

ROTHER DRAFT LOCAL PLAN 2020-2040: REGULATION 18 - CONSULTATION RESPONSE

Site: Land at Boarsney Farm, Bodiam Road, Robertsbridge, TN32 5SR

Client: Mr Richard Bailey

Prepared by: DHA Planning Ltd

Reference: DHA/33894

1.1 Introduction

- 1.1.1 This representation has been prepared on behalf of Mr R Bailey in response to the Rother District Council 'RDC' Local Plan (Regulation 18) consultation which runs until 23rd July 2024.
- 1.1.2 RDC is in the process of preparing a new Local Plan to set out a strategy for development across the district for the period to 2040 and is seeking views on the overall spatial strategy, the visions and objectives and the Plan's draft strategic and development management policies.
- 1.1.3 Our client controls 'Land at Boarsney Farm, Bodiam Road, Robertsbridge' ('the Site' or 'Land at Boarsney Farm') and is promoting the Site for allocation as part of the emerging Local Plan process. The Site comprises an arrangement of underutilised agricultural buildings and is promoted for inclusion within the draft Plan as a small-scale residential allocation, with capacity for approximately eight dwellings achieved through the re-use of existing farm buildings.
- 1.1.4 For completeness, the Site is being simultaneously promoted through the RDC Call for Sites process which runs alongside this Regulation 18 consultation. The Call for Sites process has been extended as the current Housing and Employment Land Availability Assessment ('HELAA') does not identify enough 'potentially developable' housing sites to accommodate the Government's objectively assessed need for Rother. Additional sites submitted will be used to inform an updated HELAA to be published at a later date.
- 1.1.5 This document responds to the Regulation 18 consultation questions, before assessing the strategic suitability of our client's site 'Land at Boarsney Farm, Robertsbridge' as a future housing allocation, capable of addressing housing need in the rural areas through a sensitive, landscape-led conversion proposal.
- 1.1.6 Whilst the consultation document does not expressly invite comment on individual sites, it is highly pertinent to the consideration of the different spatial strategies to consider the suitability and deliverability of individual sites to ensure the Local Plan is deliverable and thus "sound" (NPPF, paragraph 35), particularly in regard to the capability of the Plan to address the needs of rural communities and support the long-term vitality of rural settlements which may often be overlooked by the Plan-making process.

1.1.7 For the avoidance of doubt, this representation is supported by the following documents:

- Completed RDC Regulation 18 Consultation Form
- DHA/33894 - RDC Regulation 18 Consultation Response (*this document*)
- 24-04-SK03 - Proposed Site Plan
- 24-04-SK04 - Existing Site Plan

1.2 Plan Context

Consultation Background

1.2.1 RDC are required to prepare a new Local Plan, as the current suite of development plan documents, which comprises the Core Strategy and the Development and Site Allocations Local Plan were adopted in September 2014 and December 2019 respectively.

1.2.2 The development plan documents, and the policies contained within, pre-date current national planning policy, practice guidance and local evidence and consequently require updating in accordance with paragraph 33 of the NPPF (2023) which requires policies to be reviewed at least once every five years.

1.2.3 RDC are in the process of preparing a new Local Plan which will set out a strategy for development for the period to 2040. The draft Local Plan has been prepared with two overall priorities 'Green to the Core' and 'Live Well Locally' which emphasis the role of planning on the environment and sets a goal to create healthy, sustainable and inclusive communities.

1.2.4 With these two overall priorities in mind, Council are seeking the views of communities to shape the draft Local Plan which includes proposed strategic policies relating to the distribution and delivery of housing, employment floorspace, community facilities and supporting infrastructure across the district.

1.2.5 For the avoidance of doubt, the Regulation 18 Plan does not include individual site allocation policies. The intention is to consult on the development strategy and draft Housing and Employment Land Availability Assessment (HELAA) before final site selection and specific site allocation policies.

Housing Context

1.2.6 In terms of housing, the adopted development plan policies have consistently failed to address the housing needs of the district. The 2014 Core Strategy was tasked with a 29% uplift in housing growth (+1,380 new homes) compared to that required under the South East Plan, equating to a total of 6,180 new homes. However, the adopted housing target was eventually reduced to 5,700 homes, with the Council citing the cancellation of major infrastructure capacity upgrades on the A21 and Hastings to Ashford railway line, as well as the major district constraints of the High Weald AONB (now National Landscape), international and national nature conservation sites and low-lying areas of flood risk as justification for the reduced target.

1.2.7 Given the development plan is now more than five years old, the Council are required to use the standard methodology-derived housing need figure of 733 dwellings per annum in the absence of an up-to-date Plan. The uplifted figure is

more than 100 dwellings greater than the previously adopted target, however recent housing delivery has seen build-out rates fall below even historic 1991-2011 levels (average 245 dwellings per annum). The Council's latest Housing Delivery Test 'HDT' result of 41% (UK Government HDT, December 2023) equates to the delivery of 661 dwellings over the three-year monitoring period, or just 220 dwellings per annum.

