

Report to	-	Cabinet
Date	-	19 December 2018
Report of the	-	Executive Director
Subject	-	Ticehurst Neighbourhood Plan

Recommendation: It be **RESOLVED:** That the representations set out at Appendix 1 of this report (together with any supporting material) be submitted for consideration by the Examiner in relation to the submitted Ticehurst Neighbourhood Plan.

Head of Service: Tim Hickling
Lead Cabinet Member: Councillor G.P. Johnson

The Chairman of Council has already agreed that, subject to the approval of Cabinet, this decision can be taken as an urgent decision to allow the Council to forward the Neighbourhood Plan to the Independent Examiner at the close of the consultation on 21 December 2018 with this Council's representations.

Introduction

1. The Ticehurst Neighbourhood Plan (TNP) has been prepared by Ticehurst Parish Council following designation of the parish as a Neighbourhood Area in 2015. It is currently the subject of a statutory public consultation until 21 December 2018 during which period representations may be made. Duly-made representations will be considered by an independent Examiner to determine whether the TNP meets the 'basic conditions' required of it.
2. This report is to enable Cabinet to make representations on behalf of the Council as part of this process. Given that the consultation period ends two days after the Cabinet meeting, this is an urgent decision and will therefore be outside the scope of the call-in procedure. In accordance with the call-in procedure, the Chairman of the Council has given his consent to this matter being taken as an urgent decision.

The Neighbourhood Plan

3. The TNP, together with supporting documents, can be viewed on the Council's website: <http://www.rother.gov.uk/ticehurst-neighbourhood-plan>.
4. The submitted documents are:
 - Ticehurst Boundary Map.
 - TNP 2018-2028 – Submission Version.
 - TNP 2018-2028 – Consultation Statement.
 - TNP 2018-2028 – Basic Conditions Statement.
 - Strategic Environmental Assessment (SEA) to accompany the Submission Version of the TNP.

5. The TNP has 19 policies which are as follows:

Rural Policies (R1-R5)

These relate to conserving the High Weald Area of Outstanding Natural Beauty (AONB); maintaining green gaps between settlements; protecting and enhancing greenspaces; developing the footpath and cycle networks; and supporting biodiversity.

Employment Policies (E1-E5)

These relate to protecting and enhancing local services and facilities; supporting tourism and recreation; promoting the diversification of agricultural businesses; protecting and enhancing existing businesses and encouraging additional commercial employment sites; and improving essential infrastructure.

Housing Policies (H1-H6) + Design Guidance and Site Specific Design Guidance

These relate to the Spatial Plan; housing site allocations; affordable housing; the design of new buildings; conservation and heritage; design guidance; site specific design guidance.

Social and Community Infrastructure Policies INF1- INF3

Improvements to village centres; community energy projects; and community areas in housing developments.

6. The TNP relates to the period 2018 – 2028, in line with the end date of the Core Strategy.

General conformity and other ‘basic conditions’ requirements

7. As stated in the National Planning Policy Framework (NPPF) 2012:

‘Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.’ (paragraph 184). The same paragraph goes on to state:

‘Neighbourhood plans should reflect these policies and neighbourhood plans should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.’

8. Other basic conditions relate to: having regard to national policies and advice contained in guidance issued by the Secretary of State; having special regard to the desirability of preserving any listed building (or its setting) or conservation area; contributing to the achievement of sustainable development; and compatibility with, EU obligations.

Key Core Strategy policies and housing provisions

9. In considering ‘general conformity’ of the Neighbourhood Plan’s development provisions, reference is made to the overall spatial strategy for development across the district as set out in Policy OSS1 of the Core Strategy. Part (iii) of this policy is to:

Identify suitable sites in accordance with the following spatial distribution:

- (c) *Facilitate the limited growth of villages that contain a range of services and which contributes to supporting vibrant, mixed rural communities, notably in relation to service provision and local housing needs, and is compatible with the character and setting of the village.*
 - (d) *Allow for small-scale infill and redevelopment, and otherwise enable local needs for housing and community facilities to be met in other villages.*
 - (e) *Give particular attention to the ecological, agricultural, public enjoyment and intrinsic value of the countryside, and continue to generally restrict new development to that for which a countryside location is necessary or appropriate to promoting sustainable land-based industries and sensitive diversification, primarily for employment uses.*
10. This spatial strategy is elaborated upon for Rural Areas through Policy RA1, which sets out the approach to villages and Policies RA2-RA4 in relation to development in the countryside. Of particular relevance, Part (v) of Policy RA1 states:
- (v) In order to meet housing needs and ensure the continued vitality of villages, the provision of 1,670 additional dwellings (comprising existing commitments, new allocations and windfalls) in villages over the Plan period 2011 to 2028. This will be located in accordance with Figure 12, subject to refinement in the light of further investigation via the Development and Site Allocations (DaSA) Local Plan and/or Neighbourhood Plans.*
11. In relation to Ticehurst Parish, Figure 12 referred to in Policy RA1 identifies that, as at 1 April 2013, 87 dwellings need to be identified and built on new sites at Ticehurst and 17 dwellings at Flimwell in order to meet the overall target for the Rural Areas.
12. In addition to Policies OSS1 and RA1-RA4, other Core Strategy policies of particular significance to site allocations are:
- Policy OSS2: the basis for determining development boundaries.
 - Policy OSS3: other factors for the location of development.
 - Policy OSS4: general development considerations.
 - Policy EN1: for the good stewardship of the landscape, notably the character and features of the High Weald AONB.
 - Policy EN2: for stewardship of the historic built environment.
 - Policy LHN2: for affordable housing.

Discussion

13. The TNP is a generally comprehensive and well-presented document which has resulted from discussion and dialogue between the Neighbourhood Plan Group and Planning Officers from Rother District Council (RDC)¹.
14. The TNP includes proposed housing allocations at both Ticehurst and Flimwell, although in the case of Ticehurst, it is noted that permissions granted since 2013 have already met and slightly exceeded the Core Strategy

¹ Details of this Council's informal officer comments submitted in respect of the Regulation 14 consultation and actions and amendments undertaken by the TNP Group are set out in the Consultation Statement -02 Comments Received from Statutory Consultees (pages 11-23)

target. In respect of Flimwell, the effect of recent permissions has been to reduce the outstanding requirement to nine dwellings.

15. Of course, a Neighbourhood Plan should '*not promote less development than set out in the Local Plan or undermine its strategic policies.*' (NPPF, 2012, paragraph 184). Therefore, there is some flexibility to provide more housing than the basic requirement, so long as this is in line with the overall spatial strategy, as identified above, and contributes to sustainable development. RDC's proposal representations are set out in Appendix 1.
16. One allocation at Ticehurst, at Orchard Farm (for six dwellings) is centrally located and would not have any adverse effect on the setting of the village or other material planning considerations, subject to suitable detailed proposals. Hence, this allocation (Policy H2 (1)) is supported.
17. However the proposed allocation of Singehurst, Pashley Road for 10 houses (Policy H2 (2)) is a serious concern. A previous scheme for this site was refused planning permission in 2016 and an appeal was subsequently dismissed. While that was for 16 dwellings, whereas 10 dwellings are now proposed, it is clear from the Inspector's decision letter that development should be ruled out in principle. Key elements of the Inspector's decision letter are set out for reference in Appendix 1 of this report.
18. Hence, it is concluded that this allocation is neither appropriate nor necessary, but rather would represent unsustainable development, with a real adverse effect on the AONB setting of this part of the village and on the setting of several heritage assets. Indeed, this finding is consistent with the Strategic Environmental Assessment of the Neighbourhood Plan. Hence, an objection to its continued allocation (and the associated expansion of the development boundary) is recommended.
19. The proposed allocation at Wardsdown House, Flimwell for nine dwellings, provides for the housing target for the village to be met. While there are several local concerns, including relating to precedent, it is noted that this site relates closely to that identified in the earlier Strategic Housing Land Availability Assessment (SHLAA) and that it is not regarded as setting a precedent for future growth.
20. Most of the general development policies are found to be in general conformity with the Core Strategy. The TNP does introduce a number of 'Green Gaps', which, with the exception of appropriate gap between Ticehurst and Flimwell, do not appear to be really vulnerable to a risk of coalescence. (The gap between Ticehurst and Stonegate is over two miles in distance). Moreover, the locality is already subject to Development Boundary and AONB policies (Three-Legged Cross and Wallcrouch are already treated as 'countryside' under the Core Strategy).
21. Therefore, the identification of the Ticehurst and Flimwell Green Gap (Policy R2(1)) is supportable, while the examination is invited to consider both the principle and wording of Part (2) of the policy. As drafted, it appears to prevent any development in a large area, whereas, if deemed necessary, it would be more appropriate to set out the actual settlements under consideration, with development assessed in terms of its impact on the integrity of those gaps.

