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Planning Policy Team  
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Dear Sir/Madam

## **ROTHER DISTRICT COUNCIL – LOCAL PLAN REGULATION 18 CONSULTATION 2024**

### **REPRESENTATIONS ON BEHALF OF CROWHURST PARK LTD LAND AT CROWHURST PARK, TELHAM LANE, BATTLE, TN33 0SL**

On behalf of my client, Crowhurst Park Ltd, I write to make submissions to the Rother District Regulation 18 Local Plan consultation. My client has control over land at Crowhurst Park, Telham Lane, Battle, TN33 0SL.

These representations relate in particular to the following parts of the Regulation 18 document, titled Rother Local Plan 2020-2040:

- Housing Need
- Preferred Spatial Development Options
- Relevant Draft Local Policies

A site plan outlining the land promoted for development is included at **Appendix 1**. The land put forward for consideration is edged in red with blue edging denoting other land within the ownership of Crowhurst Park Ltd. The land outlined in red has not been submitted in previous stages of the Local Plan process.

In responding to the Local Plan our client would like to make it clear that other land within Crowhurst Park which was assessed previously under the Local Plan and the Crowhurst Neighbourhood Plan processes is not actively being promoted for development by Crowhurst Park Ltd. The land was pursued through both processes by a member of the neighbourhood plan steering group following discussions with our client. It is not the intention of Crowhurst Park Ltd to actively pursue or otherwise promote any land within the Crowhurst Park site for residential development except for where shown at **Appendix 1**.

### **Housing Need**

The key objective to significantly boost the supply of housing remains a focus of planning policy at all levels. Paragraph 60 of the NPPF states that to support this aim it is important to ensure a sufficient amount and variety of land can come forward where it is needed.

In addition, paragraph 11b of the NPPF states:

*'Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area;*

*or*

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

The Regulation 18 consultation identifies the housing need in the district as 14,660 homes for over the twenty-year plan period 2020 to 2040. This figure was identified in the Housing and Economic Development Needs Assessment (HEDNA, 2024), and was derived using the Standard Method, as required by the NPPF and accompanying Planning Practice Guidance (PPG). This amounts to 733 dwellings per annum. It is not clear from the Regulation 18 consultation whether this figure includes a 20% buffer to be applied as a result of under delivery as set out at paragraph 77 of the NPPF. If the 20% buffer has yet to be applied, housing requirement would increase to 879 dwellings per annum -17,580 dwellings over the plan period.

In any event, the Council have confirmed they do not in fact intend to meet their full housing need (as calculated by the standard method) for a number of reasons most notably the significant landscape and flooding constraints which exist across the district. We accept that footnote 7 of paragraph 11 of the 2023 NPPF allows for a reduction in housing delivery in areas restricted by certain designations, including National Landscape, of which a significant part of the Rother District falls within. However, we do not consider the lower housing figures offered in the Regulation 18 Consultation have been justified or that sufficient reason has been given for not meeting the higher housing need figure identified within the 'range' put forward by the LPA, as discussed below. It is acknowledged that the Council have stated that the final figures to be put forward for adoption will be 'minimum' figures. However, the history of under delivery of housing since the adoption of the Core Strategy is well documented (as set out paragraph 5.3 of the Regulation 18 Plan) which makes all the more pressing case for the Council to be taking a more radical approach to positively plan for a higher level of housing.

The Council have made a passing reference in the regulation 18 plan to a couple of reasons as to why they cannot meet their housing need figure calculated using the standard methodology including:

- Landscape constraints
- Constraints resulting from areas lying within flood zones

Beyond a passing reference to environmental constraint, the Council has not set out in detail why they cannot meet their full identified housing need yet seem to acknowledge the need to plan for higher levels of growth by running an additional call for sites alongside the Regulation 18 consultation. The land at Crowhurst Park would not be constrained by any of the landscape or flooding constraints cited by the Council as reason to not meet full identified housing need.

Whilst it is located within in the High Weald National Landscape (formerly AONB) area the land at Crowhurst Park is considered to be capable of accommodating some development without adverse effect on the natural beauty of the High Weald which underpins the designation of this area. The land is located entirely within Zone 1 meaning it is not in an area of the district which is at risk of adverse flooding.

It is noted that the land lies within the Strategic Gap between the settlements at Battle, Bexhill, Crowhurst and Hastings which is one reason why other sites in the vicinity of Crowhurst Park have been classed as unsuitable for development. Policy DEN3 of the DaSA as currently worded and as proposed to be amended under the Regulation 18 plan does not preclude development of sites within the Strategic Gap in principle but requires development to have regard to the following objectives:

- i. to maintain the separate identity and distinctiveness between settlements;
- ii. to maintain the strategic settlement pattern; and
- iii. to prevent the coalescence of settlements.