- 1.2.8 In terms of housing supply, the Council's latest published position (RDC Housing Land Supply, December 2023) is 3.09 years and represents only a very modest improvement over last year's position. Even measured against the Core Strategy target, the position would remain just 3.69 years.
- 1.2.9 It is therefore vital that the Local Plan review is undertaken and puts in place a robust and ambitious strategy for growth, that is genuinely capable of delivering the substantially increased quantum of housing that is urgently needed by the district's current and future residents.

Local Plan Requirements

- 1.2.10 Whilst this consultation falls under the scope of Regulation 18 and remains 'informal', the next pre-submission (Regulation 19) draft will need to demonstrate that the Plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In line with the current requirements of the NPPF, to be sound the Plan must be:
- ***Positively prepared*** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - ***Justified*** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - ***Effective*** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - ***Consistent with national policy*** – enabling the delivery of sustainable development in accordance with the policies in the Framework.
- 1.2.11 Having considered the content of the current consultation document, the evidence and the assumptions that underpin the draft Local Plan, we consider that there are significant issues that need to be addressed prior to the finalisation of the draft Plan if the Council is to ensure that it will meet the tests of soundness.
- 1.2.12 To provide constructive feedback and assist the process, this submission provides comments on a topic basis, highlighting where we believe any areas of concern lie and where modifications are required.

1.3 Response to the Regulation 18 Consultation Questions

Question 1: What are your views on the Council's Vision?

1.3.1 According to the Vision, by 2040:

"The needs of all the local community will be met, with an emphasis on enhanced health and wellbeing for now and into the future. Bold solutions will have successfully addressed the climate and biodiversity emergencies and the housing crisis."

1.3.2 We agree with the vision in principle and strongly welcome the decision to put addressing the housing crisis at the forefront of the Plan. The Core Strategy 2014 notably refers to meeting local needs, but does not explicitly refer to housing, nor put the extent of the need in such strong terms.

1.3.3 It cannot be ignored that the adopted development plan has ultimately fallen substantially short in its ambition to meet the need of communities and did so from the very start.

1.3.4 However, whilst the recognition of the housing crisis within the Vision is a positive initial step, it must be backed by a suite of ambitious and robust policies capable of delivering the contents of the Vision on ground and providing tangible change for the district's current and future residents currently grappling with the extent of the housing need shortfall in Rother.

Question 2: What are your views on the proposed twin overall priorities to be 'Green to the Core' and 'Live Well Locally'?

1.3.5 The Vision is further translated into two Overall Priorities: "Green to the Core" which means considering the impact of all planning decisions on the climate emergency, the biodiversity crisis and the High Weald National Landscape, and "Live Well Locally." The latter means considering the goal of creating healthy, sustainable communities, supporting residents in terms of access to jobs, services and facilities, connected and compact neighbourhoods and new places that foster a sense of belonging, identity and shared experience. While we agree with these the overall thrust of these priorities, neither adequately go to the heart of the urgent need for housing, including specifically addressing the current housing crisis.

1.3.6 The housing crisis is both persistent and acute in Rother and getting a Local Plan in place is the first step to ensure proper, planned delivery of housing in a consistent and sustainable manner to ensure the Council can realise its two overall priorities. However, the Local Plan needs to honestly address the scale of the housing shortfall and the importance of meeting the local housing need in full. Accordingly, we recommend that "Live Well Locally" is expanded to specifically confirm that it will be the aim of the Council to address the housing crisis in all communities, both urban and rural, by planning to meet the local housing need in full and ensuring the delivery of housing on the ground is maximised.

Question 3: What are your views on the key issues that have been identified and is there anything significant missing?

- 1.3.7 The draft Local Plan seeks to address ten key planning issues, which are stated to stem directly from the Vision for the Plan and link to the Council's two 'Overall Priorities'.
- 1.3.8 In response, all ten 'key issues' are important and should be integrated into the overall strategy. As previously mentioned, the need to fully address housing needs should be explicitly identified as an "Overall Priority," as it is not adequately captured by the strategic priorities of "Green to the Core" and "Live Well Locally." We welcome the recognition of the housing need within the 10 key issues, although would expand the issue to capture the needs and deliver benefits to both urban and rural communities, the latter of which who can be frequently abandoned by the Plan-making process, in favour of the 'more sustainable' urban areas.

Question 4: What are your views on the Council's objectives for the Local Plan?

- 1.3.9 The draft Local Plan sets out ten strategic spatial objectives, which will be used to support and deliver sustainable development.
- 1.3.10 Spatial Objective 4 recognises the need to respond to the housing crisis and help facilitate the delivery of housing to meet the needs to different groups. This will be achieved by maximising the potential opportunities for residential development in sustainable and deliverable locations. We strongly support this objective and it is encouraging that the Council specifically refer to the housing situation as a crisis. We do however question the validity of inferring that there is a matter of choice about the delivery of housing and economic needs, given the clear legal requirement of the Plan to meet social and economic needs.
- 1.3.11 As outlined within the consultation document, there is a need to identify enough sites to deliver a minimum of 737 homes per year. This target is not an arbitrary Government top-down target, and instead is based on the Government's standard methodology and directly corresponds to the district's established population, affordability, and future needs. Accordingly, creating a place where the range of housing needs are being met in full, and improved, should be clearly explained to be a minimum requirement – it is the way it is achieved that should be subject to more open questions to the public.
- 1.3.12 We would suggest some minor modification to clarify that the plan is positively prepared and fully aligned with the provisions of the NPPF to make it clear that the plan as a minimum, seeks to meet the area's objectively assessed needs:
- "Respond to the housing crisis and help facilitate the delivery of housing to meet the needs of different groups in the community in full [...]"*
- 1.3.13 We would also suggest the inclusion of proportionate rural housing alongside the need to deliver affordable housing, specialist housing and custom and self-build / custom homes. Whilst maximising development in the most sustainable and deliverable locations is logical, there is increasingly limited capacity in the district's major urban areas and separate issues of declining viability and social vitality in rural communities, resultant in part due to a lack of plan-led growth should be addressed by facilitating proportionate growth in rural settlements.

