

**Report to:** Head of Development Management

**Date:** 02 April 2026

**Application No.:** LW/25/0148

**Location:** Land at Goldbridge Farm, Goldbridge Road, Newick

**Proposal** Phased outline development for up to 250 new homes (including 40% affordable), access, landscaping, open space and other associated infrastructure with all matters reserved except site access

**Applicant:** Brookworth (South East) Ltd

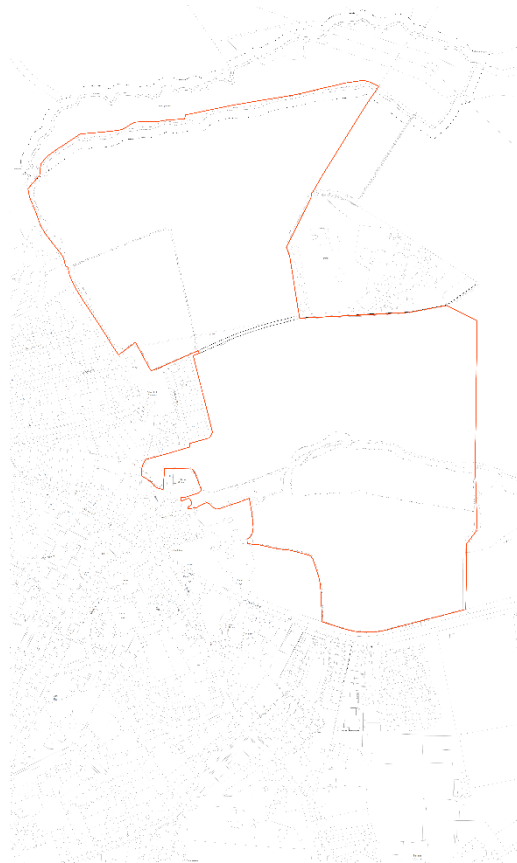
**Ward:** Newick

**Statutory Deadline or Agreed Extension:** 16<sup>th</sup> April 2026

**Recommendation:** Refusal

**Contact Officer:** Name: James Smith  
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**Site Location Plan:**



1	<b>Executive Summary</b>
1.1	This application has been submitted in outline form, with all matters reserved other than access arrangements. The submitted details for access arrangements have been endorsed by ESCC Highways.
1.2	The primary consideration in this case is therefore the principle of whether a development that aligns with the application description can be delivered on site without resulting in unacceptable harm either to an area or asset of importance or when measured against the benefits of the scheme as per the provisions of para. 11 of the NPPF.
1.3	A planning balance exercise is provided below, based on a detailed assessment which is made in the main body of this report. When assessing planning balance, members should be aware of useful commentary provided in para. 42 of <i>Asda v Leeds City Council [2021] EWCA Civ 32</i> where it is recognised that giving appropriate weight to a potential harm is a matter of planning judgment for the decision-maker and that a "significant adverse impact" is not a uniform concept. It is wrong to assume all matters of significant weight, whether they be harms or benefits, are equal or that planning policies themselves dictate the weighting that should be applied in the planning balance.
1.4	<p><u>Housing Delivery</u></p> <p>The proposed development offers significant social benefits by providing a substantial amount of new housing (up to 250 dwellings) at a time when the Council is unable to demonstrate a 5 year supply of housing land.</p> <p>This would carry <b>significant positive weight</b> in the planning balance.</p> <p><u>NPPF Policies</u></p> <p>Para. 61</p> <p><u>Local Plan Policies</u></p> <p>LLP1 – SP1, CP2</p> <p><u>Neighbourhood Plan Policies</u></p> <p>HO1</p>
1.5	<p><u>Affordable Housing:</u></p> <p>40% of the development (up to 100 dwellings) would be delivered as affordable housing.</p> <p>This would carry <b>significant positive weight</b> in the planning balance.</p>

	<p><u>NPPF Policies</u></p> <p>Para. 65, Para. 66 (footnote 9 policy)</p> <p><u>Local Plan Policies:</u></p> <p>LLP1 – CP1</p> <p><u>Neighbourhood Plan Policies</u></p> <p>HO1</p>
1.6	<p><u>Economic Benefits</u></p> <p>The development would support temporary jobs during construction works. At the operational stage it is considered that the development would create jobs associated with ongoing maintenance of the site, a place to live for those working locally and increased local spend in the local economy.</p> <p>The development would attract a significant Community Infrastructure Levy (CIL) payment.</p> <p>Overall, it is considered that this would carry <b>moderate positive weight</b> in the planning balance</p> <p><u>NPPF Policies:</u></p> <p>Para. 39, para. 88</p> <p><u>Local Plan Policies:</u></p> <p>LLP1 – CP4</p>
1.7	<p><u>Public Benefits</u></p> <p>The development would include the creation of publicly accessible green space, both formal and informal, that would be relatively well connected to the existing settlement, to the benefit of the wider community. It is noted in the Interim Infrastructure Delivery Plan that there is a shortfall of informal green space in Newick.</p> <p>This would carry <b>moderate positive weight</b> in the planning balance.</p> <p><u>NPPF Policies:</u></p> <p>Para. 96, Para. 135 (footnote 9 policy)</p> <p><u>Local Plan Policies:</u></p> <p>LLP1 – CP7, CP8, CP11 LLP2 – DM25, DM27</p>

Neighbourhood Plan Policies:

HO1, CF2

1.8

Environmental Impact

The proposed development would introduce development on a greenfield site that holds ecological and environmental value, primarily in the form of the network of native and species rich hedgerow which mark field boundaries, as well as the stream (The Ghyll), pond and woodland towards the centre of the site.

The site borders ancient woodland on its northern side and also to the east along the southern side of The Ghyll. The indicative plans show buffers being maintained around both areas of woodland that would be consistent or in excess of the minimum 15 metres referred to in standing advice issued by Natural England and the Forestry Commission. At the outline stage this is considered sufficient although a more detailed assessment of root protection areas would need to be provided to support any layout submitted at the reserved matters stage.

The site falls within the 7km Ashdown Forest zone of influence. Development that involves a net increase in residential development in this area is highly likely to increase recreational impact upon the forest, which is a Special Protection Area (SPA) and Special Area of Conservation (SAC).

Following an Appropriate Assessment carried out in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), it is considered that the impact of the development on the Ashdown Forest can be appropriately mitigated through contributions towards Suitable Alternative Natural Greenspace (SANGs) and Strategic Access Management and Monitoring (SAMMs), provided these are secured as part of any s106 legal agreement.

The applicant has demonstrated that Biodiversity Net Gain of approx. 26% can be achieved within the site whilst any harm to existing habitat will be mitigated and retained on-site habitat would be conserved and/or enhanced.

