

**Outline Planning Application for the demolition of 2 No. existing dwellings and outbuildings and the erection of up to 89 No. residential dwellings, including 40% affordable housing, village business hub, provision of pedestrian and vehicular access, open space, associated infrastructure and landscaping at Nolands Farm, Plumpton Green, all matters reserved accept access.**

## **Planning Statement**



**On behalf of Fairfax Acquisitions Ltd**

**April 2021**

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## **1.0 Introduction**

1.1 This Planning Statement has been prepared on behalf of Fairfax Acquisitions Ltd to support an outline planning application for the demolition of 2 No. existing dwellings and outbuildings and the erection of up to 89 No. residential dwellings, including 40% affordable housing, village business hub, provision of pedestrian and vehicular access, open space, associated infrastructure and landscaping at Nolands Farm, Plumpton Green, all matters reserved accept access.

1.2 This Statement is supported and informed by the following technical documents:

- Indicative layout plans prepared by P. Hewett R.I.B.A
- Design & Access Statement prepared by P. Hewett R.I.B.A
- Landscape and Visual Impact Appraisal prepared by Hyland Edgar Driver
- Townscape Statement prepared by Hyland Edgar Driver
- Arboricultural & Planning Implications Report by Arbortrack Systems Ltd
- Transport Assessment prepared by SK Transport Planning
- Flood Risk Assessment & SUDS Report prepared by Hilson Moran
- Utilities & Foul Drainage Statement prepared by Hilson Moran
- Phase 1 Environmental Report prepared by Hilson Moran
- Archaeological Assessment (Heritage Statement) by Archaeology South East
- Ecological Appraisal & Biodiversity Impact Calculation prepared by Ecology Co-op
- Landscape & Ecology Management Plan prepared by Ecology Co-op
- Energy Statement prepared by ERS Consultants Ltd

1.3 Pre-application discussions were held with the Council between October 2020 and February 2021 under a Planning Performance Agreement (PPA). The pre-application process involved specialist input from the County Council on matters of highways, drainage, and ecology. The objective of the PPA is one of co-operation and consistency throughout the negotiation and determination of the Application, to provide a degree of certainty for the intended outcomes and to improve the quality of the Application.

- 1.4 The Application proposal has been refined through this detailed pre-application process and the technical advice has been taken, thus improving the quality of the Application. Early (pre-application) engagement with statutory consultees and the local community has informed the Application as envisaged by paragraphs 39-41 of the National Planning Policy Framework (NPPF).
- 1.5 The Council has carried out a screening assessment for Environmental Impact Assessment on the basis that the site exceeds five hectares and it concluded that the proposed development would not have a significant adverse impact on the surrounding environment, when considered against the Regulations, such that an Environmental Impact Assessment is not required.
- 1.6 This Statement will identify a raft of supportive planning policy and guidance confirming that the proposal should be acceptable in principle when assessed against the Development Plan as a whole, insofar as it is a material consideration to the determination of this planning application. In the absence of enough housing to meet the objectively assessed housing needs, there is clear requirement for developments of this kind.
- 1.7 For the purpose of this outline stage of planning application we will show that the principle of this development, in such a sustainable location and stated area of preference for the Council on landscape capacity and sustainability grounds, should be looked upon favourably in the current planning policy context. This Planning Statement will demonstrate that there are no significant issues preventing approval for the principle of up to 89 No. new dwellings on the Application Site with detailed consent for the access from Station Road.
- 1.8 This Planning Statement will demonstrate approval for this proposed development should therefore be given subject to appropriate conditions.

Land at Nolands Farm, Plumpton Green - demolition of 2 No. existing dwellings, erection of up to 89. No. new dwellings including 40% affordable housing, village business hub, pedestrian, and vehicular access, open space, associated infrastructure, and landscaping.

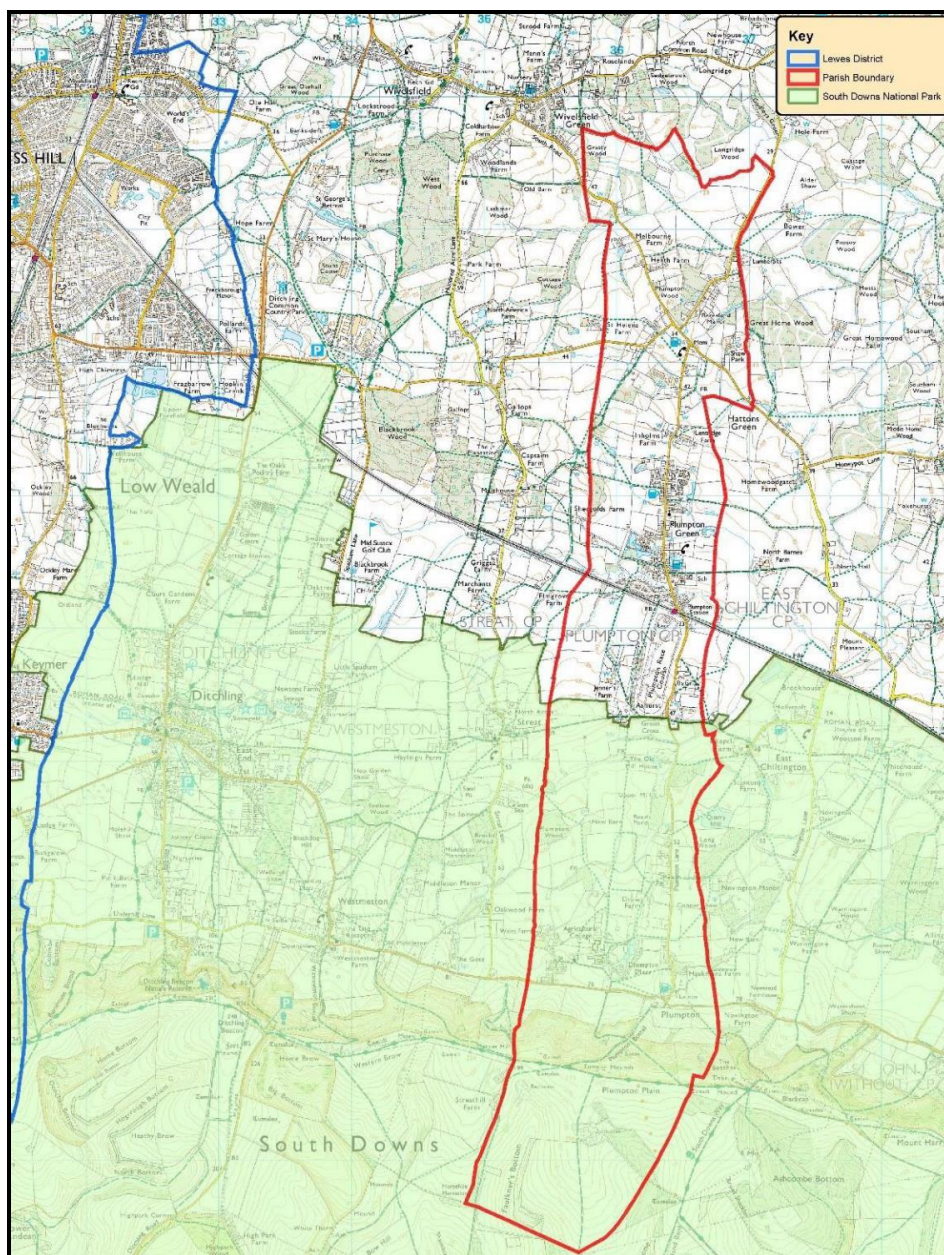
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## 2.0 The Application Site and Context

### Context

- 2.1 Plumpton Green sits within the parish of Plumpton, which has a current population of approximately 1,650 residents. Approximately half of the geographical area of the parish of Plumpton is within the South Downs National Park (SDNP). Plumpton Green, situated outside the SDNPA, is the largest settlement within the parish and is the centre for allocated growth within the development plan. Plumpton Green and Plumpton Parish are shown on Figure 1 below.



**Figure 1:** Plumpton Parish as extracted from the PPNP Map A

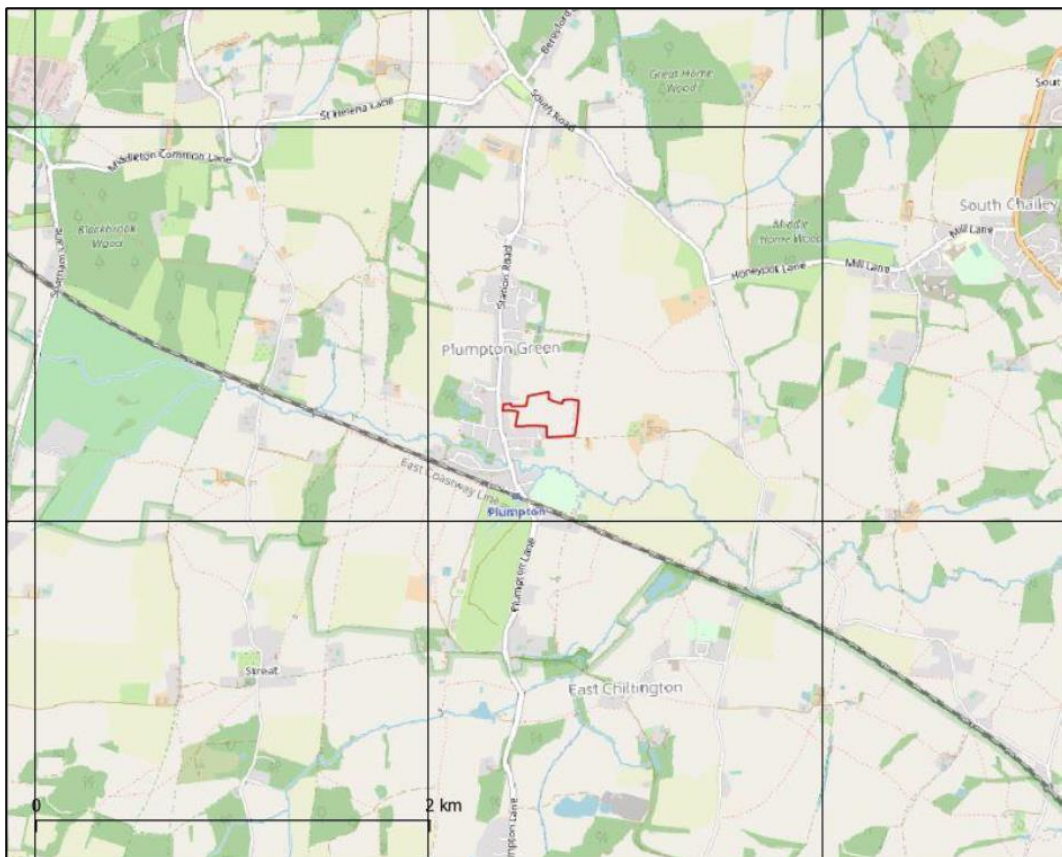


- 2.2 The settlement pattern has historically been of ribbon development along Station Road, although in recent times clusters of housing developments have branched away from this pattern with cul-de-sacs to the east and west of Station Road. The Plumpton Parish Neighbourhood Plan (PPNP) confirms that "*the vast majority of housing in Plumpton Green was constructed in the second half of the 20<sup>th</sup> century*" and describes more recent development on greenfield sites as "*built on lateral spurs jutting well into the surrounding farmland*" (p9). There is no Conservation Area within Plumpton Green and relatively few listed buildings.
- 2.3 Plumpton Green settlement benefits from a railway station, with regular services to London, Lewes, Eastbourne, and Hastings. Bus services are hourly between Lewes and Ditchling. There is a Post Office and convenience shop, primary school, village hall, public house, tennis club, cricket pavilion, scout hut and (limited) employment. The local plan vision highlights the importance of the rail services in this part of the district:
- "With the London to Lewes railway line passing through this part of the district, further opportunities for sustainable travel, particularly to and from the stations of Plumpton and Cooksbridge will have been realised."* (p35 of Local Plan Part 1)
- 2.4 The Local Plan Part 2 refers to there being a "*good range of services and facilities*" (p57) within Plumpton Green. Plumpton College and Plumpton Racecourse provide most of the local employment along with a number of small businesses on two commercial/industrial estates.
- 2.5 Local Plan Part 1 highlights the higher house prices in this area of the district and the issue that; "*The social mix and vitality of villages is being undermined by a shortage of affordable housing, high levels of out commuting, a decline in the number and range of local services, and limited public transport.*" (p28 of Local Plan Part 1).
- 2.6 Plumpton Green, categorised as a 'Service Village' in the local plan, attained the highest score in the Sustainability Matrix of all the Service Villages<sup>1</sup> when assessed for the local plan. It is anticipated that its sustainability credentials and the opportunity for growth to support the vitality of village and provide affordable

housing, will make Plumpton Green a positive option for contributing to the delivery the new growth required.

### **Application Site**

- 2.7 The Application Site, comprising two properties located on the eastern side of Station Road and approximately 5ha of predominantly flat land to the east, is located on the eastern edge of Plumpton Green. With the exception of the two properties, Chestnut House and Saxon Gate and their curtilages, the Application Site lies outside the planning boundary; it is not within or adjacent to a Conservation Area and is not within the South Downs National Park. The site is shown, outlined in red, in Figure 2 below.



**Figure 2:** Application Site in Context

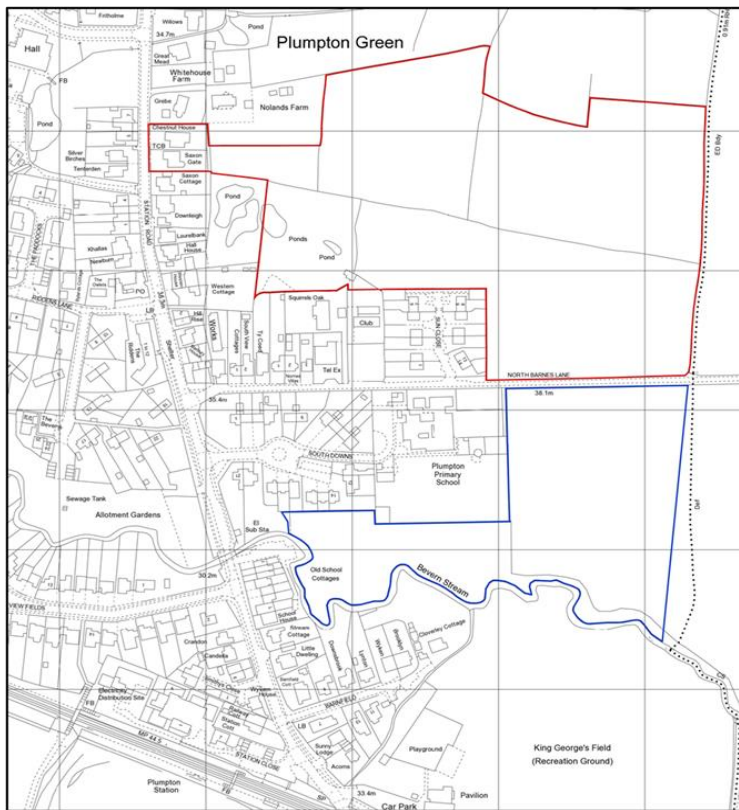
- 2.8 Overall, the Site comprises the access (2 existing dwellings with gardens and part of a field forming the immediate Nolands Farm House curtilage), three larger fields bounded by mature hedgerow with some trees and a small area of woodland containing two ponds, on the north side of North Barnes Lane. The Site is not, as

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<sup>1</sup> Matrix: <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/258689.pdf>

Grade 3, high-grade agricultural land. The southern boundary of the Site is contiguous with existing residential development along North Barnes Lane and the Lane itself.

- 2.9 To the south of North Barnes Lane, the land is within the control of the Applicant. This land is currently formed partly of open field with trees and scrubland in the western part and the Bevern Stream flanked by mature trees is just beyond the southern boundary. The proposed red and blue line areas for the Application are shown below.

