

23 July 2024
Our Ref: PL010-463

Planning Policy Team
Rother District Council

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Tunbridge Wells
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By email only:
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Dear Sir/Madam

ROTHER DISTRICT COUNCIL – LOCAL PLAN REGULATION 18 CONSULTATION 2024

**REPRESENTATIONS ON BEHALF OF MR W GOWLAND
PIGGERY AND NURSERY AT GREAT PARK FARM, HORNS CORNER, CATSFIELD**

On behalf of my client, Mr W Gowland, I write to make submissions to the Rother District Regulation 18 Local Plan consultation. My client has control over the nursery site including farm shop and café and wider land at Great Park Farm, Catsfield.

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 CAT0013 & CAT0021.

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 Great Park Farm would not be constrained by any of the landscape or flooding constraints cited by the Council as reason to not meet the full identified housing need.

Whilst located within in the High Weald National Landscape (formerly AONB) area the two parcels of land within the wider holding of Great Park Farm are 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.

Great Park Farm is located some 800m from the village at Catsfield which has a range of day-to-day facilities which can be accessed from the site, including a primary school, pub, village hall, village shop and it is important to highlight the farm shop and café which are located at Great Park Farm itself. There are also bus stops within Catsfield which provide an hourly service to Bexhill, Battle and Hastings 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 in a single, family ownership and so there are no third-party ownership issues which might prevent or delay development. It is anticipated that a small-medium 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 small-scale development in the radial settlement network connected to Bexhill and Hastings, 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 outskirts of Bexhill and Hastings with equally good connections to Battle, Catsfield is well-placed to take some additional growth. Figure 21 of the Regulation 18 plan identifies housing growth of 35 dwellings based on existing allocations in the Development and Sites Local Plan (DaSA). The Regulation 18 plan seeks to add an additional 25 development units to Catsfield beyond the DaSA allocations. The existence of allocations for housing growth within the adopted DaSA and the further sites identified in the HELAA is an indication of the fact that Catsfield 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 Catsfield

This is particularly the case as whilst the DaSA allocation for Catsfield (land west of B2204, Catsfield) has existed since 2019 no development has been brought forward as of yet so there is no guarantee that the site will deliver the 35 residential units identified. The allocation site has been the subject of an application which was submitted in December 2023 but was withdrawn by the applicant in May of this year. The uncertainty over whether this site will

deliver provides justification for considering additional allocations within the Catsfield area to ensure that at the minimum the quantum of growth identified within the DaSA is still delivered.

Mr Gowland and his family have already successfully diversified Great Park Farm, through the development of a successful nursery, farm shop and café and more recently planning permission has been granted for a small number of bespoke glamping cabins to offer holiday accommodation. The two further parcels of land identified as CAT0013 Piggery site & CAT0021 Nursery site (and in particular CAT0021) provide an opportunity to further diversify the land through commercial purposes and provide greater employment opportunities for residents within Catsfield. The Settlement Sustainability Assessment, more on which will be expanded on later in this letter, identified Catsfield as being of low sustainability principally through its lack of employment opportunities. Figure 22 of the Regulation 18 plan identifies that no employment floor space was allocated within the DaSA nor does the Regulation 18 plan seek to provide any further employment floor space of the course of the plan period for Catsfield. Considering the lack of employment opportunities was identified as one of the key elements affecting the sustainability of the settlement for further development, a reassessment of the employment floor area could unlock not only employment space but also further housing allocations within the settlement.

Vision for Battle and Surrounding Settlements

The vision for Battle indicates that includes allowance for '*small-scale development in villages surrounding Battle, at densities consistent with the surrounding area, where it is sustainable and does not negatively impact the setting of the High Weald National Landscape*'. The submitted land is situated in a village that is in the surroundings of Battle 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 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.

Proposed Policy EC01: Supporting New Employment Development

Policy EC01 makes reference expressly to employment development located outside of development boundaries and states that employment opportunities in the countryside will be supported in limited circumstances - those including through the sensitive, normally small-scale growth of existing business sites and premises, and by the conversion, for employment use, of farm buildings. The Council's commitment to support of employment opportunities in the countryside is welcomed. However, the overall tone of the policy is one of restraint. Whilst it is clear that all policies across the plan must be consistent, suggesting that the creation of employment opportunities within the rural area will only be accepted in limited circumstances does nothing to actively support the generation of new employment opportunities in parts of the district where they are arguably most needed. The continued support for expansion of existing businesses is also welcomed but again is stifled by the caveat that these will be expected to be small scale in nature in the rural area. Facilitating and supporting job creation and employment opportunities on greater than small scale does not necessarily go hand in hand with negative impact elsewhere if development is well considered and thought through.

This policy currently sets a constrained expectation rather than actively supporting the rural economy and the generation of employment opportunities. In the pursuit of balancing all interests, we would suggest that this policy does not go far enough to balancing the needs of the rural community and supporting the need for growth and employment in rural areas.

