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Dear Sir/Madam,

**Horam Parish Council Neighbourhood Plan Regulation 16 Consultation Response
Comments in Relation to Policy HCD2 – Local Settlement Gaps; Policy HCD 4, Important Local Views; and Policy
HCE 4 Local Green Space Designations**

Strutt & Parker's Planning Department are instructed to respond to the Horam Parish Council Consultation on the Regulation 16 submission version of the Neighbourhood Plan on behalf of Welbeck Strategic Land. Our client has interest in land located to the east of the Rosemead Place development on Horebeech Lane, Horam.

The Neighbourhood Plan proposes that the site be designated as a Local Green Space (LGS) and part of a Local Settlement Gap. The Plan also proposes protection of a 'locally important view' from within the site.

We have previously responded to the Regulation 14 version of the plan objecting to the relevant policies which propose these designations. However, we are disappointed to note that the Parish Council has, to date, dismissed our concerns relating to the proposed policies as they impact the land east of Rosemead.

The Neighbourhood Plan can only pass to referendum stage and be 'made' provided it passes the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, and also noted at Paragraph: 065 Reference ID: 41-065-20140306 of the Planning Practice Guidance.

If the policies in the Neighbourhood Plan continue to propose the site as both Local Green Space and part of a settlement gap, it will not pass basic conditions:

- d) *the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development; and*
- e) *the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*

The manner in which these conditions are offended is set out below. We also continue to object to the proposed protection of a locally important view.

Policy HCE 4 – Local Green Space

Local Green Space and the National Planning Policy Framework

The Horam Neighbourhood Plan (HNP) proposes to allocated our client's site as a Local Green Space (LGS). The land is Site o) in Policy HCE4 and referred to as "Field east of Rosemead Place, north of Marle Green, crossed by footpath 11".

There are two fundamental reasons why this proposed allocation would result in the plan not meeting the basic conditions.

1. Contrary to principles of delivering Sustainable Development

Paragraph 105 of the National Planning Policy Framework (NPPF) states that "*Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.*"

Wealden District Council has recently published its Regulation 18 consultation draft Local Plan. Our client's site is a proposed allocation in the emerging plan for 45 residential dwellings. The Site is one of five housing allocations in Horam which would together deliver some 847 dwellings over the emerging local plan period. Notably WDC will also be undertaking a sperate call for sites exercise during the Regulation 18 consultation period. This is because the Plan as presented at Regulation 18 stage does not meet WDC's housing target as calculated using the government's standard methodology. This fact is noted in the report to the Wealden Local Plan sub-committee on 29th January 2024 by Wealden's head of planning policy.

Furthermore, WDC development management officers recommended approval be given on an outline planning application at the site for up to 46 dwellings in June 2023. This was refused by planning committee members (on landscape grounds) against the recommendation of officers. The application is currently at appeal with a hearing scheduled for 5th March 2024.

Our client's site is part of the emerging strategic housing policy for Wealden District. The Council's professional planning officers have considered it suitable for development as evidenced by the recommendation for approval and the proposed allocation for housing. Wealden is an authority with an historic housing land supply shortage and this is further evidenced by its additional call for sites exercise to deliver more land which can help meet the demand for homes in the district.

A local green space designation would effectively sterilise this land and adversely impact the delivery of sustainable development within Wealden District which is contrary to both basic conditions d) and e).

2. Does not meet the tests for designation

Paragraph 106 of the NPPF states "*The Local Green Space designation **should only be used** where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land*" [our emphasis].

The tests set out in Paragraph 106 in respect of LGS designation are necessarily difficult to pass. This is because a LGS designation affords the land the same level of protection as Green Belt. Our previous consultation response included our assessment of the site against the NPPF tests. We have updated this assessment following the continued proposed LGS designation in the Regulation 16 Neighbourhood Plan.

Test 1 - Paragraph 106 (a) - Reasonably Close Proximity To The Community It Serves

The site abuts the eastern boundary of the adjacent Rosemead Place development. There is no current direct access, though this is proposed through the development scheme currently at Appeal. A public right of way runs through the site for a distance of approximately 170 metres, providing a route to Vines Cross Road some 500 metres to the north. The site is in private ownership and although crossed by the narrow right of way, is not accessible to the public (see further comments later in this representation on recreational value).

The site is not a parcel of land which 'serves' the community in any meaningful way.

