



Appeal Decision

Hearing Held on 14 November 2023

Site visit made on 4 December 2023

by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/P1425/W/23/3323308

Land off Barcombe Mills Road, Barcombe Cross, East Sussex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Lewes District Council.
 - The application Ref LW/22/0459, dated 5 July 2022, was refused by notice dated 13 March 2023.
 - The development proposed is "Outline application with all matters reserved except access for the erection of up to 70 dwellings (including 40% affordable dwellings), public open space, landscaping, and sustainable drainage systems (SuDS) and vehicular access point. All matters reserved except for access."
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Decision

1. The appeal is allowed and planning permission is granted for "Outline application with all matters reserved except access for the erection of up to 70 dwellings (including 40% affordable dwellings), public open space, landscaping, and sustainable drainage systems (SuDS) and vehicular access point. All matters reserved except for access" at Land off Barcombe Mills Road, Barcombe Cross, East Sussex in accordance with the terms of the application, Ref LW/22/0459, dated 5 July 2022, subject to the following conditions attached in Schedule A.

Procedural Matters

2. The application was for outline planning permission with access to be determined at this stage. A site arrangement plan shows access on Barcombe Mills Road and a master plan shows an indicative housing layout, landscaping, public open space, Sustainable Drainage Systems (SuDS), including drainage attenuation basin, and pond. This shows how housing could be developed on the site.
3. A section 106 agreement dated 4 December 2023 relates to the provision of affordable housing, cycle and public transport financial assistance to the occupiers of the proposed development, contributions to bus service provision within the area and a traffic regulation order payment. I will deal with this in my reasoning.

Main Issues

4. The main issues are whether the site is an acceptable location for housing, having regard to the effect of the proposal on (a) the character and appearance

of the area (b) the setting of a Grade II listed building, known as Mongers Farmhouse, a non designated heritage asset (NDHA) known as The Barn, and the Barcombe Cross Conservation Area, and (c) the best and most versatile (BMV) agricultural land.

Reasons

Planning Policy

5. The development plan comprises Lewes District Local Plan Part 1: Joint Core Strategy (LLP1) 2016 and the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) 2020. The appeal site is located adjacent to the settlement boundary of Barcombe Cross detailed within LPP2.
6. LPP1 Spatial Policy 1 details that a minimum number of 6,900 dwellings will be provided during the plan period 2010 to 2030. After adjustment for the South Downs National Park (SDNP), this equates to 345 dwellings per annum (dpa) for the Lewes District Council planning area.
7. LPP1 Spatial Policy 2 sets out a settlement hierarchy with numbers of additional dwellings appropriate for each type of settlement. Barcombe Cross is identified as a service village with a growth figure of 30 to 100 dwellings over the plan period. There are outline consents for 31 dwellings, with reserved matters pending determination, within the village. Explanatory text clarifies that the settlement growth figure is appropriate, based on the level of service provision, accessibility, historic growth rates and levels of housing need. Text further states that theoretical levels of growth for the different rural settlement types may not be deliverable in certain settlements.
8. LPP2 Policy DM1 states that outside the planning boundaries, the distinctive character and quality of the countryside will be protected. Development will only be permitted where it is consistent with a specific policy or where the need for a countryside location can be demonstrated. Notwithstanding any character and appearance issues, the proposal would conflict with this policy because the other specific policy and location requirements are not relevant or satisfied.
9. LPP1 Core Policy 10 sets the maintenance and where possible, the enhancement of locally distinctive and heritage landscape qualities and characteristic of the district. LPP1 Core Policy 11 also sets out requirements for high quality design to create sustainable places and communities. Amongst other matters, this would be achieved by respecting and where appropriate, positively contributing to the character and distinctiveness of the district's unique built and natural heritage. Development should respond sympathetically to the site and its local context.
10. LPP2 Policy DM25 requires development to contribute towards local character and distinctiveness through high quality design. Amongst other matters, development should respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site. Development should be compatible with existing buildings, building lines, roofscapes and skylines. Existing individual trees or tree groups that contribute positively to the area should be retained.
11. LPP2 Policy DM27 states that development proposals should demonstrate high quality landscape design, implementation and management. Landscape

schemes will be expected to reflect, conserve or enhance the character and distinctiveness of the local landscape or streetscape, and integrate the development into its surroundings, adding visual interest and amenity. LPP2 Policy DM33 details that development affecting a heritage asset will only be permitted where the proposal would make a positive contribution to conserving or enhancing the significance of the heritage asset, taking account of its character, appearance and setting.

