



Council Decision regarding planning application DM/20/0799 – 24th March 2020

Outline planning application with all matters reserved apart from access, for 22 dwellings (comprising 19 affordable units and 3 market units) with access from Hammerwood Road | Land East and West of Dirty Lane Ashurst Wood West Sussex

Having considered the application documents and the planning background of the site, it is agreed to send the following response to Mid Sussex District Council:

Recommend refusal.

This site has been promoted and considered for allocation in local plans on several occasions, and found unsuitable. It has also been the subject of multiple planning applications.

The site was assessed for Mid Sussex District Council's Housing Supply Document (or SHLAA) under reference 467. The SHLAA's conclusion was:

Not considered developable as open and rural in character and would extend development of village unacceptably in an easterly direction to the detriment of the High Weald AONB.

The site was submitted for consideration for allocation in the Ashurst Wood Neighbourhood Plan, together with the field to the west of the Lane. Indicative plans were provided showing houses and a school car park on the land to the east of Dirty Lane, and houses and 30 allotments on the land to the west of the lane. The total number of houses was 42. The combined site performed poorly against sustainability objectives and was the least popular of all sites considered at public consultation. Following the comprehensive site assessment process, the conclusion was that development would create an unacceptable extension of the village into the countryside and would fail to enhance or conserve the natural beauty of the High Weald AONB.

The possible benefits of the proposal (allotments, school parking) were outweighed by the substantial disadvantages. Development could also lead to pressure to develop further land to the north and east of the site. The site was not allocated in the Neighbourhood Plan.

More recently the site was rejected for inclusion in the MSDC Site Allocations Development Plan Document, following a detailed site assessment which found the site was not suitable for allocation (for 9 dwellings).

An application (**DM/16/2740**) for 30 houses and school parking on the east side of Dirty Lane, with allotments, 5-a-side pitch, jogging trail and exercise equipment and public open space on the field to the west of the Lane was withdrawn before determination in October 2016.

Objections to the application had been lodged by the Village Council, the High Weald AONB Unit, the East Sussex Landscape Architect, and many residents.

Application **DM/17/1497** was for 22 houses on the site, including Affordable Housing and public open space. At the time, the district could not demonstrate a 5-year land supply and therefore

the presumption in favour of sustainable development in the NPPF applied. Nevertheless, the application was refused, with the delegated report stating:

the benefits of the scheme are acknowledged but it is considered that the adverse impacts in regard to the adverse environmental impacts of the scheme would significantly and demonstrably outweigh those benefits.

Application DM/19/3028 for 9 dwellings was withdrawn before determination in September 2019.

The applicant now proposes to build 22 houses, 19 of which would be affordable and 3 open market, on a rural exception site under District Plan Policy DP32. While such a scheme can be built on land that could not normally be developed, this does not mean that any site that has been refused permission or not selected for allocation is suitable to be a rural exception site.

DP 32 clearly states that the delivery of rural exception sites is normally led by Parish Councils. This application has not been led by the Village Council, which indeed had no advance knowledge of it. The Council has experience of delivering a rural exception site in the village, in partnership with the rural housing enabler from Action in Rural Sussex, English Rural Housing Association, and housing officers at MSDC. This application fails to meet many of the essential criteria of DP32 as follows:

- The applicant has not produced best available (or any) evidence of local housing need. The Housing Needs Survey conducted by Action in Rural Sussex in 2007 is now out of date, so a new one should have been commissioned. The applicant has not even obtained information about the Common Housing Register. The district-wide information provided is not sufficient or relevant. Without evidence of local need, an assessment cannot be made of the appropriate size of any development. Exception sites are intended to be small sites, and a scheme containing 22 dwellings is not small.
- The policy allows a proportion of open market housing alongside affordable homes where it can be clearly demonstrated that the scheme would not be viable without it. The applicant has produced no evidence about viability, merely stating in the conclusion of its Planning Statement that: *due to viability considerations, it is not possible to provide a 100% affordable housing scheme.*
- Crucially, a scheme will only be permitted under DP32 if the scale of the development respects the setting, form and character of the settlement and surrounding landscape. The Village Council objected to the previous application for 22 houses on the site, and the minor changes to the layout, although an improvement, do not make the scheme any more acceptable than the refused scheme. The Village Council therefore agrees with the conclusion of the High Weald AONB Unit that **the proposed development would have a severe adverse impact on the character and landscape of the High Weald AONB contrary to the purposes of the AONB and paragraph 172 of the NPPF. The proposed development would lead to the loss and sub-urbanisation of a valued rural landscape which displays many of the special characteristics of the High Weald AONB.**

As the application does not meet the criteria in DP32 it cannot be classed as a rural exception site and must be refused for the same reasons as the previous application.