22. Two amendments to policies are recommended. Firstly, policy H4 regarding affordable housing appears to have been prepared on the basis of this Council's earlier "interim position" rather than the more recent Proposed Submission DaSA Local Plan. Whereas the former sought financial contributions for affordable housing from sites of 6-10 houses (which is what the TNP policy proposes), the latter seeks on site provision, in line with the new NPPF. The latter is considered more likely to deliver affordable homes locally and would be preferable. The other amendment is to Policy RS relating to 'Support Biodiversity'. The overall thrust of the policy is supported, but the requirements for an 'Ecological Impact Assessment' and a Landscape and Visual Impact Assessment' for all 'development proposals' may be disproportionate. It is recommended that this is amended.

Conclusion

23. The efforts of Ticehurst Parish Council and Steering Group in progressing the TNP to this stage are recognised and its outcomes welcomed, subject to the very few specific matters raised above. If Cabinet agrees these representations, they will be forwarded to the independent Examiner for consideration by 21 December 2018 when the consultation ends.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

The District Council has a key role as Local Planning Authority in helping to bring forward and, ultimately, to make Neighbourhood Plans. Hence, it is vital that proper consideration is given to the form and content of such plans that come forward at this stage in order that they are robust and meet the basic conditions.

It is noted that the Habitat Regulations Assessment recently undertaken principally for the DaSA Local Plan also found that there were no likely adverse impacts on the integrity of international ecological sites as a consequence of this Neighbourhood Plan.

PROPOSED REPRESENTATIONS ON THE SUBMISSION TICEHURST NEIGHBOURHOOD PLAN

1. Policy H2(2) – Singehurst, Pashley Road Ticehurst (10 houses) – Map 19

Recommendation:

Policy H2 be amended to remove the proposed housing allocation of Singehurst and that the development boundary in this locality reverts to the existing Local Plan position.

Reasons:

The suitability of housing on this site has been recently considered and dismissed by a Planning Inspector at appeal on 24 May 2017².

Although the Ticehurst Neighbourhood Plan (TNP) proposal is for 10 units on this site, rather than the 16 of the appeal scheme, the site extent is the same.

The Inspector's Appeal Decision is clear in dismissing the appeal, despite the fact that the appeal site is screened to a large extent by existing planting:

"... It is, nonetheless, reasonably important insofar as it ... contributes to the countryside setting of the village. To a large extent, its value stems from the fact that it has remained open and undeveloped and retains its broadly agricultural appearance combined with its village edge location." (paragraph 25)

and that

"...notwithstanding the proposed mitigation measures, the fact that the site had largely become developed would be readily apparent, particularly as one moved around it along the highway and right of way.... Consequently, the appeal development would undermine the contribution the site currently makes to the character and appearance of the area." (paragraph 27)

With regard to the setting of heritage assets, the Inspector agreed that the site was within the setting of Singehurst³ (the grade II listed former farmhouse), and that the *"farmstead appearance and feel, with Singehurst as the principal farmhouse, remains legible"*.⁴ - the farmstead comprising Singehurst, the curtilage-listed Singehurst Barn, and Heartwood. The Inspector goes on to find that:

"... the farmstead remains legible to a reasonable extent, notwithstanding the fragmented residential uses, the alterations and the physical segregation. This is in part due to the broadly agricultural appearance of the surviving buildings and the setting offered by nearby undeveloped land that has a broadly agricultural appearance, which provided an important context to the listed building as a former farmhouse as well as to Singehurst Barn as its curtilage listed building. Consequently, the site makes a reasonably important contribution to the significance of these heritage assets." (paragraph 36)

² Appeal Ref: APP/U1430/W/16/3150796

³ Paragraph 33 of the Appeal Decision notice.

⁴ Paragraph 32 of the Appeal Decision notice.

The Inspector also found the appeal site to form part of the setting of the grade II listed ‘Breckles et al’ – the terrace of four listed buildings comprising The Homestead, Meadow Cottage, Caperer’s Cottage and Breckles. In relation to this listed terrace, the Inspector found that:

“...given the site’s broadly agricultural appearance, and their proximity, intervisibility and historical association, the site still makes a reasonably important contribution to the significance of the listed building.” (paragraph 39)

In summary, with regard to the setting of heritage assets, the Inspector found that:

“Introducing the appeal development to the site would, therefore, detrimentally affect the contribution that that part of each setting makes to the significance of each of these three heritage assets. Notably, this would be as a result of its fundamental effect on the open, agricultural feel of the site and the associated significantly diminished intervisibility between the appeal site and those heritage assets from beyond and within the site thereby eroding the legibility of each of those listed buildings. Accordingly, in those respects the appeal development would conflict with Policy EN2 of the Core Strategy.” (paragraph 40)

and that

“...given the statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, the identified harm in each instance carries substantial weight against the proposal.” (paragraph 41)