The land at Crowhurst Park is in a unique position in that the proprietors of the holiday park would not want to see residential development on their wider landholding to the south of the submitted site as it would impact on the attractiveness and viability of the tourism & leisure uses of the site. The wider landholding to the south of the submitted site would act as a buffer to prevent further spread of development into the Strategic Gap. It is noted that whilst the other parcels of land in Crowhurst Park were found unsuitable for residential development their location in the Strategic Gap was not cited as reason for precluding development there.

Paragraph 6.20 of the DaSA notes that *'the break in the ribbon development between the edge of Telham and the Hastings Borough boundary at Breadsell Farm is highly sensitive to change particularly in more open areas and the higher ground and ridges'*. In this respect, the land at Crowhurst Park benefits from significant tree cover and is not considered to be an open area that is sensitive to change. Small-scale development on the submitted site would relate well to the existing built form on the edge of Battle and would be well-screened and separated from the wider countryside so would not lead to the coalescence of Battle and Hastings.

Footpaths within the vicinity of the land provide access to a range of facilities within Battle. Bus stops within walking distance of the site provide regular services to Battle, Bexhill and Hastings all of which have train stations providing services to London amongst other locations.

Paragraph 70 of the NPPF recognises that small scale developments can deliver housing at a faster rate. The land including the existing access road is owned outright by Crowhurst park Ltd and so there are no third party ownership issues which might prevent or delay

development. It is anticipated that a small-scale development here could be delivered at a relatively quick rate.

In accordance with the Government's objective of significantly boosting housing supply we contend the Council should pursue a higher growth strategy to fully meet the full identified housing need for the plan period. Adopting this approach will allow the Council to develop a long-term sustainable growth strategy which provides flexibility to adapt to changes in demand and allow for the inevitable cases where development does not come forward for some reason or under delivers. This is particularly the case given the history of under delivery in the district. It would also allow for a more consistent delivery rate, allowing for a wider range of smaller sites to be delivered while the infrastructure is put in place to serve larger developments.

### **Proposed Strategy: Overall Spatial Development Strategy**

The Regulation 18 draft local plan identifies a number of spatial strategies across the district to respond to different circumstances, including focusing development around the towns of Battle and Rye. More specifically, figure 21 in the Regulation 18 Consultation Plan identifies Battle as having the potential for additional housing growth of up to 485 dwellings.

We support the principle of employing a number of spatial strategies to provide the flexibility to respond to differing circumstances and as a higher tier service centre, Battle makes a logical focus for additional growth.

### **Vision for Battle and Surrounding Settlements**

The vision for Battle indicates that '*A greater amount of sensitive growth will take place south of North Trade Road and west of Hastings Road*'. The submitted land at Crowhurst Park lies to the west of Hastings Road so in principle is in line with this aspect of the proposed policy. The land has the potential to deliver small-scale development which is respectful of the character of the High Weald National Landscape it lies within.

### **Proposed Policy DEV3: Development Boundaries**

Proposed Policy DEV3 states that '*Development boundaries define the area within sustainable settlements where development will be permitted, provided it is consistent with this Local Plan*'.

The explanatory text for this policy explains that settlements identified within Figure 38 (which includes Battle) will have their development boundary reviewed as part of the next stage of the Local Plan process.

The development boundary of Battle is currently set out in the Battle Neighbourhood Plan, as included in **Appendix 2**. The boundary on the southern side of Battle excludes properties on the northern side of Telham Lane, although these immediately abut the development boundary. It is considered logical that the development boundary should be extended to include existing development within Battle and thus the properties on the northern side of Telham Lane should be included within the development boundary. If the development boundary was extended to include these properties in Telham Lane the land that our client is putting forward would lie immediately adjacent to the development boundary and thus would make a logical extension to the development boundary for Battle to allow for more housing growth.

**Proposed Policy DEV5: Development on Small Sites and Windfall Development**

This policy recognises that historically, small sites and windfall development have played a role in the delivery of housing growth in the District and seeks to continue this reliance. We support the inclusion of this policy.

**Site Specific Considerations**

The submitted land identified at Appendix 1, lies on the outskirts of Battle which has been identified as a sustainable settlement.

Battle has been identified in the Regulation 18 Consultation as location for additional residential development under the preferred option which seeks to focus growth in a number of core areas. Subject to site specific considerations it is therefore in a location where the Council have shown support for further development in principle.

Crowhurst Park Ltd control a large area of land at Crowhurst Park amounting to 50 hectares. The majority of this landholding falls within Crowhurst Parish with the northern extremity falling within Battle Parish. The central section of the landholding operates as a holiday park and leisure club which is accessed via a private driveway from Telham Lane. Crowhurst Park Ltd have been reviewing land on the periphery of their landholding which is not required for the main operation of the holiday park and are looking to put forward a parcel of land for residential development which lies within the Battle parish. The land extends to 0.9 hectares and benefits from a separate driveway from the main access to Crowhurst Park up to the entrance to the Cricket Club grounds (remaining with Crowhurst Park Ltd control).