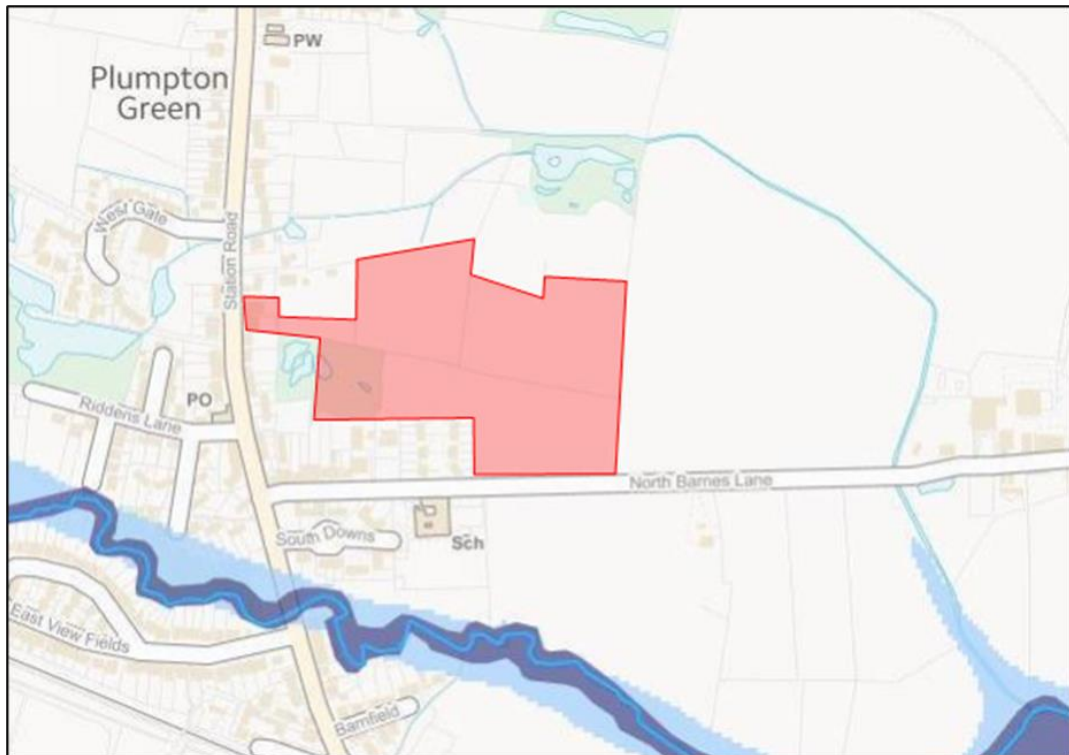


**Figure 3:** Red Line Area Plan Identifying the Development Land

- 2.10 In topographical terms, it is highest in the south east of the Site, at 38.82 mAOD. It slopes gradually northwards from this area, with a gradient of approximately 2.8%. The lowest point is located at the northern boundary of the Site, at an elevation of 33.48 mAOD. (Figure 4-2 of the FRA and SUDS Report provides a topographical plan of the Site.) The wider topographical context of the Site is undulating flat terrain up with a distinctive rise in the topography within the South Downs National Park (SDNP) ridgeline 4km to the south.



- 2.11 The Site is principally within Flood Zone 1 as designated by the Environment Agency, meaning the site is susceptible to the lowest risk of flooding. A small part of the Site, an area of deciduous woodland with two small ponds, is within Flood Zone 2 and would remain undeveloped. Figure 4 below show the EA Flood Mapping for the site and surrounding area.



**Figure 4:** EA Flood Zone Mapping and site in red

- 2.12 The Site is not located near any sensitive, designated habitats and falls outside of SSSI Impact Risk Zones for Chailey Common, Ditchling Common and Clayton to Offham Escarpment SSSIs. The deciduous woodland in the southwestern part of the Site is identified on the Priority Habitat Inventory.
- 2.13 In terms of distances from the site to services and facilities, Table 1 below provides the distance from the site access along Station Road to a variety of key services and facilities and journey times on foot.

Land at Nolands Farm, Plumpton Green - demolition of 2 No. existing dwellings, erection of up to 89. No. new dwellings including 40% affordable housing, village business hub, pedestrian, and vehicular access, open space, associated infrastructure, and landscaping.  
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**Table 1:** Access to Services and Facilities from the Site

| Plumpton Green Amenities/ Services                               | Location/ Address                     | From Western Vehicular/ Pedestrian Access (km) | Walk Time from Western Vehicular/Pedestrian Access (mins) |
|--|---------------------------------------|--|---|
| <b>Recreation &amp; Leisure Facilities</b>                       |                                       |  |   |
| Plumpton Tennis Club   | Off Barnfield, Station Road, BN7 3DP  | 0.78   | 9.7   |
| King George V Recreation Ground                                  | Station Road, BN7 3DP                 | 0.50   | 6.3   |
| Plumpton Racecourse  | Plumpton Lane, BN7 3AL                | 0.52   | 5.8   |
| Plumpton Village Hall  | West Gate, BN7 3BQ                    | 0.16   | 2.0   |
| All Saint's Church & Hall  | Station Road, BN7 3AE                 | 0.30   | 3.8   |
| The Fountain Inn Public House                                    | Station Road, BN7 3BX                 | 0.49   | 6.1   |
| <b>Education</b>   |                                       |  |   |
| Primary School - Plumpton  | South Downs, BN7 3EB                  | 0.35   | 4.4   |
| Secondary School – Chailey                                       | Mill Lane, BN8 4PU                    | 3.36   | 42.0  |
| Honeybees Pre-school   | Station Road, BN7 3DP                 | 0.53   | 6.6   |
| <b>Retail &amp; Local Services</b>                               |                                       |  |   |
| Local Convenience - Plumpton Green Village Store and Post Office | Station Road, BN7 3BS                 | 0.08   | 1.0   |
| South Chailey Medical Practice                                   | Mill Lane, BN8 4PY                    | 3.54   | 44.3  |
| <b>Public Transport</b>  |                                       |  |   |
| Nearest Bus Stop   | Plumpton Green, opp. The Winning Post | 0.11   | 1.4   |
| Nearest Bus Stop   | Plumpton Green, adj. The Winning Post | 0.11   | 1.4   |
| Plumpton Rail Station  | Station Road, BN7 3BW                 | 0.5  | 6.3   |

### Relevant Planning History

- 2.14 A planning history review of the Site reveals a previously determined planning application, the details of which are contained within the table below:

**Table 2:** Relevant Planning History

| Council Reference Number | Proposal  | Decision | Date       |
|--------------------------|---|----------|------------|
| LW/17/0885               | Outline planning application for 45 new dwellings, including 40% affordable units, the demolition of two existing dwellings and outbuildings. Provision of a new vehicular and pedestrian access via Station Road. Provision of open space, associated infrastructure, and landscaping. Demolition of 2 no. existing houses - Saxon Gate & Chestnut House - and miscellaneous farm structures | Refused  | 26/02/2019 |

|                    |  |              |      |
|--------------------|--|--------------|------|
| SHELAA Ref<br>10PL | Suitable, Available, Achievable in 2018 SHELAA – described as Land east of Nolands Farm this constitutes 1.13ha of the site accessed as suitable for 30 dwellings  | Suitable     | 2018 |
| SHELAA Ref<br>24PL | Available, Achievable, Not Suitable in 2018 SHELAA - LCS indicates a medium capacity for change within the landscape character area. ESCC landscape architect states that proposed scale and massing of proposed development would be out of character. Assessment appears based upon previous scheme LW/17/0885, rather than hypothetical assessment. | Not Suitable | 2018 |

- 2.15 The planning history shows that a previous scheme for 45 dwellings (LW/17/0885) was refused outline permission under delegated powers and this decision was not appealed. The main issue in the determination of this application was whether the proposal would be acceptable in principle and whether the scheme could be provided without unacceptable highway safety. The proposed SuDS strategy for the scheme attracted no objection in principle from the Local Lead Flood Authority (LLFA).
- 2.16 The consideration of the newly proposed scheme is within a materially different policy context due to the age of the strategic policies and the PPNP and the publication of the 2019 NPPF. New and powerful material considerations are also now present, notably the Council's lack of five year housing land supply.
- 2.17 The Strategic Housing and Economic Land Availability Assessment (SHELAA) assessment shows the Site is deemed partially suitable in 2018, this assessment was carried out under the lower housing requirement figure of the development plan and a much lower objectively assessed housing need figure. Both 2018 SHELAA entries acknowledge the Site is within walking distance of key services in the village and public transport.

### **3.0 The Proposal**

- 3.1 The Applicant is seeking outline planning permission for the demolition of 2 No. existing dwellings and the erection of up to 89. No. new dwellings including 40% affordable housing, business hub, pedestrian, and vehicular access, open space, associated infrastructure, and landscaping. This application seeks to 'fix' access. All other matters are reserved. If approved, the proposal would deliver a net gain of 87 No. new dwellings accounting for the two properties to be demolished.
- 3.2 The development proposal for the Site has been subject to careful preparation, shaped and informed by relevant planning policy and guidance at the national and local level. It has been led by a detailed pre-application process within a Planning Performance Agreement (PPA) with Lewes District Council (LDC) and separate pre-application on SuDS with ESCC. This process has enabled the development proposal to be guided and refined by the advice and input of technical specialists across a number of disciplines including planning policy, development management, trees and hedgerows, landscape, sustainability, highways, ecology, and sustainable drainage. A number of meetings were held prior to the submission of a formal pre-application to discuss the various aspects of the development proposal and the minutes of those meetings are appended at Appendix B.

#### **Pre-Application**

- 3.3 The initial preapplication discussions were based on a proposal for up to 100 No. new dwellings as shown on the indicative layout in Figure 5.



**Figure 5:** Pre Application First Indicative layout

3.4 The main changes that have been made through the early pre-application phase are outlined below, demonstrating the responsiveness of the Applicant within the PPA approach in line with its intended outcome of improving the quality of the Application:

- Greater transition to the surrounding countryside with increased accessible open space and buffer planting.
- Greater variation in density across the Site with lower density towards eastern periphery resulting in a reduction from up to 100 units to up to 89 units.
- Greater indicative housing mix including bungalows.
- Change in road layout internally as a result of the Tree Officer's recommendation, so as not to breach the north-south hedgerow on Site.
- Rear access to properties with secure cycle storage in rear.
- More south-facing roof slopes for integrated PV
- Addition of a property facing Station Road to minimise impact of larger access opening on the street scene.
- Business hub with parking spaces to enable EV car-share, EV Bikes, EV scooter schemes to be implemented. Shared work and community space.



- 3.5 Detailed design options were prepared for the highway's element of the pre-application, providing details of Site access arrangements, visibility splays and traffic calming measures for two options, including for the existing 30mph speed limit and for a potential 20mph speed limit through the core of the village. Greater support was shown by the Highways Authority for the retention of the 30mph limit, rather than the introduction of a 20mph speed limit. Therefore, two technical options to deliver a safe access for a 30mph speed limit were taken forward through a Road Safety Audit. Further detail is provided in the accompanying Transport Assessment.
- 3.6 Formal pre-application was submitted to the Local Planning Authority (LPA) on 8<sup>th</sup> February 2021, which presented a revised scheme subsequent to the early engagement with the planning authority and the parish council. The response from the local planning authority, dated 5<sup>th</sup> March, containing their formal pre-application advice, along with our letter of response to the pre-app, is appended at Appendix A. Further clarification was sought from the LPA, in the spirit of NPPF paragraph 38, regarding the policy positions (pre and post May) in their pre-app advice.
- 3.7 The final pre-application scheme amendments include:
- Additional landscaping to the northern and eastern boundaries
  - Additional landscaping to the communal boundary with Sun Close
  - Change in layout in the north west corner and additional landscaping to provide an enhanced buffer and distance to White House Farm listed building
  - Altered shape of the LEAP to increase separation distance from nearest dwelling, resulting in slight repositioning of the business hub

### **Community Engagement**

- 3.8 Following the initial stage of the pre-application process with the local planning authority (and the County Council) the Applicant consulted with the Plumpton Parish Council Transport Group and wider Council Members. The Applicant's Transport Consultant engaged the Transport Group specifically because options were being devised for traffic calming through the village and the Applicant was aware that the Parish Council had raised the issue of traffic calming directly with the County Council. We felt it prudent to see where alignment between parties could be facilitated and

whether this scheme could deliver the desired traffic calming infrastructure. It was also imperative that any scheme we proposed did not undermine or preclude any works the Parish Council had envisaged. Further detail is provided in the accompanying Transport Assessment.

- 3.9 A second meeting was held with the wider Parish Council where planning matters in Lewes district generally, as well as the principle of development on the Site (illustrated by the indicative layout), were discussed. Plumpton Parish Council produced a Note for the Record, however this did not, in our view, represent an accurate reflection of the technical discussion on policy context and an exchange of correspondence on this followed. We received helpful dialogue from the meeting concerning infrastructure matters and the accepted sustainability of the Site. The parties agreed to maintain correspondence on matters, albeit it was clear that the Parish Council would not be in support of such a proposal without it first being allocated within the development plan. The new local plan is, however, several years away.
- 3.10 Community engagement (12<sup>th</sup> February to 1<sup>st</sup> March 2021) followed the initial meetings with the Parish Council and in lieu of holding an exhibition, which was not possible due to the pandemic restrictions, a website consultation was initiated. In the interests of reaching as many parishioners as possible, the Applicant requested the Parish Council provide a link to the online consultation on their website, also posters were put up around the village. The consultation website received a total of 474 visits and 45 of those visits converted to questionnaire completions. The full results of the questionnaire can be found in Appendix C. The overwhelming majority (42 of 45) of respondents found the website consultation useful.
- 3.11 In summary, from the questions asked by the questionnaire it is clear that there is some support (13 of 45) overall for residential development in Plumpton Green, however the majority of respondents were opposed (10 of 45) or strongly opposed (19 of 45) to any more residential development. The majority of residents (24 of 45) did not consider current housing in Plumpton Green was affordable for first time buyers, some (8 of 45) were undecided on this issue. There was some support for residential development on Land at Nolands Farm (11 of 45), although most respondents were opposed (11 of 45) or strongly opposed (22 of 45). To the open

question 'what would improve the scheme', respondents provided varied answers including smaller properties, more affordable units, not backing on to Sun Close, include more elements to enhance sustainability and wildlife and a possible footpath to the railway. These matters are addressed as follows:

- Smaller properties
  - Size of property will be a matter for detailed planning application stage; however, the indicative layout is based on over 60% one and two-bed properties, over 80% are one, two and three-bed properties. Subsequent detailed planning applications could vary this indicative proportion.
- More affordable units
  - The scheme is proposing 40% affordable housing; nomination rights and tenure mix is a matter that the Applicant has offered to discuss with the Parish Council. By definition in the NPPF affordable housing can include starter homes, affordable housing for rent, discounted market sales housing and other affordable routes to home ownership (NPPF p64).
- Not backing onto Sun Close
  - The layout is indicative at this outline stage of application, nonetheless the layout must work within the existing site constraints as well as make efficient use of land – density should be optimised in areas well served by public transport, so there is a balance to be struck in this location so close to a mainline train station. Retaining as much of the existing hedgerow and trees is an important starting point and retaining the field patterns provide for clustered areas of development as envisaged by the PPNP and Design Statement. In order to minimise wider landscape impacts and provide a graduated approach to the countryside to the east of the Site, the scheme has necessarily opted for development framing the existing built development line formed by Sun Close, with a reduction in density moving east across the site. As a result of this consultation response, the landscaping between Sun Close and the development has been increased on the indicative layout. It is also considered that the separation distances at their closest points (habitable room to habitable room) are acceptable.

- More sustainability and wildlife benefits
  - The Applicant has commissioned an Energy Statement, which has shown a reduction of over 40% on baseline carbon emissions achieved through a fabric first approach, low carbon air source heat pumps and photovoltaics. This is over double the expectation within LDC Guidance of 20%. The Applicant is also proposing substantial biodiversity net gains (63.7% net gain hedgerow units and 10.5% habitat units) through on-site planting and through habitat creation off-site, on adjacent land within the control of the applicant.
- Possible footpath to the railway
  - This has been considered. In the first instance a footpath and cycle way are proposed to link the development with the bridleway at North Barnes Lane. To achieve a footpath to the railway south of North Barnes Lane i.e., behind the primary school and down to the King George V playing field would require a bridge over the Bevern Stream. There are a number of technical issues with this in terms of providing infrastructure in Flood Zone 3 (as categorised by the Environment Agency) and on balance it was considered that the cost-benefit ratio, including in terms of the level of potential use did not favour this approach.

