



Department for Communities and Local Government

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Our Ref: APP/U1430/A/14/2219706
Your Ref: 02713

17 March 2015

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 APPEAL BY MJH EXECUTIVE HOMES LAND AT BREDE LANE, SEDLESCOMBE, EAST SUSSEX

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, W J Fieldhouse BA (Hons) MA MRTPI, who held a public local inquiry on 4, 5 & 6 November 2014 into your client's appeal against a decision of Rother District Council (the Council) to refuse planning permission for the erection of 18 residential dwellings with associated access, car parking and open space together with the transfer of land to be used as school playing fields in accordance with application RR/2014/147/P, dated 16 January 2014.
2. On 1 October 2014, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal involves a proposal for residential development of over 10 units in an area where a qualifying body has submitted a neighbourhood plan proposal to the local planning authority or where a neighbourhood plan has been made.

Inspector's recommendation and summary of the decision

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

Events following the Close of the Inquiry

4. The Secretary of State is in receipt of representations submitted following the close of the inquiry as listed at Annex A. The Secretary of State has carefully considered these representations and he does not consider that they raise any new issues which would either affect his decision or require him to refer back to parties prior to determining the appeal.

5. Following your email of 5 February 2015, which enclosed the Examiner's report into the Sedlescombe Neighbourhood Plan (NP), the Secretary of State wrote to the main parties on 6 February inviting representations on any effect of this report on their case. The three representations received are also included in the list at Annex A. In reaching his decision on this appeal, the Secretary of State has taken account of all this correspondence, copies of which may be obtained on written request to the address at the foot of the first page of this letter.

Policy considerations

6. In deciding this 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.
7. In this case the development plan consists of the Rother Local Plan Core Strategy 2014 (CS) (IR19); and the Secretary of State agrees with the Inspector that the most relevant policies are those detailed at IR21-35. Like the Inspector, the Secretary of State has had regard to the emerging NP; and he agrees that the most relevant policies from the version of the NP submitted to the inquiry are those described at IR37-41.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework) and the associated planning practice guidance; and the *Community Infrastructure Levy (CIL) Regulations 2010* as amended.

Main issues

9. The Secretary of State agrees with the Inspector that the main issues in this case are those set out at IR181.

The Effect on Character and Appearance

10. The Secretary of State has carefully considered the Inspector's conclusions on the effect of the proposed development on the character and appearance of the area and, for the reasons given at IR182-198, he agrees that the proposal would have a limited adverse effect on the character and appearance of the area and there would be limited conflict with policies relating to the protection of the countryside and character and setting of villages (IR199).

The Effect on Biodiversity

11. For the reasons given at IR200-204, the Secretary of State agrees with the Inspector's assessment of the impact of the proposed development on biodiversity. Specifically, he agrees that there is conflicting evidence about the biodiversity of the site (IR200); that, with appropriate planning and management, the development would only have a limited adverse effect on biodiversity (IR201-202); and that, provided that the site and remaining undeveloped area were appropriately landscaped and managed, the proposal would be unlikely to harm the biodiversity of the area (IR204).

The Rother Local Plan Core Strategy

12. Having carefully considered the Inspector's discussion at IR205-211, the Secretary of State agrees with his reasoning and, accordingly, with his conclusion at IR212 that the proposal would not be in accordance with the CS.

The Sedlescombe Neighbourhood Plan

13. While agreeing with the Inspector (IR214-219) that the potential role of the appeal site as Local Green Space would only be adversely affected by the appeal scheme to a limited degree, the Secretary of State has also taken account of the fact that the independent Examiner's report on the NP suggests that the proposal to designate the land south of Brede Lane as Local Green Space does not meet the basic conditions for such designation, and he considers that this further reduces the impact on any local green space policies in the final NP on the appeal scheme.
14. The Secretary of State has carefully considered the Inspector's comments on the weight to be attached to the NP (IR220-221) and agrees with his conclusion at IR222 that only limited weight can be given to the relevant policies. Nevertheless, the Secretary of State also agrees with the Inspector that the NP has reached the stage where prematurity needs to be considered (IR223-224) and, having regard to the Inspector's discussion at IR225-226, agrees (IR227) that granting planning permission for eighteen dwellings on the appeal site would undermine the NP process by pre-determining decisions about the location of housing development that are central to an emerging plan.

Housing Supply

15. For the reasons given by the Inspector at IR228-233, the Secretary of State agrees with his conclusion at IR234 that changes since the examination into the CS do not alter the conclusion that the Council is currently able to demonstrate a five year supply of deliverable sites without releasing the appeal site, and that CS policies relating to supply of housing can continue to be regarded as up to date. The Secretary of State therefore also agrees that it is not necessary to release the appeal site for development at this time.

Planning Obligation

16. For the reasons given at IR235-254 the Secretary of State agrees with the Inspector's conclusion at IR255 that all elements of the planning obligation, other than the contribution towards off site open space, meet the three tests set out in the framework, although he also agrees that the weight to be attached to the public benefits arising from the use of part of the site as a school playing field would need to be limited due to the uncertainties that exist around whether that would actually take place. However, the Secretary of State does not consider that the terms of the Undertaking would overcome his reasons for dismissing the appeal.

Conditions

17. The Secretary of State has considered the Inspector's comments at IR174-179 on the proposed planning conditions and the schedule of conditions he recommends at Annex D of the report. The Secretary of State is satisfied that the proposed conditions are reasonable and necessary and would meet the tests of paragraph 206 of the Framework. However, he does not consider that the conditions would overcome his reasons for dismissing the appeal.

Other matters

18. The Secretary of State has carefully considered the other matters raised by the Inspector at IR256-260. He agrees with these conclusions, and that there are no other matters to change the overall assessment or decision in this appeal.

Overall Conclusions

19. Although the provision of new homes, including affordable housing, would be an important social and economic benefit, the Secretary of State concludes that granting permission for the appeal scheme would be contrary to the plan-led approach, which demonstrates the availability of a five-year housing land supply; as well as being premature in terms of the neighbourhood plan making process.

Formal Decision

20. 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 planning permission for the erection of 18 residential dwellings with associated access, car parking and open space together with the transfer of land to be used as school playing fields in accordance with application RR/2014/147/P 16 January 2014 at land at Brede Lane, Sedlescombe, East Sussex.

Right to challenge the decision

21. 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.

22. Copies of this letter have been sent to Rother District Council and Sedlescombe Parish Council. Notification has been sent to all other parties who asked to be informed.

Yours faithfully,

Jean Nowak

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex A

Correspondence received after the Inquiry

Date	From	
10/12/14	Sedlescombe Parish Council	Incl attachment: Sedlescombe NP: Conformity and Site Allocations
05/02/15	Armstrong Rigg Planning	Notification of the Examiner's Report into Sedlescombe Neighbourhood Plan
20/02/15	Sedlescombe Parish Council	Response to Secretary of State's email of 6 February.
19/02/15	Rother District Council	Response to Secretary of State's email of 6 February.
19/02/15	Armstrong Rigg Planning	Response to Secretary of State's email of 6 February.

Report to the Secretary of State for Communities and Local Government

by W J Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 13 January 2015

TOWN AND COUNTRY PLANNING ACT 1990

ROTHER DISTRICT COUNCIL

APPEAL MADE BY

MJH EXECUTIVE HOMES

Inquiry held on 4, 5 and 6 November 2014

Land at Brede Lane, Sedlescombe, East Sussex

File Ref: APP/U1430/A/14/2219706

File Ref: APP/U1430/A/14/2219706

Land at Brede Lane, Sedlescombe, East Sussex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by MJH Executive Homes against the decision of Rother District Council.
- The application Ref RR/2014/147/P, dated 16 January 2014, was refused by notice dated 13 March 2014.
- The development proposed is the erection of 18no. residential dwellings with associated access, car parking and open space together with the transfer of land to be used as school playing fields.

Summary of Recommendation: That the appeal be dismissed.

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PRELIMINARY MATTERS

Throughout this report, numbers in [small font and square brackets] are to paragraphs in this report, whereas references in (small font and round brackets) relate to Inquiry documents which are listed in Annex B.

1. This appeal was recovered by the Secretary of State for his determination by letter dated 1 October 2014 as the proposal involves residential development of over ten units in an area where a qualifying body¹ has submitted a neighbourhood plan² to the local planning authority. This report, which contains my recommendation, is for consideration by the Secretary of State in his determination of the appeal.
2. The Inquiry took place over three days, on 4, 5 and 6 November 2014. I made an unaccompanied visit to the area on 3 November, and carried out an accompanied inspection of the site and its surroundings on 6 November during an adjournment of the Inquiry.
3. At the Inquiry I agreed to allow additional time for the completion of a planning obligation. This was submitted by the agreed deadline (1025), and I consider it later in this report. The Inquiry was formally closed in writing on 20 November 2014.
4. The site address included in the header on page one is taken from the planning application form. The appeal site, along with adjoining land including that edged blue on the planning application plans, is also referred to as "land at Street Farm" in some of the evidence and representations submitted to the Inquiry.
5. The Council refused planning permission on 13 March 2014 for the following reason:

The application site is open agricultural land located outside the development boundary for Sedlescombe as defined in the Rother District Local Plan (2006) by saved policy DS3. Saved policy DS4 of the Rother District Local (2006) also applies and states that existing uses for the most part remain unchanged. These policies contain a strong presumption against new residential development in the countryside unless it meets one of the exceptions described in the policies. Hence, as the proposed new residential development does not meet one of the exceptions described in the Plan's policies (which are essentially being carried forward by Policy RA3 of the emerging Rother District Local Plan Core Strategy), for these reasons, and also having regard to Policy GD1 (iv) (and Core Strategy policy EN1(v)) relating to the character of settlements, and given the existence of a five year housing land supply, it would amount to an unnecessary and unwarranted loss of countryside forming the setting of this part of the village.

6. However, policies DS3, DS4 and GD1 in the Rother District Local Plan (LA3), along with other Local Plan policies referred to in evidence, have now been superseded following the adoption of the Rother Local Plan Core Strategy in

¹ Sedlescombe Parish Council.

² Sedlescombe Neighbourhood Plan July 2014 (PC5).

September 2014 (“Core Strategy”) (I06). I have considered the proposal accordingly.

7. A number of revised plans were submitted to the Council during the course of the planning application, including a revised access plan³. A full list of the plans that formed the basis of the Council’s decision is included in Appendix 1 to the Statement of Common Ground (AP3), and I have considered the appeal accordingly.
8. Indicative site section and street scene plans, and a landscape concept plan, were submitted as part of the planning application, and a revised landscape concept plan was submitted shortly before the Inquiry (AP32). The appellant confirmed at the Inquiry that this was merely an indication of the type of landscaping scheme that could be secured through the imposition of planning conditions and further to the provisions of the planning obligation if the appeal was to be allowed. I have treated these indicative and concept plans as illustrative material, rather than formal parts of the proposal.
9. At the time of the Inquiry, decisions were pending in relation to claims that two public footpaths cross the site⁴. I have taken account of these claims, along with the evidence submitted by the appellant in relation to them (I016), in my consideration of the proposal, but have not treated the claimed paths as definitive rights of way.

THE PROPOSAL

The Site and Surroundings

10. The site and surroundings are illustrated in various documents, including the Design and Access Statement (PA3) and on Figures 1, 2, 3 and 4 submitted with Catherine Shelton’s proof of evidence (AP21, AP22, AP23 and AP24).
11. Sedlescombe is a medium-sized rural village with a population of just under one thousand people located on the south-facing slope of the Brede Valley. The historic core of the village is to either side of the main through road (B2244); this drops down from the north to the river that defines the southern limit of the settlement. The attractive village core, which includes a village green, public house, hotel, and shop/post office, is a designated conservation area. The village expanded to the north and north east over the years, including along Brede Lane which runs from the B2244 near the village green in an easterly direction.
12. On the north side of Brede Lane is a residential cul-de-sac known as Gorselands, whilst on the south side is Gammons Way which serves a number of houses and the village primary school. Further east on the south side of Brede Lane, opposite Gorselands, is Street Farm and undeveloped land that includes the appeal site. Beyond this is a small late 20th century housing estate, East View Terrace, which represents the eastern limit of the settlement. Between part of the appeal site and Brede Lane, and to the west of East View Terrace, is a row of houses known as Blacklands.

³ Revised access drawing ref 4403-003 rev A dated 11 March 2014.

⁴ Applications for Modification Orders under the Wildlife and Countryside Act 1981 (PC16).

13. The appeal site comprises two discrete pieces of land that are separated by a larger undeveloped area in the control of the appellant and edged blue on the planning application plans. The western part of the appeal site (0.4 hectares) adjoins the primary school, and is proposed to be transferred for use as school playing fields. The eastern part of the site (1.1 hectares) is proposed for residential development. It has a frontage to Brede Lane, with a substantial boundary hedgerow and a stile, and adjoins Blacklands to the north, East View Terrace to the east, a Multi Use Games Area (MUGA) to the south east, and an area of ancient woodland known as Catts Shaw in the valley bottom to the south.
14. The two parts of the appeal site, along with the area edged blue, slope down to the south and comprise most of the currently undeveloped land to the south of Brede Lane between the core of the village and East View Terrace. Public footpath No. 2B runs along the southern boundary of much of this undeveloped land connecting the open countryside to the east to the core of the village to the west.
15. Sedlescombe is within the High Weald Area of Outstanding Natural Beauty (AONB) which comprises a patchwork of irregular-shaped fields and woods along rolling hills and within valleys⁵. The topography, trees and hedges mean that much of the AONB landscape is enclosed with views from many public vantage points being restricted. However, within the Brede Valley long views are available⁶.

The Proposal

16. The proposal would entail the construction of an access road from Brede Lane running down the hillside along the western edge of the proposed residential site. The road would be landscaped on either side, with a footpath linking to public footpath No. 2B to the south of the site. A separate pedestrian link would also be provided to the MUGA. The proposed eighteen dwellings, which would include seven affordable units, would be arranged around a small central area of landscaped open space on the lower part of the site to the south of Blacklands and west of East View Terrace. The dwellings in the north east corner of the site would be bungalows.
17. If the appeal were allowed, the western part of the appeal site would benefit from planning permission to be used as a school playing field in conjunction with the adjoining primary school, although no engineering or landscape works are proposed to this land.
18. An executed planning obligation (1025) includes financial contributions towards the local secondary school, off-site open space, library services, and waste and recycling facilities; the provision and future management of the on-site affordable housing, and on-site open space and children's play facilities; the provision of vehicular access to the site and an extended and improved footway along Brede Lane; the transfer of the western part of the appeal site to the County Council for use as a school playing field; travel plans for the first occupants of the dwellings; and arrangements for the landscaping and

⁵ Character Profile for National Character Area 122 referred to in Catherine Shelton's proof of evidence (AP20) paragraph 2.12.