12. LPP2 Policy DM19 states that development resulting in the irreversible loss of the BMV agricultural land will not be permitted unless it can be demonstrated that there are no alternative locations and overriding sustainability benefits outweigh the loss of the land.
13. In recognition of a deficient 5 year housing land supply (5YHLS), the Council's Interim Policy Statement for Housing Delivery (IPSHD) 2021 sets out various criteria that the Council will use to determine housing proposals. Amongst them, the proposed site boundary should be contiguous with a settlement boundary and that the scale of the development should be appropriate to the size, character and role of the adjacent settlement having regard to settlement hierarchy and taking into account the effect of the cumulative impact of unimplemented permissions in the settlement.

Character and appearance

14. The appeal site comprises part of a large agricultural field. It comprises hedgerows along Barcombe Mills Road, three scattered individual trees and a line of overhead wires. The village of Barcombe Cross abuts the site on two boundaries whilst Barcombe Mills Road, with the village hall beyond, abuts another boundary. Part of the adjoining village comprises a group of historic buildings, the listed Mongers Farmhouse, now subdivided into two residential properties, and The Barn, a NDHA. To the south, the other boundary is open adjacent to the field from which the site is to be subdivided from.
15. Within the broader landscape, Barcombe Cross occupies part of a plateau of higher ground. Nevertheless, adjoining residential properties and Barcombe Mills Road are generally sited at a lower level than the appeal site. Mostly, this difference in ground levels is not significant, the exception is the group of properties alongside the site's west boundary where there is a more noticeable drop in ground levels. To the south, the remaining part of the field and woodland beyond are sited at a significantly lower level than the site. A Public Right of Way (PRoW) crosses the outer western edge of the site enabling access from the village to the countryside and is part of the promoted Barcombe Walk.
16. The appeal site and its surroundings have no formal designated landscape designation but the East Sussex County Landscape Assessment (CLA) 2016 defines the site and its surroundings as a Local Character Assessment (LCA) '14 Western Low Weald' designation. The site and surroundings share certain characteristics with this CLA, namely gently undulating topography with abundant trees, small woods and hedgerows giving a well-wooded impression, frequent, wide views, which look towards the bold scarps of the South Downs and 'big skies', and tranquil roads. From what I saw on my site visit, the landscape also includes ghyll woodland mainly found in Sussex, and Bevern stream to the north (of the village) and River Ouse to the south. The LCA condition is considered good, with a largely unspoilt and a pleasant rural

landscape with few intrusive features, well managed farmland with strong historic structure, in accordance with the CLA.

17. Under the Lewes District Landscape Capacity Study (LCS) (2012), the site lies within the character area Barcombe Cross 03 – South which is assessed as good landscape quality, medium landscape value and moderate to high character and visual sensitivity. The area is concluded to have overall substantial sensitivity, by combining judgements on character and visual sensitivity, and low overall landscape capacity. The Barcombe Cross Conservation Area Appraisal (CAA) 2009 recognises the rural landscape, including agricultural land and vegetation, as contributing to the setting of the settlement and Conservation Area.
18. Despite the LCS's findings on sensitivity and capacity, the appeal site has noticeable built-up boundaries and roadside boundary (Barcombe Mills Road). The field is uncharacteristically large due to the amalgamation of least two fields, with former hedgerows removed to facilitate its size. It has overhead wires routed through it into the village. Therefore, whilst the site still retains pleasing rural qualities, its landscape and scenic quality is modest with 'no out of the ordinary' features. No documentary evidence has been produced to substantiate any cultural associations, and much of the site is private substantially reducing its recreational value. As a result, the appeal site and its surroundings would not merit a designation of valued landscape in this instance. Based on my findings, the appellant's Landscape and Visual Impact Assessment (LVIA)¹ rating of the landscape value and sensitivity of the area at the higher end of medium value would be realistic.
19. Visually, the PRoW crossing the site is part of a promoted walk used by residents, including recreational walkers. There is also a PRoW terminating on the opposite side of Barcombe Mill Road where there would be a framed view of the site. These PRoWs users would benefit from extensive public views. There would be further views from properties in Barcombe Cross and Camoys Court House (to the south), vehicle users in Barcombe Mills Road and Church Road, but property views would be largely private and driver's views short and intermittent in nature. There are views of the site from the SDNP but although of high value, they are distant indicating lower resulting sensitivity.
20. A housing development would result in a high level of change to the character of the site and surroundings, which would be evident in early years following construction. Landscaping and layout are reserved for further consideration at the reserved matters stage pursuant to any outline consent. However, the illustrative masterplan shows that housing could be sited away from the site's countryside and road boundaries and that a substantial part of the site could be landscaped. Instead of the current exposed residential properties, directly facing onto the countryside, there could be boundary landscaping including the reinstatement of former hedgerows. A tree and a hedgerow, to facilitate the vehicular access, would be removed, but the plan shows how two substantive oak trees could be retained, and substantial replanting could take place, including along the Barcombe Mills Road frontage of the site.
21. As illustrated, the development could also be perceived against a backdrop of existing housing. In general, the ground levels of the illustrative housing part