Attention is drawn to para. 155 and 156 of Para. 154-159 *Vistry Homes Ltd v Secretary of State for Levelling Up, Housing and Communities & Ors (Rev1)* [2024] EWHC 2088 (Admin) which states:

*It is difficult to see how logically a decision-maker could give no weight at all to, for example, the provision of 10% BNG because that equated to the 10% requirement in sched. 7A. The fact that such a requirement is imposed by legislation is simply a mechanism for ensuring that a wide range of developments contribute to the collective effort of improving biodiversity in England. It does not alter the nature or purpose of the improvement in biodiversity which is provided, or the underlying justification for the requirement to reverse a national decline in biodiversity over many years.*

*It also follows that where a development would provide BNG of 20%, a decisionmaker is not entitled to say that only that part of the BNG which exceeds 10% can qualify as a benefit in deciding whether to grant planning permission.*

Overall, it is considered this should carry **moderate positive weight** in the planning balance.

NPPF Policies:

Para. 187, Para. 193

Local Plan Policies:

LLP1: CP8, CP10

LLP2: DM24

Neighbourhood Plan Policies:

EN1, EN2

1.9

Locational Sustainability

Newick is classified as a 'rural service centre' (tier 2) in the settlement hierarchy provided in table 2 of LLP1. These are defined as sustainable locations (with with a number of key services and facilities that meet many day to day needs of their residents and those from the wider rural hinterland and with some employment opportunities available.

The 2025 Settlement Hierarchy Review (SHR), which forms part of the evidence base for the emerging local plan, has downgraded Newick to a tier 3 'service centre'. The primary reason given for this is the increased importance of access to sustainable transport reflected in the 2024 NPPF and an identified shortfall of public transport provision in the village. However, the SHR does still conclude that the village considered to benefit from a reasonable level of sustainable transport connectivity and also considers it to be 'well-served' by shops, community facilities, education and health facilities.

Para. 109 of the 2024 NPPF makes clear that a 'vision led' approach to transport planning should be embraced as a means to deliver sustainable development. This includes an objective of identifying and pursuing opportunities to promote walking, cycling and public transport use

Para. 110 sets out how the vision led objectives would be supported. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also goes on to state that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

Noting that Newick is a rural settlement, it is considered that para. 83 is also of relevance. This para. states that, in order to promote sustainable development in

rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

It is therefore considered that the proposed development would be sited in a reasonably sustainable location, although not within one of the most sustainable settlements in the District, and that this should be afforded **limited positive weight** in the planning balance.

NPPF Policies:

Para. 83, Para. 109, Para. 110 (footnote 9 policy)

Local Plan Policies:

LLP1: SP1, CP2, CP13

Neighbourhood Plan Policies:

TC1 CF2

1.10

Landscape Impact

The proposed development would be carried out on a wide expanse of existing open, arable land that is prominent in the approach to the village from the east and, owing to development on the southern side of Goldbridge Road, is considered to make a vital contribution in defining Newick as a rural settlement. The open nature of the site also allows for expansive views into the wider surrounding countryside, including towards the High Weald National Landscape, which further reinforces sense of place and the quality and importance of the landscape. Proposed mitigation measures, whilst screening the development to a degree, would in themselves undermine the open nature of the landscape.

The development would also mark disproportionately large extension to the eastern edge of the relatively well contained settlement of Newick, stretching across the majority of the existing eastern edge and therefore resulting a large suburbanising element that would alter the perception of Newick as a modest scale rural settlement when seen in wider views from the east, including from the High Weald National Landscape.

Overall, it is considered that the harmful impact upon landscape character, which would extend well beyond a localised impact, as well as the impact upon settlement pattern should be afforded **significant negative weight** in the planning balance.

NPPF Policies:

Para. 135 (footnote 9 policy), Para. 187

Local Plan Policies:

	<p>LLP1: CP10 LLP2: DM25, DM27</p> <p><u>Neighbourhood Plan Policies:</u></p> <p>HO1, EN1</p>
1.11	<p><u>Loss of Agricultural Land:</u></p> <p>The majority of the approx. 27.5 hectare site is currently productive arable land. The Natural England Agricultural Land Classification map London and the South East (ALC007) indicates that the site occupies an area that is predominantly Grade 3 'good to moderate' quality agricultural land. The map does not differentiate between grade 3a (best and most versatile land - BMV) and grade 3b. It is also at a macro scale and is not sufficiently accurate for use in assessment of individual fields, as confirmed in the Natural England Guide to assessing development proposals on agricultural land.</p> <p>The Natural England guide states that <i>'you can assess if a development proposal is likely to affect BMV agricultural land by using the post 1988 ALC Magic map and detailed site survey reports'</i> and that <i>'If no site survey reports are available, a new detailed survey may be necessary.'</i></p> <p>The site is not included on the ALC magic map nor has any detailed site survey report been undertaken. However, it is noted that the agricultural land on the opposite side of the road was surveyed in 1995 and was found to be predominantly grade 1 'excellent' quality land, with a small amount of grade 3a 'good' quality.</p> <p>The applicant has not provided any assessment of the soil quality within the site and, in the absence of any evidence to the contrary, and in light of the arable use of the site and the high grade land nearby on the opposite side of the road, it is considered reasonable to presume that the site has a good chance of providing a substantial amount of BMV land.</p> <p>As such, the loss of agricultural land is considered to carry <b>moderate negative weight</b> in the planning balance.</p> <p><u>NPPF Policies:</u></p> <p>Para. 187, Para. 188 (plus footnote 65)</p> <p><u>Local Plan Policies:</u></p> <p>LLP2: DM19</p>
1.12	<p><u>Conflict with Spatial Strategy</u></p> <p>The proposed development conflicts with the spatial strategy set out in the Local Plan in that it would be located outside of the settlement boundary of Newick</p>

and would involve a significant amount of new housing that is well beyond the minimum 100 net dwellings set out in the Local Plan, also noting that an increase of over dwellings has already been secured through site allocated in the Newick Neighbourhood Plan, all of which have now been built out.

The weight of this conflict is, however, reduced as a result of the Local Plan (and Neighbourhood Plan) being deemed out of date and the inability of the Council to identify a 5 year supply of housing land, which suggests that the amount of development needed cannot be provided solely within settlement boundaries or in the distribution of housing suggested in LLP1 policy SP2.

For this reason, the conflict is afforded **limited negative weight** in the planning balance.

NPPF Policies:

Para. 12, Para. 14

Local Plan Policies:

LLP1: SP1, CP2

LLP2: DM1

Neighbourhood Plan Policies:

TC1, EN3

1.13

Impact upon Built Environment

The cumulative impact of the proposed development and the recently completed development on the opposite side of Goldbridge Road would result in the eastern approach to Newick being defined by blocks of modern suburban type housing developments, with the scale and geographical focus of these developments overwhelming the existing character of the village and failing to respect the more organic and informal way in which the northern and eastern parts of the village have grown over time.