⁶ ESCC Landscape Character Assessment 2010 (AP27) section 11.

management of additional open space comprising the land in the control of the appellant edged blue on the planning application plans between the proposed school playing field and proposed residential development.

PLANNING POLICY AND GUIDANCE

Local Planning Policy and Guidance

Rother Local Plan Core Strategy 2014

19. At the time that the planning application was determined the Core Strategy was subject to examination, and the Local Plan (LA3) was still the relevant development plan document. The Inspector's report was published in July 2014 (LA7), and the Core Strategy was adopted on 29 September 2014 (IQ6), superseding the previously relevant Local Plan policies.
20. The overall spatial objectives set out in the Core Strategy include to guide sustainable development and help build more sustainable communities; to maintain and enhance the character of settlements, the relationship between them and their landscape settings; and to promote vital, mixed communities in the rural areas whilst also giving particular attention to the distinctive characteristics of the AONB⁷.
21. Policy OSS1 states that the overall spatial development strategy includes to plan for at least 5,700 dwellings (net) in the district over the period 2011-2028. The policy goes on to say that suitable sites will be identified in accordance with a spatial distribution which focuses new development at Bexhill, provides for some development in Battle and Rye, and facilitates the limited growth of villages that contain a range of services and which contributes to supporting vibrant, mixed rural communities, notably in relation to service provision and local housing needs, and is compatible with the character and setting of the village.
22. Figure 8 sets out approximate development levels for different parts of the District, including a total of 1,670 dwellings in villages.
23. Policy OSS2 states that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. The policy goes on to state that existing development boundaries will be reviewed by the Development and Site Allocations Development Plan Document (DSADPD) having regard to a number of criteria including (i) the existing pattern, form and function of settlements; (ii) the character and settings of individual villages; (iv) the amount of land needed to fulfil development needs; and (vii) environmental considerations including the need to conserve designated areas of national and local landscape, archaeological, geological, ecological or historic importance.
24. The current development boundary for Sedlescombe is defined on Local Plan Inset Map No. 31 (LA17).
25. Policy OSS3 sets out a series of criteria to assess the suitability of a particular location for development to be used both in allocating land for development and determining planning applications.

⁷ Core Strategy (IQ6) paragraph 7.7.

26. Policy RA1 states that the needs of rural villages will be addressed in a number of ways including by the protection of their locally distinctive character and setting; support for community, recreational and educational facilities; and the provision of 1,670 additional dwellings (comprising existing commitments, new allocations and windfalls) located in accordance with Figure 12 subject to refinement in the light of further investigation via the DSADPD and/or Neighbourhood Plans.
27. Figure 12 is entitled "Distribution of Rural Housing Allocations". It sets out separate figures for a list of "settlements/areas" relating to net completions in the period 1 April 2011 to 31 March 2013; current commitments; allocations remaining from the 2006 Local Plan; potential new sites; and total new housing 2011-2028. The figures for Sedlescombe are as follows:
 - Net completions 2011-2013: 12
 - Current commitments: 29
 - Remaining allocations: 0
 - Potential new sites: 35
 - Total new housing 2011-2028: 76
28. Footnotes to Figure 12 advise that, amongst other things, the figures for potential new sites are estimated from suitable and developable (green and amber) SHLAA sites, and that the Core Strategy policy expectation is that new allocations are within or immediately abutting a village development boundary.
29. Paragraph 12.41 states that "potential new sites" in Figure 12 refers to sites expected to be formally allocated via the DSADPD or Neighbourhood Plans. Paragraph 12.42 advises that previously unidentified large sites (6 dwellings and over) in a village gaining planning permission before adoption of the DSADPD or Neighbourhood Plan may be deducted from the total "potential new sites" that an individual village is expected to achieve.
30. In terms of phasing, paragraph 12.18 advises that it is assumed that existing housing allocations and permissions will be developed in the earlier phases of the Core Strategy. In villages which have seen higher levels of development in the first few years of the plan period or have existing commitments in the pipeline any new allocations will normally be phased in later to ensure a balanced rate of development.
31. Policies RA2 and RA3 set out various criteria to strictly control new development in the countryside, and policy EN1 seeks to protect and wherever possible enhance, amongst other things, the distinctive identified landscape character, ecological features and settlement pattern of the High Weald AONB. Paragraph 17.3 advises that 82% of the district is within the AONB; this is illustrated on Figure 4 which clearly shows Sedlescombe in the AONB. Policy EN5 aims to protect and enhance biodiversity, geodiversity and green space.
32. Policies LHN1 and LHN2 aim to achieve mixed and balanced communities, and include requirements for the provision of affordable housing.
33. Policy CO3 seeks the direct provision or financial contributions towards improvements to existing open space, sport and recreation provision, and

increased access to the countryside. Policy CO4 aims to support young people through investment in quality education facilities and a good range of community, health and recreation facilities including play areas, sports pitches, and youth facilities.

34. Policies TR2 and TR3 aim to improve the provision and use of sustainable transport, minimise the need to travel, and ensure adequate safe access arrangements.
35. Policy IM2 states that where new or improved infrastructure, including community facilities, is needed to support development, appropriate provision or contributions will be required and this will be secured by planning obligation, condition, or any other appropriate mechanism.

Supplementary Planning Documents

36. *A New Approach to Development Contributions: Interim Planning Guidance on Development Contributions towards East Sussex County Council Infrastructure and Facilities* (1020) was approved by the County Council in 2012 and provides a guide to the needs for, and level of contributions likely to be sought in relation to, education; libraries; local sustainable accessibility; environment, countryside management and rights of way; and waste management and recycling.

Sedlescombe Neighbourhood Plan

37. Sedlescombe Parish Council commenced preparation of the Sedlescombe Neighbourhood Plan in February 2013 and, following evidence gathering and various surveys, workshops, and exhibitions, consultation took place on a pre-submission draft in March, April and May 2014. In July 2014, the Neighbourhood Plan (PC5), along with associated documents (PC6-PC10), was submitted to Rother District Council, and the statutory consultation period ended on 6 October 2014. The Neighbourhood Plan independent examination had not commenced at the time of the Inquiry but was expected to do so soon. The timing of future stages in the process, including publication of the independent examiner's report, and subsequent consideration by Rother District Council and potential referendum, was undetermined.
38. The Neighbourhood Plan's overall objective is to maintain the integrity of this quintessential English village⁸. Development is supported that, amongst other things, re-uses brownfield sites in preference to greenfield sites, and does not exacerbate traffic and parking problems. The Plan also aims to conserve the local rural character of Sedlescombe and the landscape and scenic beauty of the AONB; protect the open countryside for the benefit of residents and visitors; preserve green gaps and hedgerows wherever possible; and avoid development on land in elevated positions prominent in the landscape which can be viewed from the Brede Valley⁹.
39. Policy 1 states that development on previously-developed or other suitable land within the development boundary of Sedlescombe will be supported, whereas proposals for new dwellings outside the development boundary that do not comply with the relevant development plan countryside policy will be resisted

⁸ Sedlescombe Neighbourhood Plan (PC5) paragraph 19.

⁹ Sedlescombe Neighbourhood Plan (PC5) paragraph 20.

unless the Neighbourhood Plan has made specific provision for these proposals. The Neighbourhood Plan Proposals Map Inset A shows the development boundary; this is essentially unchanged from that shown on Local Plan Inset Map No. 31 (LA17) other than in the south west corner of the village to reflect policy 2.

40. Policy 2 allocates land for 6 dwellings at Sunningdale, Gregory Walk in Sedlescombe; the site is shown on Proposal Map Inset A. Policies 3, 4, 5 and 6 support proposals for housing development in four specific locations in the Parish, outside the development boundary of the village, provided that certain stated criteria are met. The locations are shown on the Proposals Map, and the sites on Insets B, C, D and E.
41. Paragraph 96 states that the Parish Council will work with developers and Rother District Council to deliver incremental housing growth over the plan period up to 2028.
42. Policy 7 designates "land at Street Farm", along with one other site, as Local Green Space where proposals for any development will be resisted other than to use part of the land for playing field activities of the adjoining school or for necessary utility development. The Local Green Space at Street Farm is shown on Proposal Map Inset A; this comprises the current appeal site along with adjoining land edge blue on the planning application plans which is designated on the grounds that it is an attractive area giving open views of the High Weald Countryside and Brede Valley; that it provides a welcome gap in an otherwise built-up frontage; and because it is claimed that there are two public footpaths across the area¹⁰.

National Planning Policy and Guidance

43. Whilst read as a whole, the parts of the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG) of particular relevance to this appeal are summarised below.

Sustainable Development

44. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, and it is highly desirable that local planning authorities should have an up to date plan in place¹¹.
45. At the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date granting planning permission unless specific policies in the NPPF, including policies relating to land designated as AONB, indicate that development should be restricted¹².

¹⁰ Sedlescombe Neighbourhood Plan (PC5) Policy 7 and paragraph 93.

¹¹ NPPF paragraphs 11 and 12.

¹² NPPF paragraph 14 and footnote 9.

Core Planning Principles

46. Relevant national core planning principles are that planning should¹³:
- be genuinely plan-led, empowering local people to shape their surroundings with local and neighbourhood plans setting out a positive vision for the future of the area;
 - proactively drive and support sustainable economic development to deliver the homes and thriving places that the country needs;
 - take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside;
 - contribute to conserving and enhancing the natural environment, with allocations preferring land of lesser environmental value; and
 - encourage the effective use of land by reusing land that has been previously developed.

Housing

47. To boost significantly the supply of housing local planning authorities should identify annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, the buffer should be increased to 20%¹⁴. The PPG advises that local planning authorities should aim to deal with any under supply within the first five years of the plan period where possible¹⁵. To be deliverable, sites should be available now, suitably located, and be achievable with a reasonable prospect of delivery in five years¹⁶. Deliverable sites could include those that are allocated and those with planning permission unless there is clear evidence that schemes will not be implemented in five years¹⁷.
48. Housing applications should be considered in the context of the presumption in favour of sustainable development, and relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites¹⁸.
49. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities¹⁹.

Sustainable Transport

50. Safe and suitable access should be provided for all people, and opportunities be taken for sustainable transport modes²⁰.

¹³ NPPF paragraph 17.

¹⁴ NPPF paragraph 47.

¹⁵ PPG ID-3-035.

¹⁶ NPPF footnote 11.

¹⁷ PPG ID-3-031.

¹⁸ NPPF paragraph 49.

¹⁹ NPPF paragraph 55.

²⁰ NPPF paragraph 32.

Healthy Communities

51. Great weight should be given to the need to create, expand or alter schools²¹; access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities²²; and public rights of way and access should be protected and enhanced, with opportunities sought to add links²³.

Local Green Space

52. Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used in a limited number of circumstances including where the area is in reasonably close proximity to the community it serves; demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value, tranquillity, or richness of its wildlife; and where it is local in character and not an extensive tract of land²⁴.

Areas of Outstanding Natural Beauty

53. Great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in these regards; planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest²⁵. These national policy objectives are in accordance with statutory requirements²⁶.

Biodiversity

54. If significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; opportunities to incorporate biodiversity in around developments should be encouraged²⁷. Associated guidance relates to how this can be achieved, and how species protected by law should be considered in planning decisions²⁸.

Neighbourhood Plans

55. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. The ambition for the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with, and positively support, the strategic policies of the local plan, and should not promote less development than set out in the local plan or undermine its strategic policies²⁹.

²¹ NPPF paragraph 72.

²² NPPF paragraph 73.

²³ NPPF paragraph 74.

²⁴ NPPF paragraph 77.

²⁵ NPPF paragraphs 115 and 116.

²⁶ Section 85 of the Countryside and Rights of Way Act 2000.

²⁷ NPPF paragraph 118.

²⁸ PPG ID-8, and ODPM Circular 6/2005 / Defra Circular 1/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System* (16 August 2005).

²⁹ NPPF paragraphs 183 and 184.

Emerging Plans

56. Decision-takers may give weight to relevant policies in emerging plans, including neighbourhood plans, according to the stage of preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF³⁰. Whilst a referendum ensures that a community has the final say on whether a neighbourhood plan comes into force, decision-makers should respect evidence of local support prior to a referendum³¹.
57. Circumstances in which it may be justifiable to refuse planning permission on the grounds of prematurity in the context of an emerging plan are likely to be limited to where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area³².

Planning Conditions and Obligations

58. Planning conditions and obligations are intended to be used to make otherwise unacceptable development acceptable. Obligations should only be used where it is not possible to address unacceptable impacts through a condition³³.
59. Planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development³⁴. These tests reflect the Community Infrastructure Levy Regulations 2010 (as amended).
60. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects³⁵.

THE PARTIES' CASES

Agreed Matters

61. The Council and appellant agreed a Statement of Common Ground (AP3) prior to the Inquiry, although Sedlescombe Parish Council was not party to this agreement. Matters not in dispute between the Council and the appellant included:
 - That a site, or sites, for 35 dwellings need to be identified in Sedlescombe.
 - The appeal site is identified in Rother District Council Strategic Housing Land Availability Assessment (SHLAA) as being suitable and developable (LA14 and LA15).

³⁰ NPPF paragraph 216.

³¹ PPG ID-41-007.

³² PPG ID-21b-014.

³³ NPPF paragraph 203.

³⁴ NPPF paragraph 204.

³⁵ NPPF paragraph 206 and PPG ID-21a.

- The site is owned by a single party, the appellant has a firm interest in acquisition, and it could be developed within five years.
- The site is outside, but contiguous with, the development boundary of Sedlescombe.
- The site forms part of the attractive countryside setting of the village.
- The site is within the AONB, but the proposal would not result in a change to the wider qualities or character of the landscape.
- The proposed layout, design, form and mix of development is acceptable.
- The proposal would not lead to significant increases in traffic or highway safety problems, and the proposed means of access is acceptable.
- The scheme would not result in any undue detriment to the amenity of neighbouring properties.
- There are no public rights of way across the site.
- There are no insurmountable flooding or drainage issues.
- Only limited weight should be afforded to the emerging Neighbourhood Plan (PC5).
- The draft planning obligation (AP4).
- A list of planning conditions that ought to be imposed if planning permission was to be granted.