¹ Landscape and Visual Impact Assessment, Barcombe Mills Road, Barcombe Cross, CSA Environmental, June 2012.

of the site would not be significantly greater than adjoining existing housing areas and to guard against prominence in the skyline, conditions controlling scale and finished levels could be imposed. Illustrative landscaping and public open space are shown on the parts of the site where there is a more noticeable drop in ground levels to the west and therefore, this would prevent a pronounced change in scale between the existing and proposed housing. Consequently, urbanising effects could be minimised and in the long term, the character harm would be small based on the masterplan. For all these reasons, the capacity to accommodate development on this site would be higher than 'low' as indicated in LCS.

22. The degree of built containment would also limit the visual effects of the development, with views set against existing development. In relation to the western part of the site, the illustrative plan shows possible housing set back from the PRow behind indicative landscaped areas, including public open space, and once planting is established, views would be filtered. Views from properties could also be seen within the context of a spacious housing layout and landscaping, whilst the views from road users would be intermittent. In longer distance views, the housing would be seen within the context of the built-up area of the village, the undulating landscape, woodland and hedgerow, and therefore, the effects would be limited.
23. Drawing these matters together, the development would cause harm to the landscape character and appearance of the area, but this has been shown to be significantly lessened by existing urban containment, sensitive layout and extensive landscaping, once established, over the long term. Such a view accords with the findings of the LVIA which concludes that as the proposed landscape mitigation matures, the adverse effects would be localised and not significant within the wider landscape. Similarly, it accords with County Council Landscape² who advise of long term but localised adverse effects. For all these reasons, the proposal would be contrary to Core Policies 10 and 11 of the LPP1, and Policies DM1, DM25 and DM27 of the LPP2, albeit the harm is localised and small.

Heritage assets - significance and special interest

24. Mongers Farmhouse lies to the north of the appeal site and has been subdivided into two residential properties. The properties back onto the appeal site. A neighbouring building, known as The Barn, flanks and backs onto the appeal site. Barcombe Cross Conservation Area, with mainly intervening 20th century development, lies to the north of the appeal site and Mongers Farmhouse.
25. Mongers Farmhouse is a two storey building dating to the 17th century, or possibly earlier as part of a medieval farmstead. A third party historical building consultant dates the building to 1420. The northern subdivided part has been extended to include an outbuilding. The statutory list entry (list entry number 1044001) describes construction as red brick on the ground floor, tile-hanging on the first floor and tiled roof above. It has sliding sash timber windows. Having inspected the listed building, significant historical timbers and fabric remains providing evidence of past building construction, adaptation and extension. Mapping evidence indicates residential sub division occurring by 1839, possibly in the agricultural depression dating before this, within a

² County Council Landscape Architect consultation response dated 7 December 2023.

landscape comprising woodland, arable land, pasture, and meadows. Gardens serving the dwellings were located to the north.

26. There was a historic agricultural farmstead, comprising The Barn, to the south, and a farm was in agricultural use in 1839 until 1960s according to a local resident. The original farmstead has disappeared, and much of the surrounding land has since been developed for housing around the older core of the village. Nevertheless, the listed buildings' historical origins, derived from agriculture, as well as architectural detailing reflecting a traditional farmhouse, contribute to significance and special interest. The Barn has now been converted into residential use, but it still retains an appearance of a smaller scale historic rural outbuilding, previously used for agriculture, which is of significance, albeit lower than a listed building, a designated heritage asset.
27. At the hearing, some discussion took place as to whether The Barn could be curtilage listed but there is no substantiated evidence that the layout of The Barn, ownership, and its use historically, relative to a principal building, would indicate curtilage listing.
28. Remaining agricultural land to the south and east of the listed building and NDHA contribute to the understanding of both buildings' agricultural connections. The land is in the foreground of views of Mongers Farmhouse and The Barn from both the PROWs. Visibility of heritage assets is not the sole means of judging setting and there has been significant 20th century housing development on agricultural land around these assets. Nevertheless, the proximity of the remaining agricultural land represents a last remaining link to understanding the connections of these heritage assets to the landscape, that was farmed in association with them.
29. For the Mongers Farmhouse, Section 66(1) of Planning (Listed Buildings and Conservation Areas) Act (the Act) 1990 requires special regard to be given to the desirability of preserving the setting of nationally listed Buildings. For all these reasons, the surrounding field contributes to the setting of both buildings and the appreciation of their significance, and in the case of the listed building, its special interest.
30. The CAA states that the settlement of Barcombe Cross was established in the post medieval period and was heavily influenced by agriculture in the surrounding area. Its significance and special interest is derived from historical and architectural important buildings, including listed and non-listed buildings, and its historic settlement pattern. Mongers Farmhouse and the adjacent barn (The Barn) would have been seen as outside of the core of this Low Weald village in the surrounding countryside. The historical relationship between its core and surrounding Weald countryside has been eroded through 20th century development. However, the agriculture setting of the village and its contribution to the understanding of the evolution of the Conservation Area is still identifiable. In this regard, the appeal site is identified as an "important view" under the CAA and abuts an historic approach to the village along Barcombe Mills Road. Unlike listed buildings, there is no explicit statutory duty in respect of the setting of a Conservation Area but in terms of the Framework, the setting of this heritage asset still contributes to the understanding of its significance.
31. The indicative masterplan shows that landscaping and public open space could be sited around Mongers Farmhouse and The Barn, which would enable open