It is considered that the development would also suffer from a sense of detachment from the village owing to its single vehicular access, taken directly from Goldbridge Road, relative lack of connectivity with the existing village (although it is noted the Public Right of Way network will be used in places, and to the need to provide green buffers around Listed Buildings. This would result in a lack of cohesion and the substantial development appearing to interact more readily with the surrounding countryside than with the settlement itself

As such, it is considered that impact upon the built environment would be afforded **moderate negative weight** in the planning balance.

NPPF Policies:

Para. 135 (footnote 9 policy),

	<p><u>Local Plan Policies:</u></p> <p>LLP1: CP11 LLP2: DM25</p> <p><u>Neighbourhood Plan Policies:</u></p> <p>HO1, EN1</p>
1.14	<p><u>Heritage Impact</u></p> <p>There are a number of heritage assets adjacent or close to the site, these being a collection of Grade II Listed Buildings and the Newick (The Green) Conservation Area.</p> <p>The Council's Heritage Consultant has concluded that there would be some harm to significance of heritage assets, primarily as a result of loss of rural setting to Listed Buildings and the erosion of the sense of a rural village impacting upon the Conservation Area. However, they consider that, with appropriate mitigation, these harms could be managed to a degree that the level of harm would be less than substantial and at the low end of the scale.</p> <p>It is therefore considered that heritage impact should be afforded <b>limited negative weight</b> in the planning balance.</p> <p><u>NPPF Policies:</u></p> <p>Para. 215</p> <p><u>Local Plan Policies:</u></p> <p>LLP1: CP11 LLP2: DM33</p>

<b>2</b>	<b>Relevant Planning Policies</b>
	<u>National Planning Policy Framework</u>
2.1	<p>2 – Achieving sustainable development 4 – Decision making 5 – Delivering a sufficient supply of homes 8 – Promoting healthy and safe communities 9 – Promoting sustainable transport 11 – Making effective use of land 12 – Achieving well-designed places 14 – Meeting the challenge of climate change, flooding and coastal change 15 – Conserving and enhancing the natural environment 16 – Conserving and enhancing the historic environment</p>

	<u>Lewes Local Plan Part 1 (LLP1)</u>
2.2	<p>CP1 – Affordable Housing  CP2 – Housing Type, Mix and Density  CP7 – Infrastructure  CP8 – Green Infrastructure  CP9 – Air Quality  CP10 – Natural Environment and Landscape  CP11 – Built and Historic Environment &amp; Design  CP12 – Flood Risk, Coastal Erosion &amp; Drainage  CP13 – Sustainable Travel  CP14 – Renewable and Low Carbon Energy</p>
	<u>Lewes Local Plan Part 2 (LLP2)</u>
2.3	<p>DM1 – Planning Boundary  DM14 – Multi-functional Green Infrastructure  DM15 – Provision for Outdoor Playing Space  DM16 – Children’s Play Space in New Housing Development  DM20 – Pollution Management  DM22 – Water Resources and Water Quality  DM23 – Noise  DM24 – Protection of Biodiversity and Geodiversity  DM25 – Design  DM27 – Landscape Design  DM33 – Heritage Assets  DM35 – Footpath, Cycle and Bridleway Network</p>
	<u>Newick Neighbourhood Plan (NNP)</u>
2.4	<p>HO1 – Housing  EN1 – Landscape Character  EN2 – Wildlife Corridors  EN3 – Footpaths and Twittens  CF2 – Community Spirit  TC1 – Sustainable Modes of Transport</p>

<b>3</b>	<b>Site Description</b>
3.1	<p>The application site, which has an overall area of approx. 27.5 hectares, comprises predominantly arable land in the form of a chain of interconnected, relatively large fields that extend from the side of Goldbridge Road (A272) towards the ancient woodland at Goldbridge Wood, approx. 775 metres northward. Approx a quarter of the way across the site it is bisected by a stream (The Ghyll) which issues on the western edge of the site and flows eastward towards the River Ouse. The southern bank of the stream is flanked by a belt of woodland which has been planted relatively recently following a landfill operation carried out approx. 30 years ago. There is also a pond adjacent to the stream towards the western side of the site, which was created as a settling lagoon approx. 30 years ago as part of the works associated with the infilling of a marshy area and diversion of The Ghyll. Woodland continues beside the stream</p>

	<p>to the east of the site, where it is recognised as ancient woodland (Valley Wood). The site rises broadly from east to west by approx. 20 to 25 metres. The northern part of the site starts to fall gently towards the north.</p>
3.2	<p>The character of the immediate surrounding area is defined by built environment to the south and west and open countryside to the north and east. The built environment to the west includes heritage assets in the form of the Newick (The Green) Conservation area which includes the village green itself, terraces of historic cottages and shops, the Grade II Listed village pump and two of the villages public houses. Development to the south comprises modern estate type housing situated on two sites that were allocated for residential development in the Newick Neighbourhood Plan. Offsite works associated with these developments include a hard surfaced footway that runs along part of the southern site boundary, providing access to a new bus stop on Goldbridge Road. The surrounding countryside is characterised by a patchwork of enclosed fields and woodland with occasional streams and ponds, as well as the River Ouse which flows north to south approx. 500 metres to the east of the site. To the north the countryside extends towards the High Weald National Landscape, which is visible from the site and the surrounding area and lies approx. 1km to the north of the site. The church spire at Fletching, a rural settlement within the National Landscape, can also be seen.</p>
3.3	<p>A public right of way, NWK/10/1, enters the site from the west, in a roughly central location. The path extends from residential development at Cricketfield and Alexander Mead and heads east, following the course of a surfaced road that also provides access to a wastewater treatment works (WWTW) that lies close to the eastern edge of the site. The path turns north and skirts the boundary of the WWTW, at which point it becomes unsurfaced. The path connects with another public right of way, NWK/11/2 which takes an alleyway form, providing a surfaced route running to the rear of dwellings on Cricketfield, Alexander Mead and Bullsfield towards the village green and High Street. There is an existing field access for farm traffic in the south-eastern corner of the site, taken from Goldbridge Road. A gravity fed public sewer crosses the central field diagonally, running from the rear of Bullsfield towards the WWTW. Part of the northern end of the site is crossed by overhead power lines running from the rear of 'Cuttings' towards the WWTW.</p>
3.4	<p>The site falls entirely within Flood Zone 1 and is therefore not identified as being at risk of flooding from tidal or fluvial sources although it is noted there are flood zone 3 areas nearby on the fields flanking the River Ouse. Parts of the site are subject to high levels of surface water flood risk, primarily these areas reflect the course of The Ghyll and the location of the existing pond but there is also an overland flow path running from The Ghyll diagonally across the south eastern corner of the site. Surveys have shown high groundwater levels on the site.</p>
3.5	<p>The edge of Ashdown Forest, which is a Special Protection Area (SPA) and Special Area of Conservation (SAC) is within 7km of the site, lying to the north-east.</p>
3.6	<p>The majority of the site is included in the most recent Land Availability Assessment (LAA) under reference 29NW, where it is identified as not being</p>

	suitable for residential development, primarily due to concerns over landscape and settlement pattern impact. The north-western corner of the site, which is a single hedgerow enclosed field, was assessed separately as site 33NW and was considered to be potentially suitable for residential development with concerns over landscape impact being reduced.
3.7	Newick Parish marks the eastern edge of Lewes District, with land outside the parish to the north and east falling within the jurisdiction of Wealden District Council.