The Case for Rother District Council

Introduction

62. The Council maintained its reason for refusal set out in the decision notice [LA1], although made it clear that the relevant development plan policies are now set out in the Core Strategy rather than the Local Plan. The reason for refusal refers to the site as being open agricultural land outside the development boundary for Sedlescombe where there is a strong policy presumption against most forms of development, and as a five year housing land supply currently exists the proposal would amount to an unnecessary and unwarranted loss of countryside forming the setting of this part of the village.
63. However, during the Inquiry the Council also made it clear that, whilst only limited weight should be attached to the Neighbourhood Plan, as the statutory publicity period expired on 1 October 2014, and due to the scale and nature of the proposal, to allow the appeal would very substantially prejudice the ongoing neighbourhood plan process meaning that a refusal would also be justified on the grounds of prematurity³⁶.

³⁶ Closing Submissions [IQ21] paragraphs 42 and 47.

Rother Local Plan Core Strategy

64. The Core Strategy was found sound by the examination Inspector, it is newly adopted, and its policies are up to date for the purposes of the NPPF and should be given full weight.
65. Policy OSS2 maintains the development-boundary approach and as the policy map has yet to be updated, Local Plan Inset Map No. 31 (LA17) defines the current development boundary. The site is therefore in the countryside and subject to policy RA3.
66. Whilst the scheme complies with the additional housing requirement for villages set out in part (v) of policy RA1, part (i) is also relevant. This refers to protecting the locally distinctive character of villages and their settings, and providing a high quality response to the local context and landscape. Furthermore, policy ENV1(v) seeks to protect and enhance rural landscape characteristics.
67. Overall, the scheme's failure to comply with policies OSS2, RA1(i), RA3 and EN1(v) outweigh compliance with policy RA1(v). In short, the need for the development to contribute towards housing supply is outweighed by its failures to protect or enhance the rural setting of the village.
68. The SHLAA is not development plan policy and the site's inclusion is expressly "subject to more detailed investigations" which should be undertaken through the neighbourhood plan process.

Housing Land Supply – Core Strategy Examination Report

69. The appellant's arguments about housing needs and land supply were considered just a few months ago by the Inspector who examined the Core Strategy (LA7). Her conclusions were reached on examination of a wider and more comprehensive evidence base than is available to this Inquiry. Her report is recent, detailed and robust. It is not appropriate to carry out some sort of local plan process as part of determining the appeal³⁷.
70. The Core Strategy Inspector found that the District's objectively assessed housing need for the period 2011-2028 is 6,180, but that this should be reduced to 5,700 to take account of limitations in the area, including the fact of the AONB³⁸. She also found that the Council did not have a record of persistent under delivery, and that it was therefore right to apply a 5% buffer rather than 20%. In coming to this conclusion she noted that, in common with other parts of the country, the District struggled after 2008 with the consequences of the economic recession, and that development in the area had been constrained for several years by the uncertainty over the construction of the Bexhill to Hastings link road. Even faced with those difficulties, she found that average completions over the 1991-2011 period (245) were not far short of the requirements of the East Sussex and Brighton and Hove Structure Plan (275)³⁹.
71. Whilst acknowledging the PPG the Inspector concluded that, as there was a reasonable prospect of the housing land supply situation improving considerably

³⁷ *Hunston Properties Ltd v Secretary of State for Communities and Local Government* [2014].

³⁸ Core Strategy Examination Report (LA7) paragraphs 36 and 43.

³⁹ Core Strategy Examination Report (LA7) paragraph 44.

in the next few years, the shortfall (that had arisen between April 2011 and September 2013) could be made up over the remainder of the plan period, and not within its first five years. She noted in particular the imminent completion of the link road which would enable the planned urban extension to the north east of Bexhill, and the forthcoming housing allocations to be made in the DSADPD and in neighbourhood plans⁴⁰.

72. The Core Strategy examination report is not binding on this appeal, but it is a highly material and persuasive consideration. Indeed, the report can only reasonably be departed from if either the Inspector's findings were wrong or matters have altered so significantly in the last few months that the five year supply she identified has now been lost. Neither of those things has been shown to be the case.

Housing Land Supply – Latest Information

73. At present, the Council can demonstrate 5.1 years housing land supply against the requirements of the recently adopted Core Strategy.
74. Figure 11 of the Housing Land Supply and Trajectory 2013 (HLST 2013) (LA11) predicted a total of 163 completions for the year 2013/2014. That was the latest estimate that was before the Core Strategy examination. Figure 11 in HLST 2014 (LA12) shows that there were actually 157 completions in 2013/2014. A difference of only 6 dwellings falls far below the threshold which could justify departing from the Core Strategy Inspector's view on the appropriateness of a 5% buffer.
75. The appellant's evidence (IQ1) shows that, based on the latest information, four key sites are now expected to contribute a total of 797 dwellings to supply, about 90 dwellings more than they were calculated to contribute to in HLST 2014 (LA12).
76. For proper inclusion in the five year supply, the NPPF merely requires that there is a "reasonable prospect" that the site is available and could be viably developed at the point envisaged⁴¹.

Bovis Homes Site, East of the Link Road, Bexhill

77. The latest information⁴² about the expected timetable and delivery rate shows that this site is expected to deliver 462 dwellings in five years⁴³. This makes clear Bovis' intention to have a developer partner; its commitment to the timescale set out; and its consideration that it is achievable, and that reserved matters for its phase 1 will be worked up alongside the outline application. All of that renders the achievement of the suggested timetable more likely. The emails are the only direct evidence of Bovis' intentions before this Inquiry, are very recent, and should be given substantial weight. On this basis there is more than a reasonable prospect of this being achieved.

⁴⁰ Core Strategy Examination Report (LA7) paragraph 45.

⁴¹ NPPF paragraph 47 footnote 11.

⁴² Email from J Long, Bidwells dated 31 October 2014 attached as Appendix A to David Marlow's rebuttal proof (IQ1) and further email from J Long dated 5 November 2014 (IQ17).

⁴³ David Marlow's rebuttal proof (IQ1) paragraph 18.

Persimmon Homes Site, West of the Link Road, Bexhill

78. This site is expected to deliver 90 dwellings in five years⁴⁴. On-going pre-application meetings, and discussions with the developer, show the prospect of construction starting in early 2016⁴⁵. No evidence has been submitted to the Inquiry to show that this is not a reasonable prospect.

Blackfriars Site, Battle

79. This site is expected to deliver 207 dwellings in five years⁴⁶. Up to date evidence shows that there is a land agreement in principle between the main parties, and first completions are expected by the end of 2016 or early 2017⁴⁷. Again, there is no evidence to show that this is not a reasonable prospect.

Turkey Road, Bexhill

80. This site is expected to deliver 38 dwellings in five years⁴⁸. The site has planning permission, an earlier impasse in relation to a planning obligation has now been resolved, and the site owner's clear intention is to sell to a housebuilder as soon as the planning obligation is resolved⁴⁹.

Sedlescombe Neighbourhood Plan

81. The Council objects to the Sedlescombe Neighbourhood Plan because, by allocating only six dwellings in the village it fails to conform to Core Strategy policy RA1, which is a strategic policy, both by failing to have regard to the need to increase the supply of housing in the village, and by seeking to deflect housing growth into the countryside. In consequence, the Neighbourhood Plan is not in general conformity with the Core Strategy and it does not meet the legal requirements, or the requirements of national policy.
82. Whilst it is accepted that the Neighbourhood Plan is at a reasonably advanced stage, there remain substantial unresolved objections to it (one of which is from the Council itself). Accordingly, the weight that can be attached to it is limited.
83. However, it is clear that the Secretary of State places significant weight on the ability of local people to express their will through the neighbourhood plan process. Given the scale and nature of the appeal scheme within the village of Sedlescombe, this appeal, if allowed, would very substantially prejudice the ongoing neighbourhood plan process. This is because in the context of the village, it is a central development on a key site. There are only 7 policies in the Neighbourhood Plan, one of which seeks to preserve this appeal site as Local Green Space. Allowing this appeal would fundamentally predetermine the Neighbourhood Plan's decision on the scale and location of new development.
84. The Council, therefore, finds itself in one of the limited range of situations where refusal is justified on the basis of prematurity.

⁴⁴ David Marlow's rebuttal proof (IQ1) paragraph 18.

⁴⁵ Email from J Boyd, JB Planning dated 31 October 2014 attached as appendix B to David Marlow's rebuttal proof (IQ1).

⁴⁶ David Marlow's rebuttal proof (IQ1) paragraph 18.

⁴⁷ Letter from Paul Atherton, Savills dated 30 October 2014 attached as Appendix C to David Marlow's rebuttal proof (IQ1).

⁴⁸ David Marlow's rebuttal proof (IQ1) paragraph 18.

⁴⁹ Email from M Stoner, 26 October 2014 attached as Appendix D to David Marlow's rebuttal proof (IQ1).

85. That conclusion is not a reflection of the weight to be given to the Neighbourhood Plan (which should only be limited). Weighting emerging policy under the NPPF, and considering the question of prematurity under the PPG, are two quite different exercises. The relevant PPG tests on prematurity are both met in this case, and both are distinct from the NPPF assessment of the weight to be afforded to the Neighbourhood Plan's policies in the planning balance.

Landscape and Visual Impacts

86. The Inquiry has before it two pieces of landscape evidence: one from a landscape architect instructed by the appellant (AP20), and the other from the Council's principal planning officer (LA16). There are plainly differences in the way those pieces of evidence have been prepared. However, the Council considers that the evidence is essentially consistent in a number of key respects and shows that:

- The appeal site is rural in character, albeit well-related to the edge of the village;
- The site forms part of the attractive countryside setting of this part of the village⁵⁰;
- The condition of the landscape, it being in the AONB, is "good";
- The value of the landscape, it being in the AONB, is "high";
- Adverse impacts on the surrounding landscape will be "moderate"; and
- Visual receptors in proximity to the site will be adversely affected, albeit mitigation measures will reduce those effects over time.

87. The County Council's landscape assessment found that the open land south of Brede Lane had low/moderate capacity to accommodate change; that this is limited to infill in the less sensitive plots; and that development would not be acceptable beyond the development boundary (AP28 area S2).

88. The proposed dwellings would be clearly seen from the existing dwellings to the north and east of the site and from public footpath 2B and the MUGA to the south; the upper floors and roofs would be visible from certain points on Brede Lane, including at the proposed access junction; and longer distance views of the development would be available from public footpath 36A near Magazine Farm to the west of the A21⁵¹.

89. There is nothing in national planning policy or guidance, or in guidance by the Landscape Institute, to suggest that land has to make a significant contribution to the character of a village to represent part of its setting. The appeal site clearly forms part of the setting of Sedlescombe.

90. At present the open, undeveloped frontage to Brede Lane respects, maintains and demarcates the historic development pattern and rural setting of the village. By eroding that open space, the appeal scheme would harm that rural setting. Particularly when viewed from the east, the appeal site sets a rural

⁵⁰ Statement of Common Ground (AP3) paragraph 6.12.

⁵¹ Sarah Shepherd's proof of evidence (LA16) paragraphs 6.6 to 6.13 and 7.4 to 7.5, photographs 1-10, and Appendix 4).

context for the edge-of-settlement development visible beyond. That context will be permanently and adversely impacted as a result of the appeal scheme. Accordingly, the proposal would be in direct conflict with Core Strategy policy EN1(v).

The Planning Obligation

91. The Council has provided information that is intended to demonstrate the planning obligation meets the NPPF tests (1018), and has just one outstanding concern about the content of the final, executed unilateral undertaking. This relates to the terms on which the land proposed for use as a playing field would be transferred to East Sussex County Council, the local education authority (1028). The County Council shares those concerns, and advises that it is entirely foreseeable that the transfer of the land will not take place meaning that very little weight ought to be given to that element of the planning obligation (1027).

Rother District Council's Overall Conclusions

92. The proposal is contrary to the recently adopted Core Strategy.
93. The NPPF and the Core Strategy prioritise the delivery of housing, and that weighs in favour of the proposal. However, there is a reasonable prospect of sufficient sites coming forward to demonstrate that there is at present a five year supply of housing land.
94. Furthermore, the proposal's failure to protect or enhance the village's rural setting weighs heavily against the proposal, and means that it does not comply with the Core Strategy or the NPPF which requires great weight to be given to the preservation of AONB-designated landscapes.
95. Whilst only limited weight can be afforded to the Neighbourhood Plan, given the relative importance of the site in the Parish, and the advanced stage reached by the Plan, allowing the appeal would be premature and prejudicial to the Neighbourhood Plan process.
96. There are no material considerations sufficient to outweigh the conflict with the Core Strategy, and therefore the appeal should be dismissed.

The Case for Sedlescombe Parish Council

Introduction

97. The Parish Council is concerned that some of the evidence submitted on behalf of the appellant is inaccurate, misleading, or partial. No mention is made of the two claimed footpaths across the site (PC16). The proposal appears to entail landscaping works along the hedgerow between the appeal site and the MUGA, whereas this is in the ownership of the Parish Council (102). Information provided by local residents and Dr Roper (PC17) suggests that there are many more species present on the site than identified in the appellant's ecological appraisal (PA7) which is based on a superficial survey carried out at the wrong time of the year. The transport assessment (PA5) refers to buses running every hour, whereas in fact they run every two hours (103). The appellant's landscape evidence (PA6 and AP20) fails to acknowledge that the site is highly visible from public footpath No. 2B close to the site.