views of these assets and the Conservation Area. This would not though replicate the agricultural character and appearance of the field, and it would have a domestic feel being associated with a housing development. As the last remaining agricultural link to the listed building and NDHA, the loss would adversely affect the understanding of the origins of these buildings. Although separated by recent housing development, there would be an adverse effect on the significance of the Conservation Area, albeit to a lesser extent.

32. For all these reasons, the development would adversely affect the setting of Mongers Farmhouse, The Barn and the Conservation Area. Under the National Planning Policy Framework (the Framework), there would be less than substantial harm for the designated heritage assets. There would be an adverse effect on the setting of the NDHA and moderate harm to its significance. The proposal would conflict with Core Policies 10 and 11 of the LPP1 and Policy DM33 of the LPP2.

Best and Most Versatile Farmland

33. The proposal would result in the irreversible loss of 5.24 hectares of agricultural land in active food production, the majority of which is Grade 2, with lesser amounts of grade 3b. The Grade 2 graded agricultural land is defined as BMV under DEFRA Agricultural Land Classification System.
34. The appellant has mapped agricultural land grading, based on the Land Classification, over a map of the Lewes Council area, including countryside areas adjacent to settlements. It demonstrates that much of the district, outside built up areas, is grade 3, although it is not possible to differentiate between grade 3a and 3b, the latter is non-BMV agricultural land. The land grading has also mapped over identified deliverable/developable sites under the Council's 2022 Interim Land Availability Assessment (ILAA) which is part of work for the emerging Local Plan (LP). The ILAA considered just over 250 sites within and outside existing settlement boundaries and of these, found 15 sites were deliverable/developable. Using the mapping, 1 site was grade 2, 7 sites fell within grade 3, 1 site within grade 4, 1 site within grades 3/4, and 5 sites were classed as urban or non-agricultural in nature.
35. LPP2 Policy DM19 seeks to prevent the irreversible loss of BMV agricultural land if there is no alternative location. There is no definition of what constitutes an alternative location within the policy but the ILAA assessment show sites deliverable and developable on non-BMV agricultural land within the District at South Chailey and Newhaven. As such, there are alternative locations, and the proposal would conflict with Policy DM19 of the LPP2.

Section 106 agreement

36. The s106 agreement provides obligations for 40% affordable housing on the site and affordable rented, intermediate (shared ownership) and first homes tenures. This would accord with LPP1 Core Policy 1 and the Framework which set out such a target and tenure requirements. In the interests of the planning of the development, an obligation requires a contribution towards recycling facilities in accordance with the requirements of Policy DM26 of the LLP2 and Lewes Kerbside Recycling Supplementary Planning Guidance 2004.
37. For the play space facilities on the site, obligations require the provision of a management scheme along with transfer to a management body in accordance

with LPP1 Core Policies 8 and 10, and LLP2 Policies DM14, DM15, DM16 and DM27, which amongst other matters, set out infrastructure requirements, including public open space and associated management. In the interests of sustainable transport, a travel plan is secured, along with a travel plan audit fee, along with contributions towards improved bus services and traffic regulation orders. The improved bus services would include real time signage, road markings, and kerb improvements in Barcombe Cross. Such contributions would be in accordance with LLP1 Core Policies 7 and 13 and East Sussex County Council ISPG document – A New Approach to Developer Contributions, which amongst other matters, require and encourage sustainable transportation measures for new development.

38. On this basis, these obligations are necessary to make the development acceptable in planning terms and the statutory tests of the Community Infrastructure Levy Regulations 2012 (as amended) and those of paragraph 57 of the Framework would be met. They are necessary, directly related to the development, and fairly and reasonably related in scale and kind.