In dismissing the appeal, the Inspector concluded that, whilst the harm to the character and appearance of the area could be outweighed in the context of the district wide housing land supply circumstances at that time, nevertheless

“...the collective weight of the benefits of the appeal development, although significant, do not outbalance the identified less than substantial harm to the significance of Singehurst, Singehurst Barn or Breckles et al as listed buildings. Therefore, as the balancing exercise under a restrictive policy is not favourable to the proposal in the terms of National Planning Policy Framework (NPPF) paragraph 14, the proposal does not represent sustainable development.” (paragraph 57) and that *“...bearing in mind the harm that would be caused as a consequence of the proposed development to the significance of Singehurst, Singehurst Barn and Breckles et al, along with the associated conflict with Core Strategy Policy EN2, the appeal should be dismissed.”* (paragraph 58) (our underlining).

In the context of the TNP, it is emphasised that there is no outstanding housing requirement in relation to the Core Strategy housing requirement for Ticehurst village.⁵

Moreover, it is evident that the identified harm set out by the Inspector would still pertain.

⁵ Notwithstanding this, no objection is made to the other proposed allocation at Orchard Farm) is supported, being very centrally located and would not have any adverse effect on the setting of the village or other material planning considerations, subject to suitable detailed proposals.

The Inspector's view of the poor sustainability of the site's development is actually endorsed in the submitted TNP's own SEA report.

Table 4.5 Site 5: Singehurst, Pashley Road under the heading Landscape and historic environment Page 25 states as follows:

The whole of the site is situated within the High Weald Area of Outstanding Natural Beauty (AONB). Whilst the site is predominantly screened from view from the trees and hedgerows located along the boundaries, there are short views into the south western section of the site from the neighbouring residential properties. As the site is currently an undeveloped greenfield area, development would provide a significant contrast to its existing character. This relates to the likely loss of the historic field patterns in the area and significant changes to the intrinsic character of this part of the Wealden landscape.

The Grade II listed 'Breckles Caperer's Cottage Meadow Cottage the Homestead' is located directly opposite the site, and the Grade II listed '4 and 5, Upper Platt' is located to the north east of the site. The settings of these features therefore have the potential to be significantly affected by development at this location. In addition, whilst not nationally designated, the barns and Singehurst are both features of historic environment interest, and development at this location would affect their setting.

As a result the Landscape and historic environment element is scored red which states – likely adverse effect (without mitigation measures).

It is noted that all other sites receiving this "score" are not proposed for allocation.

Similarly in Section 5 of the SEA entitled 'What are the appraisal findings at the current stage?' on page 44 paragraphs 5.23 and 5.24 indicate that the allocation of Singehurst is not essential and conflicts with both the Core Strategy and the findings of the Inspector in the dismissed planning appeals.

5.23 With regard to policies which may have an impact on the landscape of the Neighbourhood Plan area, Policy H1 (Spatial Strategy) sets out that the Neighbourhood Plan strategy is to focus development in the existing villages of Ticehurst, Flimwell and Stonegate. Consequently, the policy dictates that no development outside the villages' development boundaries will be approved unless countryside location is essential. Given that the landscape in the High Weald AONB is highly sensitive to development, this policy should have a positive effect on landscape character by limiting the amount of development which occurs in open countryside. However it should be noted that the current Neighbourhood Plan allocates 16 more homes than the Core Strategy allocation for the Neighbourhood Plan area. As such potential effects on landscape character and the historic environment depend on 1) the location of proposed allocations and 2) the policy approaches set out by the Neighbourhood Plan to minimise potential effects and secure enhancements.

5.24 As highlighted by the site appraisal undertaken through the SEA process, the proposed allocation at Singehurst is within a location of landscape sensitivity, and the allocation would likely lead to a loss of the historic field patterns in the area and changes to the intrinsic character of this part of the Wealden landscape. The site is also located within the setting of a number of features of heritage interest. The proposed allocations at

Wardsdown House and at Land at Orchard Farm are not likely to have significant impacts on landscape character and are not within the settings of heritage features.

It is also the opinion of the Council, endorsed by the High Weald Unit, that the sensitivity of this site in terms of its contribution to the rural setting of the village is magnified by its integral relationship with other key AONB features - a farmstead (Singehurst), ancient woodland, hedgerows, routeway and pond - that typify the essential medieval character of the High Weald.

The Council therefore is firmly of the view that the development of the appeal site does not conserve, or enhance, the AONB landscape setting of the village.

