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Response to Inspector's Issues & Questions: Matter 4.2 Response
on behalf of Option Two Development Ltd

May 2021 JB/13366



1 Introduction

1.1 Site Context

1.1.1 This response is prepared on behalf of Option Two Development Ltd ("Option Two"), who control land at Courthouse Farm, Copthorne Common Road, Copthorne and have been promoting it for residential allocation in the Site Allocations DPD.

1.1.2 The site is described further in our Regulation 19 submission. It could be developed either for standard residential development, or a combination of a Class C2 care home, and residential development as set out in Appendices 1 and 2 to our Regulation 19 submission. Indeed they have operators and national house builders/developers who have expressed an interest in developing the site.

Previous representations

1.1.3 My client has promoted Courthouse Farm through the Call for Sites and has made representations to the DPD at both the Regulation 18 and Regulation 19 stages.

2 Matter 4.2: AONB

2.1 **Given the importance of Areas of Outstanding Natural Beauty (AONB) as a national policy constraint with the highest status of protection in the English town and country planning system in relation to landscape and scenic beauty, what is the justification for allocating the proposed number of dwellings in the High Weald AONB? In relation to paragraph 172 of the Framework and the support in policy DP16 for appropriate 'small scale' proposals in the AONB, what should be the definition of 'major development' in the context of Mid Sussex?**

2.1.1 We acknowledge that some development in the AONB might be needed to accord with the MSDP. However, the level of planned development exceeds what is required for individual settlements.

2.1.2 Moreover, the National Planning Policy Framework ("NPPF" or "the Framework") states that planning permission for major development in the AONB should be refused except in exceptional circumstances and where it can be demonstrated that proposals would be in the public interest. Consideration of such major applications should include an assessment of:

- 1) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- 2) The cost of, and **scope for, developing elsewhere outside of the designated area**, or meeting the need for it in some other way; and

3) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

2.1.3 What constitutes major development in the AONB is a matter for the decision maker, taking into account its nature, scale, setting and whether it could have an adverse impact on the purpose of the designation. The Council has considered this issue further in its Major Development in the AONB Topic Paper, which comes to the very surprising conclusion that none of the proposed allocations would constitute major development in the AONB, including:

- SA25: 70 dwellings on land west of Selsfield Road, Ardingly;
- SA27: 65 dwellings on land at St Martin Close, Handcross; and
- SA29: 30 dwellings on land south of St Stephen's Church, Horsted Keynes.

2.1.4 Paragraph 4.4 of the Topic Paper then concludes that as none of the site allocations need to be considered as major development, there is no need to demonstrate exceptional circumstances for any of these.

2.1.5 These conclusions are plainly wrong, and inconsistent with decisions elsewhere. The plan is unsound as a result.

2.1.6 Table 2.1 lists appeal decisions involving development within the AONB for schemes of between 50 and 75 units since 2015. It is very clear from this that every appeal scheme in this category was found by the Inspector to constitute major development in the AONB. The Council's findings that SA25 and SA27 do not constitute major development fly in the face of these conclusions elsewhere.

PINS ref ¹	Location	Date	Units	Major?
3209551	Stonesfield, Oxfordshire	21/06/2019	68	Yes
3158306	Kintbury, Hungerford	27/11/2017	72	Yes
3143885	Milton-under-Wychwood, Oxfordshire	26/07/2016	62	Yes
3121622	Willersley, Gloucestershire	23/02/2016	71	Yes
3122862	Looe, Cornwall	20/10/2015	50	Yes
2228680	Hawkhurst, Kent	20/10/2015	62	Yes
2224292	Broadway, Worcestershire	02/07/2015	75	Yes

Table 2.1: Appeal decisions involving housing schemes of 50-75 dwellings in the AONB since 2015

2.1.7 The Council appears to have reached its conclusion that site SA25 is not major development on the basis that the scheme has been reduced from 100 to 70 units. Paragraph 4.7 states:

¹ Last 7 digits

"The conclusion of the second assessment at Stage 1 for the site with a proposed yield of 70 dwellings is that it would not be major development. This is because the physical size of the site where built development has been reduced and is now more in keeping with the historic settlement pattern of Ardingly and would seek to retain the identity of the two separate centres of Ardingly. This will also be assisted by the increased area of open space in the western section of the site. An assessment of any exceptional circumstances is not necessary because the revised proposed site allocation is not regarded as major development."

- 2.1.8 This conclusion does not bear scrutiny. It may well be the case that the 70-unit scheme is more acceptable than a 100-unit scheme, but the fact remains that it is a major development in the AONB and exceptional circumstances have not been demonstrated.
- 2.1.9 Indeed, the Council's own site assessment at Appendix D of the paper comes to the clear conclusion that the original 100-unit proposal constituted major development, and that exceptional circumstances cannot be demonstrated. It is not at all clear how both of these conclusions have been overturned by the simple removal of 30 units from the scheme, even though 70 still remain.
- 2.1.10 The proposed allocation plainly remains major development for which exceptional circumstances have not been demonstrated. The proposed allocation is unsound and should be removed from the plan.
- 2.1.11 We are equally concerned that other proposed allocations, including but not limited to SA27 and SA29, are also unsound for the same reasons.
- 2.1.12 In relation to SA29, we would accept that a 30-unit development could be considered not to be major development in certain circumstances – for example if it was located on the edge of a town or large village. But in our view a 30 unit scheme in the context of Horsted Keynes does constitute major development and should be considered as such.
- 2.1.13 It is clear that the Council has plenty of options for development allocations outside the AONB, including at Courthouse Farm, Copthorne. Whilst the exceptional circumstances test relates primarily to the consideration of planning applications, local planning authorities should also give due consideration to the impact of development on the AONB during the plan making process.
- 2.1.14 Copthorne is not located within the AONB and is one of seven Larger Villages, which are a secondary focus for development outside of the three main towns. The Sites DPD does not direct any additional growth to Copthorne, however in our view it should be prioritised ahead of the allocations in the AONB and it is also above Category 3 settlements in terms of the settlement hierarchy.
- 2.1.15 On this basis, the plan is inconsistent with national policy and has failed to test reasonable alternative strategies for meeting the residual housing need. The plan is unsound on this basis.