Benefits

39. For the Lewes District planning area, there is a deficient 5 Year housing land supply (5YHLS) of 3.02 years for the period 2023 to 2028, a shortfall of over 1000 dwellings. Although criticised by third parties, the 5YHLS figure is based on the standard method detailed in the Framework and Planning Practice Guidance. In the absence of detailed evidence setting out an alternative method, no exceptional circumstances have been proven to set aside the standard method. Using the standard method, the 5YHLS requirement is 601 dpa and far greater than the 345 dpa used in LPP1 Spatial Policy 1 (after excluding the SDNP). The housing supply shortfall is likely to continue because the LP is at very early stages of preparation. Given this, the provision of 70 dwellings would make a meaningful and positive contribution to housing supply, in accordance with policy at paragraph 60 of the Framework, which outlines the government's objective of significantly boosting the supply of homes.
40. The Strategic Housing Market Assessment 2008 has an annual requirement for 230 affordable housing homes per annum. An updated Affordable Housing Needs Assessment 2013 indicated an additional affordable housing need of 389 homes per annum over the next 5 years. There has been increasing affordable housing delivery but such delivery is still substantially lower than required. The housing register remains high and the district has unaffordability ratios (2022) higher than that for the south east and England. The 40% affordable housing provision would contribute to this acute need complying with Core Policy 1 of the LPP1. For all these reasons, the boost to housing, including affordable housing, would result in a substantial housing benefit.
41. There would be the loss of productive agricultural land. During construction, local employment cannot be guaranteed but jobs would still be generated and the financial spend of new residents would help to sustain the village and rural community in the long term, after taking into account payments, such as mortgages and energy bills, and there would still be a net benefit to the economy.
42. Accessibility to the nearest local surgery by bus is difficult. Nevertheless, residents of the development would be comfortably within a 10 minute walking

distance of a village shop with post office, a primary school, a village hall, and bus stops providing opportunities to nearby settlements and railway stations, four services a day Monday to Saturday. As part of the s106, contributions would make improvements to bus services and stops. Therefore, for a rural settlement and designated service village, new residents would have good access to services and facilities.

43. There are existing PROWs and green spaces within the area. However, the provision of further extensive green infrastructure and public open space, indicatively shown as just over 50% of the site, much of which would be publicly accessible, and footpaths linking the village and surrounding countryside would still be a recreational and ecological enhancement. For all these reasons, these economic, social and environmental benefits would weigh significantly in favour of the proposal. My attention has been drawn to a recent appeal decision at Plumpton Green, where an Inspector concluded weight, but every proposal inevitably involves different considerations and details, including scope of evidence, and the weight to benefits has been indicated for the reasons given.

Other matters

44. Recent flooding has occurred around the River Ouse, including roads, but the appeal site itself is located within Environment Agency designated Flood Zone 1 where there is a low probability of the risk of fluvial flooding. The appellant's Flood Risk Assessment³ proposes a drainage strategy involving an attenuation pond for surface water storage, with swales to direct water to the pond, and controlled discharge into an existing watercourse to the south of the site, taking into account climate change allowances. Such a discharge would be equivalent or below the discharge rate of the field as a greenfield site. Both the Council and Local Lead Flood Authority raise no objections on flooding grounds and the finalised drainage scheme to be implemented and maintained can be considered in detail through the imposition of a planning condition. Southern Water has raised no objections to foul sewerage disposal requirements arising from the development. Consequently, flooding objections would not be a reason to dismiss the appeal.
45. The appellant's Transport Statement and Note (TSN)⁴ indicates a very modest amount of additional traffic flows throughout a day, and very light additional flows during the AM and PM peaks. The TSN is based on vehicle trip information accepted by the highway authority. Using 2011 Census and googlemaps vehicular road usage data, the TSN also shows the distribution of traffic flows around the surrounding road network, with approximately half of the new flows heading along Barcombe Mills Road towards A26, between Uckfield and Lewes, whilst the remainder would head into the village either heading north or south towards the A275 to Lewes. There is significant demand for parking at Cooksbridge train station but the additional traffic flows would not be great and there are opportunities to cycle to this facility.
46. Flooding has caused the redirection of traffic flows way from flooded areas onto narrow roads, such as the single laned Church Road. However, the TSN similarly shows that additional flows generated would not be great, even at

³ Updated Flood Risk Assessment

⁴ Transport Statement, Barcombe Mills Road, Barcombe Cross, ICENI, June 2022 and Transport Note, IcenI, October 2022.

peak times, and not focussed in one direction. TSN also demonstrates nearby junction capacity is capable of accommodating flows without significant additional queuing. The new junction of the development would have acceptable visibility splays taking into account speed surveys. It has been indicated that the TSN is unrealistic, especially in its traffic flow estimations, but in the absence of comparable evidence, based on empirical data, taking into account policy and practice, the TSN is persuasive and compelling. Importantly, the Highway Authority has raised no objection and as statutory consultee on highway matters, considerable weight is attached to their views. Therefore, inconvenience, road safety and environmental damage would not be unacceptable as a result of this development.

