
Examination Statement

Land West of Selsfield Road Ardingly (Draft Allocation SA25)

Charterhouse Strategic Land

Mid Sussex District Council Site Allocations DPD

Examination in Public

Matter 4: Are the Plan's provisions for the protection and enhancement of its environmental, landscape, biodiversity and heritage assets justified and in accordance with national policy?

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1. Introduction

- 1.1. This Examination Statement has been prepared on behalf of Charterhouse Strategic Land. Charterhouse Strategic Land are the sole promoter of Land West of Selsfield Road, Ardingly, (identified in the SHELAA as Site reference 832; identified in the Site Allocations DPD as Draft Allocation SA25).
- 1.2. Prior to the submission of the Site Allocations DPD by Mid Sussex District Council (MSDC) to the Planning Inspectorate for examination, Charterhouse and the consultant team have participated in the formal consultation of the Site Allocations DPD at regulation 18 stage in November 2019, and to the regulation 19 stage in September 2020. The site has previously been submitted to MSDC as part of the Call for Sites for the Strategic Housing and Economic Land Availability Assessment, and Charterhouse Strategic Land, along with their consultant team, have met with Planning Policy Officers on a number of occasions to discuss the strategic opportunity of Land at Selsfield Road, Ardingly.
- 1.3. Charterhouse Strategic Land made representations to the Regulation 19 consultation of the Local Plan, which should be read alongside this Hearing Statement, supporting the allocation of Site SA25. However, alongside this support for the plan, a number of objections have been cited, and the Local Plan as submitted is viewed as being unsound. This view is taken on the basis of failings in positive preparation and effectiveness (most notably the failure of the Site Allocations DPD to distribute development evenly and appropriately, including the reduction of Site Allocation SA25 in size and provision between the regulation 18 and regulation 19 stage).
- 1.4. The location of the site, its surroundings and the vision for Land West of Selsfield Road, Ardingly have been set out in detail at the Call for Sites stage, the Regulation 18 stage, the Regulation 19 Stage, and through discussions with Officers, and have therefore not been reproduced in detail in this statement.

2. Response to the Inspectors Questions

- 2.1. Charterhouse have informed the Programme Officer that they wish to participate at the hearing sessions relating to Matter 4 and will be represented by Savills at this Hearing.

Matter 4 – Are the Plan’s provisions for the protection and enhancement of its environmental, landscape, biodiversity and heritage assets justified and in accordance with national policy

Q 4.2 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

- 2.2. Draft Allocation SA25 is located wholly within the AONB, adjacent to the settlement of Ardingly. This allocation is completely justified.
- 2.3. As identified in the examination of the District Plan, the need for future housing in the High Weald AONB was considered by the Inspector. The Inspectors report stated that a level of development was identified as being necessary in the AONB, and that *“further allocations are likely to be needed in the future Site Allocations DPD to meet the housing requirement. There are locations within the District of lesser landscape value, in relatively sustainable locations near to settlements and close to main transport routes. Some settlements lie within the AONB and may be appropriate for modest housing schemes, but there is no evidence that meeting the housing requirement will necessitate major development in the AONB other than that already permitted by the Council at Pease Pottage”*

- 2.4. This assessment was made against the backdrop of the new District Plan, which set out a suitable buffer on the delivery of housing, and acceptable rates of delivery. However, in the ensuing years this has now changed. MSDC have been unable to demonstrate a suitable rate of housing delivery to meet the most recent housing delivery test (published December 2020) scoring 91% and requiring the preparation of an action plan, and dwellings that were due to be delivered in the plan period have already been identified as being unable to come forward in that window of time (as identified in the Sustainability Appraisal, 731 dwellings will not be delivered in the plan period). This under delivery necessitates the delivery of not only an increased level of housing in general, but also an increased volume of housing in the AONB at sustainable settlements in order to allow greater variety in the allocation and wider opportunities for the delivery of new homes.
- 2.5. Whilst at the time of the examination there was no evidence that major development would be necessary in the AONB, the changes in delivery rate and projected housing supply require that this conclusion is reassessed. Further, consideration of local issues, particularly in the context of development and growth at Ardingly, also add weight to the matter.
- 2.6. MSDC have not reassessed this conclusion in light of the changes in delivery and supply. They have sought to ensure that all AONB allocations are determined to be minor, and have not considered the need for larger allocations in the AONB in light of this new information
- 2.7. The allocation of 70 units at Site SA25 in the Site Allocations DPD has been determined by MSDC to be minor development. However, the allocation of 100 units, as presented in the Regulation 18 consultation, was determined to be major development. The analysis for these two proposals are set out in Topic Paper 1, pages 37-49.
- 2.8. With regard to what constitutes major development in the AONB, NPPF paragraph 172 should be noted, as it identifies that development in the AONB is not considered to be inappropriate, but it is considered that development in such areas should be limited. Paragraph 172 of the NPPF, in conjunction with footnote 55 also sets out that determining “*whether major development is occurring is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*”.
- 2.9. As can be seen in the Topic Paper, when assessing the reduced site proposal (70 units), and the original site proposal (100 units), no additional harm would be incurred through the allocation of the 100 unit scheme. Both schemes were determined to have a moderate impact on the AONB, and the additional 30 units were not demonstrated to have a significant adverse impact that is addressed as contributing to the change in classification to major development as set out in footnote 55 of the NPPF.