### **The Proposal**

- 3.12 The Applicant has undertaken the requisite technical assessments and is fully committed to providing the necessary detail to enable the Council to reach a decision on this application as demonstrated throughout the PPA pre-application process. Full technical reports on traffic, drainage, biodiversity, and landscape impact were commissioned at the outset and have informed the development proposal and the indicative layout(s) that have been subject to the pre-application process. A full list of supporting documentation can be viewed in Appendix D.
- 3.13 The indicative scheme layout for the application is shown below in Figure 6, and full details of the rationale for the proposal and its evolution and the importance of demonstrating the mechanisms for the delivery of design quality within the built environment are contained within the accompanying Design and Access Statement. This Design and Access Statement has the following functions and use:





- 3.16 Some 40% of the new homes will be affordable units and they will reflect local needs as determined by Lewes District Council.
- 3.17 The majority of the existing site features have been retained as part of this submission, and where appropriate many have been shown to be enhanced - particularly those related to landscape buffers and ecological margins. The site is visually well contained by virtue of the existing built form on the western boundary, and the aforementioned hedgerows and vegetation on its northern, eastern and southern boundaries. Care has been taken to preserve much of the local character by retaining and enhancing local features and patterns of vegetation - which in turn informs the scale, siting and form of the initial proposals. Biodiversity, wildlife corridors, habitat creation and SUDS strategies have guided the Concept for the site and these features are integrated within the approach taken to date.
- 3.18 Access to the site is off Station Road and sees the demolition of the two frontage units and the creation of an enlarged entrance which is designed to not only provide a safe "gateway" to the site but also it incorporates a 'speed restraint' measure via a carriageway width restriction arrangement. To the southern side of the entrance is a replacement detached house that fronts Station Road in a traditional orientation. The access road then runs to the east into the body of the site.
- 3.19 Once within the developable area it becomes clear that the framework for the layout has been determined by the existing landscape features, in particular the established field boundaries that have divided the developable area of land into 3 / 4 parcels. Not only do these tree and hedge screens break up the land, but they also provide strong visual barriers, not only restricting views into or out of the site, but also, they limit views from one area of development to the next. The retention of the landscape features and the creation of several small pockets of development reduce the perception of an accumulation of built form.
- 3.20 The layout comprises a courtyard of housing, a LEAP (Local Equipped Area of Play), an area of ecological and biodiversity enhancement and a business hub that could incorporate meeting rooms, broadband links and also charging points for electric cars, bikes, and scooters. This can be seen as a focal point for the development.

- 3.21 Details of the appearance of the units will be part of future submissions, however the Design and Access Statement provides illustrations of some suggested elevational treatments that could sit well in this village location and which in terms of materials choice accord with the Plumpton Parish Neighbourhood Plan Design Statement.
- 3.22 Overall, we have presented the journey of the proposal from initial concept forming the early pre-application discussions through to the application proposal. We have shown the key areas of evolution of the scheme and how we have responded to consultation responses from the community and the LPA. The Applicant has listened to the stakeholders and this has resulted in modifications to the scheme as a direct result. We have evidenced early, proactive, and effective engagement with the community (42 of 45 respondents found the website useful). Therefore, and in accordance with NPPF paragraph 128, this application should be looked on more favourably.
- 3.23 The Application proposal seeks to 'fix' the access and through the detailed pre-application it is confirmed:
- That 2.4m x 43m access visibility splays are appropriate for Station Road, with a 30mph speed limit
  - That any proposed traffic calming scheme should also consider "gateway features" on both the northern and southern approaches to the village, and that any traffic calming scheme needs to be designed in accordance with the guidance contained in LTN 1/07
  - That a carriageway width of 4.1m resulting from a build out is appropriate
  - The development should deliver enhanced pedestrian and cycle connectivity for end occupiers by connecting the development to North Barnes Lane
  - That North Barnes Lane should be considered as a separate construction access route for the development
- 3.24 The accompanying Transport Assessment demonstrates that these matters have shaped the vehicle access strategy for the site. Vehicular and pedestrian access is proposed from Station Road and facilitated by the demolition of two road-fronting properties. The access strategy has been designed to incorporate:

- A 6m wide adoptable carriageway
- 2m footways on both sides of the carriageway
- 6 metre junction radii
- 2.4m x 43m visibility splays

- 3.25 The visibility splays can be delivered across land that is either controlled by the applicant or the publicly adopted highway as shown in the Transport Assessment. The access design has been prepared to deliver the agreed 4.1m carriageway width and will clearly show the shuttle working priority through 'give way' carriageway markings.
- 3.26 Following discussions with ESCC on the design of access proposals, the design has been updated to include the provision of timber posts with reflective bands on both build-outs, as well as the provision of two internally illuminated bollards with 'keep left/right' signs or (if ESCC prefer) the provision of reflective self-righting bollards.
- 3.27 Traffic Advisory Leaflet (TAL) 3/13 confirms that either the internally illuminated or reflective self-righting bollards can be used in locations where no street lighting is present. This is considered to be a sensitive response to the preference for minimal street lighting in Plumpton Green (as expressed through the PPNP).
- 3.28 The delivery of a junction build-out delivers the required pedestrian access arrangements (2m wide footways, pram crossings and tactile paving either side of the proposed carriageway) and junction visibility splays that have been agreed with ESCC, and also provides a physical measure to slow traffic through the village in the form of a shuttle-working priority traffic scheme. The limited on-street parking loss on Station Road has been directly addressed with the provision of four new parallel parking bays on the development site access route, allowing those residents without any off-street parking to park their vehicles close to their properties but also off Station Road itself, reducing their exposure to conflict with passing traffic.
- 3.29 The pedestrian routes will be complemented by the separate pedestrian/cycle link from the southern boundary of the development site connecting into North Barnes

Lane, which will effectively provide a direct and continuous route from the Site to link with the nearby primary school in the village.

- 3.30 Section 3 demonstrates how the scheme proposal has evolved through the course of the pre-application and early engagement process to provide a responsive and considered proposal supported by compliance with the requisite technical standards for determination of outline planning consent and detailed consent in regard to access.

#### 4.0 Relevant Case Law

- 4.1 There have been several notable recent cases, which materially affect the weight that should be attributed to policies contained within the Development Plan in the absence of a five year housing land supply and which therefore affect the determination of the proposal. Significantly, there has been consideration of the National Planning Policy Framework for the first time by the Supreme Court. Please note that the text below refers to the National Planning Policy Framework (NPPF) (2012), but the legal principles are still applicable to the interpretation of policy in the revised NPPF.

Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 36

- 4.2 The Supreme Court has handed down judgment in the cases of Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 36 concerning the meaning and effect of the provisions of the NPPF on housing land supply and the presumption in favour of sustainable development. A copy can be found at Appendix E.

- 4.3 The leading judgement was handed down by Lord Carnwath (with whom Lord Neuberger, Lord Clarke and Lord Hodge agreed). It notes that the primary purpose of paragraph 49 is simply to act as a trigger to the operation of the “*tilted balance*” under paragraph 14. It explains how paragraph 14 is intended to operate, indicating:

*“In the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the benefits are “significantly and demonstrably” outweighed by the adverse effects, or where “specific policies” indicate otherwise.”* (Paragraph 54)

- 4.4 Paragraph 56 explains that policies do not need to be labelled as “*out of date*” simply to ascribe the weight that should be afforded to them under paragraph 14. That is the preserve of the decision-maker. It states that restrictive policies in the development plan (specific or not) are relevant but explains that their weight will



need to be assessed against the needs for development of different kinds (and housing in particular), subject where applicable to the “tilted balance”.

- 4.5 The Supreme Court seemingly adopts the “*narrow*” approach but tries to steer decision-takers away from a legalistic exercise of determining whether policies are “out of date” by reference to paragraph 49. It asserts:

*“The important question is not how to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47. If there is a failure in that respect, it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of the second part of paragraph 14.”* (Paragraph 59)

- 4.6 The strong inference in paragraph 59 is that if a Local Planning Authority is unable to demonstrate a five-year supply of housing land, the decision-maker need not concern themselves with the specifics of what is causing the lack of supply but rather attribute weight proportionally to address the problem of applying the tilted balance. This allows the need to secure an adequate supply of housing land to be considered in determining the weight to be applied to a policy, even for those policies not specifically caught by paragraph 49.

- 4.7 The separate judgement by Lord Gill (with whom Lord Neuberger, Lord Clarke and Lord Hodge agree) stresses the importance that the NPPF places on boosting the supply of housing (paragraph 76 and 77). He describes the message the Government is sending to Local Planning Authorities contained in section 6 of the Framework as “unmistakable”.

- 4.8 With reference to how restrictive policies contained within the Development Plan should be approached Lord Gill stresses:

*“The rigid enforcement of such policies may prevent a planning authority from meeting its requirement to provide a five-years supply.”* (Paragraph 79)

- 4.9 Paragraph 80 notes the purpose of paragraph 49 is to achieve the Government's ambition set out in paragraph 47 which is to "*boost significantly the supply of housing*". The judgement notes that paragraph 49 only applies where:

*"the planning authority has failed to demonstrate a five-years supply of deliverable sites and is therefore failing properly to contribute to the national housing requirement."*(Paragraph 80)

- 4.10 Paragraph 83 clearly explains how decision-takers should approach the application of weight restrictive policies. It confirms:

*"If a planning authority that was in default of the requirement of a five-years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated. The purpose of paragraph 49 is to indicate a way in which the lack of a five-years supply of sites can be put right."* (Paragraph 83)

- 4.11 Clearly it is not the Government's intention to have the objectives of paragraph 47 frustrated, hence the provisions of paragraph 49 designed to "*put right*" the situation.

- 4.12 Paragraph 84 requires the decision taker to take a wider view of the development plan policies when material considerations (notably an absence of a five-year housing land supply) shift the focus away from the statutory force of development plan policies.

- 4.13 To summarise, where a local planning authority is unable to demonstrate a five-year housing land supply (like the existing situation in Lewes District) decision takers are required to attribute weight to different aspects of the planning balance noting the objective of the Framework to "*boost significantly the supply of housing*". The Supreme Court cautions against an approach where environmental and amenity policies are applied with "*full rigour*" lest the Government's objectives in the Framework be frustrated.

- 4.14 We therefore invite the Council to attribute diminished weight to any policies that restrict the supply of housing in the overall balancing exercise.

Hallam Land Management Ltd v Secretary of State for Communities and Local Government [2018] EWCA Civ 1808

- 4.15 The recent Court of Appeal decision considered a refusal given by the Secretary of State for the development of 225 dwellings in a strategic green gap. A copy has been included at Appendix F.
- 4.16 In reaching his decision, the Secretary of State appeared to accept a housing supply figure of 4.86 years and subsequently concluded that Eastleigh Borough Council's "*limited*" shortfall was not sufficient to outweigh the harm which arose due to conflict with policies for the protection of countryside. This was despite two appeal decisions issued at the same time for development within the Borough which determined the housing land supply in a materially different way, concluding in favour of the proposed development on the basis of the Council's "*significant*" shortfall of between 4.25 years and 4.71 years.
- 4.17 The Court stated that the NPPF does not require a "*mathematical*" calculation of housing supply in order to inform the application of the tilted balance contained under paragraph 14 (now 11), and the Secretary of State did not err in this instance. However, his failure to engage with the conclusions on housing land supply reached in the recent decisions affected the legitimacy of the weight attributed to the policies of the development plan.
- 4.18 The Court usefully set out examples of circumstances which could influence the weight attributable to a shortfall in housing land supply when determining the overall planning balance, and re-affirmed the principles established in *Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council* on the interpretation of paragraph 14 of the NPPF:

*"The policy in paragraph 14 of the NPPF requires the appropriate balance to be struck, and a balance can only be struck if the considerations on either side of it are given due weight. But in a case where the local planning authority is unable to demonstrate a five years' supply of housing land, the policy leaves to the decision-maker's planning judgement the weight he gives to relevant restrictive policies."*

*Logically, however, one would expect the weight given to such policies to be less if the shortfall in the housing land supply is large, and more if it is small."*

- 4.19 The Court provided further insight into the extent of the weight that can be attributed to housing shortfall:

*"The weight to be given to the benefits of new housing development in an area where the shortfall in housing land supply has arisen is likely to depend on factors such as the broad magnitude of the shortfall, how long it is likely to persist, what the local planning authority is doing to try and reduce it, and how much of it the development will meet".*

- 4.20 We would invite the Council to recognise the significant shortfall in housing land supply and acknowledge that this is likely to persist for a number of years and until the submission of the new Local Plan in 2023.

## **5.0 Relevant Appeal Decisions**

- 5.1 There has been clarity provided by recent appeal decisions regarding weight that can be given to a local authority's housing need,

Appeal Ref: APP/P1425/W/15/3119171 Land at Mitchelswood Farm, Allington Road, Newick, East Sussex, BN8 4NH

- 5.2 This Appeal Decision (Appendix G) in Lewes District found that the Council cannot demonstrate a five year supply of deliverable housing sites. The Inspector deducted 367 units from the Council's supply, reducing the supply to 1,591 units, equating to 4.5 years (para 9.72). The Inspector confirms that the lack of five-year supply triggers the tilted balance under NPPF Paragraph 11 (para 9.79). He goes to apply significant weight to the provision of 50 No. new dwellings (para 9.80)
- 5.3 The Inspector confirms that spatial policies at district and neighbourhood plan level express housing targets as minima and exceeding those numbers would not involve any breach. Furthermore, any reference within Spatial Policy SP2 to sites being allocated through future development plans does not present a prohibition on sites being identified in other ways (para 9.12).
- 5.4 The Decision finds that Policy CP10 Natural Environment and Landscape Character does not place an 'in-principle' restriction on development in the countryside. It is found that this policy is not intended as a location policy, does not it form part of the spatial strategy, and is not directly relevant as to whether a site is acceptable (para 9.9).
- 5.5 The appeal was dismissed on very narrow, highly site-specific grounds. The loss of the central woodland on the Mitchelswood site is a significant contributing factor to the conclusions on local landscape impact. Having established that Paragraph 11 of the NPPF is triggered by the lack of 5-year housing land supply, the determination of the Mitchelswood Appeal rests on the conclusion that the adverse impacts on local landscape of granting permission would demonstrably outweigh the benefits of housing provision in this location. This conclusion is wholly site-specific and not linked to a general conflict with Policy DM1 Planning Boundary. The loss of on-site



woodland resulting from the proposals failed to recognise the intrinsic beauty of the countryside and the role that small woodland plays within that Landscape Character Area.

- 5.6 The proposals for Land at Nolands Farm Plumpton Green are within the Council's stated area of preference for development in Plumpton Green; an area identified through the Landscape Capacity Study (LDC/SDNPA, 2012), which identified limited landscape capacity around Plumpton Green, due to the open views from the Downs. Land east of Station Road was identified as the preferred area for development as there are several smaller fields bounded by mature trees and hedgerows. These features contain the landscape and shield outside views, meaning this area offers the greatest opportunity for change without impacting on the landscape character. Furthermore, there is no loss of woodland, with the proposal demonstrating the retention, protection, and enhancement of the deciduous woodland on the Site.
- 5.7 We would therefore invite the Council to apply significant weight to the provision of (a net gain of) 87 No. new dwellings and consider its own published preference for development in this area (on sustainability and landscape grounds), within the context of a substantial shortfall in housing land supply.

Appeal Ref: APP/C1435/W/17/3178137 Land to the west of Culpepper Close, Station Road, Isfield, East Sussex

- 5.8 The appeal in neighbouring Wealden District concerned an outline application for residential development of 10 No. residential dwellings at land to the west of Culpepper Close, Station Road, Isfield with all matters reserved except access. A copy of the Inspector's decision can be found at Appendix H. The Inspector concluded that despite the moderate harm that the proposal would likely cause to the character and appearance of the area, including the rural setting of the village, this was outweighed by the substantial social and economic benefits of addressing the undersupply of housing in the district. He concludes: "*I attach substantial weight to the provision of 10 residential units in the context of the very significant current housing land shortfall.*" (Paragraph 34)

- 5.9 In respect of a conflict with the development strategy and the Council's planning boundary the Inspector advises: "*The site is also not located within an identified development boundary, though the weight I have given to the conflict with the Council's development strategy is substantially reduced due to considerable shortfall in housing land supply.*" (paragraph 33)

### **Previous Lewes District Appeals Relating to Land Supply**

- 5.10 It is helpful to review the outcome of appeals for significant residential development in village locations when the Council was last unable to demonstrate a five year housing land supply for a sustained period. Policy CT1 relating to development outside of the development boundary and the protection of the countryside has now been replaced with Policy DM1 and CP10.
- 5.11 Upon review of the appeal decisions collectively it is apparent that vague and generalised assertions about the impact of the proposals upon the character of the local area and landscape proffered by the Council were not accepted by the determining Inspectors.