The Sedlescombe Neighbourhood Plan

98. The Neighbourhood Plan has been subject to extensive and effective consultation (PC10). Over 56% of households in the Parish responded to a survey; over 400 residents attended a major exhibition; workshops were held with school children; local businesses were surveyed; consultations took place with the police, estate agents and a range of statutory and non-statutory bodies; 440 responses were received to the regulation 14 consultation and 436 to the regulation 16 consultation. There has been a positive plan-making process, which has resulted in appropriate policies to deliver the development that the community needs whilst protecting the qualities of the village.
99. The Neighbourhood Plan represents the wishes of the local community. Until the examination process is complete, the overwhelming support by residents is the most important consideration in determining what weight to give it. This approach was taken by the Secretary of State in the Devizes appeal (104), the circumstances of which were very similar to the current proposal in terms of the site being outside the village boundary, the need for additional housing sites, and the unpopularity of the site amongst the community.
100. There is no policy in the Core Strategy that "requires" sites for 35 houses to be allocated in or abutting the development boundary of Sedlescombe; footnote 4 to Figure 12 refers only to an "expectation". Furthermore, policy RA1(v) states that the figures for potential new sites in Figure 12 are subject to "refinement" in the light of further investigation via the Neighbourhood Plan. Thus, where such further investigation reveals that sites are undeliverable, unsustainable, or highly unpopular, the number of dwellings can be reduced compared to Figure 12.
101. The heading at the top of the first column of Figure 12 is "settlement/area", suggesting that the places named in that column can be geographically wider than a tightly defined village. In the case of Sedlescombe, the Parish is the appropriate area. There is no national planning policy requirement to allocate sites in accordance with a sequential approach. The "new sites" do not therefore have to be within or adjoining the village.
102. Whilst the first part of policy RA1 may be regarded as "strategic", the second part is not. The Neighbourhood Plan does not therefore have to be in general conformity with RA1(v) and Figure 12. The Neighbourhood Plan is in general conformity with the strategic housing policies in the Core Strategy as it promotes sites for at least 40 dwellings, 14% more than the Core Strategy expectation. Three of the five sites are brownfield, and each is more sustainable in economic, social and environmental respects than the appeal site. These sites will deliver benefits to the local community, including through creating employment opportunities, safe car parking for elderly residents, and accommodation for charity volunteers.
103. The Core Strategy does not have a green space policy, therefore allocating the land south of Brede Lane as such cannot be regarded as a conformity issue.
104. There is, therefore, no contradiction between Neighbourhood Plan and Core Strategy policies relating to the appeal site. Consequently, significant weight must be given to the Neighbourhood Plan.

105. Irrespective of the weight that ought to be given to the Neighbourhood Plan, granting planning permission for the proposal would clearly undermine the Neighbourhood Plan process by pre-determining decisions about the location of new housing that ought to be made through the Plan and thwarting the delivery of the Local Green Space policy.

Landscape and Visual Impact

106. The AONB has to be treated as a whole; it cannot be divided up with some parts seen as less important than others. It is characterised by small, irregular-shaped fields that are revealed as walkers turn a corner or glimpse through a hedge. Thus, small corners of fields, such as the appeal site, are an intrinsic part of the AONB. The AONB management plan (PC12) aims to retain the remarkable character and scenic beauty of the area, and sets out a vision and framework to help guide land management and the planning of development.
107. Mrs Evans, resident of Street Farm for around five years, gave oral evidence at the Inquiry on behalf of the Parish Council. She referred to the value that the "beautiful meadow" clearly has to local residents and tourists, many of whom stop to admire the extensive views of the "wonderful countryside" from her gate on Brede Lane. She also referred to seeing people walk across the meadow, gaining access via the stile into the appeal site.
108. As well as the meadow affording panoramic views to the south across the Brede Valley, it can be seen from the south, including at close quarters from public footpath No. 2B, and from further afield on public footpath No. 36A near Magazine Farm⁵².
109. What would be left of the meadow between the proposed houses and school playing field would be regular and linear in shape, at odds with the characteristics of fields in the AONB.
110. The County Council's appraisal (AP28) concludes that development in the area should only be within the development boundary of the village, and that the land on the north side of the Brede Valley should be protected as its value is high.
111. Planting rows of trees to screen the proposed houses would not make the development acceptable; indeed such measures would further block views over the site. An Inspector in considering an appeal relating to a site nearby did not accept that planting should be used for total concealment as that could be repeated elsewhere and result in the scenic beauty of the AONB being irreplaceably eroded (105).
112. If the Brede Lane hedgerow were to be transferred to public ownership and managed in accordance with traditional methods, it would be reduced in height to around four or five feet; this would make the development highly visible.
113. The proposal would have a major impact on the outlook from 21 properties adjoining the site, adversely affecting the residents' experience of country life. Proposed tree and hedgerow planting will effectively enclose those existing residents.

⁵² PC15 photographs 1 to 5.

114. The proposal is large in the context of the population of Sedlescombe, and certainly when compared to the scale of housebuilding in the village in recent times which has been at an average rate of 2.5 dwellings per year. An appeal decision in Staunton, Gloucestershire (PC11) found that a development of 14 dwellings was large in relation to a village and low historic rates of housebuilding locally. Paragraph 116 of the NPPF therefore applies, and exceptional circumstances need to be demonstrated to allow the proposal.
115. Whilst technically in the village, Blacklands and East View Terrace are isolated, surrounded by countryside, and tenuously connected to the core. The proposal would add to this isolated collection of houses and fail to integrate with the village. The Neighbourhood Plan consultation exercises clearly show that residents prefer smaller scale developments. This would allow the new housing to integrate into the village gradually, whereas a large, urban style dormitory estate as proposed would not.

The Site's Value as Local Green Space

116. All of the land south of Brede Lane between East View Terrace and the primary school is included as Local Green Space in the Neighbourhood Plan. This reflects the wishes of local residents, 273 of whom have written in to oppose the development of the land and 440 of whom supported the Neighbourhood Plan designation during public consultation.
117. The claimed footpaths across the site connecting Brede Lane to public footpath No. 2B to the south are well used and much appreciated by walkers.

Biodiversity

118. The appellant's ecological appraisal (PA7) fails to identify 73% of the plant species present on the site; does not include an assessment to determine if the site sought to be classified as a lowland meadow; and does not include a survey of protected species including bats and slow worms. Despite evidence submitted by residents and Dr Roper during the planning application and appeal, the appellant has carried out no further ecological appraisal.
119. Mrs Evans, in her oral evidence, referred to seeing wildlife on and around the site including foxes, badgers, wild boar, frogs, kestrel, hawks, owls, butterflies, bees, dragonflies and slow worms.
120. Dr Roper, a local ecologist, gave oral evidence based on his note submitted as part of the Parish Council's evidence (PC17). He advised that he had walked the site to carry out a survey, and provided a photograph (IQ11) to show the buttercup meadow which he described as being of high ecological value and an important part of the wider Brede Valley habitat "mosaic".
121. He expressed misgivings about the appellant's ecological appraisal, and referred to the long list of species that he had identified on the site (included in his written evidence). Slow worms are abundant in the area and are likely to be present on the site. Bats no doubt roost in Catts Shaw and potentially local buildings, and will use the boundary hedgerows as food corridors; creating breaks in the hedge to allow access would reduce their effectiveness in this respect. Furthermore, the significant reduction in the size of the meadow habitat would reduce its ability to support wildlife. Catts Shaw ancient woodland is not fenced, and is clearly walked through by some local people and

animals. Additional local residents, especially those with easy access, would be likely to add to pressure on the ancient woodland.

122. Dr Roper also expressed doubts about the design of the proposed landscaping shown on the submitted plans, both in terms of its appropriateness in relation to the local rural landscape and native species, and its effectiveness in mitigating against ecological harm.

School Playing Field

123. The primary school is not short of facilities; it has a pool, large play area, and free access to the village sports field which is only about five minutes walk away. No feasibility study has been done regarding the practicality or acceptability of converting the highly visible area of land to part of the school grounds. The proposed use could impact on the AONB; there may be slow worms on this land; local residents may be disturbed by the use; and the costs of regrading and landscaping may be prohibitive.

Multi Use Games Area

124. The appellant's offer to "improve" the MUGA off East View Terrace does not reflect the priorities of the Parish Council; these have been set out in comments relating to the draft planning obligation (PC13).

Highway Safety

125. Whilst the Council and highway authority accept the appellant's transport evidence (PA5), the Parish Council disputes the trip figures. A large number of residents have witnessed significant existing traffic problems along Brede Lane, near the school and surgery, and around the junction with The Street. Adding more cars will exacerbate existing highway safety problems.

Sedlescombe Parish Council's Overall Conclusion

126. The site is of considerable value for its landscape, biodiversity, and footpaths. The proposal would cause significant harm on a permanent basis to the AONB, and be contrary to both the recently adopted Core Strategy and the Neighbourhood Plan which is at an advanced stage of preparation and should be given significant weight. Allowing the appeal would at a very fundamental level prejudice the implementation of the Neighbourhood Plan and override the wishes of 92% of the community.

The Cases for Other Interested Parties

127. Oral representations were made by the following local residents at the Inquiry, and a number of other issues were raised in the numerous representations made in response to both the planning application and the appeal.

Mr R Dellow

128. The village has grown into a sprawling metropolis over the last four decades, and no more development would be best. But if more houses have to be built, the proposal would be no worse than the alternatives suggested in the Neighbourhood Plan. All will put further pressure on schools, the doctor's surgery and infrastructure. The provision of a playing field for the primary school is welcomed.

Reverend E M Havell

129. The proposal would lead to increased traffic on a narrow lane which is already congested near the primary school, doctor's surgery and village car park. The junction with The Street is very busy at times, and cars back up along Brede Lane.

Mr Hugh Davidson

130. The primary school is oversubscribed and some children from the village have to travel to other schools. The County Council has no plans to increase capacity, and additional children will make existing problems worse. The appellant is already publishing marketing material on its website which is premature and inappropriate.

Catherine Platten

131. The greenfield is very important to the local community, and there are better brownfield sites identified in the Neighbourhood Plan that ought to be developed. The development is too large, and the proposal would lead to more traffic on an already congested road. The local community should determine the future of the village.

Mr John Brownsdon

132. The private developer is trying to force the scheme through against residents' wishes. The Neighbourhood Plan identifies appropriate land for housing, and protects the appeal site. Allowing the appeal would prejudice that. The land is not needed by the school, and levelling the land would change its character. There is insufficient space in the primary school for more children. Traffic on Brede Lane is very busy, as is the junction with The Street where hold ups of five minutes can occur.

Mr Malcolm Tegg

133. The proposal would create more traffic and there are already acute problems, especially at the start and end of the school day. Dangerous vehicle manoeuvres can occur at the junction of Brede Lane and The Street, and ambulances cannot always access the doctor's surgery. Construction traffic will cause additional problems.

Angela Hanagarth

134. Additional traffic on Brede Lane will not just cause inconvenience, but danger to drivers and pedestrians. Construction traffic could not be effectively managed; even small scale development in the village has caused problems and this site is large. Many residents of Blacklands are elderly and have lived in the village for many years; the rest of their lives will be spoiled.

Other Matters Raised in Written Representations by Interested Parties

135. Around 270 representations about the planning application and the appeal were received in total by the Council⁵³ and the Planning Inspectorate⁵⁴. The main

⁵³ TP1 – folder of letters received by the Council in response to the planning application.

⁵⁴ TP2 – folder of letters received by the Planning Inspectorate in response to the appeal.

issues raised and geographic distribution of respondents has been summarised by the Parish Council (IQ13). Many of the concerns are similar to those subsequently articulated by the local residents who spoke at the Inquiry as summarised above. Additional matters raised in the written representations include noise and disturbance to existing residents, and increased risk of flooding.

The Case for the Appellant (MJH Executive Homes)

Rother Local Plan Core Strategy

136. Policy OSS1 requires “at least” 5,700 dwellings in the plan period 2011 to 2028.
137. The qualifying phrase “at least” is significant. It was added following a recommendation by the Core Strategy examination Inspector, who also suggested the Council keep housing provision under review, to ensure soundness⁵⁵. It is based on a recognition of two factors. First, the need to significantly boost supply to try and meet the sustainability aspirations of the NPPF as far as possible having regard to the environmental constraints of the area. Second, the fact that the Hastings and Rother Housing Market Area is anticipated to be under-providing against a housing need figure based on the 2011-based projections by about 30% during the plan period. Furthermore, the Royal Town Planning Institute and others have suggested that the 2011 projections may substantially understate housing needs that may result from a less restrained economic environment.
138. The result is a need to ensure that housing land supply is maximised within the identified environmental constraints, including in villages where the Core Strategy requires 1,670 new dwellings (out of a total of 5,700) to be provided.
139. Policy OSS2 requires the review of development boundaries around settlements to meet the requirements of OSS1. The boundary drawn tightly around Sedlescombe by the 2006 Local Plan must be reviewed in order to deliver the housing needed in the village.
140. The Core Strategy advises that the level of housing growth in rural areas responds to the need to maximise opportunities for sustainable growth and the further assessment of the potential sites through the SHLAA 2013⁵⁶. This SHLAA was an important element of the evidence base for the Core Strategy and was one of the principal tools used to identify the capacity of the area to accommodate housing. That study expressly identified the potential role of the appeal site to meet this need.
141. Policy RA1, which distributes the housing requirement to villages, is expressed in mandatory language, and makes it clear that it will be located in accordance with Figure 12, subject only to “refinement” in the light of further investigations via the DSADPD and/or neighbourhood plan. Figure 12 refers to “potential new sites”; this label is a direct reference to SHLAA 2013 which is mentioned explicitly in the footnotes which also contain a reminder of the spatial strategy established by policies OSS1 and OSS2 ie the expectation that new allocations are within or immediately abutting a village boundary.

⁵⁵ Core Strategy Examination Report (LA7) paragraph 36.

⁵⁶ Core Strategy (IQ6) paragraph 12.14.

142. Whilst paragraph 12.41 explains that new sites are expected to be formally allocated via the DSADPD or neighbourhood plans, this is not a requirement. The first consultation on the DSADPD is unlikely to emerge until summer 2015, some four years into the plan period, and adoption will be beyond that. In the meantime, village sites need to be released early in the plan period in order to boost a flagging five year land supply. The Core Strategy does not prevent the release of sites through the granting of planning permission in advance of the DSADPD and neighbourhood plans, and indeed this may be necessary to deliver the strategy in the interim. This is confirmed by paragraph 12.42 of the Core Strategy.

Housing Land Supply

143. The Core Strategy examination Inspector's findings were based on the assumption that the large sites in north east Bexhill would come forward more quickly if the Core Strategy was to be adopted, and she was comforted by a letter from the Council (AP16) which foresaw an early economic recovery and sites being identified in the site allocations work. Furthermore, the HLST 2013 (LA11) predicted a healthy increase in completions commencing in 2014/15 and continuing in 2015/16. On this basis, she found 5.1 years housing land supply.

144. However, HLST 2014 (LA12), which was not available at the time of the Core Strategy examination, shows the slump in completions persisting in 2014/15 and only estimated to slightly improve in 2015/16. In other words, the substantial under performance will have continued for 8 years. This is important new evidence, and supports a different conclusion to that reached by the Core Strategy Inspector regarding an appropriate buffer; it should now be 20% which would mean that supply would fall to 4.4 years even if all of the other assumptions made by the Council are correct⁵⁷.