- 1.3.14 With regard to the above, we are supportive of Spatial Objectives 5 and 7 in principle, which seeks to focus growth in sustainable locations, or places that can be made sustainable through supporting infrastructure and community facilities. However, this must be balanced by accompanying development across the settlement hierarchy and in rural locations, particularly given the limited capacity of the major settlements if the Council intend to meet the local housing need in full.
- 1.3.15 In all respects, it is vital that these objectives are carried forward into specific policies and site allocations in subsequent versions of this emerging Local Plan, ensuring that all communities in the district are afforded the opportunity to grow and benefit from the products of new development and the delivery of sites is maximised by ensuring that opportunities for the re-use of existing buildings and delivery of appropriate densities are achieved on all identified opportunities.

Question 5: Are there any alternatives or additional objectives and/or the ways to achieve the objectives of the Council should be considering?

- 1.3.16 Having regard to our response to question 4, we suggest an additional spatial objective which serves to address the needs of rural communities by facilitating opportunities for proportionate growth in rural locations, including through re-use of underutilised land and buildings and recognising that these may be located in less accessible locations.

Question 6: What are your views on the Council's proposed policy GTC1: Net Zero Building Standards?

- 1.3.17 We support the general principle of ensuring that new development contributes to climate change mitigation by reducing emissions through energy efficiency and the way that fossil fuels are used, as well as addressing the ways in which developments are designed, constructed and operate over their lifetime. However, draft policy GTC1 seeks to set ambitious net-zero carbon standards for new development that go beyond the minimum standards provided by the Building Regulations.
- 1.3.18 On 13 December 2023, a Written Ministerial Statement advised that while some local authorities' plans exceed national efficiency standards, the Government aims to balance improving home efficiency with ensuring sufficient housing is built. The Statement also notes that multiple local standards can increase costs and complexity, undermining economies of scale. Thus, the Government does not expect plan-makers to set local energy efficiency standards beyond current or planned building regulations. It advises that:

"any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.

The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP)."

- 1.3.19 The Draft Plan recognises that this policy does not currently meet these criteria. Moreover, the detailed requirements do not reflect the evolving nature of zero carbon building policy, where standards inevitably will change in response to technological and market advancement and more stringent nationally set standards. Policy GTC1 contains little flexibility to allow for such changes and provides a high degree of certainty about the standards that will be applied over the lifetime of the Plan. This brings into question whether the evidence that supports the standards justifies the approach as a sound one.

Question 22: What are your views on the Council's proposed policy for Biodiversity Net Gain?

- 1.3.20 We note that under policy GTC8, all qualifying development proposals must deliver at least a 20% measurable biodiversity net gain. Whilst we support the principle of achieving net gain, there is no apparent evidence of the Council understanding the implications of what a 20% uplift would require, nor any justification as to why provision above the mandatory 10% requirement is sought.
- 1.3.21 In February 2024, Planning Practice Guidance (PPG) was updated to advise plan-makers that they should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration is also needed to be given as to how the policy will be implemented (Paragraph: 006 Reference ID: 74-006-20240214).
- 1.3.22 Comparatively, the Draft Plan states that a higher level is justified because "opportunities to deliver this off-site, if necessary, are available locally" and because "the viability of development is unlikely to be unduly impacted in most cases". The Plan is accompanied by an Environmental Management Background Paper (2024), which refers to a justification for a 20% net gain (dated September 2020) and a viability assessment (dated June 2022) prepared by the Kent Nature Partnership. Neither of these documents relate to Rother District, nor meet the requirements of the PPG.
- 1.3.23 If this policy is implemented, development assumptions must factor this in, and ultimately, more sites will be needed to deliver the Local Plan housing requirement as 20% Biodiversity Net Gain will inevitably reduce developable areas resulting in lower yield of dwellings from allocated sites.
- 1.3.24 For both urban and rural sites and particularly sites being promoted by individual landowners and small-medium housebuilders the assumption that net-gain can be simply delivered off-site is a gross oversimplification of the process made without any evidence of deliverability and disregards the costs and practical difficulties associated with entering into agreements with off-site landowners.
- 1.3.25 The Council have themselves stated the limited land availability being brought forward and are currently suggesting that less than half of their total housing need

is capable of being delivered. To suggest that there is plentiful land availability to deliver off-site net gain on-site is frankly disingenuous.