Hence, it is concluded that, in relation to this proposed allocation, the TNP fails to give the requisite 'great weight' to conserving landscape and scenic beauty in AONB, as required by NPPF paragraph 115.

It should also be noted that the proposed change to the development boundary here shown on Map 19 page 78 would also put the whole of the historic Singehurst farmstead within the development boundary and that, by subsuming this locally distinctive historic farmstead-based countryside into the urban area, the existing coherent transition from farmstead to built-up area of the village on the southern side of Pashley Road would be lost. As a result, it would detract from the locally distinctive character of Ticehurst as a settlement and would not protect the open landscape and visual character of the edge of the village.

In summary, having particular regard to the detailed consideration given by the Inspector in a recent appeal on the site, the pursuit of a housing allocation on this site cannot be regarded as justified. The identified harm set out by the Inspector in terms of impact on the adjacent heritage assets and the general rural, AONB setting of the village would still pertain. There is no overriding housing need that justifies the harm to these interests of acknowledged importance.

2. Policy R2 – Green Gaps – Maps 5-9

Recommendation:

Policy R2 (1) be supported.

Policy R2 (2) be either deleted or amended.

Reasons:

The identification of the Ticehurst and Flimwell Green Gap (Policy R2(1)) is supported as, although not specified in the Core Strategy, the gap between the two villages is recognised as vulnerable to coalescence, due to the combination of their relative proximity, the fact that both villages have development boundaries and have been identified through the Core Strategy as having potential for growth, together with a recent applications (and appeals) for development in the gap.

These factors do not exist so clearly in relation to the other identified gaps; hence, the introduction of this further constraint policy, overlapping as it does policies relating to the use of land outside development boundaries and the

protection of the High Weald AONB is questioned. Three-Legged Cross and Wallcrouch are already treated as 'countryside' under the Core Strategy.

There is no substantive evidence base to justify them, while it is not clear how the substantial gap between Ticehurst and Stonegate, of over two miles, is really vulnerable or, on the other hand, why the gap between Ticehurst and Pashley Manor/Swiftsden is not similarly treated.

It is appropriate to further examine the basis of the respective gaps. If they are found to be justified, then it would be considered more appropriate to set out the actual settlements under consideration in the policy (to also be consistent with the maps) and to amend the wording to be more consistent between Parts 1 and 2; as drafted, Part (2) of the policy appears to prevent any development in a large area.

In this event and without prejudice to the need for examination of principle, the following is suggested for consideration, which aligns with the existing and proposed Local Plan wording for strategic gaps:

Policy R2

Maintain Green Gaps between Settlements

Development should sustain the integrity of the different communities in the parish by maintaining the Green Gaps, as defined on the Proposals Map, between them:

- 1) Land between Ticehurst and Flimwell (Map 5)**
- 2) Land between Ticehurst and Three Legged Cross (Map 6)**
- 3) Land between Ticehurst and Wallcrouch (Map 7)**
- 4) Land between Ticehurst and Stonegate (Maps 8 and 9)**

Within these gaps, development will be carefully controlled and only be permitted in exceptional circumstances. Any development must be unobtrusive and not detract from the openness of the area, unless it is essential to meet necessary utility infrastructure needs and no alternative feasible site is available.

3. Policy R5 – Support Biodiversity

Recommendation:

Amend the sentence relating to the requirements for an 'Ecological Impact Assessment' and a Landscape and Visual Impact Assessment', as follows: 'They should demonstrate due regard to biodiversity, where appropriate, through an Ecological Impact Assessment and a Landscape and Visual Impact Assessment'.

Reasons:

As drafted the requirement would be disproportionate for some development proposals. Also, the amended wording brings the policy in line with the wording of Policy R1.

4. **Policy H4 – Affordable Housing**

Recommendation:

Amend Part (1) of Policy R5 to read:

'In accordance with NPPF (paragraph 63) and Rother District Council planning policy, new developments of six or more dwellings should provide at least 40% affordable housing.

Reasons:

It is noted that the first part of this policy appears to have been prepared on the basis of this Council's earlier "interim position" rather than the more recent Proposed Submission DaSA Local Plan. Whereas the former sought financial contributions for affordable housing from sites of 6-10 houses (which is what the TNP policy proposes), the latter seeks on site provision. The current position in fact aligns better not only with the adopted Core Strategy Policy LHN2 but also with paragraph 63 of the NPPF, 2018, which refers to 'provision of affordable housing'. Moreover, this amendment is considered more likely to deliver affordable homes locally.