Appeal Ref: APP/P1425/A/14/2215421 - Land south of North Common Road, Wivelsfield Green, East Sussex RH17 7RA

- 5.12 The appeal (Appendix I) related to the erection of up to 75 two, three and four bedroom dwellings to include affordable housing, access, and public open space. The Inspector provides a concise summary of the issues relating to the principle of the proposed development asserting:

*"Local Plan policy CT1 aims to restrict development outside defined Planning Boundaries. The appeal proposal, seeking development on a site outside the Planning Boundary for Wivelsfield Green, conflicts with this policy. However, it was common ground between the main parties that policy CT1 is relevant to the supply of housing and, in the absence of a five-year supply of deliverable housing land, is out-of-date. I agree with this. This being so, the fact that the appeal development would be within the countryside would not make it unacceptable as a matter of principle. Nonetheless, it is important to consider the site in relation to the character and appearance of Wivelsfield Green."* (Paragraph 8)

- 5.13 The Inspector goes on the place value upon the Council's Landscape Capacity Study in their decision making indicating:
- 5.14 *"The District Council's Landscape Capacity Study (LCS) identifies land east of Wivelsfield Green as being a preferred area, in terms of limited landscape impact, for development. The Parish Council disputes the LCS's conclusions in this respect, but this is largely a matter of judgment in relation to the application of the methodology. The appeal site comprises what are, in effect, four adjoining fields that form part of the open countryside, contributing to the rural setting of the village. Nonetheless, the site is surrounded by development on three sides and is well-contained within the wider landscape. It is largely hidden from long range public views into it by mature, albeit largely deciduous, vegetation, notably the woodland belts along its eastern and southern boundaries and the existing development around it. Those views that do exist, even at relatively close range from the bridleway along the site's eastern boundary, are filtered by this vegetation and the scheme offers the opportunity, through condition, to further enhance boundary planting."* (Paragraph 10)
- 5.15 The application site in this case is also within a preferred area of development identified in the Council's own Landscape Capacity Study. On the issue of landscape impact, the Inspector concludes:
- 5.16 *"Given the change in the site's appearance, when viewed from close quarters, some harm would arise to the 'rural' character of the site itself. This is a factor to be weighed in the planning balance. However, considering the site's wider context, outlined above, although the appeal scheme would result in an extension of development beyond the established built confines of the village, it would not appear as a significantly detrimental incursion into the open countryside."* (Paragraph 13)
- 5.17 The situation here is analogous to the appeal site at Wivelsfield Green.
- 5.18 The Inspector considers whether the scale of the application would be appropriate development in the context of the existing village. He states:

*"The scheme would result in a not insignificant increase in the number of dwellings in the village. Even at 75 dwellings, however, the scheme would be low density and would be in character with adjacent built development. Although illustrative, the submitted plans demonstrate that the mature planting that subdivides the site, and forms much of its boundaries, can be largely retained and enhanced. The site would also be seen against the backdrop of existing, surrounding development. These factors, combined with the proposed open spaces, would ensure an acceptable transition to the countryside beyond. This being so, I conclude that the overall harm to the character and appearance of the area generally would not be substantial."*(Paragraph 14)

- 5.19 The Council's DIPSHD speaks to this point and seeks to ensure that proposals for new development are appropriate in scale with existing settlements. The bar for refusal, as made clear by the Inspector's comments above, is high.
- 5.20 Having established that the relevant test is whether any adverse impacts arising from the proposal would significantly and demonstrably outweigh the benefits (when assessed against the policies in the Framework taken as a whole), the Inspector went on to attribute:

*"**very substantial weight** of the social benefit that would be derived from the provision of up to 75 new dwellings, of which 25% would be affordable, to address the significant undersupply of housing, both market and affordable, in Lewes District. It is accepted that around 56% of the District is covered by protected landscape comprising the South Downs National Park (SDNP). This may mean that meeting the OAN for housing is more challenging, but this is a matter for the Core Strategy Examination. In the context of this appeal, however, rather than reducing the weight to be attributed to the undersupply, the opportunity to provide new dwellings on a sustainable site that is unaffected by the SDNP, weighs significantly in favour of the appeal scheme."*(Paragraph 57) (our emphasis)

- 5.21 Whilst noting a change to the appearance of the site by way of the loss of countryside and a change in appearance of the site itself and moderate harm to the outlook from existing dwellings the Inspector confirmed *"given the site's wider*

*context, as outlined above, I do not consider that, overall, the scheme would have a substantial adverse impact upon the character and appearance of the area."*

Appeal Ref: APP/P1425/W/14/3001077 - Land north of Bishops Lane, Ringmer, East Sussex, BN8 5JT

5.22 The appeal (Appendix J) concerned the erection of up to 110 dwellings to include affordable housing, access, and public open space.

5.23 The Inspector considered the degree to which the appeal proposal, which was substantially larger than the other sites the Ringmer Neighbourhood Plan sought to allocate, would prejudice those smaller sites from coming forward in a phased manner.

*"It is also necessary to consider the fact that this would be the only substantial development in the village and, therefore, would not undermine the otherwise gradual development of smaller sites over the plan period."*(Paragraph 11.39)

5.24 He acknowledged that the character of the area would alter but finds that:

*"although there would be a loss of a greenfield site to a housing development, and some change to Bishops Lane, I do not consider that the scheme would have a significant adverse effect upon village character."* (Paragraph 11.40)

5.25 In concluding the Inspector finds that:

*"In social terms, the scheme would deliver up to 110 dwellings, 40% of which would be affordable units secured by planning obligation. I note the Parish Council's case that more detailed scrutiny of the Council's housing waiting list may reveal that the actual number of new affordable dwellings needed is less than the number of people on the waiting list. **This does not, however, reduce the significant weight that should be given to the provision of new market and affordable dwellings, in what is agreed as being a sustainable location, in a District where there is a clear need for both**"* (Paragraph 12.3)

- 5.26 In numerical terms, it is important to note that the Council's housing needs is now greater than it has ever been at any point in the past.

Appeal Ref: APP/P1425/A/14/2220421 - Land at Gradwell End, Mill Lane, South Chailey, Lewes, East Sussex

- 5.27 The appeal (Appendix K) concerned the erection of C2 accommodation comprising 40 nursing and dementia rooms and 40 extra care units with associated support facilities together with on-site parking provision and landscaping on a site outside of the development boundary in South Chailey.

- 5.28 The Inspector considered the impact of the proposal on the countryside. The Council had alleged the proposal would harm the character and appearance of the local landscape. In his consideration of the matter the Inspector was aided by the Council's Landscape Capacity Study 2013.

*"Moreover, the Council's Landscape Capacity Study 2013 concluded that the appeal site had a low/medium landscape value and moderate character and visual sensitivity. On this basis, the Council considered, with regard to South Chailey, that owing to the generally well screened secluded landscape, there may well be opportunities for further development on the edge of this settlement which will not have an adverse effect on the wider countryside and will contribute to the vitality of community life (paragraph 22.21 of the Study)."*(Paragraph 12)

- 5.29 The Inspector concluded that there having regard to, inter alia, the retention and enhancement of existing tree and vegetation cover and the Council's Landscape Capacity Study referenced above that although there would be some loss of open countryside, there would be no harmful change to the character and appearance of the local landscape (Paragraph 15).

- 5.30 Notably, the application site at Nolands Farm lies within an area deemed to have a medium landscape value and moderate character and visual sensitivity. In this respect the landscape baseline of the two sites is very similar and the Inspector's

Land at Nolands Farm, Plumpton Green - demolition of 2 No. existing dwellings, erection of up to 89. No. new dwellings including 40% affordable housing, village business hub, pedestrian, and vehicular access, open space, associated infrastructure, and landscaping.  
Planning Statement

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comments are a useful guide for the Council when assessing the current application (particularly given its policy compliant proposed density).

## **6.0 Relevant Planning Policy**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies in the Development Plan unless other material considerations indicate otherwise.

6.2 This section of the Statement explains how the planning application complies with relevant planning policy and identifies a strong body of material considerations that support the grant of planning permission in this case.

### **The Development Plan**

6.3 The relevant documents that comprise the Development Plan are:

- Lewes Local Plan Part 1, the Joint Core Strategy – adopted May 2016
- Lewes Local Plan Part 2, Site Allocations and Development Management Policies – adopted February 2020
- Plumpton Parish Neighbourhood Plan – adopted ('made') January 2018

6.4 The Development Plan is the starting point for decision-making even where the policies for determining the application are out of date (as happens where the LPA cannot demonstrate a five year housing land supply or where the Housing Delivery Test is below 75%). In such cases the so called 'tilted balance' of NPPF Paragraph 11 is a powerful material consideration, which requires the application of the presumption in favour of sustainable development.

6.5 The strategic policies of the local plan are five years old this May and consequently a review is required to determine whether they are up to date and remain fit for purpose. A review has been undertaken and unequivocally found that they are not fit for purpose in the context of the current National Planning Policy Framework.

6.6 The Council has therefore agreed to produce a new local plan to guide development and change to 2040 and this is being produced over the next two/three years. The reasons for producing a new local plan are due to the steep rise in housing need (as



per NPPF Paragraph 33), the publication of the 2019 NPPF, the adoption of the SDNP Local Plan superseding a large part of LPP1 and a commitment within the new LDC Corporate Plan. The new local plan would need to respond appropriately and positively to the increase in housing need.

- 6.7 As the new local plan is at least two years away from adoption there will be a sustained period of time where the application of the NPPF presumption in favour of sustainable development will need to be applied in the determination of planning applications. The Council, in acknowledgement of this, has produced a Draft Interim Policy Statement for Housing Delivery (DIPSHD), which once adopted by the Council would be a material consideration in the determination of applications. We do not believe this can be given weight in the determination of planning applications, which must be determined in accordance with planning policy (national and local).

### **National Planning Policy Framework (NPPF) (2019)**

- 6.8 On 19<sup>th</sup> February 2019, the National Planning Policy Framework (NPPF) was published, with the policies relating to development management applying with immediate effect.
- 6.9 Paragraph 2 reiterates that planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. It also advises that the NPPF is a material consideration.
- 6.10 Paragraph 7 refers to the purpose of the planning system to contribute to the achievement of sustainable development and articulates the well-known definition of meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 6.11 Paragraph 8 indicates that there are 3 elements to sustainable development, economic, social, and environmental. Paragraph 9 makes clear, however, that they are not criteria against which every decision can or should be judged. Nonetheless the proposal would contribute to all three of these aspects of sustainable development. There would be a temporary boost to the economy during the construction of the dwellings and future residents would contribute fiscally to the

local economy. A New Homes Bonus and a Community Infrastructure Levy contribution would also be received by the Council. The Site would deliver additional dwellings, including affordable, thus helping to address the need for housing in the District, meeting the social role. The Site's location enables convenient access by foot and cycle to key services and facilities, including schools and food shopping as well as excellent access to the countryside. The environmental role would be met as the Site is sustainably located outside of more environmentally sensitive areas of the District and can achieve a net gain in biodiversity.

6.12 Paragraph 10 confirms that at the heart of the Framework is a presumption in favour of sustainable development. For decision-taking the NPPF, at paragraph 11, states that this means:

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - i any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

6.13 Paragraph 14 offers protection against the presumption where a neighbourhood plan is less than two years old, allocates land for housing, the local planning authority has at least a three year supply of deliverable housing sites and the LPA's housing delivery was at least 45% of the required amount. All these conditions must be met. In this case the neighbourhood plan is over two years old, and it is highly unlikely that the Council can demonstrate three years' worth of supply.

- 6.14 The NPPF contains policies specifically relevant to the delivery of housing in Section 5 (paragraphs 59 – 79) Delivering a Sufficient Supply of Homes. The tone for applying these policies is set by the Government's express purpose for this section of the NPPF, which is to "*significantly boost the supply of homes*". It also encourages Councils to meet the objectively assessed needs for both market and affordable housing in full.
- 6.15 Paragraph 68 indicates that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. In the context of Lewes district this site is not of strategic scale (usually 100+ dwellings) and could be considered of medium size in the NPPF Paragraph 68 context. It will be important for the new local plan to allocate a range of size allocations enabling delivering across the Housing Trajectory and it should not be over-reliant on a potential new settlement as the panacea to growth requirements. A new settlement will take a considerable number of years to come fruition.
- 6.16 In respect of promoting sustainable transport, paragraph 103 states:
- "The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health."*
- 6.17 The proposal is ideally located to offer genuine choice of travel by foot and cycle with a range of local services and facilities within walking distance (shops, primary school, pub), and employment opportunities within cycling distance (Plumpton Racecourse, Plumpton Agricultural College, the Old Brickworks Business Park). Plumpton Train Station is a short walk away with direct links to Ashford International and Eastbourne in the east, nearby Lewes Town, and Haywards Heath and London to the north. Lewes station offers an interchange for connecting trains to Brighton and the south coast. There are bus stops along Station Road in proximity of the Site entrance linking Plumpton Green by bus to Haywards Heath, Lewes Cooksbridge and Balcombe.

- 6.18 Paragraph 170 advises that decisions should contribute to and enhance the natural and local environment by, *inter alia*, minimising impacts on and providing net gains for biodiversity. This is achievable as set out in the ecological reports, through on-site habitat creation alongside off-site adjacent land that has been provided for ecological improvements. Paragraph 170 also requires decisions to recognise the intrinsic character and beauty of the countryside including with reference to best and most versatile agricultural land, trees, and woodland. The Site is not high-grade agricultural land and the proposals have been carefully designed to position development within the existing field patterns, clustering the dwellings within the field boundaries and retaining the vast majority of hedgerow and trees, as well as full retention of the on-site deciduous woodland.
- 6.19 In respect of NPPF Paragraph 170 and the protection afforded to the natural and local environment, the Site is not within a valued landscape, site of biodiversity or geological value. In support of this statement, case law<sup>2</sup> indicates that to be a valued landscape it needs to be identified by its statutory status or identified within the development plan as such and it needs actual, demonstrable physical attributes, which is not case here.
- 6.20 Paragraph 172 provides that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads, and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The Site is outside of these constraints and the natural corollary is that there is not a requirement to give the same great weight to conserving and enhancing landscape and scenic beauty outside of these designations.
- 6.21 Planning decisions should ensure that new development is appropriate for its location considering the likely effects of pollution on health, living conditions and the natural environment as per paragraph 180. The Site has excellent access to natural greenspace and the green infrastructure network and contributes further by providing

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<sup>2</sup> Stroud DC v SSCLG and Gladman (2) Ouseley J

substantial areas of newly accessible public open space for the village. The Site is not currently accessible to the public and whilst it may have some amenity value in terms of views from some limited vantage points, it is not considered to be prized for its recreational and amenity value as per criterion b) of paragraph 180.

- 6.22 In respect of the third criterion of paragraph 180 (the need to limit light pollution on local amenity and intrinsically dark landscapes), the proposal would limit the use and amount of lighting necessary through a lighting strategy at detailed planning stage. It is worthy of note that the Site is outside the National Park and its commensurate Dark Skies Policy including its buffer zones.