- 1.3.26 Consequently, at this stage we are extremely concerned that policy GTC8 is not underpinned by appropriate evidence, does not demonstrate that the approach taken will be viable, and is therefore not “justified” (NPPF, paragraph 35). At this stage there is no financial viability or land availability evidence to suggest that anything greater than 10% Biodiversity Net Gain is deliverable in Rother.

Question 28: What are your views on the area types and densities proposed as a key driver to ‘Live Well Locally’?

- 1.3.27 Proposed Policy LWL1 sets out minimum densities for different areas, as defined by Rother’s Density Study:

- Urban areas in Bexhill, Battle and Rye: 60-90+ dph;
- Suburban areas in Bexhill, Battle, Hasting Fringes and Rye: 45-75 dph;
- Live well locally areas: 45-60 dph;
- Village areas (with development boundaries): 25-45 dph.

- 1.3.28 It is not clear from the Density Study (April 2024) whether these figures are measured in terms of gross or net density. Moreover, these area types have not yet been confirmed, so it is difficult to comment on the proposed density ranges.

- 1.3.29 We are however concerned that the densities for all areas appear very high and we question the practicality even in the urban areas of consistently delivering 60dph as a minimum figure and 90dph as an upper figure. In rural areas, typically washed over by the High Weald National Landscape achieving even the minimum 45dph and 25dph densities may simply not be achievable from a design perspective.

- 1.3.30 We therefore suggest that an emphasis on sourcing additional sites is made a priority before relying on high-density development to address the shortfall.

Question 30: What are your views on the Council’s proposed policy on facilities and services?

- 1.3.31 According to proposed policy LWL2 (Facilities & Services) all development proposals for one or more new dwellings in Urban, Suburban and ‘Live Well Locally’ Area types, must be located within “an 800m safe, usable walking distance of a mix of local amenities”.

- 1.3.32 In village and countryside area types it is recognised that access to services may be more than 800m and states in these cases, development must be located on safe, useable walking routes, that are an appropriate distance to a suitable bus stop facility, served by an appropriate public transport service(s), which connects to destination(s) in a site’s respective sub-area that contains the remaining local amenities.

- 1.3.33 Whilst we agree with the premise of the policy, it must be ensured that the policy is not applied excessively rigidly such that opportunities for development in rural

areas, capable either in themselves or in combination with other proposals, of improving footpath, services and public transport provision are not inadvertently in conflict with the policy on the basis that such provisions are not available as existing. The policy should therefore be reworded to allow for proposed and future services to be considered and to recognise the sustainability benefits that can also be achieved through the re-use of underutilised land and buildings.

Question 51: What are your views on the Council's preferred spatial development options?

- 1.3.34 The Council has considered a series of potential spatial development options (SDOs), and these have been individually assessed through the Sustainability Appraisal process. Rother's proposed development strategy is a combination of the following options:
- Bexhill Greenfield Growth (without new multi-modal transport corridor); (SDO3A)
 - Radial settlement network connected to Bexhill and Hastings (SDO2)
 - Village Clusters centred around Rye and Battle; (SDO1)
 - Sustainable settlement growth, with focus along the A21 Corridor; (SDO4, SDO10)
 - Hastings fringes urban growth (SDO5)
 - Brownfield Intensification and Redevelopment. (SDO6)
- 1.3.35 Whilst we recognise the need to direct development towards the most sustainable settlements, we are extremely concerned at the relative lack of growth options in the Northern Rother sub-area. Spatial option SDO10 suggests a focus along the A21 corridor, which would likely include northern villages, however we are concerned that this option appears intended in the longer term and therefore fails to address the needs of northern Rother residents in the early and mid-phases of the Plan.
- 1.3.36 Given that the Plan as draft fails to meet even half of the district's local housing need, we strongly suggest that the submission version spatial strategy includes scope for the delivery of modest rural development opportunities, including the re-use of underutilised land and buildings and does not exclude such rural communities, which are disproportionately located in the northern Rother sub-area from the benefits of plan-led growth.

Question 54: What are your views on the Council's proposed spatial development strategy and proposed minimum targets for housing and employment growth?

- 1.3.37 It is the expectation that local planning authorities will plan to meet their full assessed need, as required by the NPPF (paragraph 11b and paragraph 23), supporting the Government's objectives to significant boost the supply of homes (NPPF, paragraph 60).
- 1.3.38 According to the Overall Spatial Development Strategy, the Council will meet the local need for all forms of housing. To achieve this, a minimum of 5,158–7,287

dwellings at an average rate of 258–364 dwellings per annum (dpa) are proposed to be constructed by the end of the Plan period in 2040.

