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Dear Sir/Madam

ROTHER DISTRICT COUNCIL - REGULATION 18 LOCAL PLAN CONSULTATION

REPRESENTATIONS ON BEHALF OF MR M BOOTH LAND AT YEW TREE FARM, HURST GREEN

On behalf of my client, Mr Michael Booth, I write to make submissions to the Rother District Regulation 18 Local Plan consultation. My client has control over the land at Yew Tree Farm, Hurst Green.

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 two parcels of land promoted for development is included at **Appendix 1** and has been considered under the HELAA under reference HUG0015.

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:

- 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 Yew Tree Farm 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 Yew Tree Farm 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 Flood Zone 1 meaning it is not in an area of the district which is at risk of adverse flooding.

Hurst Green has a range of day-to-day facilities that can be accessed from the site, including a primary school, pub, village hall, a village shop and farm shop. There are also bus stops within Hurst Green which provide an hourly service Hastings and Hawkhurst with onward services to Tunbridge Wells where a wider range of day-to-day facilities can be found.

Paragraph 70 of the NPPF recognises that small scale developments can deliver housing at a faster rate. The land is owned outright by Mr Booth 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 sustainable settlement growth with a focus on the A21 Corridor, at densities consistent with the surrounding area, where it is sustainable and does not negatively impact the setting of the High Weald National Landscape.

We support the principle of employing a number of spatial strategies to provide the flexibility to respond to differing circumstances. As a village on the A21 corridor with good connections to Tunbridge Wells, Hastings and mainline rail services to London from nearby Etchingham Hurst Green is well-placed to take some additional growth. Figure 29 of the Regulation 18 plan identifies housing growth of 26 dwellings based on existing consented windfall sites. The Regulation 18 plan seeks to add an additional 38 development units to Hurst Green beyond the existing consented sites. The existence of the previous planning permissions and the further sites identified in the HELAA is an indication of the fact that Hurst Green is considered to be a suitable location for housing growth and we would contend that moving forward additional allocations for small-scale development should be made in Hurst Green.

Vision for Northern Rother

The vision for Northern Rother indicates allowance for '*small-scale sensitive residential development and growth in villages to create sustainable forms of development and protect and enhance the landscape character and scenic beauty of the High Weald National Landscape.*' The submitted land is situated in a village that is located in Northern Rother so 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 Hurst Green) will have their development boundary reviewed as part of the next stage of the Neighbourhood Plan process. It should however be noted that since 2022 and the publication of the Regulation Pre-Submission Neighbourhood Plan, no further work has been carried out and the work has been paused. As such there is no indication that this will progress anytime soon, and rather than awaiting definition within the Neighbourhood Plan process the development boundary of Hurst Green should be comprehensively reviewed to take into account the recent development that has occurred within the village particularly around Foundry Close which abuts our client's land. Failure to do so could leave the village with an out of date development boundary not reflective of the village's existing built form. Any review of the development boundary should also include extensions to the development boundary to take account of any proposed allocations which could include our client's land.

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 adjacent to the proposed development boundary of Hurst Green as put forward in the paused Neighbourhood Plan and directly adjacent to the recently approved development at Foundry Close (RR/2019/2194/P). As such the land lies in a highly sustainable location close to all major services within the village and public transport options, adjacent to the existing envelope of built development.

Hurst Green benefits from a number of day-to-day facilities including a primary school, village shop, farm shop and Village hall. These are all within walking distance of the site. Hurst Green lies within relatively close proximity to Tunbridge Wells which has a full range of day-to-day facilities as well as Hastings which can be accessed via a range of public transport options including mainline train from near by Etchingham and bus services.

Our client has control over the land submitted to the previous call for sites, the Land at Yew Tree Farm amounts to 6 hectares. The land benefits from two existing accesses off London Road, one directly facing Holy Trinity Church and a second directly opposite Hurst Green Social Club. It is noted in the HELAA assessment for the site it was stated that access is a constraint to the site although no specific details are given as to the Council's concerns about access arrangements. Any forthcoming scheme would be supported by input from a transport consultant to ensure that proposed access arrangements are to a suitable standard. If the

existing accesses are found to be unsuitable and incapable of improvement there is potential for a new access through Foundry Close to be negotiated.

Outside of the tree lined boundaries that define the western, southern and northern boundaries of the site the land is vacant agricultural grassland. The HELAA does identify the site as constituting a Priority Habitat consisting of lowland meadow, this does not inherently prevent development occurring on this land as it is not protected to the same degree as other ecological designations such as ancient woodlands. Any forthcoming development which impacts on the priority habitat could be adequately offset through habitat creation either on site or through off-site habitat creation. Any subsequent planning application would be accompanied by a full ecology suite of ecological reports.

The boundaries of the site are principally secured by trees and hedgerows. There is a small section of TPO's trees surrounding the development around Foundry Close, the impact of any fourth coming development would be fully considered. The retention of the existing tree cover would enable development on the site to be well-screened from adjoining residential properties to the east. Beyond the subject site lies Huntley Wood which screens the land from wide ranging views to the east, greatly reducing the impact of any residential development in this location on the wider National Landscape.

There is a single public right of way crossing the land (HUR/33/1) this PROW could be preserved and enhanced through any subsequent development scheme. within Flood Zone 1. It was noted within the HELAA that a small area of the site was at risk of surface flooding, it is contended that this could be adequately be mitigated for through an appropriate SUDs scheme. Pertinently this was not mentioned as a constraint in the Council's HELAA assessment of the site.

On the basis of a capacity of 25-45 dph dwellings per hectare (in accordance with proposed policy LWL1) the site would be capable of accommodating up to 150 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 25 dwellings focused on the middle field which lies directly east of Foundry Close. It is noted that the HELAA assessment of the site raised concerns about the landscape impacts of development on this site . We would contend that by pursuing a lower level of development focused on the front portion of the site landscape impacts could be minimised. Any forthcoming application would be supported by input from a landscape consultant who would consider the impact of development on the character of the High Weald NL and guide the layout of any forthcoming scheme.

It was also asserted within the HELAA that development in this location breaks from the established pattern of development for Hurst Green. The presence of the new development around Foundry Close largely negates this point and points to the acceptability of an eastern expansion of the settlement. The Local Wildlife Sites which constrain further expansion of the village to the north and west necessitate an expansion to the east where these constraints are not present.

There are no listed buildings within the vicinity of the site which would be impacted by development of the submitted land.

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 sincerely



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