



Heathfield and Waldron Parish Council (HWPC)

Consultation Response in respect of Appeal Ref: APP/C1435/W/18/3207669

Land at Old Common, Little London Road, Cross in Hand, Heathfield, East Sussex TN21 0LT

1. Introduction:

1.1 This appeal has been lodged against the 'non determination' by Wealden District Council (WDC); in respect of planning application ref: **WD/2016/3063/MAO** in respect of **Outline application for the demolition of the existing dwelling and erection of 42 no. houses & maisonettes including associated external works, at Old Common, Little London Road, Heathfield, TN21 0LT.**

1.2 This application was submitted in 2016 and has remained undetermined ever since, which the Parish Council would observe is a most unusual position by Wealden District Council, although it is understood that an element of this delay has related to the updated position by Wealden District Council in terms of Habitat considerations, not least in respect of the Ashdown Forest SAC and SPA. Wealden have also been significantly progressing their Local Plan.

1.3 In the consideration of the above mentioned application by Wealden District Council the Parish Council were separately consulted in terms of normal procedures, and the HWPC responded by letter received by WDC on 15th August 2017.

1.4 In their response to the application consultation, HWPC responded thus:

'OBSERVATIONS: The Council objected most strongly to the application for the following reasons:

- a) Inadequate infrastructure in the locality such as schools, medical facilities etc
- b) Inadequate and dangerous access with poor visibility onto a busy 'A' road, in close proximity to multiple junctions. There are serious concerns about pedestrian safety from the site
- c) Would increase traffic in the area and have an adverse impact on the Ashdown Forest
- d) The site is mostly in the AoNB and outside the Development Boundary and would set a precedent in the area

- e) Inadequate parking provision with no available overspill parking areas
- f) The development would seriously impact on dark skies and would adversely impact local residents because of increased noise
- g) There are serious concerns about the adequacy of surface water drainage arrangements
- h) The plans show at least one access into Darches Wood which has not been authorised
- i) The design shows parking areas close to site boundaries which would adversely impact on neighbours and the development in general would impact upon neighbours, particularly Pittwood.

1.5 It is understood that these comments have already been conveyed to the Planning Inspectorate, together with the various submissions put forward by WDC, and others, as a normal part of the appeal process.

1.6 HWPC would confirm that this represents their essential position with regard to this application, now subject of appeal, but also as updated by all the considerations set out below.

2. Heathfield and Waldron Parish Council – Appeal Considerations:

2.1 When HWPC submitted the above objections, the principal relevant Wealden Local Planning document against which such considerations were made remained the Adopted Wealden Local Plan, Saved Policies 2007; (as well as to some extent the Wealden Core Strategy 2013). In this Adopted Plan, the site lies outside the Development Boundary for Heathfield; (and Cross in Hand). That position remains the case in terms of this Plan.

2.2 At the time of consideration of the application by HWPC, the latest emerging Local Plan updated position was that a Draft Submission Document had been produced in March 2017, (following the 'Issues and Options' Phase of the Process), and an initial Review of the Plan, which at that time did include the site within a proposed Development Boundary. Nevertheless, HWPC clearly objected to the proposals for all the reasons stated, not least because approximately 80% of the site lay within the AONB, in a prominent ridge-top position.

2.3 However, the Local Plan has now advanced considerably, and a Draft Submission Local Plan was approved in August 2018 for Representation purposes, (under Regulations 17 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012), and has already been through this Representation phase, the results currently being collated and prepared for forwarding to the Inspector at the time of preparation of this Statement, for consideration and Public Hearings anticipated in 2019.

2.4 In this Plan, the major part of the appeal site, (within the AONB), has now been excluded from the development boundary, with only the frontage part being included. Therefore, the major part, (some 80%), of the appeal site, now lies outside the development boundary.

2.5 Therefore, the Local Planning Authority, having given careful consideration to all aspects of strategic and local planning in Heathfield and Waldron Parish, and beyond, have taken the clear and specific decision to exclude a very considerable part of the overall Old Common site, for all the clear reasons stated, not least because it would then exclude the land in the AONB. A clearer message could not be sent out by the LPA.