### **Lewes District Local Plan Part 1 the Joint Core Strategy**

- 6.23 The primary document is the Local Plan Part 1 (LPP1), which is a strategic level plan. This provides the strategic framework to guide development and change in the period to 2030. It identifies the spatial strategy for the district by allocating levels of housing growth to settlements within the district. It will be five years old in May 2021 and from then the housing requirement within LPP1 can no longer be used to calculate the Housing Land Supply position, instead local housing need must be used. Where this results in land supply below five years the relevant Development Plan policies most important for determining the application would be considered out-of-date, as per Paragraph 11 and the presumption in favour of sustainable development is engaged.
- 6.24 The weight to be given to the presumption in favour of sustainable development is strengthened by LPP1 opening policy found on page 40 of LPP1 states that where relevant policies are out of date at the time of making the decision, the local planning authority will grant permission unless material considerations indicate otherwise. This policy is broadly consistent with the 2019 NPPF.
- 6.25 Spatial Policy SP2 (Distribution of Housing) is underpinned by a Settlement Hierarchy, which is also now considered to be out of date, due to the lack of five year housing land supply. Plumpton Green is identified as a Service Village in the LPP1 Settlement Hierarchy, categorised as *"villages that have a basic level of services and facilities, public transport provision (possibly not frequent) and limited employment*

*opportunities. Residents can have some of their day to day needs met in such locations, although higher order settlements need to be accessed to enable this to be fully achieved."*

- 6.26 Spatial Policy SP2 (Distribution of Housing) allocates a minimum of 50 new dwellings to be provided in Plumpton Green, the policy does not set an upper limit. A recent Appeal Decision in the district (APP/P1425/W/15/3119171) confirms that exceeding the minimum numbers in SP2 and neighbourhood plans would not involve a breach of policy (para 9.11). SP2 also references sites being brought forward through future development plans, the same Appeal Decision indicated that this did not prohibit sites being identified in any other way (para 9.12). The supporting text for SP2 confirms that there is a need for the villages to accommodate new housing to help ensure their continued vitality and meet local needs.
- 6.27 Plumpton Green has two main bus services (Haywards Heath to Lewes (166) and Lewes Cooksbridge Balcombe (122)) and mainline rail services, as well as a primary school and local shops, pub, and village hall/community centre. The contribution that a Service Village with a mainline train station can play in meeting the increased housing need and commensurately the role that new housing development can play in sustaining the vital services, facilities, and health of Service Villages, will highly likely result in a future increase in planned growth in areas such as Plumpton Green.
- 6.28 Core Policy CP1 (Affordable Housing) requires sites of 10 or more dwellings to provide 40% of the units as affordable housing, rented and intermediate with a strong presumption for onsite delivery. This proposal complies with this policy.
- 6.29 Core Policy CP2 (Housing type, Mix and Density) provides for a range of dwellings to meet needs, based upon best available evidence, and should include smaller properties for single person households and couples with no dependents. Flexible, adaptable accommodation reflecting site context, accessibility, and character of surrounding residential area is required, with densities of 20-30 dwellings per hectare in the villages. Densities may be justified higher or lower by special character and context of the site. This proposal would generate a policy-compliant density of circa 25 to 26 dwellings per hectare and a mix of dwellings sizes including over 60% one and two bed properties.

- 6.30 Core Policy CP8 (Green Infrastructure) aims to ensure that development maintains and manages green infrastructure where appropriate, contributes to green infrastructure provision, does not undermine the functional integrity of green infrastructure network or result in the loss of green spaces (accessible) and increases access to walking cycling and the countryside. The proposals contribute to the delivery of publicly accessible green space and access to the countryside.
- 6.31 Core Policy CP9 (Air Quality) requires development does not have an adverse impact on an AQMA, does not have a negative impact on health and amenity of surrounding area, promotes walking and cycling and public transport including through provision of cycleways, secures best practice in construction. The nearest AQMAs are Burgess Hill and Lewes Town. The proposal promotes walking and cycling and includes provision of a new pedestrian and cycleway link.
- 6.32 Core Policy CP10 (Natural Environment and Landscape Character) seeks to protect the natural environment through maintaining locally distinctive heritage landscape qualities including hedgerows, ancient woodland, shaws as informed by the ESCC Landscape Assessment and LDC Landscape Capacity Study. CP10 seeks to ensure new development does not harm nature conservation interests unless benefits outweigh harm and seeks to maintain and enhance local biodiversity resources. Watercourses, including groundwater flows are to be protected from encroachment and adverse impacts. The proposal has been designed to retain landscape features (hedgerows and woodland) and deliver a net gain in biodiversity.
- 6.33 Core Policy CP11 (Built and Historic Environment and Design) requires high quality design in all new development. This policy has limited application at the outline stage and it becomes more relevant at detailed planning application stage. Points that can addressed at the outline stage include in relation to development responding sympathetically to the site and its local context and is integrated in terms of access and functionality. Also, that the proposed development makes efficient and effective use of land, avoiding the creation of public space which has no identified use or function. CP11 also advises that the LPA will safeguard listed buildings and archaeological remains; further detail on archaeology and the Heritage Statement can be viewed in the accompanying Archeological Desk Based Assessment (Heritage Statement).

- 6.34 Core Policy CP12 (Flood Risk, Coastal Erosion and Drainage) steers development away from areas of flood risk as identified by the Environment Agency flood maps, seeks appropriate management of surface water including through SuDS. A full FRA and SuDS supports this application showing run off rates will not exceed present greenfield rates.
- 6.35 Core Policy CP13 (Sustainable Travel) confirms that the local planning authority will support development that encourages travel by walking, cycling and public transport and reduces the proportion of journeys made by car. It will do this by ensuring new development is in sustainable locations with good access to schools, jobs, and other key services by walking, cycling and public transport, by ensuring layout of new development prioritises needs of pedestrians, cyclists, and users of public transport, by ensuring new development minimises the need to travel and incorporates appropriate measures to mitigate for any transport impacts and requiring appropriate levels of cycle and car parking. Developments generating a significant demand for travel will need to be supported by a Transport Assessment and Travel Plan, which are submitted in support of this application.
- 6.36 Core Policy CP14 (Renewable and Low Carbon Energy) encourages renewable energy and low carbon energy in new development and requires the Core Strategy strategic sites to be accompanied by an Energy Strategy. Despite not being a strategic site, this application is supported by an Energy and Sustainability Statement and would deliver 40% reduction on carbon emissions baseline.

### **Lewes District Local Plan Part 2 Site Allocations & Development Management Policies**

- 6.37 The Local Plan Part 2 (LPP2) applies only to the area of the district outside the SDNP and contains detailed (non-strategic) development management policies that set out the more detailed criteria against which planning applications for the development and use of land and buildings will be considered. Supporting text paragraph 4.3 confirms that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will always work proactively with applicants to jointly find



solutions which mean that proposals can be approved wherever possible to secure development that improves the economic, social, and environmental conditions in the area.

- 6.38 In the main the policies within LPP2 would be relevant at the detailed planning application stage, rather than at outline application stage, however Policy DM1 Planning Boundaries is a policy considered one of the relevant policies most important to determining the application.
- 6.39 Policy DM1 (Planning Boundary) states that within the planning boundaries, as defined on the Policies Map, new development will be permitted if it is in accordance with other policies and proposals in the development plan. Outside the planning boundaries the distinctive character and quality of the countryside will be protected, and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated. Restrictive policies such as DM1 (Planning Boundary, which is linked to housing requirement figures that will have changed significantly at the time of determination, should be afforded limited weight. Through the pre-application process the Council confirmed Policy DM1 would be given 'moderate weight' where NPPF paragraph 11 is triggered. In our view policy DM1 should attract very limited weight, particularly considering the significant shortfall in housing supply (as demonstrated through the referenced Case Law and Appeal Decisions). As explained above, this policy is now considered to be out of date.
- 6.40 As discussed above the weight to be attributed to DM1 should be greatly reduced to put right the significant shortfall in housing land supply.
- 6.41 Policy DM16 (Children's Play Space in New Housing Development) requires residential developments of 20 dwellings or more provide children's play space on site and the standards for this are provided in DM 15 (Provision for Outdoor Playing Space). The proposal has been discussed through the pre-application with the Council's Parks and Gardens department and a LEAP, meeting the required standard, is provided for in a location at the heart of the development.

## **Neighbourhood Plan**

- 6.42 Plumpton Parish Neighbourhood Plan (PPNP) contains a number of housing policies and allocates four housing sites totalling a minimum of 68 net additional dwellings. The PPNP is over two years old and is therefore not afforded the protection of Paragraph 14 of the NPPF in the situation where the Local Planning Authority (LPA) cannot demonstrate a housing land supply position of five years or more.
- 6.43 PPNP Policy 1 (Spatial Plan for the Parish), confirms that new development proposals within the planning boundary will be supported, provided they accord with other provisions of the PPNP. Development outside the planning boundary will not be supported if it results in coalescence and the loss of separation between neighbouring settlements and/or alters the spatial character and views of the landscape, notably from the SDNP. Supporting text at paragraph 5.8 goes on to state that housing will be provided around the centre of the village maintaining green gaps to the north and south of the village to retain character of the existing settlement. The Application accords with this spatial aspiration, being located around the centre of the village and would not result in coalescence between settlements. Furthermore, being located within the area of preference for development in landscape terms for Plumpton Green, it can be delivered with minimal impact on the character and views of the landscape from the SDNP.
- 6.44 Policy 2 (New Build Environment and Design) requires development to reflect the scale, density, massing, landscape design and material of surrounding buildings, having regard to the Plumpton Design Statement. The proposal has been designed to fit within the existing field patterns and landscape features and is in accordance with rural density policy requirements at circa 25 to 26 dwellings per hectare. Potential materials and build typologies are contained within the Design and Access Statement, which has regard to the Plumpton Design Statement.
- 6.45 Policy 3 (Landscape and Biodiversity) states that new development should be informed by the landscape character of the area and seek to achieve landscape and biodiversity enhancements. This should be through retention and protection of existing hedges, trees and existing green corridors, ponds, and other wildlife

features. Sites should be landscaped to provide green corridors to connect the development with the open countryside and existing wildlife habitats and incorporate new SuDS features (see Policy 4) and public rights of way/permissive paths where possible, to create a network of multi-functional landscapes. The proposal demonstrates that woodland and ponds are retained, the majority of hedgerow is retained, all important trees are retained, new public open space is created, there is provision of new footpath linking to the existing PRoW and green corridors are protected and enhanced. Further detail can be viewed within the Landscape and Ecological Management Plan (LEMP).

- 6.46 Policy 4 (Sustainable Drainage and Wastewater Management) requires new development to deliver SuDS to manage the risk of flooding, groundwater flooding, flash flooding and surface water run-off over land, and the impact on the sewerage network. Details of how the proposal meets this policy are within the FRA and SuDS Report.
- 6.47 Policy 5 (New Housing) sets out criteria for allocated and windfall sites and states that a range of dwelling sizes should be provided, housing should be sympathetic to scale, topography and setting of the parish, developments should form clusters of no more than twenty dwellings and be located around the village centre, should provide affordable housing as required by the development plan, should include landscaping buffers, be accompanied by archaeology desk based assessment and confirms that where provision of new footpath that connects exiting PRoW and or the green infrastructure network is made this will be supported. This application proposes a policy-compliant range of dwellings and affordable units, sits well within the existing topography and landscape features, delivers clusters of dwellings (20-30) within the existing field pattern, and provides new footpath connecting existing PRoW. An archaeological desk-based assessment accompanies this application. Although in any event this policy is out of date so to arbitrarily constrain the capacity of development sites would frustrate the ability of the Council to "*put right*"<sup>3</sup> the chronic and sustained housing shortage.

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<sup>3</sup> Paragraph 83 of the Judgement: Suffolk Coastal District Council v Hopkins Ltd and Richborough Estates Partnership v Cheshire Borough Council (2017) UKSC 36

### **Lewes District Council Draft Interim Policy Statement for Housing Delivery**

- 6.48 This is a draft document being prepared for adoption by the Council as an interim measure for application when the Council cannot demonstrate a five-year supply of deliverable housing sites. The Draft Interim Policy Statement for Housing Delivery (DIPSHD) has no policy status, and we would not agree that weight should be given to such a statement within the decision-making process, particularly as the DIPSHD appears to rely on a settlement hierarchy based on a 2012 Rural Settlement Study that still refers to the South East Plan. It does not remove the relevant test for acceptability, which is found in Paragraph 11 of the NPPF.
- 6.49 Notwithstanding the shortcomings of this approach, which may be refined prior to its final adoption, the DIPSHD does confirm that *"while the presumption applies, the Council will take a supportive approach to planning applications for the provision of housing outside of the adopted settlement planning boundaries,"* this is subject to compliance with appropriate planning policies and the criteria within the DIPSHD. Criteria include that an application site be contiguous with or adjacent to the planning boundary, that the scale of development is appropriate to the size, character and role of the settlement, provides pedestrian and cycle access to key community facilities, does not result in coalescence of settlements, includes an LVIA if within the setting of the SDNP, secures a net gain in biodiversity, makes efficient use of land whilst responding sympathetically to existing character or adjoining settlement and the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure and other requirements. As evidenced above and in the supporting documentation, the proposal accords with the aspirations of the DIPSHD despite its limited relevance.

### **Lewes District Council Technical Advice Notes**

- 6.50 The Council has 'adopted' a series of Technical Advice Notes (TANs), which are not formal policy but do provide guidance as to the aspirations for future policy, to be provided within the next iteration of the local plan (submission in 2023), and to assist the Council fulfill its pledge to become carbon neutral by 2030. Compliance with the TANs cannot of itself provide a reason for refusal as they do not form part of the

development plan, however checklists contained within the TANs have become part of the Local Validation requirements and application submissions should consider their contribution to meeting the Council's aims and aspirations across the following TAN areas:

- Electric Vehicle Charging Points
- Biodiversity
- Sustainability in Development
- Circular Economy

6.51 Not all aspects of the TANs will be relevant at the outline application stage, certain detailed aspects will, necessarily, not be known, and neither should they be expected. It is acceptable for applications for outline planning permission to seek to establish whether the scale and nature of a proposed development would be acceptable to the LPA, before a fully detailed proposal is put forward. This type of planning application allows fewer details about the proposal to be submitted. The NPPG states: "*An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.*" (Paragraph: 004 Reference ID: 14-004-20140306)

### **Manual for Streets (2007)**

6.52 Paragraph 4.4.1 confirms walkable neighbourhoods are typically characterised by a range of facilities within approximately 800 metres walking distance, which can be comfortably accessed on foot. It is explicit, though, that this is not an upper limit and PPS13 (now redundant) states that walking offers the greatest potential to replace short car trips, particularly those under 2 km.

6.53 Paragraph 4.4.2 highlights that by creating linkages between new housing and local facilities and community infrastructure, the public transport network and established walking and cycling routes are fundamental to achieving more sustainable patterns of movement and to reducing people's reliance on the car.

- 6.54 Paragraph 6.3.1 indicates that the propensity to walk is influenced not only by distance, but also by the quality of the walking experience.
- 6.55 In this case the key facilities that Plumpton Green offers such as primary school, sports, play and recreation, primary school, food shop and mainline train station are all accessible by foot within the 800m walking distance suggested by the Manual for Streets. A connecting pedestrian and cycle link is proposed from the development to the bridleway along North Barnes Lane to improve connectivity and journey times for future occupants.

## **7.0 Five Year Housing Land Supply**

- 7.1 The Lewes District Local Plan Part 1: The Joint Core Strategy (LPP1) 2010-2030 was adopted by Lewes District Council on 11<sup>th</sup> May 2016 and sets the housing requirement for the whole district. The housing requirement within LPP1 has subsequently been disaggregated between the two planning authorities, the South Downs National Park Authority (SDNPA) and Lewes District Council (LDC).
- 7.2 LDC has calculated its annual housing land supply position against a disaggregated housing requirement figure of approximately 275 dwellings per annum since 1st April 2017. LPP1 is now within the 11–16-year period of its 20-year Housing Trajectory and has delivered 37.8% (a 17% shortfall) of its minimum housing requirement, which itself was substantially below OAHN. The Council continues to apply the 'Liverpool Approach' to dealing with the shortfall within their housing land supply calculations, whereby the shortfall is distributed over the remaining plan period; rather than the NPPG-advocated 'Sedgefield Approach', which distributes the shortfall over the next five-year period.
- 7.3 The most recent Housing Trajectory (1st April 2019) published in the adopted Local Plan Part 2: Site Allocations and Development Management Policies (LPP2), adopted February 2020, shows that the Council predicts delivering an average of 450 dwellings per annum for years 11 to 16 of the plan period (2020/2021 to 2025/2026). Nevertheless, the Council is still measuring this five-year period's land supply housing requirement against 275 dwellings per annum, with only a 5% buffer and the shortfall spread over the remaining nine-year plan period.
- 7.4 The Council should now be applying the 'Sedgefield Approach' to calculating housing land supply to ensure that there is a sufficient supply of housing land to meet the plan requirements within the plan period. Alternatively, the Council could apply a 20% buffer to improve the prospects of achieving the planned supply and delivering in line with the Housing Trajectory.
- 7.5 The Council's most recently published Housing Land Supply Position Note 1<sup>st</sup> April 2020 (published December 2020) put the Council's land supply at 5.42 years,

however a recent Appeal Decision (APP/P14525/W/15/3119171), dated 16<sup>th</sup> February 2021 discounted several sites and put the land supply at 4.5 years, against the 2019 Housing Land Supply Position, which was published as 5.59 years. It is clear the Council does not currently have the requisite five years supply of deliverable housing sites; the position would be 4.4 years when measured against the 2020 position. We anticipate, however, that this application will be determined in or around June/July 2021 in accordance with the timeframe outlined within the Planning Performance Agreement.