<b>4</b>	<b>Development Proposed</b>
4.1	The application seeks outline planning permission for the erection of up to 250 dwellings on the site. Approval is also sought for the access arrangements to serve the development. All other matters are to be reserved, these being the appearance, layout and scale of the development and the landscaping arrangements. However, a series of illustrative plans have been provided to aid decision making and show how the proposed development could be accommodated within the site.
4.2	The proposed development would utilise a newly formed access that would be taken from the northern side of Goldbridge Road, to the immediate west of the new Holly Lane bus stop, in the rough position of two oak trees. The existing field access would be stopped up but with an opening maintained for pedestrian access. The Holly Lane bus stop would be relocated approx. 30 metres to the east of its current location. The access would take the form of a priority junction with a bellmouth opening and a central island to assist crossing. Road widening works would be carried out utilising the verge and footway on the northern side of Goldbridge Road around the proposed access, as well as highway verge on the southern side in order to allow for the formation of a right hand turn lane to accommodate traffic approaching from the east and turning into the site. A new section of footway would be provided along the northern side of the road to provide access from the proposed development to the repositioned bus stop to the east.
4.3	The submitted illustrative layout show development being distributed across the site in 3 blocks. One of these blocks would occupy the southern end of the site, the next would occupy the large central field, with separation provided from the block to the south by The Ghyll along with its adjoining woodland and pond. The third block would be positioned in the two northernmost fields, with the public right of way running between this block and the neighbouring block to the south. The illustrative layouts show a spinal road running south to north through the site and serving each block of development. As the development would have only one point of vehicular access, all traffic would use this spinal road. The illustrative plans also show a footpath network with pedestrian links to the village provided through access to the existing public right of way network at two points, one where the right of way crosses the site itself and one to the south of Cricketfield where the public right of way flanks the site.

4.4	<p>The Design and Access Statement submitted with the application includes conceptual details of how the 3 blocks of the development could be split into 4 'neighbourhoods' which, it is suggested, would respond to the constraints and characteristics of each part of the site. In essence, these neighbourhood areas seek to reflect an informal traditional rural village character in the southern end of the site, a higher density and more uniform character in the centre of the site and then two neighbourhood areas at the northern end that would include an incremental reduction in density and return to an informal layout as a means to manage the transition between the developed area of the site and the wider countryside. The illustrative plans show buffers of 15 metres or more maintained around the edges of ancient woodland on adjoining land to the north but does not include a defined buffer adjacent to the woodland to the east.</p>
4.5	<p>Of the up to 250 dwellings provided, a policy compliant 40% (up to 100 dwellings) would be delivered as affordable housing. An illustrative housing mix plan has been provided although the details show are rather broad, being restricted to showing dwellings in the northern and southern blocks being up to 4 bedrooms in size and those in the central block being a maximum of 3 bedrooms. A separate illustrative plan is used to indicate maximum building heights across the development, with these shown as two storeys across the majority of the site other than the southern edge of the central block where up to 2.5 storeys is indicated.</p>
4.6	<p>The illustrative plans show approx. 12.5 hectares of the site (which equates to some 45% of the total area) retained for green and blue infrastructure including formal and informal greenspace, play areas, ecological enhancement areas, pedestrian and cycle routes and drainage infrastructure in the form of attenuation basins.</p>

<b>5</b>	<b>Relevant Planning History</b>
5.1	<p><b>LW/87/1407</b> – Reclamation of marshy trench for agricultural use using inert sub-soil and incorporating drainage improvement – Approved Conditionally by ESCC 22<sup>nd</sup> January 1988</p> <p><b>LW/92/1212</b> – Reclamation of marshy trench using inert subsoil and incorporating drainage trench – Approved Conditionally by ESCC 23<sup>rd</sup> November 1992</p> <p><b>LW/96/0652</b> – Infilling of land with inert sub-soil – Approved Conditionally by ESCC under LW/128/CM 24<sup>th</sup> June 1996</p> <p><b>LW/02/0052</b> – Retention of vehicular access to farmland from the A272 – Approved Conditionally by ESCC under LW/342/CM 25<sup>th</sup> February 2002</p>

<b>6</b>	<b>Consultations (summarised)</b>
	<u>Newick Parish Council</u>
6.1	<p><b>Representation –</b></p> <p>Objection for multiple reasons:</p> <ul style="list-style-type: none"> <li>• Overdevelopment</li> <li>• Change character of village/ rural landscape</li> <li>• Impact on ancient woodland and nature conservation features</li> <li>• Ecology/ biodiversity impact</li> <li>• Impact on flora and fauna</li> <li>• Impact on heritage features</li> <li>• Impact on Infrastructure</li> <li>• Highways issues/ sustainable transport</li> <li>• Unsustainable water supply/ sewage system</li> <li>• Contaminated land</li> <li>• Access issues</li> <li>• Would not provide genuinely affordable homes</li> </ul>
	<u>Fletching Parish Council</u>
6.2	<p><b>Representation –</b></p> <p>Objection for multiple reasons:</p> <ul style="list-style-type: none"> <li>• Unsustainable location</li> <li>• Impact intrinsic character and beauty of the countryside, and the protection of the Fail to protect setting of High Weald</li> <li>• Loss of irreplaceable ancient woodland</li> <li>• Ecology impacts</li> <li>• Highway issues</li> <li>• Impact on drainage/ sewerage</li> <li>• Impact on heritage assets</li> </ul>
	<u>East Chiltington Parish Council:</u>
6.3	<p><b>Representation –</b></p> <p>Objection for multiple reasons:</p> <ul style="list-style-type: none"> <li>• Building in countryside</li> <li>• Overdevelopment</li> <li>• Unsustainable Development</li> <li>• Contrary to policy</li> <li>• Lack of infrastructure</li> <li>• Water supply</li> <li>• Congested and failing roads</li> <li>• Traffic generation</li> </ul>