2.6 In terms of the material weight to be applied to this Plan, WDC have confirmed that they are according it considerable weight, in order to facilitate the provision of appropriate housing in the right locations, (in accordance with Government policy), whilst acknowledging its housing deficit. Indeed measures have recently been put in place through mitigation tariffs to ensure that policy compliant housing developments can be supported by WDC.

2.7 Although the Draft Local Plan has only relatively recently been approved for Representation purposes, it is considered to bear considerable weight for Development Management purposes, because it clearly reflects the Government's 'drive for appropriate sustainable housing development'. It is also now over 3 years into the process; and relevant appeal decisions have already supported the Council's overall stance.

2.8 HWPC are supportive of this approach in appropriate cases, but support the exclusion of any significant or major housing site from the AONB, as in this case, which is considered to reinforce their key objections to the application subject of appeal.

2.9 Indeed, in their submissions to the Representation Phase of the Local Plan process, (under Regulation 19), HWPC have lodged objections to development generally along this ridge on the south-west side of the A267 Little London Road, even where in part included in the revised development boundary, on the grounds, inter alia, of the unsustainability of the location; the ridge-top position which will directly or indirectly adversely impact upon the AONB; unsatisfactory access and impacts on traffic safety, etc., all grounds which echo and reinforce HWPC's objections to this appeal application. In terms of their 'Regulation 19' representations, therefore, HWPC object to the expansion of the development boundary west of the A267.

2.10 HWPC has also requested the opportunity to present their case in this respect at the Local Plan Hearings.

2.11 HWPC are also pleased to note that their stance in this case was supported by the Appeal Inspector in the case of a 1985 application for residential development of the site (ref: WD/1985/0302) (PINS Ref: APP/C1435/A/85/03584/P2). The Inspector strongly felt that the landscape character clearly changes on the west side of the road, which should preclude any development, and would also set a precedent.

2.12 HWPC would continue to support that approach, which is considered to be even more relevant at the current time, the Inspector also raising concerns on grounds of access, with which HWPC would concur, and remains even more materially relevant given the very considerable increase in vehicular activity along the A267 and then locality in recent years.

2.13 In the context of Highway Safety considerations and access, it is noted that the East Sussex County Council, (ESCC), Highway Authority, objected to the application subject of appeal, and it is not considered that the appellants' submissions address these concerns to

any reasonable degree. HWPC trust that the ESCC Highway Authority will continue to maintain such objections, and would also draw the Inspector's attention to the highway safety provisions in this context at Paras 108 – 110 of the recently revised NPPF 2018.

2.14 Other local decisions have endorsed this overall approach, not least in respect of an important 2009 appeal decision at nearby Pine Ridge; (PINS Reference: APP/C1435/W/17/3207996).

2.15 HWPC are also concerned at the potential impact of the development upon important sensitive habitats, such as the Ashdown Forest, in which context it is contended that the proposed development would fail to meet the tests of key Policy AF1 in the Submission Local Plan 2018.

2.16 Apart from ESCC Highways, HWPC would also endorse the objections raised by the High Wealden Joint Adversity Committee, the ESCC Lead Local Flood Authority and WDC Biodiversity, as well as the CPRE and WDC Waste Management, together with all the objections raised by the 79 residents at the time of the application consideration, and more recently reinforced in comprehensive 3rd Party local appeal submissions.

2.17 HWPC have also noted the housing provisions for the Parish in the Local Plan catering for development until 2028, wherein such provisions are clearly set out in terms of allocations, designated development and core boundaries, and also anticipated policy compliant windfall developments.

2.18 Although HWPC have lodged objections in their Representations to the Local Plan as to aspects of this policy approach, they would nevertheless acknowledge the relatively measured and coordinated aspect of development over the Plan Period for residential development in Heathfield and Waldron Parish, and elsewhere, albeit with reservations in terms of detail.

2.19 However, the appeal proposal is considered wholly at odds with this approach, being neither measured nor coordinated, but rather represents a major and obtrusive development in an unsustainable ridge-top location, and would clearly harm the interests of the AONB, as well as all the other considerations set out in this Statement. If this development were approved, it would set a most unfortunate precedent, and tend to undermine the direction and purpose of the Local Plan.