145. However, even if a 5% buffer is still used, it has not been satisfactorily demonstrated that a five year supply now exists. The large sites in north east Bexhill dependent on the link road are critical to the supply; such sites are notoriously subject to delay.

146. Bovis control the whole of the large site east of the link road at Bexhill and anticipate outline planning permission for around 1,000 units. An outline application is anticipated in Spring 2015, with phase 1 details to be worked up in parallel and a decision expected in Autumn 2015. On any sensible assumption it would take at least a further 18 months before the first houses could be built, a rule of thumb timescale recommended by the Council to the Core Strategy examination (AP16). In other words, development will not begin until mid 2017, meaning that the assumption made by the Council's rebuttal proof (101) of 150 units in 2016/17 is highly optimistic, not least because Bovis themselves assume 50 completions in the first year.

147. The Persimmon site west of the link road also does not benefit from planning permission and will require a spur from the link road for which funding is not confirmed meaning that completions are not likely until 2017/18 at the earliest⁵⁸. The Blackfriars and Turkey Road sites have had outline planning

⁵⁷ Geoff Armstrong proof of evidence (AP5) paragraph 6.22

⁵⁸ Geoff Armstrong proof of evidence (AP5) paragraph 6.27

permissions in place for several years without development progressing, and both require planning obligations to be put in place.

148. It would be wrong to take a snapshot from a date later than that set out in HSLT 2014 as completion figures are not available. At best the Council's housing land supply is only marginally over five years; it would take only around 30 dwellings not to come forward for the supply to fall below five years. The latest information provided in the Council's rebuttal evidence (101) is simplistic, over-optimistic and has not been subject to rigorous analysis by the Council. The balance of evidence is all one way and points to the absence of a five year supply even if one accepts a 5% buffer and the deferment of dealing with the shortfall until 2022 at the earliest which is what HLST 2014 indicates. Given the background to the Core Strategy, and the fact that objectively assessed needs are not being met in the District or wider housing market area, this deficiency should attract great weight.

Sedlescombe Neighbourhood Plan

149. The emerging Neighbourhood Plan is subject to severe criticism not only from the appellant but also the Council who retains the final decision as to whether or not it should be adopted. Whilst the Neighbourhood Plan examination process will determine if the requisite basic conditions are met, the Parish Council has provided no independent evidence to indicate that this is likely to be so.
150. A neighbourhood plan is intended to be a tool to allow a local community to direct the growth that is needed in its area in line with the strategic policies of the local planning authority. In this case, the Neighbourhood Plan, in allocating only one site for six houses in the village, fails fundamentally to deliver the housing growth set out in the recently adopted Core Strategy. Expressing "support" for, but not allocating, sites outside the village is not an effective approach; and their dispersed locations are clearly at odds with the Core Strategy.
151. The origins of the Neighbourhood Plan lay not in any desire to objectively review options for delivering the Core Strategy, but an attempt to prevent the appeal proposal; hence the designation of the appeal site, and adjoining land, as Local Green Space.
152. Rother District Council has urged the Parish Council to reconsider the designation of the land south of Brede Lane in the emerging Neighbourhood Plan and suggested a comprehensive approach that delivers some housing, land for the school, and green space (AP11 and AP12). The Parish Council has failed to respond positively, or to enter into dialogue with the appellant. Despite this, the appeal proposal, including the planning obligation, seeks to deliver such a comprehensive scheme.
153. The Neighbourhood Plan's policies will require radical reconsideration and should, therefore, carry little weight despite the stage it has reached.
154. "Prematurity" is rarely invoked as an objection to an otherwise acceptable proposal. In this case, the Parish Council's main concern seems to be prejudice to the Local Green Space designation. However, the bulk of the open land south of Brede Lane would be placed securely in public ownership meaning that green space aspirations would be met. On the other hand, if the appeal is

dismissed the land will remain in private ownership with no public access or control over its management. Furthermore, the Core Strategy requirement to allocate land for 35 dwellings in or adjoining the village will remain.

155. Given these factors, and the Neighbourhood Plan's fundamental flaws, it is not likely to be adopted soon. As its policies undermine, rather than help to deliver, the Core Strategy, they are not worthy of the protection given to emerging plans by national policy.

Landscape and Visual Impact

156. Great weight should be given to conserving the landscape and scenic beauty of the AONB in accordance with NPPF paragraph 115, but the proposal does not represent a "major development" and therefore it is not necessary to demonstrate "exceptional circumstances" in accordance with NPPF paragraph 116. This is because in the context of the housing requirements of the Core Strategy as a whole, and the existing size and population of Sedlescombe, a development of 18 dwellings adjoining the village is not major.
157. However, if NPPF paragraph 116 was considered to be relevant, exceptional circumstances do exist by virtue of the clear requirement to release land on the edge of settlements in the AONB if the Core Strategy housing objectives are to be met.
158. Furthermore, such development itself need not have an adverse impact on the AONB. In this case, both the SHLAA 2010 and SHLAA 2013 (LA14 and LA15), as well as landscape assessments (AP28, PA6, and AP20), show that some limited form of development, around 20 units, would be acceptable on the appeal site. This has been confirmed in recent correspondence from the Council in relation to the emerging Neighbourhood Plan (AP11 and AP12).
159. Further work has found only one other suitable site in or adjoining the village, and that is for only six dwellings. So even if the appeal is allowed there will remain a need to find a site or sites for more housing in or adjoining Sedlescombe, in the AONB, to deliver the Core Strategy.
160. Neither the Neighbourhood Plan nor the Parish Council's evidence to this Inquiry benefits from any professional landscape input. Four of the five photographs produced by the Parish Council (PC15) are taken from the immediate boundaries of the site and show its urban context; the fourth can only have been taken by poking a camera through a gap in the hedge and at best shows a sideways glance from the footpath; and the fifth shows the existing built edge of the settlement to the north and east of the site (Blacklands and East View Terrace). Moreover, this fifth photograph is not an accurate representation of the view from public footpath No. 36A as it has been cropped and considerably enlarged⁵⁹.
161. The site is "sandwiched" on two sides, and on higher ground, by existing residential development within the village, and is effectively separated from the open land of the Brede Valley to the south by the MUGA and Catts Shaw.

⁵⁹ Catherine Shelton proof of evidence (AP20) paragraph 6.7.

162. The visual effects are limited to the surrounds of the site and are fully described in section 4 of Catherine Shelton's proof of evidence (AP20) and illustrated on her photographs (AP25). This evidence shows that the visual impact would be very limited and local, and that it would reduce as a result of the landscape mitigation strategy. Any harm to the landscape would be minor, temporary and very localised. It is inevitable that extensions to settlements, which are required by the Core Strategy, will lead to some change to the existing landscape, but that cannot be a reason to prevent them all. The key consideration is whether such change leads to unacceptable harm; this is manifestly not the case here.
163. For similar reasons, the proposal would not materially harm the setting of the village. It is accepted that there will be some change, but as there are no clear views, only glimpses, across this land from points of public access both inside and outside the village, this will not impact on the true setting of the settlement. The views from the rear of the adjoining houses will change, but again that is an inevitable consequence of an extension to a settlement. The Council accepts that the effect on existing residents does not warrant refusal⁶⁰.
164. Core Strategy policy ENV1(v) seeks to protect the open landscape between clearly defined settlements, including settlement edges. This must be construed in the context of the plan as a whole, and the spatial strategy that includes extensions to towns and villages. Policy RA1(i) has a similar aim to policy ENV1(v) and also refers to local distinctiveness; no evidence has been submitted in relation to that point.

Biodiversity

165. The preliminary ecological appraisal (PA7) included a field survey on 6 September 2013 and concludes that overall the site, which is semi-improved grassland with small areas of scattered scrub and hedgerows of varying quality along its borders, has low ecological value. It is highly managed, although it may be used by protected species including bats, breeding birds and badgers.
166. The Parish Council's concerns about the effect on biodiversity essentially boil down to the fact that the site forms part of a species rich buttercup meadow supporting some invertebrate life and assisting in providing food and refuge for other wildlife. However, any bat interest is limited to the use of boundary hedgerows as food corridors; these would be strengthened by the proposal. There are well-established techniques for protecting any slow worms, or other reptiles, during construction.
167. The dwellings would be an adequate distance from the Catts Shaw ancient woodland in line with Natural England guidelines. There are no objections from Natural England or any other independent groups with an interest in biodiversity. Transfer of the bulk of the meadow to public ownership with appropriate management mechanisms in place, as set out in the planning obligation, would create a natural open space, something that cannot be guaranteed if the land stays in private ownership. Planning conditions and the planning obligation would ensure that biodiversity interests would be protected and enhanced.

⁶⁰ Officer report to Planning Committee (LA2) paragraphs 6.7.1 and 6.7.2.

School Playing Field

168. The proposal includes the provision of land for use by the primary school as a playing field. This is much needed, and welcomed by the headteacher (AP18). There is no evidence that this use of the land will cause any harm.

Appellant's Overall Conclusions

169. At best there is only a marginal five year supply of housing land. Housing delivery has been below targets for 6 years, and this is expected to continue for the current year and next. The shortfall will not be made up until 2022-2023. That is against a requirement that is below objectively assessed needs. Small sites are needed to boost the supply of housing in the short term.

170. The Core Strategy requires the release of sites on the edge of settlements, and the suitability of the appeal site has been acknowledged by the Council. Permission would have been granted if the Council had accepted that there is not a five year supply.

171. There will be no material harm to the AONB, and only local and limited changes to views and the landscape.

172. Since permission was refused, the Core Strategy has been adopted. This dictates that the balance of advantage lies in releasing the site now. This would also achieve some of the aims of the Neighbourhood Plan, the role of which would remain. However, as the Plan fails to deliver what is required by the Core Strategy it has little weight and does not warrant protection.

173. The wider public interest would be served by allowing the site to be developed without further undue delay.

PLANNING CONDITIONS IF THE APPEAL WAS TO BE ALLOWED

174. The conditions set out in the Statement of Common Ground (AP3) were discussed at the Inquiry and all but one were agreed to be appropriate if the appeal were to be allowed, subject to refinement to improve clarity and ensure consistency with national policy and guidance⁶¹. The conditions that I recommend be imposed if the appeal is allowed are set out in Annex D.

175. In addition to the standard conditions relating to the timing of development and compliance with the approved plans, a condition relating to the provision of foul and surface water drainage details would be needed to prevent flooding and pollution to the local environment.

176. Details of external materials would need to be approved by the Council to safeguard the character and appearance of the area. Conditions requiring a landscaping scheme to be submitted, approved and implemented would be required for a similar reason. A condition stipulating that the "woodland buffer" shown on the approved plans shall not form part of the garden or residential curtilage of any of the dwellings, and that no buildings are erected on it, would be necessary to ensure that it provides a wildlife habitat and a buffer between the residential development and the ancient woodland to the south.

⁶¹ NPPF paragraphs 203 and 206, and PPG ID-21a.

177. The village is in an area of archaeological significance, and whilst a desk top study has been carried out (PA9), further work would be required in order to ensure that the archaeological and historic interest of the site is properly investigated and recorded. I recommend conditions accordingly.
178. The provision and implementation of a construction management plan would be necessary to protect highway safety and the living conditions of local residents.
179. The proposed access road, along with parking and turning spaces for vehicles as shown on the approved plans, would need to be provided before the houses are occupied in the interests of highway safety. However, the suggested condition requiring the highway works / access to be completed in accordance with the approved plans would not be necessary as this is dealt with by other conditions.

INSPECTOR'S CONCLUSIONS

180. My main issues, findings and conclusions set out below are based on the written and oral evidence given to the Inquiry along with what I saw during the accompanied and unaccompanied visits that I made to the site and surrounding area. The numbers in [small font square brackets] refer to earlier paragraphs in this report.

Main Issues

181. The main issues are:

- the effect that the proposal would have on the character and appearance of the area having particular regard to the AONB designation and the setting of the village;
- the effect on the biodiversity of the area;
- whether the proposal would be in accordance with the Rother District Core Strategy;
- whether the proposal would be prejudicial to the emerging Sedlescombe Neighbourhood Plan;
- whether the release of the site for development at this time is necessary having regard to the national planning policy objective to boost significantly the supply of housing; and
- whether the provisions of the planning obligation are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

The Effect on the Character and Appearance of the Area

High Weald Area of Outstanding Natural Beauty

182. Whilst the erection of eighteen dwellings may represent a larger development than has occurred in or around the village in recent years [114], it is clearly not out of scale with what is envisaged by the Core Strategy which requires a total of 76 additional houses in Sedlescombe [27]. Moreover, the proposal would not be disproportionate in relation to the size of East View Terrace, Blacklands, or the village as a whole, and it would be contained on two sides by existing housing. The proposal would not, therefore, represent a major development in the AONB meaning that exceptional circumstances are not required to justify it. Notwithstanding that, it is necessary to consider the effect on the landscape and natural beauty of the AONB and, mindful of the statutory duty, the conservation of those qualities is an objective that carries great weight [53].

