on the delivery rates on sites across Wealden District during recent monitoring periods, particularly 2020/21 and 2021/22. The national lockdown introduced on 23 March 2020, resulted in the complete closure of construction sites for the foreseeable future. The lockdown was lifted for the construction and manufacturing industry in mid-May 2020; however, the impact on housing delivery rates continued to be profound. This was largely due to the impact of lockdowns on global supply chains, which caused a significant shortage of some building materials and products required in the construction industry. The impact of this could be seen in how net dwelling completions within the district fell from 1034 (net) dwelling completions in the 2019/20 monitoring period to 722 (net) dwelling completions and 685 (net) dwelling completions in the 2020/21 and 2021/22 monitoring periods.”

8.3 The Council does not dispute that there is a clear need for affordable housing and has already given this substantial weight in the overall planning balance.

9 SELF BUILD AND CUSTOM BUILD HOUSING DEMAND AND SUPPLY

- 9.1 Paragraphs 5.101 to 5.103 of Mr Elliot's POE refers to the demand for Self Build and Custom Build Housing and Supply.
- 9.2 Since the self-build and custom build register was established on the 31st of March 2016, there have been a total of 265 applications made to the register.
- 9.3 The Council's web site states that *"Of those on the register 227 are seeking serviced plots of land whilst 38 applicants already own a plot of land suitable for a self or custom build project. 50% of applications to the register originate from within the Wealden District, with 13% of applications from other Districts within East Sussex and the remaining 37% from Districts outside of East Sussex."*
- 9.4 Table 1 below I have set out the breakdown of the register:

Table 1: Number of Applications to Self-Build and Custom Build Register

Base Period	Base Dates (from and to)	Period (from and to)	Number of Applications to the Register	Time period in which to grant permission (3 years from end of base period)
1	31/03/2016	to 30/10/2016	2	31/10/2016 to 30/10/2019
2	31/10/2016	to 30/10/2017	24	31/10/2017 to 30/10/2020
3	31/10/2017	to 30/10/2018	24	31/10/2018 to 30/10/2021
4	31/10/2018	to 30/10/2019	21	31/10/2019 to 30/10/2022
5	31/10/2019	to 30/10/2020	33	31/10/2020 to 30/10/2023
6	31/10/2020	to 30/10/2021	44	31/10/2021 to 30/10/2024
7	31/10/2021	to 30/10/2022	37	31/10/2022 to 30/10/2025
8	31/10/2022	to 30/10/2023	51	31/10/2023 to 30/10/2026
9	31/10/2023	to 01/04/2024	29	
	TOTAL		265	

- 9.5 In terms of the supply of self-build and custom build homes during this timeframe, 246 Self Build or Custom Build serviced plots have been secured by legal agreement. 52 plots are on sites where reserved matters have been approved and development has commenced. There are also a further 10 plots where reserved matters have been approved but the development has yet to

commence. To date no CIL self-build exemption forms have been received for any of the available plots.

- 9.6 Having regard to the above, I consider that there is no unmet need for self-build plots.

10 PLANNING BALANCE

- 10.1 Mr Elliot's Proof introduces an additional benefit not previously referred to in the Appellant's Statement of Case, which I briefly address below:

Access and connectivity

- 10.2 Mr Elliot gives substantial weight to this alleged benefit on the grounds that it creates easy-west active travel links and supports public transport use in the A271 corridor. He refers to the use of the appeal land on the site frontage for widening the highway which is the only realistic option for making movement through this area substantially more attractive for pedestrians, cyclists and public transport users.
- 10.3 Paragraph 6.13 of his proof Mr Elliot sets out the list of off-site highway works that will be required effectively to make the appeal development acceptable and address ESCC Highways previous concerns regarding accessibility. He considers the improvements along the full length of the site's A271 frontage and that the route is *"an essential non-car link in an area of wider growth and change in the north western sector of Hailsham"*.
- 10.4 These improvements are directly related to the urbanisation of site by the appeal scheme and are primarily to serve the future occupants of the scheme. Furthermore the reference to the wider growth and change in the north western sector of Hailsham is incorrect. I give this benefit no weight.
- 10.5 Notwithstanding that this is an outline planning permission Mr Elliot refers to additional on-site footpath and cycle routes that will be available to residents and the wider community with benefits in terms of public access and healthy living. The site may have around 4 hectares of undeveloped land within the flood zones 2 and 3, but I question the alleged benefits of the on-site footpath

and cycle routes when they cannot be destination based, having to access and egress through the same point onto the A271. Paragraph 5.8 of Planning Appendix E (Flood Risk and Surface Water Drainage Summary) to Mr Elliot's proof clearly states: *"Permanently safe, dry access is available from the built development onto the A271. **There is no public access across the Lower Horsebridge Stream towards the Cuckmere River and no crossing proposed of either watercourse** (my emphasis added in bold). The river corridor, proposed for soft landscaping only, is at high risk of flooding..."*.

- 10.6 The lack of connectivity other than a single access point on to the A271 further emphasises how the development if permitted would be an isolated development which lacks true connectivity to the wider area.

11 LANDSCAPE VISUALS

- 11.1 I note with interest the Viewpoint 4 and Visualisation Type 4 (Figure 17b) which accompanied the Landscape Proof of Evidence. Figure 17b shows views from the Boship Roundabout and the proposed development. The impression of the building addressing the roundabout with full height windows and balconies does not reflect the statement in the Planning, Design and Access Statement (Page 8 **CD1.7**) which refers to the building as *"an inward facing perimeter apartment block adjacent to the Boship roundabout that seeks to provide acoustic buffer to the wider development"*.