- 7.6 The Council's land supply situation will almost certainly dramatically worsen from May 12<sup>th</sup> (following the strategic policies becoming 5 years old on 11<sup>th</sup> May) when land supply will be calculated against standard methodology, rather than the plan target. The NPPF requires that where the strategic policies are more than five years old, the five-year housing land supply should be assessed against the local housing need requirement, rather than the requirement set out in strategic policies. This arrangement will persist until the Council has a newly adopted Local Plan, which is expected in late 2023.
- 7.7 The Council has acknowledged, in communications with the towns and parishes of the district, that: "*The Local Housing Need for Lewes District is significantly higher than the housing requirement set out in adopted strategic policies. This means that from May 2021, it is unlikely that a five-year supply of housing land could be demonstrated, and therefore LPP1 policies will be considered to be out of date.*" (Paragraph 11 of the Lewes Local Plan Briefing Paper November 2020, Appendix L.) This was before the Appeal Decision was issued confirming that the land supply is to be reduced by 367 units (para 9.72 of the Appeal Decision APP/P14525/W/15/3119171).
- 7.8 LDC has prepared an *Approach to Disaggregating Local Housing Need for the Purposes of the Five Year Housing Land Supply* December 2020 (Appendix M), which has been circulated for targeted consultation to its Planning User Group. This proposes using existing dwelling stock as the basis upon which to disaggregate the local housing need figure.



7.9 Under this local methodology, the resultant housing need figure for the LDC planning authority area would be 602 homes per year and this is the figure that will be used to calculate the five-year housing land supply. This is over double the current figure of 275 dwellings used to calculate land supply; it is therefore clear, based upon the latest Housing Land Supply Position Note, that LDC will not have a five-year supply of housing land from 12<sup>th</sup> May 2021. This is before the deduction of 367 units from the supply as required by the Appeal Decision. It is anticipated therefore that there will be a significant shortfall in land supply, of approximately two and a half years and it is further anticipated that this shortfall will persist for some time. The timetable to produce the new local plan envisages the adoption of a new local plan in late 2023. The following tables show the effect of the Mitchelswood Decision on the 2020 and likely 2021 Housing Land Supply Positions.

**Table 3:** 2020 Land Supply Position pre-Mitchelswood Decision

|   |                       |
|---|-----------------------|
| <b>Residual 5 Year Requirement</b><br>(341.7 x 5)                   | <b>1,708</b>          |
| <b>NPPF 5% Buffer</b><br>(0.05 x 1,708.5)                           | <b>85</b>             |
| <b>Total 5 Year Requirement Figure</b><br>(annualised over 5 years) | <b>1,793</b><br>(358) |
| <b>Commitments</b>  | <b>1,945</b>          |
| <b>Supply</b>   | <b>5.42</b>           |

**Table 4:** 2020 Land Supply Position post-Mitchelswood Decision

|   |                       |
|---|-----------------------|
| <b>Residual 5 Year Requirement</b><br>(341.7 x 5)                   | <b>1,708</b>          |
| <b>NPPF 5% Buffer</b><br>(0.05 x 1,708.5)                           | <b>85</b>             |
| <b>Total 5 Year Requirement Figure</b><br>(annualised over 5 years) | <b>1,793</b><br>(358) |
| <b>Commitments</b> (reduced by 367 Units)                           | <b>1,578</b>          |
| <b>Supply</b>   | <b>4.4</b>            |

**Table 5:** May 2021 Land Supply Position considering Mitchelswood Decision

|   |                         |
|---|-------------------------|
| <b>Residual 5 Year Requirement</b><br>(602 x 5)                     | <b>3,010</b>            |
| <b>NPPF 5% Buffer</b><br>(0.05 x 3,010)                             | <b>150</b>              |
| <b>Total 5 Year Requirement Figure</b><br>(annualised over 5 years) | <b>3,160.5</b><br>(632) |
| <b>Commitments</b> (reduced by 367 units)                           | <b>1,578</b>            |
| <b>Supply</b>   | <b>2.5</b>              |

- 7.10 The DIPSHD confirms that the "*settlement planning boundaries were defined on the basis of accommodating a housing requirement of 345 dwellings per annum, as set out in Spatial Policy 1 of the Local Plan.*" also that "*If the Council is unable to demonstrate a five-year supply of deliverable housing sites, it is acknowledged that the planning boundaries may need to be breached in order to help meet local housing needs.*" (DIPSHD para 3.1).
- 7.11 It is useful to return to the Hallam Court of Appeal judgement and the need to consider the extent of the shortfall, the length of time it has or is likely to persist and any mechanisms in place to address the shortfall. In this case, the likelihood of a substantial shortfall in land supply persisting is high because the housing need is so high and the new local plan to address this is several years away from adoption.
- 7.12 We would invite the Council to give substantial weight to the provision of 89 No. new dwellings in a sustainable location, considering the substantial shortfall in land supply.

## **8.0 Relevant Planning Considerations**

- 8.1 With all planning applications there are several issues that need to be addressed before planning permission can be granted. This section of the statement explains the issues that have been identified through the preparation of this planning application and how they are overcome.

### Principle of Development

- 8.2 The Site is located predominantly outside the existing planning boundary, however, policy DM1 should be afforded greatly diminished weight. This policy is no longer a defensible tool to restrict housing development to the boundaries that were tightly drawn to deliver a much lower housing target than is now required. In the absence of a five-year housing land supply this policy is out of date and should only be afforded very limited weight.
- 8.3 Case law and Appeal Decisions cited in Chapter 4 and 5 of this Planning Statement confirm that very limited weight should be afforded to restrictive policies and very substantial weight afforded to the housing benefits of a scheme where a planning authority cannot demonstrate a five-year supply of housing. This should be even more pronounced where there is a substantial shortfall and where there the situation is likely to persist, as is the case here. The development proposal would deliver 89 No. new homes (87 net) within the village of Plumpton Green, of which 40% would be affordable housing delivered on-site. This should, in our view, attract substantial weight considering the local housing need of 602 dwellings per annum and a significant shortfall, of two and half years, in housing land supply.
- 8.4 Whilst development boundary policies should be afforded greatly diminished weight, it is still important to consider if the Site is in a sustainable location for additional housing or if it would be 'car dependent' in the context of paragraph 103 of the Framework. The Site would not be car dependent and offers a choice of alternative, sustainable modes of transport for future residents including walking infrastructure to a range of local services and facilities. In particular, the Site is well located to the core of the village and better located than some of the allocated sites to the centre of

the village with its convenience shop and Post Office as well as the mainline railway station. All well within the recommended walking distances referred to in the Manual for Streets. The proposal also includes a connecting pedestrian and cycle path linking the development to the bridleway along North Barnes Lane, providing convenient and safe access to the services and facilities in the south of the village including the primary school and leisure and recreational facilities.

- 8.5 A further element of the proposal that supports reducing the need to travel is the village business hub aimed at providing flexible workspace to facilitate opportunities for 'home from home working'. The idea is to ensure that people in the village have bookable workspace within the village for business meetings and for individual desk/office space that can function in a COVID-secure environment, but also offers a vibrant networking environment outside of any pandemic restrictions. Details of the specification for the business hub including matters such as whether it should contain kitchen facilities, café etc. would be for the detailed planning application stage; the principle of the business hub is to be established through this application. This new village facility would be co-located with EV car club spaces, electric charging points for scooters and bikes and secure cycle storage and thus provide an opportunity for reducing the need to travel by car for the future occupants of the development (as well as the wider village).
- 8.6 The settlement of Plumpton Green is currently classified as a 'Service Village' categorised as "*villages that have a basic level of services and facilities, public transport provision (possibly not frequent) and limited employment opportunities. Residents can have some of their day to day needs met in such locations, although higher order settlements need to be accessed to enable this to be fully achieved.*" It should be considered as the highest order Service Village in the district, given its range of facilities combined with the mainline train station and employment opportunities. This is no doubt why it scores the highest in the Sustainability Matrix of all the Service Villages<sup>4</sup>.
- 8.7 The Site is located outside of any landscape and environmental designations and in an area identified by the Local Planning Authority (LPA) as the most sustainable and

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<sup>4</sup> Matrix: <https://www.lewes-eastbourne.gov.uk/resources/assets/inline/full/0/258689.pdf>

suitable for development, "*sites east of Station Road were the most suitable and sustainable*" (PPNP para 4.38).

- 8.8 In terms of PPNP policies, to the extent that the policies will carry some weight, the principle of development outside the development boundary (articulated by Policy 1) is supported if the development would not (either individually or cumulatively) cause coalescence with other settlements or alter the spatial character of the parish and views of the landscape from the SDNP. There would be no coalescence resulting from this proposal. It is demonstrated through this Planning Statement and the supporting documentation that the proposal would not alter the spatial character of the parish or undermine views of the landscape from the SDNP.
- 8.9 The proposals show that, indicatively, the layout for up to 89 No. new dwellings can provide medium-sized clusters of dwellings within the existing field boundaries with minimal requirement for loss of hedgerow and would be well contained by these landscape features without impacting on landscape character.
- 8.10 There is no defensible reason why 'in principle' the application site cannot deliver 89 No. new homes, a business hub and associated green infrastructure.

#### Housing Mix

- 8.11 A varied mix of housing can be provided including a substantial proportion of smaller 1-3 bed properties as envisaged by Core Policy CP2 and PPNP Policy 5. The current mix shows over 60% one and two bed dwellings. Affordable housing delivered on site will be secured at 40% of the development total.

#### Residential Amenity

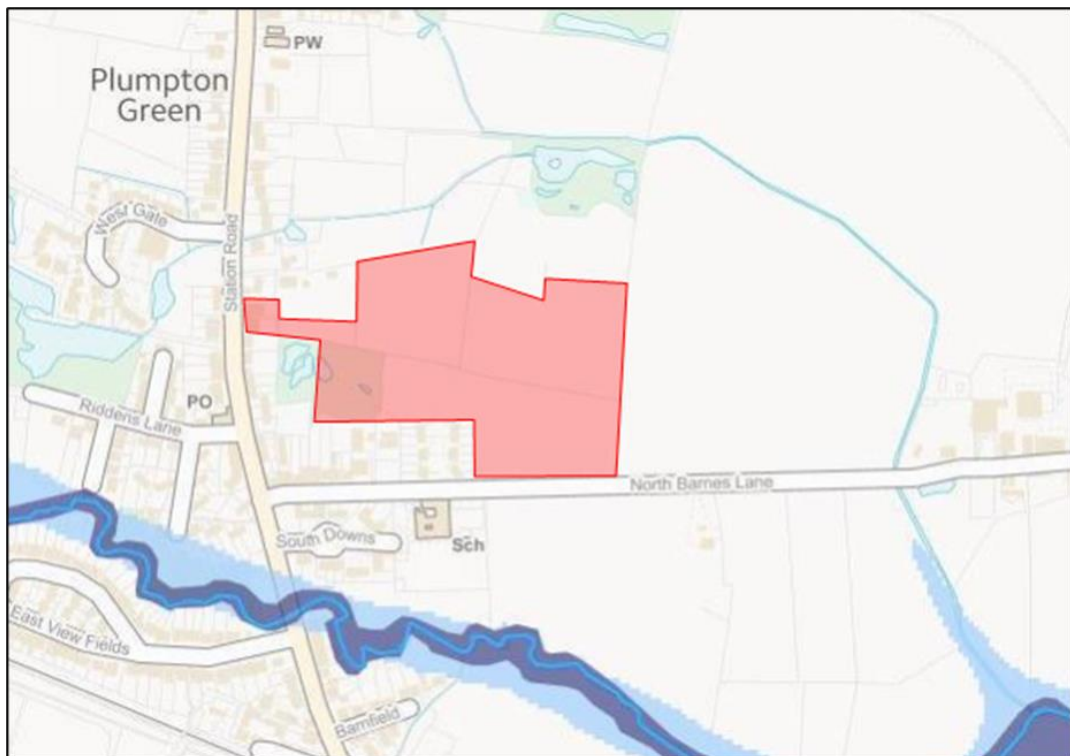
- 8.12 A new access road would be provided from Station Road, changing the current amenity arrangements for Saxon Cottage and the Grebe. For the latter, the new arrangements would change the existing from a neighbouring property to an area of planting and open space adjacent to the site access and any existing overlooking from the residential property to the south would be removed. For Saxon Gate there is potential for a new property to be constructed to its north, following the

construction of the access road and this would be designed to ensure no overlooking or loss of amenity. The effect, post construction, should therefore be neutral.

- 8.13 As the Application is in outline and seeking permission for the principle of up to 89 No. new dwellings, the indicative layout is not necessarily the final design, however it is intended to demonstrate that this quantum of housing can appropriately be delivered with no unacceptable impact on existing or future residential amenity. The pre-application response from the LPA (Appendix A) indicated that "*the layout appears broadly acceptable, with reasonable juxtaposition of dwellings, acceptable garden sizes and parking.*".
- 8.14 Properties on Station Road, opposite the proposed access, currently benefiting from informal on-street parking are compensated for the future loss of on-street parking outside their homes through allocated parking bays along the access road, just inside the development. It is understood that, presently, only one property has no alternative parking to on-street parking. It is worth bearing in mind that there is no statutory right to park vehicles on the highway.
- 8.15 In terms of potential for noise impacts on future residential amenity, it is not considered that this is likely to be an issue for the following reasons:
- The Site is situated in a rural area away from any notable infrastructure noise sources
  - The existing buildings are expected to provide notable acoustic screening from any road noise
  - There are no vibration or industrial noise sources in close proximity to the Site
  - The scheme proposals do not include any notable noise sources which may disturb the surrounding existing residences
- 8.16 With the above in mind, it is unlikely that noise would be a determining factor for the outline planning application, and we would anticipate that a form of noise assessment is undertaken following approval in accordance with a planning condition for noise.

### Flood Risk

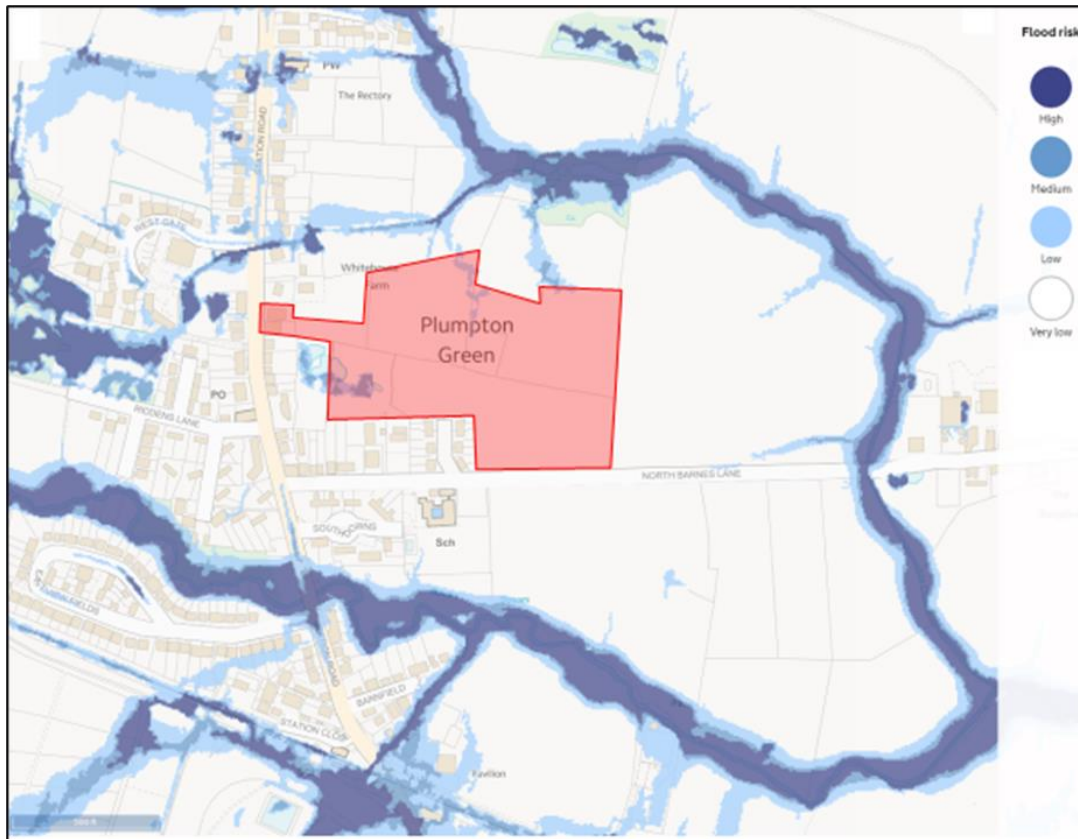
- 8.17 With reference to the national-scale flood mapping created on behalf of the Environment Agency (EA), the Site lies within Flood Zone 1 ("Low probability of fluvial flooding"). This is shown in Figure 4-5 of the accompanying Flood Risk Assessment (FRA) and below in Figure 7. This demonstrates that the site is unlikely to be affected by flooding.