- 1.3.39 The draft Local Plan is evidenced by a Housing and Economic Development Needs Assessment Update (HEDNA) (February 2024) jointly prepared with Hastings Borough Council to assess future development needs up to 2040. This states that the Standard Method calculation results in a minimum Local Housing Need (LHN) figure of 737 dpa for Rother, which is in sharp contrast to the proposed target of 258–364 dpa. As drafted the Plan falls grossly short of the genuine need and a shortfall of more than 50% is likely to be found unsound on the basis of not being positively prepared, given the lack of evidence to suggest such a low target.
- 1.3.40 As evidenced in Table 2.1, the Council has consistently failed to deliver against its housing requirement. This has no doubt led to the current acute shortage of housing in Rother and its current identified need. During this time, the need for affordable housing has also become even more acute, with 238 dpa required for affordable rented housing tenure and 87 dpa required to be affordable home ownership tenure. Therefore, the total net annual affordable housing need for the period 2021 to 2044 is 325 dpa (equivalent to 44% of the local housing need figure based on 737 dpa, which is high).
- 1.3.41 It is clear therefore, that the proposed minimum targets for housing growth fall overwhelmingly short in meeting the local need for all forms of housing.

Historic Housing Delivery in Rother			
Year	Completions	Requirement (at that time)	Difference
2015/16	246	336	-90
2016/17	283	335	-52
2017/18	186	336	-150
2018/19	255	336	-81
2019/20	247	363	-116
2020/21	175	490	-315
2021/22	239	740	-501

TABLE 1: SUMMARY OF HISTORIC HOUSING DELIVERY IN WEALDEN

- 1.3.42 It is acknowledged that the present target is a draft target and is largely a function of the limited supply of identified land within the HELAA. We understand that the Council are running a Call for Sites alongside the Regulation 18 consultation in anticipation of preparing an updated HELAA prior to the publication of the final Plan, in the hope of identifying additional sites.
- 1.3.43 We however emphasise that in its current form, the Plan falls significantly short of meeting its targets such that it will likely be found unsound. Consequently, it is imperative that additional sites are identified, alongside the capacity of existing sites being reviewed in order to more appropriately address the local housing need and to match the 'bold' and 'ambitious' vision of the Plan.

Duty to Co-operate

- 1.3.44 It is also important that the Council has regard to any needs that cannot be met within neighbouring areas when establishing the amount of housing to be planned for, to ensure the Plan is “positively prepared” (NPPF, paragraph 35).
- 1.3.45 According to the Engagement and Duty to Cooperate Statement, Rother has prepared a Joint Statement with Hastings Borough Council in order to develop and action matters of cross-boundary importance and most importantly, explore joint opportunities to maximise housing delivery. However, other LPAs that neighbour Rother District who may not be able to meet their local housing need include Wealden, Tunbridge Wells, and Ashford, whilst Eastbourne Borough Council has recently declared a Housing Emergency, following a similar declaration by Crawley Borough Council.
- 1.3.46 RDC will be required to demonstrate how they have sought to engage with these authorities to establish whether they should be accommodating any unmet need. Demonstrably failing to consider this issue will place the Local Plan at risk of not being found sound. It is therefore even more pressing that the Council plans to meet its housing objective in full, since this could contribute to a worsening housing supply and affordability if there is consistent under delivery of housing in this part of East Sussex and Kent.

Question 68: What are your views on the Vision for Northern Rother?

- 1.3.47 We are generally supportive of the proposed vision for Northern Rother which recognises the need for rural settlements and communities to benefit from Plan-led growth, through small-scale sensitive residential development and growth in villages.
- 1.3.48 The need to promote sustainable development in rural area is contained within the NPPF which requires housing to be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby (paragraph 83).
- 1.3.49 We strongly agree that there are opportunities for sensitive development in the short term, including through the development of underutilised land and buildings. Where suitable opportunities for re-use exist, we strongly suggest that these are maximised for potential to accommodate additional growth, given the district-level shortfall in site availability.
- 1.3.50 We support the long-term ambitions for greater delivery upon completion of improvement to the A21 corridor, however such works fall outside either the scope or timeframe of the Local Plan and cannot be relied upon as a source of growth within the Plan period.
- 1.3.51 We therefore urge the Council to maximise available opportunities within the northern rural settlements, such as opportunities to re-use existing buildings for the delivery of new homes, both to ensure the long-term viability of rural businesses and social vitality of rural communities and also to assist in addressing the district-wide shortfall in land availability.

Question 76: What are your views on the district-wide development potential for the Local Plan up to 2040 which is presented in 4, 35 and 36?

- 1.3.52 The Councils' housing supply components are consolidated in Table 2.2 and set a housing target of between 5,158 and 7,287, representing a shortfall of up to 9,582 dwellings.

Source of Housing Supply	Total Dwellings
Constructed 1 April 2020 – 31 March 2023	802
Known completions and commencements on large sites since 1 April 2023	340
With Planning Permission	1,693
DaSA and Neighbourhood Plan allocations without permission brought forward	1,660
Additional HELAA potential sites	2,129
Windfall projection (across the district)	663
Total Range	5,158 - 7,287