47. New housing would generate additional demand for school places, playschool, dentists, GP appointments, and other local infrastructure. However, such objections have not been substantiated through support from service providers. The Council's Ecology Consultant has raised no objections to the proposal subject to conditions. The majority of existing vegetation would be retained and extensive landscaping, with native species, would take place. Conditions can be imposed to mitigate against the effects of the development, including construction and pollutants on surrounding wildlife, including bird and fish species. A high level of archaeological activity, including Roman and Bronze, has been recorded in the surrounding area, but a geophysical survey demonstrates that the site has a very low archaeological potential justifying a condition requiring a scheme of investigation in accordance with a watching brief.

Planning Balance

48. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
49. The proposal would boost housing supply and provide affordable housing in accordance with LPP1 and LPP2 policies. There would be a localised and small level of harm on the character and appearance of the area in conflict with LPP1 and LPP2 policies. Considerable harm would occur to the settings of designated heritage assets and moderate harm to the NDHA in conflict with LPP1 and LPP2 policies.
50. There would also be harm from the loss of BMV agricultural land in conflict with LPP1 Policy DM19. The appellant's mapping of agricultural grade land types over the Lewes District Council planning area shows scarcer amounts of grade 2 agricultural and it does not distinguish between 3a BMV and 3b non-BMV agricultural land. However, given the District's 5YHLS is just over 3, there is a need to develop sites for housing, many of which will be greenfield given the extent of the shortfall and the rural nature of its planning area. The ILAA details deliverable/available sites with a cumulative dwelling yield significantly below the 5YHLS shortfall. Within the District as a whole, sites for housing are also constrained by the SDNP. There is housing planned on BMV agricultural land such as the allocation of 450 dwellings at Lower Hoddern Farm in Peacehaven under LPP1, and major housing permissions at Harrisons Lane and Bishops Close in Ringmer. Inevitably, these sites differ from the appeal site, but with the shortfall, they do demonstrate housing will be required on greenfield sites, that would involve loss of BMV agricultural land.

51. The ILAA is a recent background document, informing the emerging LP, but it is a requirement of paragraph 68 of the Framework for Councils to have a clear understanding of land available in their area. It includes sites identified from a 2018 Strategic Availability Assessment, and both greenfield and brownfield sites, and therefore, has significant weight in determining that green field sites will need to be developed to meet housing needs.
52. For all these reasons, the weight to be attached to the policy conflicts would be small given the extent of the 5YHLS deficit and limited measures to address it, given the preparation of the new LP is at its early stages. Nevertheless, for the development plan, the policy conflicts would remain central to the determination of the proposal and there would be conflict with it taken as a whole.
53. Turning to heritage matters, the harm to the listed Mongers Farmhouse and Barcombe Conservation Area, as individual designated heritage assets, would be less than substantial under the Framework. In accordance with paragraph 202 of the Framework, the harm should be weighed against the public benefits of the proposal for each heritage asset. There would be substantial public housing benefits arising from the proposal, including the boost to housing supply, and the provision of affordable housing, meeting a significant housing shortfall and acute affordable housing need. Additionally, there would be the significant economic, social and environmental public benefits arising from the development.
54. Such a sum of public benefits would outweigh the harm to each designated heritage asset, for which considerable weight has to be given. As agreed by the Council, no conflict with historic environment policies of the Framework arises for the designated heritage assets. For The barn (NDHA), the housing, economic, social and environmental benefits would outweigh a moderate harm identified.
55. As to the tilted test under paragraph 11 d) ii. of the Framework, there would be adverse effects on the character and appearance of the area, the setting of the designated heritage assets and NDHA, and arising from the loss of BMV agricultural land. In respect of the designated heritage assets, the benefits would outweigh the harm, and in respect of the NDHA, benefits would outweigh the harm.
56. For the character and appearance, paragraph 174 of the Framework indicates decisions should recognise the intrinsic character and beauty of the countryside but for the reasons indicated, the adverse effects would be localised and small. Footnote 58 of the Framework clarifies that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. However, given the extent of the 5YHLS shortfall and its implications on developing greenfield sites and BMV agricultural land, such a loss would not be significant.
57. The housing benefits, especially taking account into the district's significant shortfall in housing supply, lack of measures to address this, and affordable housing provision, would weigh substantially in favour. The economic, social and environmental benefits would also significantly weigh in favour. Even taking into account the combined adverse effects, including those relating to the heritage assets, the sum of these benefits would be compelling and determinative for all the reasons indicated. Consequently, the adverse effects

of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

58. The Council's IPSHD recognises the presumption in favour of sustainable development given a deficient 5YHLS and whilst non-statutory, it acknowledges sites will need to be found adjacent to settlements to meet the housing figures arising from the standard method that are higher than found in the development plan. For all the reasons indicated, the presumption in favour of sustainable development as a material consideration would be of sufficient weight to indicate that the appeal should be determined otherwise in accordance with the development plan and outline planning consent should be granted.
59. There have been substantial objections against the proposal. In coming to conclusions, such objections have been assessed against the development plan, the Framework, other policies, and considerations. In the planning balance, the weight of the evidence in this case leads to this appeal succeeding.