**Figure 7:** EA Flood Zone Mapping

- 8.18 The risk of surface water flooding is shown in Figure 4-4 of the accompanying FRA and in Figure 8 below. Approximately 150 m to the south of the site lies the Bevern Stream. A tributary of the Bevern Stream also lies approximately 130 m to the north of the site, where there is also a small pond system. This tributary joins the Bevern Stream approximately 460 m to the south east of the site. The source of the Bevern Stream lies approximately 4 km to the west of the site and is controlled by several small ponds along the route. In addition to the waterbodies described above, there is a small group of ponds to the west of the site and several minor drainage routes for surface water close to the site. These generally follow the routes of field boundary

ditches and highways. These drainage paths are indicated on the EA "Risk of Flood from Surface Water Map" (refer to Figure 4-4 of the accompanying FRA).



**Figure 8:** EA Flood Map Surface Water Flooding

- 8.19 Figure 4-4 and the LDC SFRA demonstrate that most of the site is considered to have a very low risk of surface water flooding below 0.1 % probability of occurrence in any given year, with only a small section in the central north of the site and associated with the clay ponds in the west of the site demonstrating a low risk (0.1% - 1% probability) of surface water flooding.
- 8.20 In consultation with East Sussex County Council (ESCC), it was identified that records indicate that the water table depth in the northern portion of the Site is less than 3m deep. As such, groundwater monitoring has been undertaken at four representative locations across the Site in Winter/Spring 2021 to identify the exact level of groundwater, to inform the SuDS design further.
- 8.21 The EA and the LDC LFRMS have not identified any critical drainage areas (CDA) in the vicinity or immediately downstream of the Site. CDAs are areas in which new development is likely to overload the capacity of the existing drainage system, with



areas upstream having potential to put further pressure on the capacity of the downstream drainage system.

- 8.22 Although the SFRA and LFRMS have not identified any surface water sewer and highway gulley flooding events within the vicinity of Plumpton Green, consultation with the Parish Council has revealed recent foul sewage flooding in the village due to a broken sewer pipe.
- 8.23 According to Southern Water the closest adopted sewer is a rising foul sewer which runs south to north along Station Road to the west of the Site, with the closest manholes 3501 and 3601. Southern Water has been consulted to ascertain if there is sufficient capacity in the existing network to take the flows from this proposed development. They have confirmed that there is currently adequate capacity in the local sewerage network to accommodate a foul flow of 0.90 l/s for the above development off the 150mm sewer at manhole reference 3501.
- 8.24 The sustainable drainage system (SuDS) proposed for this development has been designed to cope with a 1 in 100-year critical storm event with a 40% allowance for climate change. In the event of any storm higher than the design storm, exceedance flow will follow routes as shown on the proposed surface water drainage layout in Appendix F of the SuDS Report. Attenuation will be provided through a combination of a water butts, swales, detention basins and geocellular permeable paving systems.
- 8.25 This strategy provides a total of around 1688.5 m<sup>3</sup> storage which is more than the 1095m<sup>3</sup> required to accommodate the additional runoff from the development of the Site including an allowance for climate change to discharge from the Site at greenfield rates and does not take account of the additional storage provided in the swale underdrain void spaces. This provides both a safety allowance for high groundwater levels (see below) and allows for some reduction for infrastructure where necessary during detailed design, whilst maintaining greenfield runoff rates and the treatment train required to ensure that water quality of the downstream system is not impacted by the development.
- 8.26 There will be no detrimental on or off-site impacts as far as flooding is concerned as surface water will be managed and controlled on Site and risks from other sources have been assessed to be low to very low.

### Ecology

- 8.27 The Site is not constrained by international, national, or local wildlife and ecological designations. The Applicant commissioned a professional practice of ecologists to undertake an Ecological Appraisal. This appraisal not only covered the Application Site, but it also assessed the land to the south of North Barnes Lane, shown as the blue line area within the control of the Applicant. It did this to assess the opportunities for biodiversity enhancement in this area to be delivered in conjunction with the enhancement and mitigation measures on the Application Site itself. A Landscape and Ecology Management Plan (LEMP) has been submitted in conjunction with the Ecological Appraisal and a Biodiversity Impact Calculation.
- 8.28 The Application Site has been under ecological investigation since September 2016, when an initial Phase 1 Habitat survey was undertaken to support the previous application. A suite of Phase 2 ecological surveys was undertaken between September 2016 and August 2017 and updated surveys were undertaken between March 2020 and July 2020. The results of these surveys have been used to provide the appropriate baseline information for the ecological assessment.
- 8.29 In summary, the Site includes three fields of pasture, a small field used for small scale fruit and vegetable farming, areas of scrub and ruderal habitat, as well as the Chestnut House and Saxon Gate properties and their associated garden spaces. The fields are bordered by mature species-rich hedgerows, tree lines and fence lines. In terms of protected species, the following were identified during the Phase 2 surveys: hazel dormice, great crested newts, roosting bats (Chestnut House and Saxon Gate), commuting and foraging bats including Annex II (Conservation of Habitat and Species Regulations, 2019) listed species barbastelle and a 'low' population of both common lizard and slow worm.
- 8.30 Mitigation measures for badgers, bats, breeding birds, hazel dormice, great crested newts, reptiles, harvest mice and hedgehogs are outlined within Section 5 of the Ecological Appraisal.
- 8.31 The conclusions of the ecological studies confirm that with impact avoidance, mitigation and compensation measures, there are no anticipated residual effects

requiring offsetting. The development's landscaping already incorporates the creation of valuable habitats such as wildflower areas, native hedgerows and the inclusion of scattered trees, as well as better management of the woodland parcel and the retention and enhancement of the southern section of the Site, as outlined in detail within the LEMP.

- 8.32 The LEMP details (in Section 3) mitigation measures during construction and the operational phase of the development, including mitigation for roosting bats, great crested newts, and dormice, to be secured through European Protected Species (EPS) licences, as well as precautionary measures to protect breeding birds and the translocation process for amphibians and reptiles to an on-site receptor area. It also sets out (Section 4) the proposed habitat enhancement measures for the Site, including creation of a wildflower area and a small orchard, tree, and hedgerow planting, as well as the incorporation of integral bat roosting features and bird nest boxes into the development. There is a post-construction management plan for the retained ecological features and proposed biodiversity enhancement features (detailed in full in Section 5) and a work schedule (provided in Section 6) outlining management responsibilities and remedial actions should they be necessary.
- 8.33 Turning to Biodiversity Net Gain, the proposals respond to the Council's Biodiversity Technical Advice Note (TAN) and the forthcoming Environment Bill by providing a Biodiversity Impact Calculation, assigning 'biodiversity units' to the pre-existing habitats contained within a proposed development site and those that are predicted to be lost, restored and/or created once the development has been constructed. This allows an objective comparison to be made between the existing biodiversity value of a given site and the predicted biodiversity value post development, with the net change in biodiversity value subsequently quantified. This is set out in detail within the accompanying Biodiversity Impact Calculation Report prepared by The Ecology Co-op, which uses the DEFRA Biodiversity Metric as envisaged by the LDC Biodiversity TAN.
- 8.34 The Biodiversity Metric 2.0 Calculation has demonstrated that in terms of habitat units the proposed scheme results in an increase of 2.35 habitat units totalling a 10.50% net gain. The linear feature calculation for the proposed scheme results in an increase of 7.01 hedgerow units totalling a 63.79% net gain. This is because the

scheme successfully retains nearly all the existing boundary features, and because the landscape planting scheme includes new species rich hedgerow planting across the Site. The net gain in both habitat and hedgerow units means no further offsetting would be necessary for the proposed development at Land at North Barnes Lane and Nolands.

- 8.35 Therefore, in accordance with the three accompanying Ecological Reports, (Ecological Appraisal, LEMP and Biodiversity Impact Calculation), there are no ecological issues that prevent planning permission being granted, impacts have been minimised and net gains for biodiversity will be provided in accordance with paragraph 170 of the Framework.

#### Transport

- 8.36 The proposed development site is clearly not car dependent and has good sustainable transport links, it is well located for access on foot and by cycle to local village facilities, including the village store and Post Office, the village school, and the railway station. The sustainable credentials of the Site sit well with acknowledged guidance. With two-thirds of all journeys in the UK being under five miles it is the shorter distance trips where the biggest opportunities exist for people to make sustainable travel choices and to make a real difference to their environment. A full list of local facilities, distances and journey times on foot can be viewed in Table 3.1 of the Transport Assessment (TA). The information presented in Table 3.1 confirms that there are a range of facilities within accepted 2km walk distances and 5km cycle distances that end occupiers of the proposed development could access on foot and cycle without reliance on the private car.
- 8.37 Turning to access by public transport the guidance document *Planning for Public Transport in Development* states that 400m is the desirable maximum walking distance to local bus services, equating to a walking time of five minutes. The TA shows the location of the bus stops on Station Road, to the north of North Barnes Lane. With the Site falling well within the recommended 400m walk distance, it is accessible by local bus. A summary of the bus services is also provided within the TA, which confirms that there are three bus services that route through the village. The frequency of these services is variable, but the range of services will give end

occupiers of the proposed residential development opportunity to travel by bus should they choose to do so.

- 8.38 The village benefits significantly from having a mainline rail station. Plumpton Station is 450m to the south of the proposed access to the development, and is on the London Victoria to Seaford, Eastbourne, and Ashford International rail line. The station provides 28 cycle parking spaces, plus 15 standard car parking spaces. A single disabled space is also provided at the station. A summary of rail services is also provided within the TA, which confirms that the Site is exceptionally well located to offer end occupiers of the development opportunities to use rail for longer distance trips for leisure and employment to destinations such as Lewes, Seaford, Eastbourne, Croydon, Clapham Junction and Central London.
- 8.39 The Site has been designed to allow cars, delivery vans and refuse vehicles to be able to turn within the Site to allow for entry and exit in a forward gear. The development will be accessed from a new pedestrian and vehicular access onto Station Road, which forms part of the adopted highway and benefits from a continuous footway on the western side of the carriageway through the length of the core of the village linking the railway station, convenience store and village hall with residential properties. The development will also provide a new cycle and pedestrian link in the southwest of the Site, linking the Site to the bridleway along North Barnes Lane. This will effectively provide a direct and continuous pedestrian route from the Site to the nearby primary school in the village.
- 8.40 The requisite visibility splays and traffic calming features can all be satisfactorily provided following extensive pre-application discussions and detailed design work. The access strategy, along with detailed technical drawings, is provided within Chapter 4 of the TA.
- 8.41 Parking for the residential units is in line with current standards and includes visitor spaces. Electric vehicle charging points will be provided for every property. Secure cycle parking will also be provided for all properties and the business hub to current standards.

- 8.42 A Transport Impact Assessment has been undertaken, using methodology agreed through the pre-application process with ESCC. Existing traffic levels along Station Road confirm it to be a lightly trafficked street that runs through the village, with average vehicle movements in peak periods being 212 movements at peak AM and 192 vehicle movements at peak PM, equating to four two-way movements a minute when averaged over the busiest 60-minute time periods. The increase in traffic movements, in a worst-case scenario at an estimated 51 and 52 two-way vehicle movements at AM and PM peak periods respectively, would not materially alter the status of Station Road as a lightly trafficked street. This level of development would generate a level of traffic increase that would sit correctly within the operational capacity of Station Road.
- 8.43 Several mitigation measures have, nonetheless, been provided within the TA, which include a Travel Plan with SMART targets and the Applicant supports any planning approval having an appropriate condition attached to it that requires the Framework Travel Plan to be updated and agreed before development occupations can take place. Further mitigation measures look at ways to slow traffic and re-prioritise walking and cycling along the Station Road corridor and these are presented in more detail within the TA; in summary they include village gateway features, semi-permanent vehicle actuated signs and raised table traffic calming schemes.
- 8.44 Overall, the TA demonstrates that in traffic and transport terms the development is sustainably located, and traffic generated by the proposed development will not have a material impact on the status and operation of Station Road, as a lightly trafficked street, and accordingly the test in paragraph 109 of the NPPF is passed – there would not be an unacceptable impact on highway safety and there would be no severe residual, cumulative impacts on the road network.
- 8.45 In our estimation there are, therefore, no traffic or transport reasons why the development should not be granted consent, with appropriate planning conditions.

#### Heritage Impact

- 8.46 The site is outside of any Conservation Area. An assessment of setting issues relating to heritage assets was undertaken by Archaeology South East and is included

within the Archaeological Desk-Based Assessment (Heritage Statement) at Chapter 7. The assessment was carried out in accordance with Historic England guidance relating to assessing the significance and setting of heritage assets (Historic England 2017).

- 8.47 Ten Listed Buildings are recorded within the Study Area. All the assets were visited (to the extent that was possible from the public realm) to determine whether there were likely to be any potential effects from the proposed development. The proposed development was deemed unlikely to have a potential impact upon any of the Listed Buildings, except Whitehouse Farmhouse – the Grade II Listed house near to the north-west site boundary. The surroundings in which a heritage asset is experienced is its setting and a setting's extent is not fixed and may change as the asset and its surroundings evolve. Whitehouse Farmhouse was historically associated with the fields that comprise the northern part of the Site and to a lesser degree to the wider agricultural landscape, this is no longer the case.
- 8.48 The historic setting has been significantly altered with 19<sup>th</sup> and 20<sup>th</sup> century ribbon development along Station Road enclosing the property; modern amalgamations of fields within the south of the Study Area; and, significantly, the divorcing of the house from the farmland within the north of the Site. With the separation of the house from its farmland a new, late 20th-century, house and associated outbuildings were constructed to the north-west of the Site (Nolands Farm). This property adds a modern character to the north-west end of the Site and screens the historic farmland to its east from Whitehouse Farmhouse. A hedgerow between the Site and the rear yard of Whitehouse Farmhouse further screens the Site. Consequently, the setting does not contribute to the significance of the asset which is now confined to its fabric.
- 8.49 No physical impacts are anticipated on any designated heritage assets and no setting issues are anticipated on any designated heritage assets.
- 8.50 As such, there would be no impact on the heritage asset or its setting as a result of the proposal.

### Archaeology

- 8.51 In terms of archaeology and the assessment of heritage potential and significance, it is considered that there is the potential for as yet unknown heritage assets of archaeological interest (i.e., below-ground archaeological remains) to be present within the Site. This comprises:
- A low-moderate potential for deposits of prehistoric to Romano-British date, including isolated finds, enclosure ditches, pits, or postholes and associated artefacts (based on the nearby excavated evidence);
  - A low-moderate potential for medieval and post-medieval deposits (particularly within the north-west of the Site due to proximity to the Whitehouse Farm, although this potential has arguably been reduced by the absence of possible features identified by the geophysical survey in this area – ASE 2017); and
  - A low potential for the early medieval period.
- 8.52 The significance of any heritage assets that may exist on the Site cannot be determined in advance of confirmatory fieldwork, but the available evidence from the wider Study Area would suggest that any buried deposits present are most likely to be of local or regional significance. The 2017 geophysical survey in the western part of the northern area only identified one possible feature of archaeological significance (ASE 2017).
- 8.53 The Archaeological Desk Based Assessment Report provides preliminary recommendations for further field work to confirm the presence or absence of archaeological deposits. The requirement for and scope of any further archaeological work will be determined by the LPA and their archaeological advisors. Should archaeological remains be present and assuming that they are of low (local) to moderate (regional) significance and a design solution cannot be implemented to ensure their preservation in situ, further mitigation works such as a programme of archaeological excavation and recording may be required to ensure the preservation by record of any threatened remains. Full details of the archaeological and heritage appraisal may be found within the accompanying Archaeological Desk-based Assessment (Heritage Statement).