TABLE 2: PROPOSED SOURCES OF HOUSING SUPPLY

- 1.3.53 Neither the Housing Background Paper (April 2024) nor the Development Strategy Background Paper (April 2024) contain any evidence to support these figures, particularly in relation to known completions and sites with Planning Permission. Based on the level of information available, it is therefore difficult to determine with any level of certainty whether the purported supply is reliable and how this relates to the NPPF definition of being deliverable. The Council should make it clear through its evidence base how these units have been counted towards the overall supply in order to ensure the Plan is "justified" (NPPF, paragraph 35).
- 1.3.54 Furthermore, it cannot be assumed that each one of these sites with Planning Permission will come forward either in part or in full. For instance, consents can lapse or the full development potential of a site may not be achieved, for example, Reserved Matters consent is granted for fewer homes than consented under an Outline permission. Based on previous delivery rates, a non-implementation rate must therefore be applied, allowing for an element of under-implementation.
- 1.3.55 The suitability of relying on vague developer statements was recently addressed during consideration of appeal Ref: APP/Q3115/W/20/3265861 for Little Sparrows, Sonning Common, Oxfordshire where the Inspector offered clear findings on the benchmark level of evidence required to meet the deliverability tests of the PPG. The Inspector concludes evidence of deliverability requires more than just being informed by landowners, agents or developers that sites will come forward.
- 1.3.56 Accordingly, if the identified sites are to be relied upon in the final plan it will require a substantial and robust extent of evidence in order to ensure the Plan is "justified" (NPPF, paragraph 35).

Question 77: Do you agree with the principal identified by the Council of achieving a stepped housing delivery with greater levels of delivery planned for later in the plan period?

- 1.3.57 The Council acknowledges that a significant step change in housing delivery is required in order to deliver a significant uplift compared to current and historic delivery rates. As a result, it proposes to deliver a stepped increase in housing delivery with a greater amount of development coming forward towards the end of the planning period.
- 1.3.58 Notwithstanding this, the proposed number of dwellings to 2040 is only just sufficient to cover Rother's current five-year housing land supply (as at 1 April 2023). Therefore, we are concerned that a stepped approach will result in an even greater undersupply of homes in the short to medium term, leaving an overall gap in provision against assessed needs within the district across the entire Plan period.
- 1.3.59 In accordance with paragraph 69(a) of the NPPF, planning policies should identify a supply of specific, deliverable sites for years 1 to 5 of the plan period following the intended date of adoption. In plan-making, the Inspector examining the plan will test the evidence to ensure that the 5 year housing land supply identified in strategic policies is sound. The housing crisis means that additional housing is required urgently now, and if RDC do want to plan for a stepped trajectory, stronger evidence to justify why this is necessary must be presented.

Question 87: What are your views on the Council's strategy approaches to small sites and windfall development?

- 1.3.60 We support the intention to pursue a target of 20% of housing delivery to be delivered on small/medium sites and we agree in principle with the identification of the neighbourhood plan process as a source of small/medium site supply.
- 1.3.61 However, given the 20% target, equating to some 150 new homes a year if meeting the local housing need in full, we question whether such a high housing delivery figure from this source is achievable given the historic windfall delivery circa 45 dwellings per annum and whether the neighbourhood plan process is capable of allocating sufficient sites to meet this target.
- 1.3.62 We strongly suggest that suitable identified sites are given the certainty of allocation within the district plan wherever possible, to provide maximum certainty to prospective developers and ensure that sites capacities have been appropriately maximised.

Question 116: What are your views on the Council's proposed policy on affordable housing?

- 1.3.63 To meet the district's need for affordable housing, all qualifying housing developments delivering 10 or more units, or proposals for 6 or more units within the High Weald National Landscape, or sites of 0.5 hectares or more, will be required to provide on-site affordable housing. At this stage, the minimum percentage has not been set out and will be informed by viability analysis, to be completed following the Regulation 18 Consultation on the Local Plan.
- 1.3.64 The policy sets out the indicative tenure mix for affordable housing as follows:
- 25% First Homes (where required in accordance with national policy);
 - 58% Social/ Affordable Rented;

- 17% Other Affordable Home Ownership.

- 1.3.65 As stated in response to question 114, it is important that this policy recognises that housing needs change over time and a tenure mix in 2024 will very unlikely reflect the needs in subsequent years. Therefore, the policy must allow flexibility to account for market conditions. Onerous or inflexible affordable requirements can upset a site's viability and accordingly it is essential that the viability of the proposed policy is carefully assessed.
- 1.3.66 Additionally, although initially introduced by a WMS in May 2021 and briefly referenced in paragraph 6 and footnote 36 of the NPPF, the requirement for First Homes is not mandatory. The policy should recognise that it is not to be applied in a blanket fashion, and that its place in the statutory scheme of things is as a material consideration and no more.

Question 140: What are your views on the Council's proposed policy on new dwellings in the countryside?