Conditions

60. Suggested conditions have been considered in light of the tests of paragraph 56 of the Framework, the advice in Planning Practice Guidance and discussion at the hearing. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the tests and guidance. There are pre-commencement condition requirements for the approval of details where they are a pre-requisite to enable the development to be constructed. The appellant has raised no objection to these.
61. Conditions are attached limiting the life of the planning permission and set out the requirements of the submission of reserved matters in accordance with the Act. In respect of access, a condition requiring the development to be carried out in accordance with the details shown on the plans is necessary in the interests of proper planning and for the avoidance of doubt.
62. In the interests of encouraging sustainable transport and highway safety, conditions are required for road and footpath infrastructure, and access visibility. To ensure acceptable surface water drainage, conditions are necessary for provision and management. A condition for a Construction Method Statement for development works and activities is necessary in the interests of the living conditions of residents and highway safety.
63. To safeguard the environment and health of the residents, contamination remediation conditions are necessary. In the interests of protected species and biodiversity, conditions are necessary for a Landscape and Environmental Management Plan, acceptable lighting and Biodiversity Net Gain. Given the topography of the area, conditions are necessary to restrict development scale to two storey and control the nature of earthworks, including contours and ground levels. In the interests of archaeology, a condition for adherence to a watching brief is necessary.
64. Conditions for vehicle/cycle parking and turning space directly relate to layout reserved matters and are not necessary at this outline stage. As the s106 agreement requires the submission of a travel plan, there is no necessity for a condition requiring it.

Conclusion

65. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Richborough

Schedule A

- 1) Details of appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: CSA/3124/112 and 21-T154 04 Rev D (in so far as they relate to the approved access matter).
- 5) No development shall take place until technical details of the highway scheme, including details of the access, footways, footpath links, crossing points and bus infrastructure, have been submitted to and approved in writing by the local planning authority. The development, hereby permitted, shall not be occupied until the construction of the access has been completed in accordance with the approved scheme.
- 6) The access shall not be used until visibility splays of 2.4m by 120m have been provided in both directions and are cleared of all obstructions exceeding 0.6m in height and kept clear thereafter.
- 7) No development shall take place until a surface water drainage plan has been submitted to and approved in writing by the local planning authority. The plan must include the following requirements:-
 - (i) Surface water runoff rates should not exceed greenfield runoff rates for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Hydraulic calculations, to be submitted with detailed drainage drawings, should take into account the connectivity of the different surface water drainage features;
 - (ii) Details of the drainage outfall and how it connects into the neighbouring watercourse should be provided as part of the detailed design, including cross sections and invert levels;
 - (iii) The condition of the watercourse taking surface water run off from the development should be provided before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse should be carried out prior to the construction of the outfall;
 - (iv) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely;
 - (v) The detailed design shall include information on how any pollutants from the development into the surrounding watercourse, receiving the controlled discharge, have been managed effectively; and

- (vi) The detailed design of the attenuation pond should be informed by the findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest ground water level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater of the drainage system should be provided.

The development shall thereafter be carried out and maintained in full thereafter.

- 8) Prior to the occupation of any dwelling the development hereby approved, evidence (including photographs) should be submitted showing that the drainage system associated with it has been constructed as per the final agreed detailed drainage designs.
- 9) No development shall take place until a maintenance and management plan for the entire drainage system has been submitted to and approved in writing by the local planning authority. The management plan shall cover the following:
 - (i) Responsibilities for managing all aspects of the surface water drainage system, including piped drains.
 - (ii) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the anticipated number, frequency and types of construction vehicles, including those of site personal;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) the loading and unloading of plant, materials and waste;
 - iv) the storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding;
 - vi) wheel-washing measures to prevent the discharge of dirt/mud onto the public highway and other works required to mitigate against the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - vii) measures to control noise, dust, and light emissions during works;
 - viii) a site waste management plan;
 - ix) measures to prevent flood risk both on and off-site during construction works;
 - x) method of access and egress and routeing of vehicles during construction;
 - xi) details of the location and appearance of the site offices and storage area for materials, including bunded area with solid base for the storage of liquids, oils and fuel;
 - xii) details of external lighting;
 - xiii) details of public engagement both prior to and during construction; and

xiv) hours of working.

The approved Construction Method Statement shall be adhered to throughout the construction period of the development.