- 2.10. MSDC carried out a Stage 2 assessment on the proposed 100 unit allocation on the site, in order to determine if there were exceptional circumstances present that could justify the allocation of a larger quantum. MSDC determined that the oversupply set out in the Site Allocations DPD made it difficult to justify the need for development in the AONB, however it went on to state that *“the main impact on the High Weald AONB will arise from the scale of the development. This may be able to be mitigated through the design process and masterplan for the site”*. The provision of affordable housing and a scout hut were also identified as public benefits that would be delivered through the allocation, and that *“development may also be of public benefit as it would facilitate improvements at the South of England Showground”*, as the South of England Agricultural Society, a charity, are the landowners.
- 2.11. The conclusion of the analysis in the topic paper identified that *“development could be regarded to be in the public interest through the provision of affordable housing and meeting local housing needs. The development may also be of public benefit as it would facilitate improvements at the South of England Showground”*.
- 2.12. However, it also stated that *“There are unlikely to be exceptional circumstances in relation to the need for the development because there are alternative locations outside the High Weald AONB”*.
- 2.13. This is in complete contradiction to the arguments put forward in the Site Allocations DPD and its supporting Sustainability Appraisal as to why there is such a bias in allocations towards the Category 1 settlements (to the detriment of the smaller category settlements). There is an identified housing need, arising from under delivery and already identified failures in planned future delivery. Site SA25 is capable of delivering more homes in the appropriate category of settlement that it has been allocated for, and in doing so would help balance out the distribution of housing across the District. The argument that development has to be in alternative category settlements and there are no suitable sites in the same settlement category is therefore unfounded.
- 2.14. Notwithstanding Charterhouse’s viewpoint that the Topic Paper analysis should conclude that development of 100 units on Site SA25 should also be considered minor, if it is determined it to be major development, and that exceptional circumstances would need to apply, exceptional circumstances exist that justify the allocation of 100 units on this site. The circumstances specific to this site are:
1. The provision of much needed market and affordable housing in an otherwise dysfunctional local housing market
 2. Delivery of a new purpose-built community building to relocate the scouts to
 3. Delivery of an additional parking and drop-off area for use by the school to ease pressure on existing access
 4. Providing an opportunity for the constrained school site to utilise/re-purpose the existing scout site that is on school land
 5. Capital receipt for the South of England Agricultural Society to be reinvested in the showground.

- 2.15. As stated above, the impact on the AONB has been determined to be moderate, irrespective of whether the 100 units allocation or the 70 unit allocation are followed. From previous planning appeals within Mid Sussex (notably Appeal Ref: APP/D3830/A/10/2132146 Land north of Bylanes Close, Cuckfield, West Sussex) it can be seen from the Inspectors conclusions that when considering the impact of proposals on the AONB, *“it is the impact of the loss of the site on landscape and scenic beauty that is the paramount consideration, rather than the principle of the physical development of a site that is within the AONB”*.
- 2.16. A detailed landscape and visual appraisal has therefore been conducted by Huskisson Brown Associates on both the 70 units and 100 unit proposed allocations (see Appendix 1 and 2 respectively). In conducting this appraisal a number of evidence documents were utilised, along with a detailed site assessment undertaken by experienced landscape professionals. The existing evidence base found that the site was assessed in the formulation of the Ardingly Neighbourhood Plan (ANP). It found that the site was suitable for development, and assessed as having a medium/high site capacity to accommodate development, and identified the majority of the draft site allocation site as the preferred location for development in the parish (it should be noted that the site was not made available for development by the landowners at the time of Neighbourhood Plan preparation).
- 2.17. The detailed analysis conducted on the SHELAA site, the site at Regulation 18 stage (100 unit) and Regulation 19 stage (70 unit) found that the site is a relatively flat ‘plateau’ significantly influenced by the showground to the north and residential uses to the south that is uncharacteristic and quite distinct from the wider countryside and recognised special qualities of the AONB. Accordingly there is scope for residential development to be sensitivity accommodated on the site that respects the relationship with the Conservation Area and listed buildings as well as nearby residential area.
- 2.18. In analysing both schemes, it was determined that development on the site would have limited impact upon the character of the AONB at a wider scale, and on a local scale could help to deliver a stronger and more in-character edge to the settlement that contributes positively to meeting the objectives of the High Weald AONB Management Plan. From a landscape and visual impact perspective, it was considered that the site could accommodate residential development set within an appropriate and robust landscape strategy as part of an integrated scheme masterplan, to ensure landscape and visual effects are minimised and landscape enhancements are delivered as envisaged by draft Policy SA25. Overall, the difference in terms of landscape visual impact was negligible, as both would retain an area of open space to the south west of the proposals, retaining distance between the existing dwellings and conservation area, and the gap provided in both the 70 unit scheme and 10 unit scheme was assessed as being appropriate
- 2.19. The provision of housing (and affordable housing) in the District and in the Parish has been analysed by Chilmark Consulting, on behalf of Charterhouse Strategic Land. Their report and analysis found that the existing Ardingly housing stock is narrowly focused and significantly dominated by larger detached and semi-detached housing, characterised by high levels of under occupation, and with sale and rental values demonstrating worsening housing affordability. As a result it has driven a structural change in the population (i.e. new forming households are unable to easily find suitable accommodation or to afford to purchase it) as there is little evidence of sufficient new market or affordable housing being delivered in Ardingly during the plan period to date.