2.20 The Planning Inspector is also requested to note that, in submissions to the Public Inquiry into the 2013 WDC Core Strategy Local Plan, HWPC pressed strongly for land to the rear of the Police Station, adjacent to Heathfield Town Centre, to be allocated for residential development, rather than for more peripheral and less sustainable sites, such as that currently under consideration.

2.21 The land was eventually included within the development boundary, with planning permission being granted, and is currently being built out. At that time, HWPC, as well as WDC, (and indeed the developers themselves), carried out a comprehensive assessment of alternative potential housing development sites within the Parish, and dismissed sites along the Little London Road as being too peripheral and unsustainable, which would be too harmful to the sensitive landscape, and with poor access and amenities.

2.22 It was a rare example of the wider community working together, an approach supported in the eventual support for the central major housing site at land rear of the Police Station, and that approach still stands in HWPC's consideration of the appeal site

3. Planning Policy Considerations:

3.1 HWPC would submit that the proposed development, in terms of all the considerations set out in this Statement, would be clearly contrary to the provisions of the following policies and paragraphs contained in the following relevant and adopted planning policy documents:

3.1.1 Adopted Wealden Local Plan 1998 (Saved Policies 2007), Policies:

- **GD1 and GD2** (Development Boundaries).
- **EN1** (Sustainable Development).
- **EN6** (Landscape Conservation of the High Weald AONB).
- **EN7** (Ashdown Forest).
- **EN12** (Protection of Trees and Woodlands).
- **EN27** (Layout and Design of Development).
- **EN29** (Light Pollution).
- **DC17** (Housing Development in the Countryside).
- **TR3** (Traffic Impact of New Development).
- **TR16** (Car Parking Standards).
- **CS2** (Drainage).
- **HE1** (Housing Development in Heathfield).

3.1.2 Draft Submission Wealden Local Plan (2018), Policies:

- **AF1** (Air Quality and Wealden Local Plan Growth).
- **WLP3** (Development Boundaries).
- **WLP 4** (Development Outside of Development Boundaries).
- **WLP7** (Distribution of Homes).
- **WLP12** (Managing the Delivery of Housing Land).

- **NF1** (Effective Provision of Infrastructure).
- **INF4** (Site Access).
- **EA1** (Biodiversity).
- **EA2** (Ashdown Forest SPA).
- **EA4** (Wealden's Landscape Character).
- **EA5** (High Weald AONB).
- **Para 19.13** (Vision for Heathfield);
- **RAS2** (New Dwellings in the Countryside).
- **HG2** (Affordable Housing).
- **BED1** (Design).
- **BED2** (Transport and Site Design).
- **NE1** (Noise Pollution).
- **NE2** (Air pollution).
- **NE3** (Light Pollution).
- **NE4** (Flood Risk).

3.1.3 National Planning Policy Framework, Paragraphs:

- **11**, (Presumption in Favour of Sustainable Development).
- **38** (Decision Making).
- **77-79** (Rural Housing).
- **108 -111** (Promoting Sustainable Transport – Considering development proposals).
- **170 – 172** (Especially 172 – AONB's) (Conserving and Enhancing the Natural Environment).

3.1.4 Wealden Design Guide 2008.

4. Conclusions and Summary:

4.1 HWPC continues to oppose development of this appeal site for all the reasons set out in the previous submissions in respect of the now appealed application, as now updated by considerations in the Draft Submission Local Plan, 2018, which excludes most of the appeal site from the development boundary, as well as by the updated NPPF 2018, which reinforces the importance of safeguarding AONB's, gives greater protection for habitats, and subtly raises the bar in terms of consideration of access and highway safety.

4.2 HWPC have gone one step further in the consideration of the site and others in the locality, by submitting representations into the Local Plan under Regulation 19 procedures, arguing for the deletion of development boundaries on the south-west side of the A267.

4.3 For the purposes of this appeal, however, HWPC will work with the much reduced development boundary for the site, as set out in the Draft Submission Local Plan and, in the context, will support all the objections raised via the local community, and statutory and other consultees.

4.4 For these reasons and all the reason set out above, Heathfield and Waldron Parish Council requests the Inspector to support Wealden District Council's case, and **DISMISS THIS APPEAL.**

Patrick A. Coffey BA DipTP MRTPI (Councillor)

For and on Behalf of Heathfield and Waldron Parish Council

16th December 2018