Test 2 - Paragraph 106 (b) - Demonstrably Special

Paragraph 106 of the NPPF states that, for a site to be designated as LGS, it must be 'demonstrably special' to the local community and hold a particular significance, for example because of its beauty, historic significance, tranquillity or richness in wildlife. We take each of these in turn:

Beauty

The site is not referred to in any local character assessment undertaken by Wealden District Council as part of its local plan making process. Further, there are no historic references to it as a valued local space.

The site itself is an area of grass divided up into paddocks, containing a stables, yard area and track following the grant of planning consent for equestrian facilities a number of years ago. These buildings are not attractive and the yard area is used by the owner for open storage of equipment used to maintain the land.

Additionally, the site is experienced in the context of the Rosemead Place development to its western boundary (which dominates the view to this direction), the existing residential houses to the south and the highway network (Laundry Lane) to the east. The northern boundary is defined by woodland through which runs the public footpath. This description was agreed with Wealden District Council as part of the Statement of Common Ground which accompanied the appeal submission.

The site is therefore largely detached from the wider landscape and does not offer any valued views. Tellingly, the Wealden Local Landscape Character Area study classifies the site as being part of a landscape with 'medium' value. This does not pass the 'demonstrably special' test set out in the NPPF.

The Horam LGS assessment paper suggests that the beauty of the site is derived from it being "*pasture land integral to the High Weald landscape character of the area, bounded by a historic routeway, and with views across the High Weald AONB to the north and to the South Downs southwards.*"

Views into and out of the site are limited (as noted earlier) by the existing boundary features, the majority of which are residential and urban in character. The historic routeway referred to is a tarmacked road used frequently by traffic. These characteristics do not mean that the site is 'beautiful' by any definition.

Historic Significance

The site does not contain any historic buildings, heritage assets or historic landscape features. Furthermore, the site does not have any relationship with any recorded historic events.

The Parish Council's green space assessment makes reference to the site being part of an "historic landscape pattern". The site may be a remnant of an earlier and wider agricultural landscape, but this is not unique in either Wealden or Horam. This does not meet the test of historical significance.

Tranquillity

The site is immediately adjacent to a housing development of 123 dwellings. Housing is also located to the south on Horbeech Lane and to the east and north east on Laundry Lane. Passing traffic noise can be heard from within the site.

The site is not clearly visible from outside its boundaries given the adjacent residential development and hedgerow planting to the boundary with Laundry Lane. Users of the footpath experience the site in the context of Rosemead Place to the west and the houses on Horebeech Lane to the south. Furthermore, the site is not identified on any map which identifies areas of tranquillity. The Site is demonstrably not tranquil and therefore this test has not been passed.

Richness of Wildlife

The Neighbourhood Plan LGS assessment document states the site has “*Amphibians and reptiles associated with adjacent ponds.*” It presents no evidence to support this statement.

Ecological survey work undertaken at the site by our client demonstrates the site is “*dominated by short-grazed species-poor semi-improved grassland which is of limited value to Great Crested Newt due to its relatively uniform nature, management regime and lack of hibernation / refuge features.*” Indeed, the ecological survey work undertaken at the site shows no evidence that the site contains “*a richness of wildlife*” to any extent that could suggest the NPPF test on this matter could be met.

Recreational Value

The site is in private ownership with no public access to the land itself except for the narrow public right of way which crosses from south east to north west. The site owner experiences multiple counts of trespass every week by users of the public right of way (dogs being let of leads, for example have resulted in a number of incidents of livestock being attacked and killed). This unlawful entry of the site cannot be considered amounting to “recreational value”.

Test 3 - Paragraph 106 (c) - Local in character and not an extensive tract of land

The site is not an extensive tract of land. In terms of character, the Site is not typical of nearby agricultural land given its recent predominant mix of equestrian use and sheep grazing. The paddocks, stables and yard, together with the residential land use along the boundaries provide an urban edge character. The site is characterised by the three small, isolated paddocks, a yard, track and buildings forming the equestrian use and the highly visible and prominent adjacent residential properties and development. There is nothing demonstrably special about the site in landscape character terms.

Summary

The site does not meet any of the tests for LGS designation. The Neighbourhood Plan cannot be Made if this proposed allocation remains given it is severely at odds with the Paragraphs 105 and 106 of the NPPF and does not therefore contribute to achieving sustainable development. This means its continued inclusion is contrary to Basic Condition d).