The land is relatively wooded but is not designated as ancient woodland nor is it subject to any tree/woodland order. The front (northern) section is a priority habitat but the land is heavily managed on a regular basis with numerous clearings created.

On the basis of a capacity of 45-75 dph dwellings per hectare (in accordance with proposed policy LWL1) the site would be capable of accommodating up to 40 dwellings as a minimum. However, taking account of the plot sizes surrounding the site and the need to set aside areas for biodiversity net gain it is considered that a lower level of dwellings would be more appropriate likely to be in the region of 6 dwellings.

From the junction of the driveway with Telham Lane there is a short distance (34 metres) to a footway on the A2100 which provides pedestrian access to day-to-day facilities within Battle, with Battle Town Centre being approximately 2 miles from the site. Bus stops within walking distance of the site also provide regular services to Battle, Bexhill and Hastings town centre all of which have train stations provide access to London and other settlements. In the more immediate vicinity of the site there are a small range of day-to-day goods available at Crowhurst Park itself and community access is available to Crowhurst Leisure & Health Club which provides a range of services. Similarly, the bar and restaurant facilities are open to the public. Outside of Crowhurst Park the Black Horse Public House is 0.3 miles from the site

The retention of elements of the existing tree cover would enable development on the site to be well-screened from adjoining residential properties. The driveway which would be used to

access the site is also a public right of way and the impact on this could be considered and mitigated within the design of any future development.

The site lies in Flood Zone 1 so is not at significant risk of flooding. As referred to above the wooded area is not classed as Ancient Woodland. Elements of the site that are designated as Priority Habitat if put forward for development would incorporate appropriate measures with replacement planting where necessary.

There are no listed buildings within the vicinity of the site which might be impacted by development of the submitted land. Whilst the main reception building at Crowhurst Park is listed, the submitted land is sufficiently distanced from this to avoid any perceptible impact on the building or its immediate setting.

### **Proposed Policy EC06 Holiday Sites**

Draft Policy EC06 sets out proposed policy in relation to holiday sites. Our client's interest is in respect of the criteria relating to existing holiday sites. The policy as worded states that on existing holiday sites proposals should:

*'be a limited extension of that site to a natural boundary and make a significant improvement to the appearance and quality of accommodation.'*

This criterion is unnecessarily restrictive in a number of respects. The appropriateness of the proposed scale of extensions to existing holiday park should be considered on a case-by-case basis via the development management process as there are a multitude of factors that affect the appropriateness of the scale of any given holiday park and such a broadbrush approach is unnecessary and unduly restrictive. Crowhurst Park Ltd are not currently looking to increase the amount of holiday accommodation beyond that which is currently permitted but are concerned about the introduction of a policy which would limit the options for the site in the future. Ultimately if there are concerns about the impact of larger scale extensions these can be appropriately considered and controlled through other policies within the local plan, for example policies relating to landscape impacts. Larger scale holiday parks bring with them a number of significant economic benefits which smaller holiday parks cannot provide. In the case of Crowhurst Park the scale of the holiday accommodation along with the ancillary facilities (health club, bar, restaurant) results in the employment of 74 employees in a range of roles which is considered to be a significant economic benefit that would not be realised from smaller-scale holiday parks.

Similarly, the suggestion that extension to holiday parks should be *'to a natural boundary'* is considered to also be unnecessarily restrictive. Larger holiday parks tend to offer a wider range of accommodation types and in terms of making the different accommodation types attractive to prospective occupiers it is helpful if different accommodation types can be set within distinct surroundings. It is common place to use 'natural boundaries' within the site to create different areas for different accommodation types. Were this policy criteria to be applied, otherwise acceptable proposals for alteration of expansion of larger holiday parks might arbitrarily be curtailed.



The reference for a need to *'make a significant improvement to the appearance and quality of accommodation'* appears to suggest that in applying for additional accommodation on an existing holiday park site improvements have to be made to existing accommodation and it is made clear in the explanatory text for this policy that this is the intention. This aspect of the policy is unduly restrictive in that the need to upgrade existing holiday accommodation to new standards should not be retrospectively applied. Furthermore, such a criteria has the potential to make any proposals for additional accommodation unviable if existing accommodation must also be upgraded to be considered acceptable. Operationally such a requirement would also result in unnecessary periods of down time whilst existing accommodation is being upgraded. This is likely to have a significant impact upon the financial model of most holiday parks.

We contend that the criterion limiting extensions to a *'limited extension to a natural boundary'* should be removed and the need for proposals to *'make a significant improvement to the appearance and quality of accommodation'* should be amended so that a requirement for high quality accommodation only applies to newly proposed holiday accommodation and not to existing holiday accommodation units.

I trust that the enclosed information is clear and I look forward to receiving confirmation of receipt of this submission.

In the meantime, should you require any further information, please do not hesitate to contact me.

Yours faithfully

A solid black rectangular box used to redact the signature of Christine Dadswell.

**Christine Dadswell MRTPI**