	<u>Wealden District Council</u>
6.4	<p><b>Representation –</b></p> <p>No objections.</p>
	<u>Lead Local Flood Authority</u>
6.5	<p><b>Representation -</b></p> <p>The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively, subject to conditions relating to ensure surface water runoff is managed safely.</p>
	<u>ESCC Highways</u>
6.6	<p><b>Representation –</b></p> <p>This application originally attracted a highway objection for a number of reasons, including insufficient information relating to public rights of way (PRoWs), access arrangements, modelling outputs, and the relocation of two bus stops.</p> <p>An amended access plan has been submitted (drawing reference SX5047-3PD-001 Revision A). The stagger distance has been confirmed as 55 m from the Woods Fruit Farm access (Berry Croft). This meets national guidance as per the Design Manual for Roads and Bridges minimum stagger distance of 50 m and is therefore considered acceptable. Cycle infrastructure has been incorporated within the access arrangement. This reflects PRoW NWK/10/1 not being formally altered to a cycle path, as detailed within this response.</p> <p>Elements of the development site are not ideal from a transport and accessibility perspective. The identified mitigation measures, including footway improvements towards the centre of Newick, enhancements to PRoW NWK/11/2, provision of a car club, a bus service contribution, provision of a centrally located Demand Responsive Transport stop, and a comprehensive Travel Plan are therefore considered essential and non-negotiable in order to make the development acceptable in accessibility terms. The highway objection is accordingly withdrawn, subject to the imposition of appropriate conditions and legal agreements.</p>
	<u>ESCC Public Rights of Way Officer</u>
6.7	<p><b>Representation –</b></p> <p>The public rights of way impact will be contingent on further clarification regarding how the paths will be affected and on the approval of the active travel provision for the site. A section 106 contribution would also be sought to improve the easterly continuation of Footpath 10 beyond the application site to accommodate the increased recreational use.</p>

	<u>Environment Agency</u>
6.8	<p><b>Representation</b></p> <p>No objection subject to condition regarding piling, foundation design and investigation boreholes.</p>
	<u>Heritage Consultant</u>
6.9	<p><b>Representation</b></p> <p>No objection. Harm is less than substantial but outweighed by public benefit.</p>
	<u>Contaminated Land Officer</u>
6.10	<p><b>Representation –</b></p> <p>No objections subject to conditions relating to land contamination, remediation strategy, verification report, CEMP, UXO risk, and imported soil.</p>
	<u>Natural England</u>
6.11	<p><b>Representation</b></p> <p>This development site is within the zone of influence (Zol) for recreational pressure impacts to one or more European Sites (habitats sites). Within this Zol, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects. Your authority has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s).</p> <p>The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.</p> <p>Notwithstanding this, Natural England advises that these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the Natural England Access to Evidence - Conservation Objectives for European Sites and in accordance with the Conservation of Habitats &amp; Species Regulations 2017 (as amended). Providing the appropriate assessment concludes that the measures can be secured, it is likely that Natural England will be satisfied that there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance. Where the proposal includes bespoke mitigation that falls outside of the strategic solution, Natural England should be consulted.</p>

	<u>National Trust</u>
6.12	<p><b>Representation -</b></p> <p>The proposed development is located approximately 1km south of the High Weald National Landscape. It is therefore important that great weight is given to conserving and enhancing the landscape and scenic beauty of this designated National Landscape which has the highest status of protection. It will be crucial that water quality and the river ecology is not adversely impacted by this development. A minimum buffer of 25m adjoining the ancient woodland is appropriate in protecting this irreplaceable habitat.</p>
	<u>Southern Water</u>
6.13	<p><b>Representation</b></p> <p>There is currently adequate capacity in the local sewerage network to accommodate a foul flow of 6 l/s for the above development at manhole reference TQ42211601. Please note that no surface water flows (existing or proposed) can be accommodated within the existing foul sewerage system unless agreed by the Lead Local Flood Authority in consultation with Southern Water, after the hierarchy Part H3 of Building Regulations has been complied with.</p> <p>Southern Water has undertaken a capacity check, and our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.</p>
	<u>Active Travel England</u>
6.14	<p><b>Representation -</b></p> <p>Referred to sustainable development advice notes.</p>
	<u>Sussex Police Designing Out Crime Officer</u>
6.15	<p><b>Representation -</b></p> <p>No objection from a crime prevention perspective subject to consideration of recommendations given.</p>
	<u>Sussex Police and Crime Commissioner</u>
6.16	<p><b>Representation</b></p> <p>The application site is a greenfield site that has a negligible impact on policing. Once developed this site will create an additional demand upon the Police Service that does not currently exist. Sussex Police would raise objection unless a contribution of £72,681.14 is made in order to mitigate against the impact.</p>

7	<b>Other Representations</b>
7.1	<p>1,075 letters of objection have been received. Material planning matters that have been raised are summarised below:</p> <p><u>Principle</u></p> <ul style="list-style-type: none"> <li>• Unsustainable development</li> <li>• Contrary to NPPF/ planning policy/ neighbourhood plan/ land availability assessment</li> <li>• Outside planning boundary</li> <li>• Overdevelopment</li> <li>• Increases size of village</li> <li>• Increase in population</li> <li>• Loss of grade 3 farmland/ agricultural land</li> <li>• Building in countryside</li> <li>• Brownfield land should be developed first</li> <li>• Loss of village/ rural character</li> <li>• Coalescence with North Chailey</li> <li>• Impact on community cohesion and identity</li> <li>• Lack of affordable housing</li> <li>• Affordable housing not required</li> <li>• Will not help local housing need</li> <li>• Will not provide social housing</li> </ul> <p><u>Visual Impact</u></p> <ul style="list-style-type: none"> <li>• Impact on SDNP/ AONB</li> <li>• Impact on landscape setting</li> <li>• Impact on countryside views/ vista</li> <li>• Scale of development</li> <li>• Loss of open space</li> <li>• Loss of green space</li> <li>• Impact on heritage assets</li> <li>• Urban sprawl</li> <li>• Poorly designed houses</li> <li>• Impact on heritage assets/ archaeology</li> <li>• Impact on dark skies</li> </ul> <p><u>Ecological Issues</u></p> <ul style="list-style-type: none"> <li>• Impact on Ashdown Forest</li> <li>• Environmental Impact</li> <li>• Impact on ecology/ biodiversity</li> <li>• Impact on wildlife/ protected and endangered species</li> <li>• Impact on flora and fauna</li> <li>• Destroy habitats</li> <li>• Impact on ancient woodland</li> <li>• Loss of trees and hedgerows</li> <li>• Lack of sustainable features</li> </ul>

- Climate change/ global warming
- Carbon footprint
- Loss of carbon storage
- Food security/ scarcity
- Dark skies