Further, the site's proposed allocation in the Wealden Local Plan demonstrates that a LGS allocation would not be in general conformity with the emerging strategic policies for the area. Indeed, we note that WDC's own response to the Regulation 14 Neighbourhood Plan consultation states that “*This site has been put forward within the SHELAA process under reference 830/3030 and at a high level was found suitable for residential development within the 2019 SHELAA assessment.*” Furthermore, “*the Council does not agree with the assessment in terms designating the site as a LGS, given its agricultural nature and its proximity to the Poppy Drive development to the west that is largely constructed. It was advised that this LGS should not come forward within the Regulation 14 version of the NDP and this continues to be the advice moving forward.*”

Horam Parish Council are therefore aware of WDC's position that the site is a part of its strategic policies for delivering housing in the District. It's continued inclusion in the Neighbourhood Plan would not be in general conformity with the strategic policies for the area and therefore would offend basic condition e).

Policy HCD2 – Local Settlement Gaps

The site continues to be included as part of a local settlement gap policy between Horam and Marle Green. We have previously raised objections to its inclusion in such a policy. However, the Neighbourhood Plan 'Summary of Regulation 14 Consultation' document gives no indication as to what regard these comments were given by the Parish Council.

The continued inclusion of the site as part of a Local Settlement Gaps Policy would result in the failure of the Neighbourhood Plan to meet the Basic Conditions, with specific reference to Criteria d) and e).

d) Contributing to Sustainable Development

Settlement gap policies are intended to prevent settlement coalescence. However, there is no defined boundary between Horam and Marle Green. Indeed, local residents have differing opinions as to where Horam ends and Marle Green begins. This is clearly evidenced in the emerging Wealden Local Plan which includes much of the proposed 'gap' within the Horam settlement boundary.

Furthermore, our client's Site is not experienced as a gap between settlements. As noted earlier in this representation, the Site is largely detached from the wider landscape given the adjacent residential development to the west, south and north east, and the hedge and trees to the eastern and northern boundaries.

Nevertheless, even if the Neighbourhood Plan's assertions as to the location of Horam and Marle Green is taken at face value, the existing 'gap' between the built form of Rosemead Place and the western most house on Horebeech Lane from the junction with Laundry Lane is approximately 43 metres – less than the width of a football pitch. This 'gap' reduces to 15 metres if measured to the nearest out building.

There is therefore no case to be made for a settlement 'gap' given: a) there is no definition as to where Horam ends and Marle Green begins; and b) there is no 'gap' worthy of protecting in the development plan given the existing extremely close relationship between Rosemead Place (which itself has introduced a continuous ribbon of development along Horebeech Lane to the junction with Laundry Lane) and the existing houses at the junction of Horebeech Lane and Laundry Lane.

The Settlement Gap policy in its current form would exclude land within Horam which could otherwise be developed sustainably from coming forward. The proposed policy is therefore contrary to the delivery of sustainable development in both Wealden and Horam.

e) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

There is no existing policy in the adopted Wealden Local Plan (1998) or Core Strategy (2013) which designates or otherwise refers to settlement gaps. There is therefore no existing policy 'hook' to which the proposed settlement gaps policy could attach or otherwise conform. There is no such policy in the emerging Wealden Local Plan Regulation 18 document.

The policy demonstrably does not conform with WDC's strategic policies.

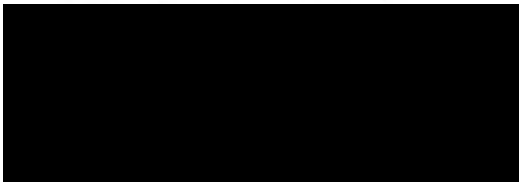
Policy HCD 4, Important Local Views

A local view of importance has been identified at our client's site, looking north in the direction of the AONB. The image relating to the site included in the Neighbourhood Plan key views assessment is incredibly misleading given it omits the collection of buildings located at Cauldebec and The Isles. These are residential properties to the north east of the site which include sizeable outbuildings which are in active commercial use.

There are no views of importance which can be seen from the site, and certainly none that should be the subject of a local development plan policy.

We trust this submission will be considered and taken into account by the appointed Examiner.

Yours sincerely,



Senior Associate Director