### Landscape Impact

- 8.54 The Application Site is outside of any formal landscape designation and within an area identified within the Lewes Landscape Capacity Study (LDC/SDNPA 2012) as being the preferred area for development, notwithstanding its position outside the current planning boundary for Plumpton Green. This is due to there being several smaller fields bounded by mature trees and hedgerows. These features contain the landscape and shield outside views, meaning this area offers the greatest opportunity for change without impacting on the landscape character. The PPNP confirms this: *"The Lewes District Council and South Downs National Park Authority Landscape Capacity Study (LDC/SDNPA, 2012) identified limited landscape capacity around Plumpton Green, due to the open views from the Downs. Land east of Station Road was identified as the preferred area for development as there are several smaller fields bounded by mature trees and hedgerows. These features contain the landscape and shield outside views, meaning this area offers the greatest opportunity for change without impacting on the landscape character."* (our emphasis) (PPNP para 5.12)
- 8.55 At a national level, the Landscape Character Area that the Site sits within is the Low Weald (area 121) and at the County level it is within the Western Low Weald Landscape Character Area (14). The accompanying Landscape and Visual Impact Assessment (LVIA) provides details of the characteristics of these character areas.
- 8.56 In the Lewes Landscape Capacity Study, the character areas covering the site are described in landscape quality terms as 'ordinary/good'. Landscape value is described within the LVIA as the value placed on a particular landscape, which may vary for different individuals within that community and it advises that value can be applied to whole landscapes, elements within it and the aesthetic and perceptual dimensions that it provides. The Lewes Landscape Capacity Study places a value of low/medium on the character area southeast of Plumpton Green (A.03) and medium to the area east of Plumpton Green (B.01). It is worth noting that the Capacity Study was undertaken before the implementation of the Sun Close development, which has impacted on the landscape value and setting of A.03 with the introduction of built form within the field and the creation of a harsh settlement edge.

- 8.57 To put this medium capacity result for land East of Plumpton Green into a district-wide context, it is worth noting that within the Landscape Capacity Study Summary Capacity Table 5 (p25) there are 102 individual character areas assessed. Of these 102 character areas, approximately 72% (73 areas) are assessed as having low, negligible or no capacity and a further approximate 9% (9 areas) assessed as low/medium capacity. So approximately 81% of character areas are assessed as having less capacity than East of Plumpton Green. Put another way, land East of Plumpton Green is in the top 20% of landscape capacity in the district. When combined with its sustainability credentials it is highly likely that this is one of the most suitable sites for development in the district.
- 8.58 In terms of the NPPF paragraph 170, the Site is not considered to be within a 'valued landscape', it is neither recognised through any formal landscape designation, nor identified as 'valued' through the development plan. Furthermore, its assessment within the Lewes Landscape Capacity as low/medium value and a preferred area for development would imply it does not necessarily accord with the NPPF reference to 'valued landscapes'. Case law indicates that to be a valued landscape it needs to be both identified by its statutory status or in the development plan and it needs actual, demonstrable physical attributes, which is not case here. This does not mean that the landscape has no value, but a clear distinction should be made between what constitutes a 'valued landscape' for the purposes of NPPF paragraph 170 and landscape that has some value; arguably all landscape has a value on some level.
- 8.59 The proposal has provided an indicative layout design that delivers smaller clusters of development within the existing field pattern, retaining boundary hedgerows and trees, which minimises any landscape impacts. The LVIA provides a detailed assessment of the landscape and visual impacts based upon the indicative layout and the retention of the mature trees and hedgerows. The design graduates the density, with reduced density towards the eastern extents of the Site where generous public open space and landscape buffers create a softer transition to the countryside beyond the Site. The woodland on Site is to be retained and enhanced. The LVIA concludes that the proposed development respects the surrounding local character and fits well with the nearby built form to promote local distinctiveness that reflects the design, size, location, and massing of the current built environment. Care has been taken to preserve the character of the Site, to safeguard the existing vegetation and to allow the existing conditions to dictate the form, siting, and scale of the

development. The physical landscape of the Site will be enhanced by addition of significant amount of tree and hedgerow planting.

- 8.60 The urban edge is extended by this proposal; however, the visual effect is reduced from the more sensitive viewpoints by the retention of vegetation as a backdrop to the development and the additional planting within the scheme, carefully designed to blend the development into the wider landscape. Residual impacts, from loss of the small agricultural fields, will be mitigated by the creation of new areas of public open space from what was previously private agricultural land and provision of a new footpath from Station Road and from the development to the bridleway along North Barnes Lane.
- 8.61 Turning to the relationship, in townscape terms, of the development proposal to the existing settlement, a Townscape Note accompanies this submission, which considers the spatial development of Plumpton Green, the layout, density and massing of development and the impact on streetscape on Station Road. This confirms that the proposal would be consistent with the spatial development of Plumpton Green over the last 70 years, which is characterised by medium-sized developments on lateral spurs jutting well into the countryside. The existing village character surrounding the Site contains a range of built form including detached and semi-detached properties of various sizes and arrangements which create a precedent in the area in terms of built form and density for the proposed development. Like these developments, the proposed layout will be built on a lateral spur, with dwellings located at a similar density and massing.
- 8.62 Dwellings have been arranged to reflect adjacent built form with the layout representing a natural extension of the village. The retention of existing trees and ponds, hedgerows and open space conserves existing site features and allows for green fingers to run through the site, integrating the development into the wider landscape.
- 8.63 The inclusion of a new unit at the entrance in the revised scheme, in line with the current frontage line and the proposed landscape treatment to match the existing more formal front garden treatment, will assimilate the new road access and reflect a similar form to that which is existing.

8.64 In summary, the development is considered to represent a similar density, form and massing to that of the existing built village and forms a sensitive extension to Plumpton Green.

8.65 In respect of lighting, the development will seek to ensure minimal light pollution; this is important in respect of the rural location, proximity to the SDNP and its Dark Skies Policy (although the Site falls well outside of any buffer zones for this policy), aspirations of residents of Plumpton Parish (expressed in the PPNP) to retain dark skies, and to ensure no detrimental impact on foraging and commuting bat flight paths. The lighting strategy will accord with the following principles:

1. No 'upward pointing' or bare bulb lights will be installed anywhere on the development. The lighting scheme will be designed to minimize light spill onto any established or created semi-natural habitats.
2. All street lighting lampposts will be limited to 3.5m in height and will have shields installed to focus light on footpaths and roads only (see Figure 4 for example). No lamps will be allowed to emit light past horizontal (90 degrees from the ground). No external lights will be installed on new buildings above a height of 2m and all external lights will have shields to direct light to prevent light spill.
3. 'Dark corridors' must be established around the site boundary and retained hedgerow and trees through the development site. This means that no streetlight columns shall be positioned within or adjacent to the no-light zones and all artificial lighting should be screened to direct light away from these areas.
4. Lighting on pedestrian routes will be kept to a minimum required to maintain safety and security. Where possible, reflective white line-painting will be used as an alternative to lights, and where lighting cannot be avoided, these should be mounted on 1m high pillars and directed down towards the path to minimize light spill.
5. The frequency spectrum of light sources should be selected that has reduced attraction to insects.

8.66 Further detail on the lighting strategy can be found within the LEMP accompanying this submission. Adherence to these principles and the landscape and design

principles provided through the indicative layout and endorsed through the LVIA would result in low level landscape impacts that should not, with appropriate conditions, preclude the positive determination of this planning application.

#### Arboriculture

- 8.67 The Arboricultural and Planning Integration Report accompanying this Application notes that there are 113 surveyed trees or groups of trees on or near the Site. Five are 'A' (high quality) category, 32 are 'B' (moderate quality) category, 63 are 'C' (low quality) and 13 are 'U' (unsuitable for retention) category. These are plotted on the indicative layout plan in Appendix A of the Arboricultural Report. English oaks are the dominant arboricultural feature on or near the Site and five of these are 'A' and 23 are 'B'. Most of these trees have useful life expectancies in excess of forty years, and they make a substantial amenity contribution to the Site. Appendix B of the Arboricultural Report provides details of all trees surveyed. No Category A or B trees are proposed to be removed.
- 8.68 The outline proposals require the removal of the following trees to allow or facilitate development: H4 (partial), H13 (partial), H22 (partial), H34 (partial), 65, 86 – H91, & G99 (partial) (detailed in Appendix B of the Arboricultural Report). Given the scale of the proposals, this is a very low and acceptable impact. Most trees are retained through the course of development. There is also good provision for additional planting. All retained trees will be appropriately protected in accord with current standards and guidance. Soft ground (grass) within the Root Protection Areas (RPAs) of trees G10 & 64 (at minimum) will be replaced by a 150mm layer of broadleaved bark mulch. Full details can be provided with the detailed application(s) or via discharge of a planning condition. Ground protection is recommended where indicated at Appendix A of the Arboricultural Report for the RPAs of trees 3, G10, 36, 41 & 65a.
- 8.69 The scope for unacceptable post-development pressure is low and is very unlikely to oblige LDC to give consent to inappropriate tree works. Recommendations for the successful integration of the proposal with the retained trees is provided in Section 10 of the Arboricultural Report and as a matter of course these will be resolved in

consultation with and subject to the approval of LDC through their arboricultural officer.

- 8.70 As confirmed by the Arboricultural Report the proposed outline scheme is sound in arboricultural terms, there is to be no loss of Category 'A' or Category 'B' trees and the long term well being of the retained trees can be safeguarded in a sustainable manner.

#### Utilities

- 8.71 The accompanying Utilities Statement records that South East Water have advised that no offsite reinforcement works are required in conjunction with this development and therefore metered water service connections will be delivered via an extension of the local distribution network into the site – no abnormal investment and no abnormal risk in regard the new dwellings or any existing dwellings.
- 8.72 Southern Water has been consulted to ascertain if there is sufficient capacity in the existing network to take the flows from this proposed development. They have confirmed that there is currently adequate capacity in the local sewerage network to accommodate a foul flow of 0.90 l/s for the above development off the 150mm sewer at manhole reference 3501. The invert level of MH3501 is 34.52m AOD and the upstream manhole 3502 has an invert level of 36.55m AOD. As such the foul flows can be conveyed to this sewer by gravity negating the need for any pumping station.
- 8.73 UKPN have confirmed that they can provide a secure high voltage ring into a new substation in the middle of the proposed development, from which low voltage mains and services will be provided to serve each dwelling.
- 8.74 Openreach can provide Fibre to the Premises (FTTP) to this development (and any development of more than 30 dwellings in the UK mainland). Where FTTP is installed residents will be able to utilise 'ultra-fast' data services (Openreach claim download speeds can get up to 900Mbps) from one of many Internet Service Providers (Openreach is an open-access operator so can support any Internet Service Provider that wishes to utilise this network).

### Sustainability in Development

- 8.75 The Application submission is accompanied by the completed checklist from the Sustainability in Development TAN (insofar as it is able within the context of the outline status of the Application). An Energy and Sustainability Statement, providing an Energy Strategy, is also submitted, going over and above policy requirements that only require this for the strategic allocations within the JCS. This Energy and Sustainability Statement outlines the key measures to be incorporated in the design, regarding sustainability, carbon emissions and renewable energy. There is no policy requirement for a specific reduction in carbon emissions for new development in Lewes District, however the Sustainability in Development TAN proposes that new development delivers a 20% reduction in regulated CO<sup>2</sup> emissions against a Building Regulations (Part L 2013) compliant scheme. The Energy and Sustainability Statement focusses on a 'Be Lean', 'Be Clean', 'Be Green' three-step energy hierarchy and concludes that the development proposals achieve a reduction of over 40% on baseline carbon emissions (through a fabric first approach, incorporating air source heat pumps and renewable energy generation through photovoltaics). This is over twice the recommendation in the Sustainability in Development TAN. This should be welcomed by the LPA as a positive step, in lieu of specific emissions policies, towards their stated aims and ambitions of a low carbon future. The scheme is therefore fully compliant with Core Policy CP14 in providing low carbon and renewable energy generation and an Energy Strategy.

### Housing and Affordable Housing Need

- 8.76 Since being introduced through the NPPF in 2018, local housing need is calculated using a standard method contained within Planning Practice Guidance<sup>5</sup>. This requires firstly establishing a baseline growth rate using national household growth projections to calculate the projected average annual household growth over a 10-year period; and secondly, making an adjustment to that baseline to take account of the affordability of the area using median workplace-based affordability ratios. Thirdly, under specific circumstances, a cap can be applied to limit the increase an individual local authority can face.

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<sup>5</sup> <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments#housing-need>

- 8.77 Under the current standard method, the local housing need for the whole District in May 2021 will be 782 homes per year. Where strategic policy-making authorities do not align with local authority boundaries, an alternative approach to identifying local housing need will need to be used. The Council is proposing to disaggregate the local housing need between the area of the district inside and outside of the SDNP. The proposal is to do this by means of the use of existing housing stock as a proportion of the district.
- 8.78 The Council has identified 45,180 dwellings in the district, 10,487 of which are located within the SDNP and 34,693 dwellings are located outside of the SDNP. This shows 77% of the district's housing stock is located outside the SDNP. The proposed disaggregation will therefore use 77% of the calculated need under the standard method to identify the need arising within the district outside of the SDNP. This results in a housing need of 602 dwellings per annum. This will no doubt be tested when the new local plan undergoes Examination in Public upon submission.
- 8.79 At the last examination of housing need, for the LPP1, the Inspector confirmed the Objectively Assessed Housing Need (OAHN) was 510 dwellings per annum for the whole district (compared with 782 under the standard method). The LPP1 set a target minimum figure of 345 dwellings per annum against the OAHN of 510 dwellings per annum.
- 8.80 The Inspector's Report for the LPP1 stated that the evidence "*identified a considerable need for affordable housing in the district, reflecting that it has one of the highest house price to income ratios in the country and leading to a significant "affordability gap" for people on lower incomes. More recently, an Affordable Housing Needs Assessment (2014) (CD 053) shows that to meet the present level of need in the district (including both the current backlog and newly arising needs) over the next 5 years, a further 389 homes per year would be required, in addition to those already expected to be provided.*" (paragraph 23).
- 8.81 Further, the Inspector goes on to advise that "*particularly in circumstances where the full OAN for housing over the plan period will not be met, it is even more important that the best possible provision of affordable housing is made in an attempt to*



*mitigate the potential negative effects on the local community and economy that might otherwise arise.” (paragraph 24)*

- 8.82 The Application proposal would make a meaningful contribution towards meeting local housing need and affordable housing provision, it would deliver a net gain of 87 new dwellings, of which at least 35 would be affordable. Furthermore, the Applicant offers to accept a condition for the submission of the Reserved Matters Application(s) within two years of the grant of permission, rather than the usual three years. This would provide greater certainty for the Council that the site would be fully built out within five years, thus allowing the Council to put the full 87 dwellings in its land supply calculation and deliver desperately needed new homes expediently.

## **9.0 Conclusion**

- 9.1 This Statement has identified a raft of supportive planning policy and guidance confirming that the proposal should be acceptable in principle when assessed against the Development Plan as a whole, insofar as it is a material consideration to the determination of this planning application. In the absence of enough housing to meet the objectively assessed housing needs, there is clear requirement for developments of this kind. This development would, if permitted, also count towards the requirements of the new, emerging Local Plan.
- 9.2 For the purpose of this outline stage of planning application we have shown that the principle of this development, in such a sustainable location and stated area of preference for the Council on landscape capacity and sustainability grounds, should be looked upon favourably in the current planning policy context. This Planning Statement has demonstrated that there are no significant issues preventing approval for the principle of up to 89 No. new dwellings on the Application Site with detailed consent for the access from Station Road.
- 9.3 The benefits that this proposal would deliver are social, economic, and environmental in line with the tenets of sustainable development. They include the provision of up to 89 No. new dwellings, with a high proportion of smaller properties advocated by the development plan, of which 36 No. would be affordable in accordance with planning policy. Significant public open space provision including a centrally located LEAP and multifunctional green spaces incorporating SuDS. A new pedestrian and cycle link to the wider PRow network, public transport, and local facilities. A biodiversity net gain of over 10% in habitat units plus over 63% net gain in hedgerow habitat units, means biodiversity would be enhanced by this development proposal. A Business Hub to facilitate employment opportunities for remote working and business networking in the village. With sustainability credentials established, in terms of energy use, to ensure the development proposal could deliver a 40% improvement on carbon baseline emissions, the proposal takes full account of the Council's Technical Advice Note on Sustainability in Development and would contribute to the move towards a lower carbon future in Lewes District.

- 9.4 The adoption of a Circular Economy approach can be secured at the detailed planning stage, ensuring a commitment to responsibly and locally sourced materials and enhanced local economic benefits.
- 9.5 Approval for this proposed development should therefore be given subject to appropriate conditions.