#### Highway Impact

- Highway safety
- Parking issues
- Increase in traffic/ congestion
- Impact on local road infrastructure including A272
- Poor Access
- Lack of transport links
- Loss of footpaths
- Impact on public right of way
- Lack of access for emergency vehicles
- Lack of public transport
- Impact on pedestrian safety

#### Flooding and drainage

- Flood risk
- Impact on waterways and water quality
- Sewage problems
- Water resources
- Water pollution
- River pollution

#### Amenity

- Noise and disturbance
- Insufficient infrastructure
- Lack of essential services
- Impact on local amenities/ shops
- Impact on public services
- Healthcare capacity
- Lack of school places
- Pollution
- Impact on air quality
- Loss of open spaces and walking paths
- Impact on health and wellbeing
- Impact on light
- Light pollution
- Impact on views
- Energy shortages
- Contaminated land

#### Other issues

	<ul style="list-style-type: none"> <li>• Disruption and inconvenience from build</li> <li>• Displacement of residents</li> <li>• Increase in crime</li> <li>• Increased cost of living</li> <li>• Equalities implications</li> <li>• Lack of play areas</li> <li>• Impact on WiFi service/ speeds</li> <li>• Lack of local employment opportunities</li> <li>• Houses won't be 'affordable'</li> <li>• Proliferation of developments in Newick</li> <li>• Cumulative development</li> <li>• No master planning</li> <li>• Landfill site nearby</li> <li>• Other new houses not sold</li> <li>• Tennis club will be oversubscribed</li> <li>• Local traditions such as Bonfire night will be under threat</li> <li>• Substandard and inaccurate submission documents</li> </ul>
7.2	<p>77 letters of support have been received, material planning points raised are summarised below:</p> <ul style="list-style-type: none"> <li>• Affordable housing required</li> <li>• Housing mix meets local needs</li> <li>• Not enough homes being built</li> <li>• Create younger demographic</li> <li>• CIL would provide infrastructure improvements</li> <li>• Provide public amenity space</li> <li>• Sustainability measures proposed</li> <li>• Biodiversity net gain</li> <li>• Sympathetic to countryside location</li> <li>• Appropriate landscaping and green space</li> <li>• Positive impact on trade/ local economy</li> <li>• Positive impact on sports clubs</li> </ul>

<b>8</b>	<b>Appraisal</b>
	<u>Key Considerations</u>
8.1	<p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p>

	<p>The main considerations relate to</p> <ul style="list-style-type: none"> <li>• The principle of the development;</li> <li>• The sustainability of the location;</li> <li>• The impact upon the character and appearance of the surrounding built and natural environment;</li> <li>• Impact upon heritage assets;</li> <li>• Delivery of housing and quality of accommodation provided;</li> <li>• Neighbour amenities;</li> <li>• Highway impact in terms of traffic and safety;</li> <li>• Environmental impact, particularly flood risk and management;</li> <li>• The overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development.</li> </ul>
	<p><u>Principle of Development</u></p>
8.2	<p>The application involves the erection of new dwellings outside of the settlement boundary as defined in Lewes District Local Plan Part 2 (LLP2). Policy DM1 of LLP2 resists any development outside of the settlement boundary unless it represents one of the exceptions listed in the policy or is supported by another policy in the Local Plan. The provision of new dwellings outside of the settlement boundary, other than affordable housing exception schemes or agricultural worker dwellings is not supported. Policy DM1 also includes a more general objective of protecting the distinctive character and quality of the countryside.</p>
8.3	<p>As Lewes District is currently unable to demonstrate a 5-year supply of housing land, the in-principle refusal of housing development outside of the settlement boundary can no longer be supported, as the development plan is considered out-of-date for the purpose of determining applications involving housing provision as per para. 11 of the National Planning Policy Framework (NPPF). This generally results in the ‘tilted balance’ being applied whereby sustainable development should be allowed other than when the harms it would cause significantly and demonstrably outweigh the benefits. However, the tilted balance is disengaged where the development would impact on areas or assets of particular importance provides a strong reason for refusing the development proposed. These areas and assets are listed in footnote 7 of the NPPF and includes heritage assets and designated landscape. Therefore, the impact of the proposed development upon nearby Listed Buildings and the Newick (The Green) Conservation Area and the impact upon the High Weald National Landscape are crucial considerations as an unacceptably harmful impact may result in a direct path to refusal without the need for the tilted balance to be applied.</p>
8.4	<p>Notwithstanding the above, it has been established through case law, comprehensively summarised in <i>Gladman Developments Ltd v SSHCLG &amp; Corby BC &amp; Uttlesford DC [2020] EWHC 518 (Admin)</i> that para. 11 does not remove development plan policies from the decision making process and that, instead, it is for the decision maker to analyse policies and attribute suitable weight as part overall assessment of the benefits of any scheme versus the harm caused.</p>

8.5	<p>The NPPF does not make reference to settlement boundaries although para. 84 does state that development of isolated homes in the countryside should be avoided unless it meets a specific set of criteria. Para. 82 states that, ‘in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.’ This is followed in para. 83 with states that ‘to promote sustainable development in rural areas, housing should 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.</p>
8.6	<p>The current (2024) edition of the NPPF includes amendments to para. 11 d) which place increased emphasis on directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The paragraphs most relevant to these objectives are identified in footnote 9.</p>
8.7	<p>The 2024 edition also incorporated to a ‘vision-led’ approach to transport planning, moving away from a reactive approach where transport infrastructure responds to development to a system where development responds to a defined ‘vision’ for how transport infrastructure will be shaped in the future, with para. 109 of the NPPF regarding this as the delivery of well-designed, sustainable and popular places.</p>
8.8	<p>This is followed by para. 110 which states significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, a caveat is included in that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.</p>
8.9	<p>It is therefore considered that the general principle of the development rests upon whether, when measured against relevant local and national policies, the proposed scheme can be regarded as sustainable development and, if it can, then the outcome rests on how the scheme would respond to the various constraints of the site and surrounding area when measure against relevant policies and the weighting of any harmful impact (either to disengage the tilted balance where relating to impact on heritage assets and designated landscape or whether any harms significantly and demonstrably outweigh the benefits of the scheme where the tilted balance is engaged).</p>
	<p><u>Landscape and Visual Impact:</u></p>
8.10	<p>Although the application is submitted in outline form and, therefore, all matters other than the access arrangements and the principle of the development are reserved, it is important that it is established at this stage that the site has the capacity to accommodate some form of development consistent with the application description, as set out in <i>Paul Newman New Homes Ltd v Secretary of State for Housing, Communities and Local Government</i> [2021] EWCA Civ 15</p>