- 11) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP should include the following:
- a) a risk assessment of the potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on the site to oversee works;
 - f) responsible persons and lines of communication;
 - g) the role and responsibilities on site of an ecological clerk of works or similar competent person; and
 - h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 12) No development shall take place until a Biodiversity Net Gain Scheme, setting out how the development shall result in a minimum biodiversity net gain of 10%, shall be submitted to and approved in writing with the local planning authority. The scheme shall be completed in accordance with an agreed timetable, to be agreed beforehand, in writing by the local planning authority.
- 13) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:
- a) Additional site investigation scheme, based on preliminary investigations already undertaken (Ref: RSK Preliminary Risk Assessment Report dated May 2022) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation

strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

- 14) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a long-term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 15) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 16) No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed physical grading of the land area, including the levels and contours to be formed, and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.
- 17) In the submission of scale and appearance reserved matters, no buildings or structures within the development shall exceed two storeys in height.
- 18) No residential unit shall be occupied until a lighting scheme for the development, including for housing, roads and footways/cycleways has been submitted to and approved in writing by the local planning authority. The approved lighting scheme shall be fully implemented prior to the occupation of the last permitted residential unit.
- 19) Landscape reserved matters shall detail a landscape and ecological management plan (LEMP). The LEMP shall be submitted in accordance with the principles of the CSA Environmental Impact Assessment Report No: CSA/3124/08 (March 2023) and shall include the following:
 - (a) Description and evaluation of the features to be managed including all protected species including badgers, bats, birds, dormice, reptiles, Great Crested Newts and notable species, hedgehogs;
 - (b) Ecological trends and constraints on the site influencing management aims and objectives, appropriate management options and a work schedule;

- (c) Details of the body or organisation responsible for implementation of the plan, and the sustained management and delivery of the plan;
- (d) A landscape masterplan (including detailed planning plans and specifications for the proposed planting);
- (e) A woodland buffer with the wider countryside of at least 20m in width;
- (f) Details of measures to protect and maintain the health of all retained trees and compensatory planting to mitigate the loss of any trees that are to be removed;
- (g) A long term management plan to ensure the successful establishment of the planting;
- (h) Existing hedgerows and trees not outlined for removal to be retained and protected during construction and reinstated if removed or damaged; and

The development shall be carried out in accordance with the approved LEMP and the development shall remain in accordance with the requirements of the approved LEMP thereafter.

- 20) No development shall take place until the applicant has secured the implementation of a programme of archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition from the archaeological works) has been submitted to and approved in writing by the local planning authority. No phase of the development shall be brought into use until the site and post investigation assessment for that phase has been completed and approved in writing by the local planning authority. The site and post investigation shall be undertaken in accordance with the approved details.

APPEARANCES

For Appellant

P Robson, Kings Counsel	Kings Chambers
H Ball	Gladman Developments
R Meara	CSA Environmental (Heritage)
C Self	CSA Environmental (Landscape)

Local planning authority

O Davies, Kings Counsel	Cornerstones
M Dorfman	Lewes and Eastbourne Councils
T Szendiffy	Lewes and Eastbourne Councils
H Monaghan	Lewes and Eastbourne Councils

Third Parties

A Holman	Barcombe Parish Council
T Dean	Resident
S Arnold	Resident
J Le Maistre	Resident
E Cottingham	Resident
J Burke	Resident
P Pender	Resident
B Parsons	Resident
D Liddell	Resident
D Prior	Resident
M Slater	District Councillor
S Linnington	Resident
A Marler	Resident
Dr J Kay	Council for the Protection of Rural England

Documents received at and after the hearing

1. Evidence of title, received 31 October 2023.
2. CIL Regulation Compliance Statement, 2 November 2023.
3. Finalised conditions, dated 9 November 2023
4. Planning obligation summary sheet, dated 9 November 2023
5. Walking route plan for unaccompanied access site visit, dated 9 November 2023.
6. Heritage Statement of Common Ground, dated 9 November 2023.
7. ILAA report, including Appendix 3 Site Assessments, dated February 2022.
8. Third party representation from B Parsons, received at hearing, 14 November 2023.
9. Third party representation, A3 photographic sheets detailing Conservation Area and local lanes (with traffic) and flooding events (including on Barcombe Mills Road), received at hearing, 14 November 2023.
10. Third party representations, email exchange between high authority and councillor J Sanders, dated 9 November 2023, received at hearing. 14 November 2023.
11. Third party comments on walking route plan, received at hearing, 14 November 2023.
12. Barcombe Parish Council Dark Skies Policy, received 15 November 2023.
13. Photographs of boards including Mongers Farmhouse, road flooding, map showing site, village and other consented developments, bird species locations, traffic on roads, landscape and dark skies, received 15 November 2023.
14. Section 106 agreement dated 4 December 2023.