




14th May 2021

Charlotte Glancy,
Programme Officer
c/o Banks Solutions



Dear Ms Glancy,

**Mid Sussex District Council Site Allocations DPD Examination
- Further Written Representation concerning Site SA31**

We write further to the publication of the Inspector's Matters, Issues and Questions (MIQ) Discussion Note and wish to make further representations to the Inspector, following those submitted previously.

We would like to raise additional concerns, having regard to the Mid Sussex District Council (MSDC) evidence base and other representations from stakeholders and local residents, specifically with regard to the deliverability of site SA31: Land to the rear of Firlands, Church Road, Scaynes Hill.

We understand that, in line with NPPF para 35, the Site Allocations DPD need to be justified, effective and positively prepared and consistent with national policy.

We do not believe that the Site Allocations DPD is either justified or satisfies these criteria as it fails to "*provide an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence*".

Background

We believe that it is relevant to consider the background to the proposed allocation and the history of development by stealth by the developers involved, Denton Homes.

Cont/...

If permitted, this application will represent the fourth development within this site. Previous ones were:

- The construction of 2 semi-detached and 4 detached dwellings (14/04321/FUL) approved 2014 and completed in 2016.
- Demolition of existing structures and erection of a detached dwelling with access and parking (DM/16/4612) approved October 2016.
- Outline application for approval of access for 2 detached dwellings and garages (DM/16/4840) approved March 2017 and extended March 2020.

As experienced developers, Denton Homes no doubt understood the limitations of the site when seeking the original approval for the construction of 2 semi-detached and 4 detached houses fronting on to Church Road.

The access to, layout of and parking and other facilities for, the site were all based and conditioned on the 6 properties that the developer considered appropriate for the site and for which they sought permission.

Significantly, when they did seek permission for further development the developers sought permission for 1, then 2 properties only. No doubt there were sound reasons acknowledged by them for such limited development only rather than the wholesale development suggested now (the effect of the covenants on the land and limitations and unsuitability of the site clearly being high among these).

One can only speculate as to the reasons for the complete change of heart by Denton Homes, although in an e-mail to us dated 15th March 2021 they stated *"What I can say is the remaining land as potential future development was not apparent at the time [of the sale of houses in Downs View Close] as we would not have agreed to the covenant"*: for *"not apparent"* we suggest *"not considered suitable"* might be more appropriate.

Having originally considered the site for the development of 6 dwellings and proceeded to construct and configure those dwellings on that basis, Denton Homes seek now to throw aside and ignore all their previous appreciations of the capacity of

Cont/...

the plot and somehow shoehorn more than 20 dwellings around the original ones and into a fraction of the original site. We submit that the site was not developed, and is unable, to cope with this and is not suitable for the development proposed.

General consideration

- Policy DP6 of the Adopted 2018 Mid Sussex District Plan indicates that Scaynes Hill has already provided all the housing needed to cover the whole Plan period to 2031 having *“already identified sufficient commitments/ completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans”*. No additional housing is therefore required to *“meet the housing need”*.

Specific issues

- **Covenants** - as noted in the MSDC Response to the Inspector's Initial Questions (IDF-01), both the MSDC and developer acknowledge that a significant part of the plot is subject to restrictive covenants.

Notwithstanding unsubstantiated expressions of confidence that a solution may be found through layout, we do not believe that the site is achievable, deliverable or suitable. The developers' layout plan was dependant on a much larger area of space, a significant part of which it is now acknowledged is unavailable for development. All those holding the benefit of the covenants have confirmed they are unwilling to consider any variation of the covenants. The proposed allocation is therefore based on a false premise and misconceived.

- **MSDC DP12 (Protection and Enhancement of Countryside)**- we are concerned that the LVAI (SA31.6) indicates that to achieve the number of dwellings proposed, higher density housing is required that is wholly inconsistent with the surrounding area, particularly to the north.
- **Transport, safety and access** - Policy DP21 of the Mid Sussex District Plan refers to the provision of, and access to, safe and convenient routes for walking, cycling and public

Cont/...

transport while the Transport and Access Statement claims to demonstrate that the site is accessible and can be accessed with sustainable transport. There are however no public footpaths or pavements providing access to/from the site along Church Road to/from Vicarage Road (a point glossed over in the report of Lanmor Consulting relied on by the developers with the words "*the section of Church Road to the front of the site has no footways, but once past St. Augustine's there are footways into the village centre*"). Similarly, there are no designated cycle lanes and very limited public transport. The absence of footways is of particular concern in the context of children walking to the village school.

We submit that insufficient attention has been given to the *safety* of the access to Church Road. To our knowledge no speed survey has been undertaken or adequate attention given to visibility splays.

With regard to *access* to the site, we attach photos showing the access to the site. The access can be seen to be extremely narrow (the width of the gate shown). It can also be seen that the parking space estimated for the 6 existing developments has proved to be inadequate with the result that cars are parked on the bend leading to the proposed development: access is simply impractical for any number of dwellings. Any changes to the access point will seriously prejudice the privacy of the existing dwellings in Downs View Close.

We note it is suggested in the report of Lanmor Consulting that the existing access is currently used by delivery and refuse vehicles to serve 6 properties and that this will be suitable for service vehicles to access the site. The consultants have their facts wrong - since we moved here in 2016 refuse vehicles have been unable to enter the Close and *have never done so* as there is inadequate room for them to manoeuvre. Instead, the residents of the Close are obliged to take their bins to the entrance of the Close and line them up for collection from Church Road (see attached photo). This would be wholly impractical for any further dwellings using the same access and would effectively

Cont/...

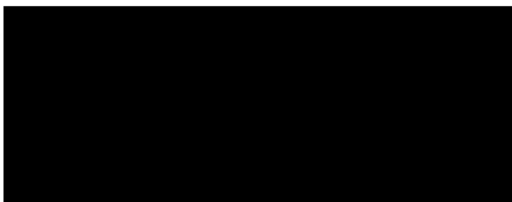
obstruct access to the Close (and any development). Similarly, fire engines and other utilities would not be able to access the proposed development, particularly if cars were legitimately parked there as shown in the photos attached.

We would add here that while we note the reference made to trip rates in the context of traffic and access it is apparent, in the context of the pandemic, that there are now considerably more home deliveries, whether by supermarkets, Amazon or other carriers than ever before. This is unlikely to change with time, or if it does likely only to increase. This will no doubt be a significant factor in the future. We would urge therefore that this also be taken into account, bearing in mind that the site, in addition to Downs View Close, only has one access point so that any traffic entering is obliged to turn around or reverse out (due to the very limited manoeuvring space) at all times of day.

In light of the above matters we consider that the deliverability of this site is not possible and the site should be re-assessed and either removed or reduced to a number in keeping with plans already approved.

In conclusion, we believe that the MSDC Site Allocations DPD is not compliant with para 35 of the NPPF and should be amended.

Yours sincerely



Clive & Suphanee Aston