183. The AONB covers a large area of countryside that comprises a patchwork of irregular-shaped fields and woods along rolling hills and within valleys [15]. The landscape around the village is characteristic of the wider area, comprising attractive, hilly countryside with small fields and numerous areas of woodland, hedgerows, streams, country lanes, public footpaths and scattered buildings. The site is on the edge of the village towards the bottom of the Brede Valley which is an integral part of the AONB and exhibits many of its distinguishing

- features [15 and 106]. I have no reason to disagree that the condition of this part of the AONB landscape is good, its value is high, or that its sensitivity is moderate [86].
184. The proposal would clearly alter this part of the valley. Two areas of meadow would be replaced by a school playing field and housing development with a managed recreational area in between. What is essentially open and rural would become partially developed and more urban in nature.
185. However, the land south of Brede Lane is visually and physically separated from the surrounding open countryside by built-up parts of the village to the north, east and west, and by a hedgerow, the MUGA and ancient woodland to the south [13 and 161]. The proposal would extend the village somewhat, but this would be within an essentially enclosed area rather than into the wider open countryside of the Brede Valley or surrounding parts of the AONB.
186. Based on what I saw during my visits to the area and the photographic and other evidence submitted by the various parties [88, 107, 108, 160, and 162], it is clear to me that the proposal would have some effect on views from Brede Lane over the undeveloped valley to the south and south east. At present, panoramic views can be gained through gaps in the hedge, including at the stile on the site frontage and at the entrance drive to Street Farm further to the west. The removal of eleven metres or so of the frontage hedgerow would provide an additional opportunity to look over the valley. However, the proposed dwellings would be located to the rear of Blacklands and East View Terrace, and on the lower parts of the site, meaning that they would not be prominent in the wider landscape when seen from vantage points on Brede Lane. Moreover, the retention of the large undeveloped area to the west of the proposed housing would mean that a wide view over the valley would still be available from Brede Lane.
187. From the south, the proposal would be seen from parts of the nearby public footpath No. 2B and the MUGA. Approaching along footpath No. 2B from the open countryside to the east, the development would not be visible until the point of pedestrian access from the end of East View Terrace near the MUGA is reached, or in other words at the edge of the village. The first glimpses of parts of new houses would be through gaps in the hedgerow, and these would be likely to be seen against trees on Brede Lane and the sky. From further west along footpath No. 2B, the houses would appear against the backdrop of Blacklands and East View Terrace.
188. Approaching along the public footpaths from the core of the village to the west, the site is largely screened by vegetation. The development would only be seen through a limited number of gaps in the hedgerow as the site was approached on footpath No. 2B, and then it would in the context, or instead, of a view of the rear of existing houses.
189. Longer distance views of the proposal from the south would be possible from public footpath No. 31 between the village sports ground and the River Brede and from the access road to Pestalozzi International Village. However, Catts Shaw and other vegetation mean that only glimpses of new housing would be gained.

190. The proposal would also be seen in the distance across the valley from a limited number of points along public footpath No. 36A to the south west of the A21 close to Magazine Farm. However, from this distant perspective the open fields south of Brede Lane are seen within the context of the existing built up parts of the village comprising the historic core to the left, Blacklands to the rear, and East View Terrace to the right hand side, with surrounding woodland.
191. The proposal would be seen from in and around a number of existing dwellings at Blacklands and on East View Terrace, particularly from rear windows and back gardens. However, the Core Strategy requires extensions to be made to towns and villages; this cannot be achieved without some effect on views of the AONB-designated countryside from existing houses.
192. In summary, it is clear that parts of the proposed development would be visible from a number of nearby dwellings, and from some surrounding roads and footpaths, both close by and further afield. However, the number of public vantage points from where the proposal would be seen is limited, and from most of these the passing observer would be likely to catch little more than a glimpse of the upper parts of new buildings. Furthermore, any such impressions gained would be of housing within a landscaped setting and either in the context of, or instead of, the sight of existing houses.
193. No engineering works or built development are proposed to the part of the site adjoining the school, and the change of use of this land to a playing field would not be likely to significantly alter its character or appearance meaning that this element of the proposal would not materially detract from the qualities of the AONB, particularly bearing in mind its close proximity to existing buildings in the village [17, 123, 132 and 168].
194. Thus whilst the proposal would extend the village into the adjoining meadow, it would not be visually prominent within the wider landscape, and would be essentially enclosed by, and well related to, existing built development to the north, east and west, and mature landscape features to the south. Provided that appropriate planting was carried out on and around the residential site, the proposal would have little effect on the landscape and scenic beauty of the wider AONB, and a limited effect on the immediate surroundings. Accordingly, the proposal would cause only limited harm to the objectives of national policy and legislation [53] and Core Strategy policy EN1 [31] relating to the protection of AONBs.

The Setting of the Village

195. I agree that, by virtue of being part of a meadow adjoining the existing built development, the site forms part of the attractive countryside setting of the village [61]. By introducing additional buildings and associated infrastructure, and by reducing the amount, and changing the shape and nature, of the open land in this part of the valley the proposal would have some effect on the setting of the village.
196. However, I have already found that in so far as the proposal would be seen from public vantage points, this would essentially be within the context of the existing settlement edge defined by the rear of Blacklands and East View Terrace [192]. The limited scale and location of the proposed housing on the lower part of the site mean that it would not be intrusive. The hedgerows and

trees around the site would be largely retained, and additional landscaping would be carried out; this would help to integrate the development into the village and provide a soft edge to the built form. A significant area of open land would remain between Brede Lane and the valley bottom, and the planting of hedgerows and trees could create an irregular-shaped meadow if that were deemed to be desirable [109].

197. Overall, the proposal would not significantly alter the form of the village, and whilst the new settlement edge would be different in nature and position to that currently defined by the rear of the properties on Blacklands and East View Terrace, it would not appear out of place or incongruous. Indeed, the layout of the houses largely away from the west boundary of the residential site, and the significant areas available for landscaping, mean that the proposal offers opportunities to create an improved transition between the built up area and open countryside.
198. The conclusion of the County Council landscape assessment in 2009 (AP28) was used to inform the Core Strategy, and the District Council's subsequent assessments concluded that the more limited open area adjoining East View Terrace would be suitable and developable subject to more detailed investigations [61, 152 and 158]. Further investigations have been carried out as part of the planning application and appeal process, and on the basis of that, and for the reasons given above, I conclude that the proposal would not detract from the rural setting of this part of the village.

Conclusion about Character and Appearance

199. I conclude on my first main issue that, having regard to the AONB and the setting of the village, and subject to appropriate mitigation measures, the proposal would have a limited adverse effect on the character and appearance of the area. There would, therefore, be limited conflict with the objectives of national policy [46 and 53] and Core Strategy policies RA1, RA2 and EN1 [26 and 31] relating to the protection of the countryside and the character and setting of villages.

Biodiversity

200. There is conflicting evidence about the biodiversity value of the site and surrounding area, and the effect that the proposal may have in this respect [118-122 and 165-167]. Notwithstanding this, the evidence does suggest that there is a reasonable likelihood that protected species, including slow worms, bats, nesting birds and badgers use the site. It is also likely that there are a wide variety of plants on the site [118].
201. However, subject to appropriate planting and management, the majority of the hedgerows would be maintained and improved meaning that their particular biodiversity value, including for foraging bats and nesting birds, would be preserved or enhanced. The loss of a relatively short section of the Brede Lane frontage hedgerow would be unlikely to have a significant effect in this regard.
202. Development of part of the meadow would reduce the amount of open land that could be used as a habitat and for foraging. However, a large area of open land would remain between the housing development and the school playing field, and the open countryside to the south would be retained. The planning

obligation, which I consider further below, would ensure that the open area adjoining the residential development would be appropriately landscaped and managed [247-252]. In this context, whilst the loss of parts of the meadow may be perceived as regrettable, the scale and location of the development, and the proposed mitigation, mean that it would be likely to have only a limited adverse effect on biodiversity.

203. The increased use of the surrounding countryside, including the nearby ancient woodland, that would be likely to arise from eighteen additional households with convenient pedestrian access would be limited. Therefore the proposal would be unlikely to materially alter the nature of those undeveloped areas near to the site or to materially harm their biodiversity value.

Conclusion about Biodiversity

204. Provided that the site and remaining undeveloped area were appropriately landscaped and managed, the proposal would be unlikely to harm the biodiversity of the area and would be consistent with the objectives of national policy [54] and Core Strategy policies EN1 and EN5 in this regard.

Rother Local Plan Core Strategy

205. The Core Strategy was very recently adopted having been found to be consistent with the NPPF. However, the Core Strategy itself requires certain things to occur in order to allow its implementation; these include a review of development boundaries and the identification of new sites for housing development [23].
206. The proposed housing development, by facilitating an appropriate level of growth at an identified village, would be in accordance with the overall spatial strategy set out in policy OSS1 and the objectives for villages set out in policy RA1(v). Furthermore, the principle of identifying a new site adjoining the current development boundary of Sedlescombe is consistent with the settlement-based approach in policy OSS1; the explicit requirement to review development boundaries in policy OSS2; the criteria to guide the location of development in policy OSS3; and the reference in policy RA1(v) to locating new allocations in accordance with Figure 12 [21-28]. Whilst I do not regard the reference in Figure 12 footnote 4 (to the expectation that new allocations are within or immediately abutting a village development boundary) to be a policy statement, I do consider that such an approach is entirely consistent with the collective intent of the Core Strategy policies that I have referred to.
207. However, policy OSS2 is clear that the process by which development boundaries will be reviewed is through the preparation of the DSADPD, and part (v) of policy RA1 and the reasoned justification at paragraph 12.41 are unequivocal that new housing allocations in villages will be made in the DSADPD and/or neighbourhood plans [23 and 26]. Until those planning processes have been undertaken, new housing outside existing development boundaries would be contrary to policies OSS2 and RA3 [23 and 31].
208. No part of the Core Strategy that I have been referred to suggests to me that new sites in villages ought to be released early in the plan period through the granting of planning permission in advance of the plan-led process set out [29-30 and 142]. The reference in paragraph 12.42 to previously unidentified large sites

in a village gaining planning permission before the adoption of the relevant plan seems to me to be intended to assist in the implementation of the Core Strategy by explaining how such permissions will be taken into account in determining what further sites may be needed in that area. In other words, it is recognition of, and a pragmatic response to, a situation that could arise at some time during the period up to 2028, rather than an expression of policy intent.

Conclusions about the Core Strategy

209. As is often the case with development plans, some of the individual policies in the Core Strategy pull in different directions. The proposal is consistent with, and would positively help to deliver, Core Strategy objectives relating to meeting housing needs and ensuring the continued vitality of villages.
210. However, I have already found that there would be limited conflict with the Core Strategy objectives relating to the protection of the countryside and the setting of villages [199].
211. Furthermore, the granting of planning permission would be clearly contrary to policies OSS2, RA1(v) and RA3 which collectively aim to prevent new housing outside existing development boundaries, and require development boundaries to be reviewed and new housing sites to be identified through the DSADPD and/or neighbourhood plans. Given how recently the Core Strategy was adopted, the conflict with these policies carries greater weight at this time than compliance with the other relevant policies that I have identified.
212. I conclude on this main issue that the proposal would not be in accordance with the Core Strategy.

Sedlescombe Neighbourhood Plan

213. Whilst the proposal and planning obligation may help to deliver some of the aspirations of the Neighbourhood Plan, the proposed residential development would clearly be contrary to the objectives of policies 1 and 7 relating to the location of new dwellings and Local Green Space [39 and 42].

Local Green Space

214. It is clear from the Neighbourhood Plan process that many local people value the open land south of Brede Lane as being special. This is reflected in its designation in the emerging Plan as Local Green Space for three main reasons [42]; these I consider below.
215. I have already dealt with the effect that the proposal would have on the AONB and the setting of the village, and in so doing have considered views of and from the countryside [187-193].
216. It is true that the site and adjoining land provide a gap in the built-up frontage along Brede Lane [42 and 90]. However, whether approaching this gap along the lane from the west or the east, the clear impression is that it is within the village. Whilst the provision of the access and removal of part of the hedge would alter this part of Brede Lane, the frontage between Blacklands and Street Farm would remain essentially undeveloped, and a modest sized and well landscaped new road junction would not be an incongruous feature within the village.

217. The issue of whether there are public rights of way across the site was unresolved at the time of the Inquiry [9, 61, 97 and 117]. It would not be right for this appeal to anticipate the outcome of the legal process that will settle that issue. Given the uncertainty that exists at the present time I attach only limited weight to any recreational value that the meadow is likely to provide in the future if the appeal were to be dismissed.
218. Whilst the proposal would reduce the size and alter the shape of the undeveloped area, the planning obligation would ensure that the remaining open land was appropriately landscaped and managed, and that public access be provided to it.
219. For these reasons I conclude that, whilst the site and adjoining land is clearly valued by the local community in its current undeveloped state, its potential role as Local Green Space would only be adversely affected in some respects and to a limited degree. Furthermore, provided that appropriate landscaping, management, and public access arrangements were implemented, the proposal could lead to improved Local Green Space functions on the remaining undeveloped land.

Weight to be Attached to the Neighbourhood Plan

220. The Neighbourhood Plan has reached a relatively advanced stage, and there is evidence of significant local support (PC10) meaning that weight may be given to it [56]. However, there are significant unresolved objections, including from the Council, to relevant policies; this limits the weight that may be attached [61, 81-83, 98-104 and 149-153].
221. Furthermore, it is not at all clear at the present time whether the Neighbourhood Plan is consistent with the NPPF objectives of achieving conformity with, and planning positively to support, the strategic policies of the Core Strategy and not to promote less development [55]. My concerns in this respect are particularly about the scale and location of housing development proposed in the Neighbourhood Plan, and whether the allocation of all of the land south of Brede Lane as Local Green Space can be justified for the reasons set out above [214-219]. These matters will be determined through the independent examination process, and in the meantime the uncertainties further reduce the weight that can be afforded to policies 1 and 7 of the Neighbourhood Plan.
222. I therefore conclude that only limited weight can be given to the relevant policies of the Neighbourhood Plan.

Prematurity

223. In the context of national policy and guidance [57], consideration of the issue of prematurity in relation to an emerging plan is an essentially separate exercise to determining what weight should be given to relevant policies, albeit that some factors may be relevant to both [83-85, 105, and 154-155].
224. For the reasons given above [208-209], the Neighbourhood Plan is the mechanism by which the Core Strategy expects new housing sites to be identified in Sedlescombe. Whilst the independent examination is still to take place, and it is possible that further work and alterations to the Plan may be required if it is to progress through subsequent stages and be adopted by the Council, it has

reached the advanced stage referred to in the PPG meaning that prematurity needs to be considered.

225. Notwithstanding that I have found that the proposal would not represent a major development in the AONB [182], eighteen dwellings amounts to over 50% of the total of 35 homes that new sites need to be identified for at Sedlescombe [27 and 61]. Although Core Strategy policy OSS1 makes it clear that the housing requirement figure for the district as a whole is the minimum that should be achieved, growth of villages is expected to be “limited” and therefore it is unlikely that significantly more homes than set out in Figure 12 would be appropriate at Sedlescombe. In this context, the appeal proposal would determine the location of a large proportion of the new homes needed in the village in the period to 2028.
226. Neither the SHLAA (LA14 and LA15) nor the Neighbourhood Plan process so far have identified other sites in or adjoining the village development boundary sufficient to meet the requirements of Core Strategy policy RA1(v) and Figure 12 [61 and 159], and, other than the sites elsewhere in the Parish that are supported by the Neighbourhood Plan [39], no others have been brought to my attention. It is for this reason that the Council has encouraged the Parish Council to give consideration in the Neighbourhood Plan process to a comprehensive approach to the land south of Brede Land that allows for a limited amount of housing, including as recently as October 2014 [61, 152 and 158].