	<p><i>Once outline planning permission has been granted, it will not be open to a decisionmaker to revisit at the reserved matters stage any matters of principle which ought to have been considered at this earlier stage; this means that once permission has been granted in principle, some development must be permitted on the site within the ambit of that permission. It would not be open to the local planning authority, for example, to take the position at the reserved matters stage that no development on that site could ever blend in with the character and setting of the local environment.</i></p>
8.11	<p>The illustrative plans submitted with the application promote a vision for the development of the site that seeks to its various inherent constraints which include proximity to heritage assets, proximity to ancient woodland, proximity to a wastewater treatment site, access issues and the transition between the site and the wider countryside.</p>
8.12	<p>It is clear that a large scale residential development of the site would result in built form, supporting infrastructure and domestic paraphernalia stretching across the entire north-eastern edge of the village which includes the northern part of the Newick (The Green) Conservation Area. The southern part of the development would be directly opposite recently completed housing development that flanks the eastern edge of the southern side of the Conservation Area.</p>
8.13	<p>The site is of some prominence in the approach to the village from the east due to its open nature and rising topography. In terms of landscape character, at the national level it falls within the Low Weald character area. At the County level it falls within the Upper Ouse Valley Character Area (ESCLA). At the district level, it falls within the Wivelsfield, Newick and Chailey Western Low Weald (DLCA). The relevant assessments for each character area identify a number of valuable attributes of the character area as well as constraints and potential sources of change. In the case of the ESCLA, the creeping suburbanisation and urban fringe pressures that are evident around the towns and larger villages are an existing influence that detracts from local distinctiveness. Newick is considered to have largely escaped from such influence, particularly on the eastern approach. Expansion of urbanising influences into rural areas is also identified as a force for change in the DLCA which also advises that new development in the character area should be avoided on higher ground and within the setting of the AONB (now the National Landscape) and should be concentrated to existing settlement patterns. It also directs that development should avoid any adverse impact to the High Weald AONB's indicators of natural beauty, including the setting and intervisibility with the AONB.</p>
8.14	<p>The site has also been subject to more focussed landscape assessment in the Council's 2025 Landscape Sensitivity Assessment (LSA), which forms part of the evidence base for the emerging local plan, and comments provided by the ESCC Landscape Officer in the Land Availability Assessment (LAA) assessment of the site. The site falls within the Newick B parcel of land in the LSA assessment. The study area also includes land to the west of the site, this being the field adjacent to Toll Cottage, land to the north of Mantell Close and land between Newick Hill and Jackies Lane.</p>

8.15	<p>The assessment notes the influence of the existing settlement, the wastewater treatment plant and the A272 on parts of the parcel, particularly on its western edge and also that the fields in the parcel are larger than is typical in the wider countryside, this being something that is also identified in the ESCLA. In terms of sensitivity, it notes the role the parcel plays in defining the rural approach and setting of Newick (including The Green Conservation Area), intervisibility with the surrounding agricultural landscape and High Weald National Landscape and the increased sensitivity of parts of the site, with specific reference to the large central field, due to its elevated nature.</p>
8.16	<p>The LSA concludes that there may be some potential for small or medium scale development on the western edges of the site but that large scale residential development, such as the scheme proposed, would be unlikely to be able to be introduced without significant adverse character change or adverse visual effects. It then goes on to state that, should development come forward on the parcel, it should be concentrated in the western part of the parcel, avoid the raised central area, avoid a sense of sprawl along the A272 and retain a more rural approach to Newick.</p>
8.17	<p>The site is assessed as two separate parcels in the Council's most recent LAA (2024 – 2025 addendum), these being referred to as 29NW (which covers the bulk of the site) and 33NW, which covers the north-western corner of the site to the rear of Mantell Close and Cricketfield.</p>
8.18	<p>The assessment for 29NW concludes that part of the site is not suitable for residential development, with the accompanying commentary focussing on concerns over landscape impact. It is stated that the site is in a visually sensitive location due to open views to the north. It notes proximity to The Green Conservation Area and that the Conservation Area Appraisal refers to the landscape setting as integral to its character with views out across open fields (specifically north-east from Goldbridge Road). It also states that large scale residential development in the area would detract from the contained nucleated character of Newick and would conflict with the existing settlement pattern as well as result in development extending into the countryside, further detracting from the character of the village and also encroaching on the character of the Ouse Valley corridor.</p>
8.19	<p>Parcel 33NW is viewed more positively. This parcel is on the western side of the site, immediately adjacent to the settlement edge, somewhere the LSA suggests small or medium scale development may be appropriate. The assessment notes that, unlike the sympathetic and characteristically rural settlement edge of the Conservation Area towards the south of the application site, the rural edge around Cricketfield and Mantell Close has potential to be extended to form a new defensible settlement edge to the village, with the advice from the ESCC Landscape Architect stating that it would be important that development did not extend beyond the edge of Alexander Mead, which forms the eastern extent of the existing settlement boundary.</p>
8.20	<p>The general character of the site is considered to be consistent with the recognised relevant character areas at national, county and district levels which identify a strongly agricultural environment outside of settlements. The open</p>

	<p>nature of the site allows for wide ranging views across surrounding countryside, including towards the High Weald National Landscape and, whilst it is fringed by the settlement edge in places, the soft nature of the edge, which typically includes mature landscaping combined, in the case of the Conservation Area, with buildings of an architecture and arrangement typical of a nucleated rural settlement. Given the agricultural use of the site and its intervisibility with the surrounding countryside it is considered that the site possesses a far greater sense of attachment with the countryside environment than with the settlement. It is therefore considered that the influence of the built environment, whilst noticeable particularly at Alexander Mead, Cricketfield and Mantell Close, is not a dominating characteristic and does not introduce any sense of detachment of the site from the wider rural environment.</p>
8.21	<p>At present, the eastern approach to Newick is considered to perform a key role in defining its identity and sense of place. The site is a prominent feature in this approach as it, along with neighbouring landscape, effectively wraps around the northern part of the village, defining its rural setting. On passing the site, the historic Village Green provides a focal point and sense of arrival. The site provides part of the rural backdrop to The Green, particularly in views from the more elevated parts around The Bull public house which also include the Newick Village sign and the Grade II Listed village pump therefore forming a constituent part of the overall valued character of the heart of the village, from which, it is considered, much of its identity and sense of place is derived.</p>
8.22	<p>The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of the application. The LVIA concludes that the development would introduce adverse landscape and visual impacts, including in the long term, but considers that these would be largely negligible and, at their greatest, moderate. It is noted that the LVIA places an emphasis on the development being closely associated with the existing settlement edge and also that any views currently offered towards the High Weald National Landscape are minimal. It also states that, provided that the landscape proposals meet the required standards and are maintained and managed in accordance with any agreed management plan, there would be no landscape or visual reason why the proposals would not be acceptable. As such, there is a reliance on planting as a means to mitigate the adverse landscape and visual impact of the development and this has informed the conclusions of the LVIA.</p>
8.23	<p>The Council commissioned its own LVIA as well as a review of the application by a landscape consultant. Following their assessment, the consultant concluded that there were a number of judgements made in the application LVIA that were underscored. The consultant found that the High Weald and its setting would experience a perceptible perceptual change that would be a moderate adverse effect (which would give a significant judgement owing to its very high sensitivity). They found that the site, which is of considerable size, prominence and influence in terms of the character of Newick, along with its immediate setting would be completely changed and dominated by the new development with moderate or major effect that would be significant.</p>

