

Town and Country Planning Act 1990

Notice of Decision
Application No. **WD/2021/0174/MEA**



JMT Planning
The Limit
Station Road
Rotherfield
East Sussex
TN6 3HN

Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

DESCRIPTION AND LOCATION OF DEVELOPMENT

OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR THE MEANS OF ACCESS FROM EASTBOURNE ROAD FOR THE COMPREHENSIVE DEVELOPMENT OF A MIXED-USE URBAN EXTENSION COMPRISING UP TO 700 DWELLINGS INCLUDING AFFORDABLE HOUSING, 8,600 SQ.M. OF EMPLOYMENT FLOORSPACE, MEDICAL CENTRE, SCHOOL, COMMUNITY CENTRE, RETAIL, PLAYING FIELDS, CHILDREN'S PLAY SPACE, ALLOTMENTS, AMENITY OPEN SPACE, INTERNAL ACCESS ROADS, CYCLE AND FOOTPATH ROUTES, AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE.

MORNINGS MILL FARM, EASTBOURNE ROAD, LOWER WILLINGDON, BN20 9NY

With reference to the proposals set out in the application numbered as above and shown on the plans submitted therewith, Wealden District Council, in pursuance of powers under the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), hereby **REFUSES TO GRANT PLANNING PERMISSION** for the said proposals, for the reasons stated below:-

1. When measured against the full objectively assessed housing need, the Council does not have a 5 year supply of housing land. In these circumstances, it is accepted that the NPPF requires applications for housing to be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or when specific policies in the NPPF indicate development should be restricted. The NPPF explains sustainable development has three dimensions - economic, social and environmental. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. All three dimensions of sustainability must be considered together. The development represents greenfield incursion on land beyond the 1998 development boundary and not wholly contained within the broad location for strategic growth in the Core Strategy Local Plan 2013. The harmful effects of the proposal in this location would conflict with development plan policies other than those for the supply of housing, as well as with the NPPF and is therefore considered contrary to Core Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013, Saved Policies EN1, EN8 and EN27 of the adopted Wealden Local Plan 1998, the guidance within the NPPF and advice in the Wealden Design Guide 2008 (adopted Supplementary Planning Document) Chapter 5 parts 4.4, 7.7, 8.6, 10.3 and Chapter 7 part 4.8. The adverse impacts of the proposal significantly and demonstrably outweigh the benefits of the creation of 700 dwellings. As such, irrespective of the housing land supply position in the District, the proposal is not seen as a sustainable form of development and does not benefit from the presumption in favour of development set out at NPPF paragraphs 11.

2. The proposal has not demonstrated that a safe and suitable access arrangement can be achieved for all users and this is a significant issue left over and unresolved from the appeal into WD/2017/1942/MEA and PINS case APP/C1435/W/19/3230484. The scheme would therefore be contrary to Saved Policies EN1, EN2, TR3 and TR13 of the Wealden Local Plan 1998, Spatial Planning Objectives SPO7 and SPO15 and Policies WCS7 and WCS14 of the Wealden Core Strategy Local Plan 2013 and the guidance within Chapter 9 of the NPPF.
3. Whilst the site is within flood risk zone 1, details in the flood risk assessment and surface water drainage strategy in relation to surface water flooding for this major development fail to demonstrate to the satisfaction of the Local Planning Authority that the proposed development on the site would not increase flood risk elsewhere. Moreover, the application site discharges surface water runoff into the Pevensey Levels SSSI/SAC. Insufficient information has been lodged to demonstrate water quality improvements will be provided to ensure that runoff from the application site will not result in the deterioration of the protected site. Inadequate details have been lodged and, at the time of determination, Southern Water having indicated that for foul drainage to be accommodated it would require significant improvement to its infrastructure. No such upgrade is guaranteed and the Local Planning Authority are, in the circumstances, concerned about protection of the Pevensey Levels SSSI/SAC. Whilst the Council cannot demonstrate (at the time of writing) an up to date 5 Year Housing Land Supply, and the proposed development would provide a contribution to addressing the undersupply, the potential effects of the proposal upon flood risk and the protected conflict with development plan policies are not outweighed by the benefits of development. The presumption in favour of development is, therefore, outweighed by the significant and demonstrable harm. The proposal therefore conflicts with Saved Policies EN1, EN8, EN15 and CS1 of the adopted Wealden Local Plan (1998), coupled with Policies WCS12 and WCS14 of the adopted Wealden Core Strategy Local Plan (2013) and the NPPF 2021.
4. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

Ref.	Date Stamped. STN4R
Utilities Report	22 January 2021
Travel Plan Framework	22 January 2021
Transport Assessment	22 January 2021
Sustainability Statement	22 January 2021
Statement of Community Involvement	22 January 2021
Planning and Affordable Housing Statement	22 January 2021
Phase 1 Environmental Assessment	22 January 2021
Overview Document	22 January 2021
Landscape Strategy	22 January 2021
Landscape and Visual Appraisal	22 January 2021
Geophysical Survey Report	22 January 2021
Flood Risk Assessment and Drainage Strategy	22 January 2021
Environmental Statement	22 January 2021
Environmental Statement Non-Technical Summary	22 January 2021
Design and Access Statement	22 January 2021
Bio-diversity and Landscape Checklist	22 January 2021
Pre-development Arboricultural Survey	22 January 2021
Dwg No 2.109 Rev A Site Location Plan	22 January 2021
Dwg No 2.106 Rev A Design Framework Parameter Plan	22 January 2021
Archaeological Desk Based Assessment	14 April 2021
SUDS and Drainage Management and Maintenance Strategy	23 April 2021
Stage 1 Road Safety Audit 2 July 2021	
Stage 1 Road Safety Audit Designers Response	2 July 2021
Junction Capacity Assessment Study	2 July 2021

Picady 8 Priority Intersection Module
Site Access Stage 1 Audit Brief
Transyt Scenario 1-4 Results
Dwg No IT432/RTA/03 Rev E Preliminary Signal Controlled
Access Arrangement

2 July 2021
2 July 2021
2 July 2021
4 August 2021

REASON: For the avoidance of doubt.

IMPORTANT: See Notes overleaf
DATE OF ISSUE: 10 December 2021

A handwritten signature in black ink, appearing to read 'Stacey Robins', with a stylized flourish extending to the right.

Stacey Robins
Head of Planning & Environmental Services

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NOTES

Appeals to the Secretary of State

- If the Applicant is aggrieved by the decision of the Local Planning Authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then an appeal may be lodged with The Planning Inspectorate (PINS) under Section 78 of the Town and Country Planning Act 1990.
- Appeals must be made on a form which is obtainable from:
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN
Tel. No. 0303 444 5000
www.gov.uk/appeal-planning-inspectorate

Appeal Timescales

- Householder planning application or minor commercial application:

12 weeks from the date on the decision notice

However, if an enforcement notice has been served for the same or very similar development the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks).

NB – if the LPA have failed to determine the householder planning application, or for an appeal against the grant of permission subject to conditions, please follow the time limits under “Planning application” below.

- Planning application:

6 months from the date on the decision notice, or

6 months from the expiry of the period which the LPA had to determine the application.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If a longer period has been agreed with the LPA, the time limit runs from that date.

Further information

- The Planning Inspectorate has discretionary power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice to appeal.
- The Planning Inspectorate is not required to entertain an appeal if it appears that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- The Planning Inspectorate does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction issued by the Secretary of State.

Purchase Notices

- If either the LPA or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the land has become incapable of reasonably beneficial use in its existing state nor rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.