Conclusion about the Neighbourhood Plan

227. Decisions about the scale, location and phasing of development at Sedlescombe are matters for the Neighbourhood Plan, but this has to be within the framework set by the Core Strategy and NPPF. Whilst the evidence before the Inquiry does not suggest that there are other suitable and deliverable housing sites sufficient to meet the needs of the village, this is still a matter that should be properly and fully considered through the Neighbourhood Plan process. Granting planning permission for eighteen dwellings on the appeal site would undermine that process by pre-determining decisions about the location of housing development that are central to an emerging plan, and also prejudice consideration of how the local community’s aspirations for Local Green Space should be reflected in the Neighbourhood Plan.

National Policy Objective to Boost Significantly the Supply of Housing

228. There is no substantive new evidence before the Inquiry to lead me to a different conclusion to that set out in the Core Strategy examination report (LA7) regarding the housing requirement figure. In other words, the Council needs to be able to demonstrate that there is currently a five year housing land supply against the Core Strategy figure of 5,700 [21, 70-73, 136 and 137].
229. There is, however, new evidence about housing completions and the supply of deliverable sites that was not available at the time of the Core Strategy examination, the most notable of which is HLST 2014 (LA12) and the latest information about four large sites [75-80 and 143-148].
230. HLST 2014 shows that, if the unmet need that has accrued since 2011 is spread over the remainder of the plan period and a buffer of 5% is included, an approach accepted by the Core Strategy examination Inspector, the current five

year requirement is for 1,974 dwellings. Against this, the Council identifies a supply of deliverable sites that could accommodate 2,004 dwellings. In other words the Council claims a surplus of 30 dwellings, and 5.1 year supply of housing land [73].

231. As the Core Strategy examination Inspector found, completions in the period 1991-2011 were not far short of the East Sussex and Brighton and Hove Structure Plan requirement [70]. As anticipated in HLST 2013 (LA11), completions in 2013/14 have been confirmed in HLST 2014 (LA12) to be below the annual requirement of 335 for the period 2011 to 2028 [143-144]. Whilst this represents one more year of under delivery in the initial years of the life of the Core Strategy, this was again in the context of a difficult economic climate and the Bexhill to Hastings link road not having been completed. I am not persuaded, therefore, that a persistent trend has been established or that the 5% buffer, found by my colleague to be appropriate, should now be increased to 20%. Nor have circumstances changed so significantly since the Core Strategy examination to mean that it would be reasonable to insist on the shortfall being made up in the next five years rather than over the rest of the plan period.
232. As progress continues to be made towards completion of the link road, a constraint that has held back residential development on certain sites allocated in the Core Strategy will soon be removed. The Council's latest information about four sites (IQ1) that are expected to contribute significantly to the five year supply suggests that they may now deliver a total of 90 more dwellings than assumed in HLST 2014 [75-80]. Whilst it would not be appropriate to simply increase the supply figure identified in HLST 2014 by that amount, as changes could also have occurred in relation to other sites and comprehensive completion figures are not available, this information does suggest that progress continues to be made on those four sites.
233. The appellant's expert witness, based on considerable relevant experience including of large scale residential developments in the local area, is sceptical about the latest information about the four sites [146-147]. It is true that the emails presented to the Inquiry [77-80] do not contain definitive evidence about the timing of development, but they are up to date statements of developer intentions. The additional information and analysis provided by the appellant does not, to my mind, represent clear evidence that the completions envisaged by the developers and the Council will not be achieved in five years [47].

Conclusions about National Policy Objectives for Housing Supply

234. Therefore, on balance, I conclude that the Council is currently able to demonstrate a five year supply of deliverable sites, and the Core Strategy policies relating to the supply of housing should continue to be regarded as up to date. Accordingly, and having regard to the national planning policy objective to boost significantly the supply of housing, it is not necessary to release the site for development at this time.

Planning Obligation

235. Following discussions about earlier versions with Rother District Council and the Parish Council, including during the Inquiry, the appellant submitted a completed planning obligation by unilateral undertaking on 20 November 2014 (IQ25). Other than in relation to the terms of transferring the proposed playing

field to the local education authority, the Council is satisfied with the content of the planning obligation [91]. Notwithstanding this, for its provisions to be given weight in the determination of this appeal they would need to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development [59].

Affordable Housing

236. The planning obligation would ensure the provision, and future occupation and management arrangements, of the on-site affordable housing proposed in the planning application which is in accordance with Core Strategy policies LHN1 and LHN2 [32]. This element of the planning obligation complies with the three tests.

Secondary School Financial Contribution

237. East Sussex County Council advises that the contribution of £58,122 would be used to help fund the provision of additional places at the Claverham Community College which would be likely to be used by children living on the appeal site and which currently has a deficit of places. This is in accordance with Core Strategy policies CO4 and IM2 [33 and 35], and the contribution has been calculated in accordance with current guidance (1020). On this basis, this element of the planning obligation complies with the three tests.

Library Provision Financial Contribution

238. The County Council advises that the contribution of £4,248 would be used to improve library services, the current mobile library serving the village being unable to accommodate additional demands arising from the development. This is in accordance with Core Strategy IM2 [35], and the contribution has been calculated in accordance with current guidance (1020). On this basis, this element of the planning obligation complies with the three tests.

Household Waste and Recycling Financial Contribution

239. The County Council advises that the contribution of £414 would be used to help fund improvements to the Mountfield Household Waste Recycling Site which is currently operating at full capacity and would be likely to be used by future residents of the appeal site. This is in accordance with Core Strategy policy IM2 [35], and the contribution has been calculated in accordance with current guidance (1020). On this basis, this element of the planning obligation complies with the three tests.

Provision of School Playing Field

240. If the appeal were to be allowed, planning permission would be granted to change the use of the part of the application site adjoining the primary school to a school playing field. The planning obligation makes arrangements to transfer the land to the County Council, the local education authority. Such a transfer would help to ensure the implementation of that element of the proposal which would be consistent with the objectives of national policy [51] and Core Strategy policies CO3 and CO4 [33].

241. However, given the significant concerns of the District and County Councils [91], there are serious doubts as to whether the land will be transferred to the local education authority and no other mechanisms seem to be in place to ensure that the school could use this part of the site. Therefore, even if planning permission were granted, the change of use to a school playing field may not occur.
242. Thus, whilst this element of the planning obligation may comply with the three tests, the weight that can be afforded to the public benefits of this element of the proposal is reduced.

Highway Works and Travel Plan

243. The obligation would ensure the provision of vehicular access into the site, and the widening and upgrading of the existing footway on the south side of Brede Lane and its extension as far as the existing pedestrian facilities on Gammon Way. The vehicular access is an integral and necessary part of the proposal, and the footway improvements and extension are necessary to allow future residents to safely access the main part of the village.
244. Travel plans would be provided to the first occupants of each dwelling and would help to encourage the use of sustainable means of transport.
245. These elements of the planning obligation would be in accordance with the objectives of national policy [50] and Core Strategy policies OSS3, TR2 and TR3 [25 and 34], and would comply with the three tests.

On-site Open Space

246. The planning obligation would ensure that the on-site open space, equipped children's play area, and landscaped communal and buffer areas are provided and appropriately managed. These are all an integral part of the planning application proposal, and accord with the objectives of national policy [52] and Core Strategy policies OSS3, RA1, EN1, EN5, CO3 and CO4 [25, 26, 31 and 33]. These elements of the planning obligation comply with the three tests.

Additional Open Space

247. This relates to the land in the control of the appellant edged blue on the planning application plans and located between the proposed school playing field (to the west) and proposed residential development (to the east). It comprises a substantial part of the meadow sloping down from Brede Lane towards the hedgerow and public footpath No. 2B to the south. The land is defined on Plan 1 in the planning obligation (1Q25).
248. The planning obligation would ensure that this land is appropriately landscaped, maintained, and managed, and that it be made available for recreational use by the public.
249. I have found that the proposal would have some, albeit limited, adverse effect on the character and appearance of the area, and that mitigation measures are required in order to safeguard the biodiversity of the area. Furthermore, whilst I have found that the Local Green Space functions of the land south of Brede Lane are limited, they are clearly of value to the local community. The appropriate landscaping and management of the area between the proposed

school field and housing development, and the provision of public access to it, would ensure biodiversity mitigation and the provision of Local Green Space, and reduce the adverse effect on the character and appearance of the area by allowing a higher quality landscaping scheme to create an attractive rural setting for this part of the extended village. This would be in accordance with the objectives of national policy [52] and Core Strategy policies OSS3, EN1, EN5, and CO3 [25, 31 and 33].

250. Given that the additional open space would adjoin the proposed housing development, it is highly likely that it would be used by future residents.
251. Neither the scale of this additional open space, nor the nature and likely cost of the landscaping works, maintenance and management, are disproportionate in scale or kind to the development proposed.
252. For these reasons I conclude that these elements of the planning obligation comply with all three of the tests.

Off-site Open Space Financial Contribution

253. The planning obligation includes a financial contribution of £10,000 to be spent to improve open space and play areas to make good a deficiency arising from the development within the Parish. The appellant's original intention was that such a contribution would be used to improve the existing MUGA off East View Terrace close to the proposed residential development. However, the Parish Council, who owns the MUGA, has advised that this is not a priority for it, and it seems unlikely that the contribution would actually be used for that purpose.
254. In the absence of any further information about what open space and play areas there are in the Parish, why they would need to be improved as a result of the development, and whether they would be likely to be used by future residents, I am not satisfied that this element of the planning obligation would be necessary to make the development acceptable in planning terms or directly related to the development. My findings on this matter are reinforced by the fact that the proposal includes on site open space and due to my conclusion about the provision of additional open space on the adjoining land [247-252].

Conclusions about the Planning Obligation

255. All elements of the planning obligation, other than the financial contribution of £10,000 towards off-site open space, meet the three tests set out in the NPPF meaning that they can be taken into account in the determination of this appeal. However, the weight to be attached to the public benefits that would arise from the use of part of the site as a school playing field should be limited due to the uncertainties that exist around whether that will actually take place.

Other Matters

256. The proposal includes the provision of landscaped pedestrian links through the proposed residential site from Brede Lane to the existing public footpath and MUGA to the south [16]. It may be the case that the provision of these would require the use of land in the control of the Parish Council [97], but this would also be the case if public rights of way were to be established. If those rights are not established, and if the agreement of the Parish Council were indeed required but not forthcoming, the provision of those pedestrian links would not

be possible. This uncertainty limits the weight that I can attach to the public benefits that would be associated with that particular aspect of the proposal.

257. A transport assessment was submitted with the planning application (PA5). Both the Council and the highway authority are satisfied with the accuracy and robustness of that assessment, and agree that the proposal would not significantly add to congestion or lead to additional safety problems on local roads subject to certain matters being addressed by planning conditions and the planning obligation [61]. Notwithstanding the concerns of local residents and the Parish Council about existing problems along Brede Lane and around the primary school, doctor's surgery, and junction with The Street [125, 129-131 and 134], there is no substantive evidence before me to lead me to a different conclusion to that reached in the transport assessment and by the Council and highway authority.
258. A flood risk assessment has been undertaken (PA10) and the Environment Agency raises no objection. Subject to suitable drainage arrangements, which could be ensured by a planning condition if the appeal were to be allowed, the proposal is unlikely to lead to flooding problems.
259. The Council has fully considered how the proposal may affect the occupants of dwellings around the site, including 12 Blacklands the property closest to the proposed access road. I agree with its assessment that the design, layout and landscaping of the proposed dwellings would ensure that it would not be likely to create unsatisfactory living conditions in nearby existing houses having regard to noise, disturbance, privacy and outlook [61 and 163].
260. There are no other matters raised that alter my findings on the main issues, my overall assessment, or my conclusion.

Overall Conclusion

261. I have found that the proposal would not be in accordance with the recently adopted Core Strategy [209-212]. Planning permission should not therefore be granted unless material considerations indicate otherwise [44].
262. Granting planning permission would be contrary to the plan-led approach encouraged by national planning policy [46], and would be premature and undermine the neighbourhood planning process [227].
263. Whilst I have found that there would be only a limited adverse effect on the character and appearance of the area [199], this too weighs against the proposal.
264. All in all, these other material considerations weigh heavily against the proposal.
265. On the other hand, the scheme would deliver significant social and economic benefits through the provision of eighteen additional homes, seven of which would be affordable, on a well-landscaped site in an appropriate location and in the short term [16 and 61]. Additional off-site public open space would also be provided [18 and 247-252].
266. The proposal would also potentially deliver other public benefits including a school playing field [17 and 240-242] and public footpath links [9, 16 and 256]. However, there are uncertainties about whether these elements of the proposal

would be delivered meaning that the weight that can be given to those benefits is limited.

267. The elements of the planning obligation that I have found to comply with the necessary tests [18 and 235-255], along with planning conditions that would be appropriate if the appeal were to be allowed [174-179], would have the effect of ensuring the delivery of the appeal scheme and overcoming adverse impacts that it would otherwise cause [58]. In other words, they are not intended, or be likely, to lead to any significant additional net benefits to those that I have already described.

268. For the reasons given above, there are material considerations that weigh in favour of the proposal. Bearing in mind that I have found that the Council is currently able to demonstrate a five year housing land supply [234], I attach moderate weight to the benefits that the proposal would bring at this time.

Recommendation

269. There are material considerations that weigh in favour of the proposal, and others that weigh against it. On balance, I conclude that planning permission should not be granted for development that is not in accordance with the development plan.

270. Accordingly, I recommend that the appeal be dismissed.

271. In the event that the Secretary of State should disagree with my recommendation, Annex D contains a list of planning conditions that I suggest be imposed if the appeal be allowed.