Proposed Policy ECO2: Protecting Existing Employment Sites and Premises

Part A of this draft policy seeks to protect existing employment premises but recognises that in some cases mixed use development can offer a solution to retaining some employment use where its sole operation is no longer viable. The recognition of the place enabling development might have in this context is fully supported. Part B of the policy also supports the intensification, conversion, redevelopment and/or extension of existing sites and premises, as well as access and environmental improvements, which in itself is welcomed and fully supported. However, this is caveated by the requirement to adhere to policy EC01 which as detailed above we consider does not fully align with this objective and presents a tone of restraint rather than encouragement.

Site Specific Considerations

The land at Great Park Farm lies on the outskirts of Catsfield. It is noted that Catsfield has been identified within the supporting 'Settlement Study' as a settlement of low sustainability despite having three 'Essential Services'. The reasons for it be considered to be a settlement of low sustainability is due to a low score in terms of employment opportunities and services. We would contend that given the presence of a relatively high level of essential services (for a settlement of its scale) and the fact that it has been allocated for growth under the adopted DaSA the categorisation of the settlement as a settlement of 'low sustainability' should be reconsidered.

Notwithstanding the categorisations of Catsfield as a 'low sustainability' settlement it is noted that paragraph 7.25 of the Settlement Study states:

'Some exceptions are Catsfield, Dallington, Netherfield and Woods Corner, which have each scored 3 out of 5 for access to essential services and could benefit from the provision of additional essential services and/or better public transport accessibility. They could potentially be considered sustainable locations for limited amounts of development, depending on the recommendations of the Development Strategy.'

Coupled with the identified strategy for small-scale development in villages surrounding Battle it is considered that additional growth beyond the neighbourhood plan allocations should be considered for Catsfield.

Mr Gowland and his family have control over both parcels of land submitted in the previous call for sites at Great Park Farm, which amount to 0.7 hectares & 1.07 hectares respectively. The parcels of land benefit from an existing wide access, serving the nursery, farm shop and existing agricultural holding onto Catsfield Road which has been accepted as being suitable to serve the glamping holiday units recently approved. The access is capable of facilitating some additional development.

Both parcels benefit from being previously developed. The former piggery site contains extensive areas of hardstanding and some limited residual structures. The nursery site

contains areas of hardstanding, parking for the nursery and extensive areas of polytunnels. The existing nursery use has diversified to include a thriving farm shop and café and there is potential for further expansion of these enterprises or to develop a small-scale mixed-use scheme to provide additional employment opportunities and premises with some residential perhaps as live/work accommodation. Whilst the nursery site has some residual local employment opportunities, the development of commercial floor space in this location could foster SME businesses within the locality which would provide a greater number of high skill jobs in the settlement.

The HELAA assessment for the Nursery site (CAT0021) concludes that there is no evidence of the site being available for alternative use or that additional floorspace could be accommodated. In both respects we confirm that the site could be made available for development with operations for the nursery moved elsewhere and there is sufficient space to accommodate additional employment floorspace.

Each of the sites is not subject to any ecological designations and of a low baseline biodiversity level. The boundaries of both sites are secured by trees and hedgerows. The retention of the existing tree cover would enable development on both sites to be well-screened from adjoining residential properties.

There are no public rights of way within the vicinity of the Piggery site with the Nursery lying adjacent to an Existing Bridleway (CAT/7/1) but which lies beyond the site boundary. Both sites lie within Flood Zone 1.

On the basis of a capacity of 25-45 dwellings per hectare (in accordance with proposed policy LWL1) the Piggery site would be capable of accommodating up to 17 dwellings as a minimum or approximately 3400sqm of employment space or a mix of the two. However, taking account of the plot sizes surrounding the site, and scale of existing development 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 5 dwellings or employment floor area of closer to 2000sqm or a blend. It is noted that the HELAA assessment of the site raised concerns about the proximity to existing employment and residential development. We would contend the former use as a piggery would have resulted in a significant number of residual trips and by its very nature a greater impact on amenity through odour and noise. The use of the site for either residential or employment use would have far less impact.

Similarly, on the basis of a capacity of 25-45 dwellings per hectare (in accordance with proposed policy LWL1) the Nursery site would be capable of accommodating up to 26 dwellings as a minimum or approximately 9200sqm of employment space or a mix of the two. However, once again taking account of the plot sizes surrounding the site, and scale of existing development 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 10 dwellings or less or employment floor area of closer to 5000sqm or a blend.

are two listed buildings within the vicinity of the two sites which might be impacted by development of the submitted land, these are Sunny Close and Great Park Farm House. Both are significantly screened from both submitted sites and it is not considered that there would

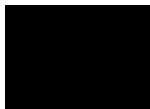
be any adverse impact upon the heritage value of the building or on its setting by any development coming forward on the Piggery or Nursery sites.

It is clear, by the Council's own admission that the Regulation 18 Draft Local Plan does not fully account for housing need and there is a continuing need to ensure that businesses can continue to grow and employment opportunities are provided in the rural area. The sites at Great Park Farm constitute previously developed land where agricultural and horticultural uses have already diversified. The sites offer an opportunity to secure expansion of an existing employment base with business expansion or addition which could include some residential development as a small-scale mixed-use scheme. In view of the Council's need to consider additional land for residential development we would strongly urge further consideration of the se sites and the nursery site in particular for the small but valuable contribution they could make to meeting need in full.

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 Kirsty Castle.

Kirsty Castle MRTPI AIEMA