- 1.3.67 Policy HOU13 relates to new dwellings in the countryside and sets out that new dwellings will be allowed only in very limited circumstances. One such circumstance comprises:

"The conversion of traditional historic farm buildings or other heritage asset in accordance with Policy HER2 and paragraph 84 of the NPPF"

- 1.3.68 The conversion of rural buildings for alternative uses, including residential is well-established as an effective form of development, capable of bringing redundant buildings back into use, regenerating low-quality sites and in constrained areas, has proved a reliable source of small-scale new housing and an opportunity to enhance low-grade sites in sensitive landscape areas.
- 1.3.69 From a sustainability perspective, whilst sites may more often be located outside of settlement areas, locational sustainability is just one branch of sustainable development and the benefits associated with the re-use of existing built form and materials compared to new construction, as well as the opportunity to enhance the environmental and biodiversity quality of often poor-quality sites are significant. Moreover, any new dwellings delivered using existing developed sites in constrained districts, simultaneously reduces the need to develop greenfield sites to meet the local housing need.
- 1.3.70 Given the above, we are extremely concerned that the criteria as drafted seeks to restrict the re-use of rural buildings to 'traditional historic farm buildings or other heritage assets'. Such an approach would fail to make use of the supply of potential redundant buildings in the district for alternative uses, which given the present shortfall of identified housing supply within the draft Plan and reliance on windfall delivery to address a large portion of the shortfall, amounts to a gross missed opportunity to diversify the sources of supply.
- 1.3.71 Furthermore, the policy cites accordance with paragraph 84 of the NPPF. Paragraph 84 makes provision for homes in the countryside where:

"the development would re-use redundant or disused buildings and enhance its immediate setting"

- 1.3.72 The NPPF does not include a qualifying criteria for buildings to be considered for re-use and we therefore object to policy as HOU13 as drafted, on the basis of conflict with national policy.

Question 204: What are your views on the Council's proposed policy on traditional historic farm buildings?

- 1.3.73 Following our response to Question 140, whilst we support the principle of policy HER2, which seeks to retain traditional historic farm buildings in effective and appropriate use, we do not consider it to be appropriate to restrict opportunities for the re-use of agricultural buildings to those of a traditional or historic nature, particularly given the pressing need for additional housing in the district and the potential contribution that the sustainable small-scale conversion of existing rural building could make to addressing the housing shortfall by way of windfall supply.
- 1.3.74 It is not defined what will constitute 'traditional' or 'historic' and the application of the policy is likely to be highly subjective. As set out above, the NPPF makes explicit provision for the creation of new homes via the re-use of redundant and disused buildings without qualifying criteria, provided proposals enhance the immediate setting and in our experience, such opportunities provide a reliable and steady source of high-quality new homes throughout the Plan period, provided suitable development management policies are in place.
- 1.3.75 We therefore consider policy HER2, in combination with policy HOU13 to be inconsistent with national planning policy as drafted and strongly suggest that the Council review their approach to the re-use of rural building to deliver new homes prior to the publication of the Regulation 19 Plan.

1.4 Proposed Residential Allocation Site

Site Context



Figure 1: Approximate aerial site location (Google Earth)

to match those found in the locality throughout and set within a high quality scheme of internal and boundary landscaping carefully prepared in the context of the High Weald National Landscape.

Strategic Justification

- 1.4.6 At the District-scale, the Council's spatial strategy makes provision for sustainable settlement growth, however more specifically, RDC's draft vision for the Northern Rother sub-area makes clear the intention to support the viability and social vitality of the rural communities through small-scale residential development which the Council aim to ensure that health and wellbeing and community cohesion is maintained and improved.
- 1.4.7 At this stage in the Plan-making process, the Plan does not identify specific site allocations, however with much of the district's population living in rural or remote areas, a range of site locations and options are needed and the NPPF promotes a balanced distribution of development. For example, paragraph 74 is clear that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns. However equally, paragraph 70 acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. At paragraph 82 the framework states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.
- 1.4.8 It also clear that there are severe shortages in the availability of housing land in the district's most sustainable location. As drafted, the Plan will seek to deliver less than half of the standard methodology housing need figure and it is clear that additional sites are urgently needed.
- 1.4.9 We therefore strongly suggest that all options are explored to increase the supply of housing within the Plan period, including reviewing the suitability of developed sites within the countryside capable of delivering additional housing capacity.
- 1.4.10 The identification of additional housing capacity is plainly necessary in villages including Flimwell, in order to address the housing land availability shortfall within the period to 2040. The failure to do risks further isolating rural communities and damage to the social and economic vitality of the district's fragile rural settlements.
- 1.4.11 In this context, our client's site at Boarsley Farm comprises a logical well-contained conversion opportunity, utilising existing built form preserve the working rural character of the site whilst delivering approximately eight new family dwellings alongside a comprehensive scheme of landscaping and ecological enhancements and bringing associated landscape character and heritage benefits.
- 1.4.12 The submission site is capable of contributing positively to the social and economic activities within the rural community and is promoted as a relatively unconstrained, conversion development opportunity with capacity to deliver a modest quantum of new housing, biodiversity enhancement and financial contributions early in the Plan period and is promoted as available, suitable and achievable for the allocation of approximately eight dwellings.

Wider Considerations

Sustainability

- 1.4.13 The re-use of existing built form to deliver new homes will result in significant sustainability benefits associated with the re-use of existing buildings and materials compared to new construction, including the substantial reduction in carbon emissions associated with re-use, as well as the opportunity to enhance the environmental and biodiversity quality of the site. Moreover, any new dwellings delivered using existing developed sites in Rother will simultaneously reduce the need to develop greenfield sites to meet the local housing need shortfall.