William Fieldhouse

INSPECTOR

APPEARANCES AT THE INQUIRY*For Rother District Council*

Mr Zack Simons <i>called:</i>	of Counsel <i>instructed by</i> Kate Barnes (Council Principal Solicitor)
Mr David Marlow MRTPI	Planning Policy Manager
Mrs Sarah Shepherd BA MRTPI	Principal Planning Officer

For MJH Executive Homes

Mr Mark Lowe <i>called:</i>	of Queen's Counsel <i>instructed by</i> Armstrong Rigg Planning
Ms Catherine Shelton BSc (Hons) MPhil FLI	Principal of Catherine Shelton Associates Ltd
Mr Geoff Armstrong BA MRTPI	Director of Armstrong Rigg Planning

For Sedlescombe Parish Council

Mr Jonathan Vine-Hall	Parish Council Chairman
Mrs Patricia Evans	Local resident
Mr Graham Fifield MRICS	GRF Planning
Dr Patrick Roper	Patrick Roper Associates

Other Interested Persons Who Spoke at the Inquiry

Mr R Dellow	Local resident
Reverend E M Havell	Local resident
Mr Hugh Davidson	Local resident
Catherine Platten	Local resident and School Governor
Mr John Brownsdon	Local resident
Mr Malcolm Tegg	Local resident
Angela Hanagarth	Local resident

DOCUMENTS

Planning Application Documents

- PA1 Planning Application Form (16 January 2014)
- PA2 Covering letter with planning application by Armstrong Rigg Planning (16 January 2014).
- PA3 Design and Access Statement by Carlton Design Partnership (January 2014).
- PA4 Planning Statement by Armstrong Rigg Planning (January 2014).
- PA5 Transport Assessment by Bellamy Roberts (November 2013).
- PA6 Landscape Character Assessment by Landscape Planning Limited (January 2014).
- PA7 Preliminary Ecological Appraisal by Landscape Planning Limited (revised February 2014).
- PA8 Arboricultural Impact Assessment by Landscape Planning Limited (revised February 2014).
- PA9 Archaeological Desk-based Assessment by CGMS Consulting (December 2013).
- PA10 Flood Risk Assessment by Rogers Cory Partnership (January 2014).
- PA11 Planning Application Plans

The Council's Documents

- LA1 Decision Notice ref PR/2014/147/P (13 March 2014).
- LA2 Officer report to Planning Committee (13 March 2014).
- LA3 Extracts from Rother Local Plan (2006).
- LA4 Extracts from Rother Core Strategy (2014).
- LA5 Statement of Case (July 2014).
- LA6 Proof of Evidence of David Marlow (October 2014) including:
- LA7 Appendix 1 – Rother Core Strategy Examination Report (July 2014).
- LA8 Appendix 2 – Cabinet report regarding adoption of Rother Core Strategy (1 September 2014).
- LA9 Appendix 3 – Cabinet minutes (1 September 2014).
- LA10 Appendix 4 – Notice of adoption of the Rother Core Strategy (29 September 2014).

- LA11 Appendix 5 – Housing Land Supply and Trajectory (October 2013).
- LA12 Appendix 6 – Housing Land Supply and Trajectory (April 2014).
- LA13 Appendix 7 – Cabinet report regarding the Sedlescombe Neighbourhood Plan (6 October 2014).
- LA14 Appendix 8 – Extract from SHLAA (June 2013).
- LA15 Appendix 9 – Extract from SHLAA (March 2010).
- LA16 Proof of Evidence of Sarah Shepherd (October 2014) including:
- LA17 Appendix 1 – Rother District Local Plan Inset Map No. 31 – Sedlescombe Development Boundary (2006).
- LA18 Appendix 2 – Extracts from Rother Local Plan (2006).
- LA19 Appendix 3 - Extracts from Rother Core Strategy (2014).
- LA20 Appendix 4 – Location plans for photographs contained in proof of evidence.

The Appellant's Documents

- AP1 Appeal Form (30 May 2014).
- AP2 Statement of Case (May 2014).
- AP3 Statement of Common Ground (May 2014).
- AP4 Draft Planning Obligation by Unilateral Undertaking (22 May 2014)
- AP5 Proof of Evidence of Geoff Armstrong (October 2014) with following appendices:
 - AP6 GA1 – Extract from SHLAA 2010.
 - AP7 GA2 – Extract from SHLAA 2013.
 - AP8 GA3 – Appellant's representations about the pre-submission draft Neighbourhood Plan (1 May 2014).
 - AP9 GA4 - Appellant's representations about the submission draft Sedlescombe Neighbourhood Plan including legal opinion regarding general conformity (6 October 2014).
 - AP10 GA5 – Extract from pre submission draft Sedlescombe Neighbourhood Plan (March 2014).
 - AP11 GA6 – Rother District Council letter to Sedlescombe Parish Council regarding the Neighbourhood Plan (5 December 2013).
 - AP12 GA7 – Rother District Council Cabinet Report regarding the Sedlescombe Neighbourhood Plan (6 October 2014).
 - AP13 GA8 – Appeal Decisions ref APP/F1610/A/12/2173963 Chipping Camdpen, Gloucestershire (25 September 2012); APP/D3830/A/12/2172335 Ardingly,

Sussex (22 May 2014); and APP/F1610/A/12/2173305 Tetbury, Gloucestershire (13 February 2013).

- AP14 GA9 – Rother District Council Housing Land Supply and Trajectory (April 2014).
- AP15 GA10 – Rother Core Strategy Examination Report (July 2014).
- AP16 GA11 – Rother District Council letter to Core Strategy Inspector (17 April 2014).
- AP17 GA12 – Extracts from “Laying the Foundations: A Housing Strategy for England” (2011).
- AP18 GA13 – Email from Marian Ham, Headteacher of Sedlescombe Primary School (24 July 2014).
- AP19 GA14 – Revised Housing Land Supply Tables.
- AP20 Proof of Evidence of Catherine Shelton (October 2014) including:
 - AP21 Fig 1 – site context plan.
 - AP22 Fig 2 – aerial photograph of the study area (showing viewpoints).
 - AP23 Fig 3 – topography plan.
 - AP24 Fig 4 – site appraisal plan.
 - AP25 Photographs from 14 viewpoints (A-D and 1-10).
 - AP26 Appendix 1 – methodology for the LVIA.
 - AP27 Appendix 2 – Extracts from ESCC Landscape Assessment 2010.
 - AP28 Appendix 3 – Extracts from ESCC Market Towns and Villages Landscape Assessment 2009.
 - AP29 Appendix 4 – Extract from SHLAA 2010.
 - AP30 Appendix 5 – Visual Impact Table.
 - AP31 Appendix 6 – Appeal decision ref APP/Z3825/A/13/2205204 – West End Lane, Henfield appeal decision (2 June 2014).
 - AP32 Amended Landscape Plan (23 October 2014).

Sedlescombe Parish Council Documents

- PC1 Proof of Evidence of Graham Fifield.
- PC2 Summary of Proof of Evidence of Graham Fifield.
- PC3 Extracts from Rother Local Plan (2006).
- PC4 Extracts from Rother Core Strategy (2014).
- PC5 Sedlescombe Neighbourhood Plan submission version (July 2014).

- PC6 Sedlescombe Neighbourhood Plan State of the Parish Report (July 2014).
- PC7 Sedlescombe Neighbourhood Plan SEA (July 2014).
- PC8 Sedlescombe Neighbourhood Plan Basic Conditions Statement (July 2014).
- PC9 Sedlescombe Neighbourhood Plan Site Assessment Report (July 2014).
- PC10 Sedlescombe Neighbourhood Plan Consultation Statement (July 2014).
- PC11 Appeal decision ref APP/P1615/A/13/2204158 – Staunton, Gloucestershire.
- PC12 Extracts from The High Weald AONB Management Plan 2014-2019.
- PC13 Additional matters to be the subject of the Unilateral Undertaking.
- PC14 Footpath Evidence Usage, and Summary of Representations in response to the appeal.
- PC15 Photographs of the site and surroundings.
- PC16 Applications for Modification Orders relating to claimed footpaths across the appeal site.
- PC17 Dr Patrick Roper's Note on the Ecological and Environmental Factors, and Figure 12 from the Rother District Core Strategy (2014).
- PC18 Sedlescombe Neighbourhood Plan Pre-Submission Review by Maroon Planning (7 July 2014).
- PC19 Email from Jonathan Vine-Hall of Sedlescombe Parish Council regarding the appellant's Amended Landscape Plan (25 October 2014).

Other Third Party Documents

- TP1 Representations received by the Council in response to the planning application.
- TP2 Representations received by the Planning Inspectorate in response to the appeal.

Documents Submitted During the Inquiry

- IQ1 Rebuttal Regarding Five Year Housing Land Supply by David Marlow dated 31 October 2014 (submitted by the Council).
- IQ2 HM Land Registry Document and Plan relating to Land at East View, Sedlescombe (submitted by SPC).
- IQ3 East Sussex Bus Times – Hastings to Hawkhurst service 349 (submitted by SPC).
- IQ4 Appeal Decision ref APP/Y3940/A/13/2206963 dated 27 October 2014 relating to land off Coate Road and Windsor Drive, Devizes, Wiltshire (submitted by SPC).

- IQ5 Appeal Decision ref APP/U1430/A/06/1197304 dated 31 October 2006 relating to land at Hurst House, Hurst Lane, Sedlescombe, East Sussex (submitted by SPC).
- IQ6 Rother Local Plan Core Strategy adopted 29 September 2014 (submitted by the Council).
- IQ7 Planning Obligation by Unilateral Undertaking dated 4 November 2014 (submitted by the appellant).
- IQ8 Opening Statement for the Appellant by Mark Lowe QC (submitted by the appellant).
- IQ9 Opening Statement for the Council by Zack Simons Counsel (submitted by the Council).
- IQ10 Revised Trajectory from paragraph 18 of David Marlow's Rebuttal Proof by Geoff Armstrong dated 4 November 2014 (submitted by the appellant).
- IQ11 Colour photograph of the Site from Brede Lane (submitted by SPC).
- IQ12 Colour photograph of the Site from East Terrace Kickabout Area (submitted by SPC).
- IQ13 Summary of resident's letters in response to the appeal (submitted by SPC).
- IQ14 Sedlescombe Neighbourhood Plan Proposals Map Inset A (submitted by SPC).
- IQ15 Plan of Land to the South of Brede Lane, Sedlescombe showing red line boundary, blue line boundary site 1, green line boundary site 2, and additional land for school (submitted by SPC).
- IQ16 Photographs and Plans of the Site and Claimed Footpaths (submitted by the appellant).
- IQ17 Email from John Long (Bidwells) to David Marlow regarding NE Bexhill delivery timetable dated 5 November 2014 (submitted by the Council).
- IQ18 Council's comments on the appellant's Planning Obligation (submitted by the Council).
- IQ19 Council's suggested alternative definitions to be included in the appellant's Planning Obligation (submitted by the Council).
- IQ20 A New Approach to Development Contributions: Interim Planning Guidance on Development Contributions towards East Sussex County Council Infrastructure and Facilities (ESCC 2012).
- IQ21 Closing Submissions of Rother District Council by Zack Simons dated 6 November 2014 (submitted by the Council).
- IQ22 Opening Statement of Sedlescombe Parish Council by Jonathan Vine-Hall dated 4 November 2014 (submitted by SPC).
- IQ23 Closing Statement of Sedlescombe Parish Council by Jonathan Vine-Hall dated 6 November 2014 (submitted by SPC).

- IQ24 Closing Statement for the Appellant by Mark Lowe QC dated 6 November 2014 (submitted by the appellant).
- IQ25 Planning Obligation by Unilateral Undertaking dated 20 November 2014 (submitted by the appellant).
- IQ26 Email from the appellant dated 20 November 2014 regarding the planning obligation (submitted by the appellant).
- IQ27 Email from East Sussex County Council dated 20 November 2014 regarding the planning obligation (submitted by the County Council).
- IQ28 Email from Rother District Council dated 19 November 2014 regarding the planning obligation (submitted by the Council).

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

AONB	Area of Outstanding Natural Beauty
CMP	Construction Management Plan
Core Strategy	Rother Local Plan Core Strategy adopted 2014
DSADPD	Development and Site Allocations Development Plan Document
HLST	Housing Land Supply and Trajectory
Local Plan	Rother District Local Plan adopted 2006
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
MUGA	Multi Use Games Area
NPPF	National Planning Policy Framework
Parish Council	Sedlescombe Parish Council
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
PPG	Planning Policy Guidance
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment

SUGGESTED PLANNING CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 131114/LP rev D; 131114/SL rev L; 131114/SL/3 rev D; 4403/003 rev A; 131114/HT/A/EL rev A; 131114/HT/A/FP rev A; 131114/HT/B/EL rev A; 131114/HT/B/FP rev A; 131114/HT/C/EL rev A; 131114/HT/C/FP rev A; 131114/HT/C2/C3/EL; 131114/HT/C2/C3/FP; 131114/HT/D/EL rev A; 131114/HT/D/FP rev A; 131114/HT/E/EL rev A; 131114/HT/E/FP rev A; 131114/HT/F/EL rev A; 131114/HT/F/FP rev A; 131114/HT/G-H/EL rev A; 131114/HT/G-H/FP rev A; 131114/HT/H/EL rev A; 131114/HT/H/FP rev A; 131114/HT/H/G/EL rev A; 131114/HT/H/G/FP rev A; 131114/SG1/EP; 131114/SG2/EP; and 131114/DG1/EP.
- 3) No development shall take place until details of the proposed means of foul and surface water disposal have been submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented in full before any of the dwellings are occupied.
- 4) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority. These details shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants including species, plant sizes, and proposed numbers/densities where appropriate; details of hard surfacing materials proposed for roads, footways, parking and turning areas and public realm areas; details of management responsibilities and maintenance schedules for all landscaped areas other than privately owned gardens; and an implementation programme.
- 6) All hard and soft landscape works shall be carried out in accordance with the approved details and implementation programme. If within a period of five years from the date of the planting, or replanting, of any tree or plant, that tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place.
- 7) The "ancient woodland buffer" identified on the approved plan ref 131114/SL rev L shall not form part of the garden or residential curtilage of any dwelling and no buildings shall be erected on this land.
- 8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of

- archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the local planning authority.
- 9) None of the dwellings hereby permitted shall be occupied until the programme of archaeological work and a post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) have been completed in accordance with the approved written scheme of investigation.
 - 10) No development shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The CMP shall include measures for the management of construction traffic including the delivery of materials to the site; details of access routes, which shall not include the use of Brede Lane to the east of the site; details of the timing of the movement of vehicles, which shall avoid drop off and collection times at Sedlescombe primary school; details of the times at which site works and construction will take place; details of wheel washing equipment; and details of how the CMP will be implemented. The approved CMP must be adhered to throughout the duration of the development.
 - 11) None of the dwellings hereby permitted shall be occupied until the vehicular access and parking and turning areas as indicated on the approved plans have been provided, and thereafter those areas shall be retained for their intended purposes.

End of list of conditions



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>