- 2.20. Given this under provision in relation to need, and the AONB boundary that borders the entire settlement, there is little opportunity for development sites to come forward outside of the plan making process. Meeting identified need through site allocations is therefore the appropriate process to follow.
- 2.21. The reduction in the size of the site allocated in the Regulation 19 plan results in the removal of direct community benefits capable of being provided by the site beyond the conventional planning obligations usually secured. This extends beyond just the reduced quantum of affordable housing that will be provided on the site if the allocation is reduced. The proposed masterplan for the site – which has already undergone community consultation– includes:
- i. Provision of an additional drop off area/car parking for the primary school easing congestion along Street Lane and in Holmans.
 - ii. Relocation of the Scout hut off of the school site to a new purpose built facility (as required by the ANP), which will provide additional space for the primary school to be able to use on their existing site where the Scout Hut is currently located (Appendix 3).
 - iii. Public open space on the western edge of the site which can also be used by the primary school.
 - iv. Additional 9 affordable homes for the village (30 affordable homes as opposed to 21).
- 2.22. Further to this, it was seen in the High Court case of *Franks vs SSSCLG (10/11/2015)* that an Inspectors decision to grant permission for major development in the AONB was appropriate on a number of grounds, including that the development would be largely hidden and totally inconspicuous, of high quality, and a need existed for more housing. Positive factors arising from the scheme, including the lack of significant impact on the AONB and the community benefits provided, were considered and given appropriate weight in the planning balance
- 2.23. As identified in the Site Allocations DPD, there are limited sites available in Category 3 settlements, which results in an under provision to this category of settlement when assessed against the aims of the District Plan and Site Allocations DPD. Site SA25 is one of the very few sites being allocated in this settlement category, and has the capacity to readily provide 30 more homes without significant wider impact.
- 2.24. As set out in MSDC's response to the initial questions of the Examiner, the figures set out in the Site Allocations DPD currently allocate 188 dwellings, or 1.1% of the total plan period supply set out in in Policy SA10 of the DPD. Allocating an additional 30 dwellings to the total supply over the plan period, with 30 additional dwellings in the AONB, would result in AONB development of 1.29%. This is still an extremely small proportion, and when it is considered that approximately 50% of Mid Sussex is designated as AONB, is an appropriate and still very measured approach.

3. Conclusion

- 3.1. As set out in the comments made above in respect to the Inspectors Matters, Issues and Questions, Charterhouse Strategic Land support the Site Allocations DPD in principle, but do not feel that the Site Allocations DPD that has been produced is sound and robust.
- 3.2. The need for allocating dwellings in the AONB has been established in the Inspectors Report on the District Plan when it was being examined. It identified that housing allocations in the AONB would be required, however at that time there was no evidence to suggest that major schemes would be necessary.
- 3.3. Since this time, housing supply in Mid Sussex has been shown to be failing to meet the Housing Delivery Test, and sites allocated as part of large strategic allocations have been shown to be unable to come forward in the plan period. The basis of the statement regarding no major developments being required in the AONB has therefore changed, and should be explored properly.
- 3.4. As identified in Topic Paper 1, the original allocation of Site SA25 for 100 units has been deemed to be 'major development'. The site has therefore been reduced in size by MSDC so that it is 'minor' development. However, the need for the allocation of 100 units is clear – the failure to meet the required rate of housing delivery, the inability of already allocated strategic sites to come forward in the plan period, and the need to better distribute housing across the settlement categories, as identified in the intentions of the Site Allocations DPD and its supporting Sustainability Appraisal. The Topic Paper itself has identified that there will be 'moderate' harm to the AONB, regardless of which allocation is brought forward at SA25, and the technical reports that have been prepared to support the site allocation have found that there is no discernible difference on landscape impact between allocating 70 units and allocating 100 units. The biggest difference incurred will be the reduced community benefits that can be delivered through the allocation of the smaller scheme.
- 3.5. The need to protect the AONB is recognised. The allocation of Site SA25 for 100 units would meet a recognised, identified need, and even if it is determined to be major development, offers a sufficient level of public benefits which means that it should be included as part of the DPD.

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Appendices