Heritage and Landscape

- 1.4.14 Like the majority of the Northern Rother sub-area, the site is washed over by the High Weald National Landscape and the neighbouring property 'Boarsley Farmhouse' is Grade II Listed. However, the characteristics of the site comprising a compact farmyard with large existing built form amount to a logical conversion opportunity without risk of further encroachment or the loss of sensitive countryside and could be delivered without detracting from the significance of the heritage asset.
- 1.4.15 The arrangement of existing built form provides an excellent opportunity for a well-designed rural housing scheme which will maximise the use of existing built form to create a subtle and non-intrusive conversion development which preserves the form and character of the working rural site, whilst still maintaining the open character, sensitive landscape views and incorporating high-quality boundary and internal landscaping measures, resulting in an overall enhancement to the visual quality of the site within the High Weald and the setting of Boarsley Farmhouse.

Flood Risk and Drainage

- 1.4.16 The site is located within Flood Zone 1 and is not identified to be a risk of fluvial, tidal or surface water flooding. The site is considered suitable for residential allocation from a flood risk and drainage perspective with capability to deliver on-site SuDS.

Contamination

- 1.4.17 Any future scheme would be supported by a detail contamination assessment having regard to the agricultural use.

Biodiversity Net Gain

- 1.4.18 The Environment Act 2021 makes a minimum of 10% biodiversity net gain (BNG) mandatory for all new development in England from January 2024.
- 1.4.19 At this early stage, there are no identified constraints that would prevent the site being able to deliver on-site biodiversity net gain to meet local and national BNG requirements.

Residential Amenity

- 1.4.20 Any future scheme will have careful regard to the relationship between the proposed development and existing properties nearby. The indicative proposals demonstrate how the site may be developed with minimal impact on residential amenity compared to the existing agricultural use and which would be further mitigated by the degree of achievable separation distances and reinforced boundary landscaping.

Highways and Access

- 1.4.21 Access design and improvements are subject to ongoing feasibility work by the project team with an expectation to provide additional information as the emerging Local Plan progresses and upon submission of a planning application.
- 1.4.22 Nevertheless, at this early stage no constraints with regard to access are anticipated and the existing access arrangement are considered to be suitable to serve the proposed development capacity, subject to further details.
- 1.4.23 Given the above, it is considered that the proposed development would not result in 'severe' residual transport impacts, in accordance with the NPPF, and that it represents sustainable development in transport planning terms

Site Availability and Deliverability

- 1.4.24 On behalf of the landowner, we submit that there are no known financial restrictions that would impact upon the viability of a future housing scheme or that would prohibit development coming forward within the early stages of the Plan period. To the contrary, we consider there to be an opportunity to deliver a high-quality residential development scheme that can deliver urgently needed new homes and contribute to a range of rural community facilities and services locally.
- 1.4.25 The site is in single ownership and there are no known complex legal agreements or covenants that would prohibit the ability to bring forward the site early in the Plan period. The site is therefore considered available and achievable for the purposes of the tests of deliverability.

1.5 Conclusion

- 1.5.1 This representation has been prepared on behalf of our client Mr Richard Bailey in response to the Rother District Council Local Plan (Regulation 18) consultation which closes 23rd July 2024.
- 1.5.2 Our client controls 'Land at Boarsney Farm, Bodiam Road, Robertsbridge' and is promoting the Site as an additional site suitable for residential allocation as part of the Rother emerging Local Plan process.
- 1.5.3 The site is demonstrated to be suitable for development and is consistent with the overarching strategy of the draft emerging Plan, which recognises the need for sensitive growth within the district's rural communities and targets 20% of housing delivery on small and medium sites. However as drafted, the Plan falls substantially short of the local housing need figure, such that it likely fails the tests of soundness in regard to being 'positively prepared'.

- 1.5.4 The Council's independently commissioned HEDNA (2024) confirms that the local housing need figure is 737 dwellings per annum and no circumstances exist to either increase or decrease the figure within the emerging Local Plan. The latest figure represents an annual increase over the adopted Local Plan figure of 402 dwellings and a 533 dwelling increase over average annual delivery rates.
- 1.5.5 Given the extent of the uplift, it is crucial that prior to the publication of the Regulation 19 'Pre-submission' Plan, all potential sources of further housing are exhausted, likely through a combination of both additional identified sites and uplifted capacity on existing sites.
- 1.5.6 The Plan as drafted is predicated on the delivery of circa 663 dwellings via windfall sources, however where immediate suitable development opportunities exist and where they can provide much-needed new housing capable of supporting the viability and vitality of rural communities in the north of the district, these opportunities should be afforded the certainty of local plan allocations, particularly where they are capable of delivering much-needed new homes early in the Plan-period and will contribute to the Council's target to deliver 20% of new homes on small and medium sites.
- 1.5.7 Taking all of the above into consideration, we consider that our client's site at Boarsney Farm should be included as a future housing allocation for approximately eight new homes, identified for delivery within the initial 0-5 year phase. Formal allocation within the District Plan will assist in addressing the severe shortfall in identified sites to meet the local housing need, provide greater certainty that the housing needs of rural communities will be addressed and contribute to the Council's target of 20% of homes on small and medium sites.
- 1.5.8 The Site has also been submitted as part of the extended Call for Sites process and should form part of the Council's housing evidence base which will inform the emerging Local Plan.