8.24	<p>A particularly significant impact was identified on the public rights of way network. This includes on footpath NWK/10/1 which passes through the site and provides wide, open rural views across farmland towards the Ouse Valley and the High Weald National Landscape. A development of the scale proposed would undoubtedly replace these open views with built form, including houses, roads, movement, domestic gardens and engineered features and there would also be a perceptible loss of tranquillity as a result of traffic and domestic activities. Footpath NWK/10/1 is considered to be of importance in reinforcing the rural character and setting of Newick as it provides a direct route from the Village Green into the adjacent countryside, heightening a sense of connection between the core of the village and the surrounding rural environment and also its interrelationship with the High Weald landscape.</p>
8.25	<p>Also affected would be footpath FLE/12/1, which is to the east of the site and includes sections which pass through the High Weald National Landscape. The development would represent a prominent and disproportionate and sprawling suburbanising extension in views from this path, changing the perception of Newick in these views from that of a well nucleated historic rural settlement.</p>
8.26	<p>The impact of the proposed development upon the National Landscape is of particular importance, noting it is one of the designated landscapes referred to in footnote 7 of the NPPF. Furthermore, as per Section of the Countryside and Rights of Way Act 2000 (as amended), there is a statutory purpose to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.</p> <p>Para. 042 of the Planning Practice Guidance (PPG) on Natural Environment states:</p> <p><b>How should development within the setting of National Parks, the Broads and Areas of Outstanding Natural Beauty be dealt with?</b></p> <p>Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.</p>
8.27	<p>Officers have paid regard to the judgement made by Mrs Justice Lang on <i>R (Ardleigh Parish Council) v Tendring District Council [2024] EWHC 648 (Admin)</i> in which she states:</p> <p><i>In my view, it is clear that the protection in para.176 of the Framework is only afforded to the AONB itself and so development in the setting of the AONB must avoid or minimise adverse impacts on the AONB. Para.176 does not protect the landscape and scenic beauty of areas outside the AONB for its own sake.</i></p>

8.28	<p>The High Weald Management Plan regards unexpected panoramic and long views, often uninterrupted, extending out along the valleys beyond the High Weald with natural skylines and forested ridges occasionally punctuated by church spires, and often framed by field gates and wooded holloways as a key characteristic of the aesthetic and perceptual qualities of the National Landscape. It is considered that the harms identified above include a negative impact in such long views.</p>
8.29	<p>Whilst there would be harm to the National Landscape as part of the wider harmful impacts of the development upon the wider surrounding rural environment, it is considered that the harms to the National Landscape alone, whilst clearly damaging and failing to conserve or enhance the natural beauty of the National Landscape, would not support a strong reason for refusal in their own right. Therefore, the provisions of para. 11 d) ii) of the NPPF are engaged.</p>
8.30	<p>The Council's LVIA also found that the site would experience a loss of openness with a significant adverse change to land use, land cover and topography, with this change being significantly adverse for site landscape features and that, even with the significant planting, this would not be offset and could not be judged as beneficial. Furthermore, in the long term the planting would not offset the landscape character change and would be problematic in itself in that it would screen views and remove openness, causing its own adverse effect. Particular concerns are raised over the presence of development in the elevated central field, which would manifestly be required for a development of the scale proposed, with these concerns reflecting those identified in the LSA and the LAA assessments of the site.</p>
8.31	<p>In terms of relationship towards the existing settlement, it is considered that development of the scale and location proposed would result in an elongated and sprawling edge that would overwhelm the existing nucleated edge of Newick in its own right as well as cumulatively with existing development on the south side of Goldbridge Road. The rural approach to the village would be completely redefined and the first experience of the settlement for those arriving from the east would be of a substantial straggly belt of modern residential development. Furthermore, it is considered that the constraints of the site would result in a development that would not be capable of engaging and integrating with the existing settlement in a sympathetic manner. The need for buffers to be maintained to the rear of Listed Buildings, which are required to help preserve their significance, would have the disbenefit of creating separation between the existing settlement as a whole. The field to the immediate west of the site along Goldbridge Road would also provide a similar sense of detachment. In addition, the use of a single vehicular access taken on the eastern edge of the village and the minimal identified potential for pedestrian permeability with the wider village, relying on the narrow public right of way NWK/11/2, would compound the sense of the proposed development presenting as a suburban enclave, divorced from the wider settlement and undermining cohesiveness and identity within the village. The majority of the development would be recessive and would not meaningfully engage with the settlement. The development in the southern field would interact with Goldbridge Road on the edge of the development but also with a sense of separation and, in any case, would present as a sprawling</p>

	influence into the countryside. The loss of two significant oak trees to allow for the site access would further harm the rural approach to the village.
8.32	<p>Ultimately, officers consider, that the LVIA submitted with the application includes flaws that skew its conclusions, resulting in it downplaying the harm a substantial residential development of the site would cause in terms of landscape and visual impact. The main areas of inconstancy are considered to be as follows:</p> <p>The application LVIA places a reliance on planting to mitigate the visual impact of the development despite such planting being problematic in its own right due to closing off of open space;</p> <p>The application LVIA underestimates the significance of the impact of the scheme upon the setting of the High Weald National Landscape, where there would be a loss of views towards the High Weald and the scheme would present as a unsympathetic and disproportionate extension to the well contained rural settlement of Newick in views from it.</p> <p>The application LVIA overstates the influence of the existing settlement edge and the ability of the development to sympathetically integrate with the existing settlement pattern and to preserve the rural approach of the village.</p>
8.33	It is therefore considered that, contrary to the conclusions of the application LVIA, the landscape and visual impact of the proposed development would be significantly harmful both towards the
	<u>Impact upon residential amenity</u>
8.34	The NPPF requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is consistent with LLP1 policy CP11 (viii) and LLP2 policy DM25 (7) both of which seek safeguard residential amenity in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.
8.35	Given the application has been submitted an outline form, the layout and scale, design and landscaping details for the development are yet to be finalised. However, the submitted indicative framework and illustrative plans show the general location of development and it is indicated that all dwellings would be a maximum of 2.5 storeys in height, with the majority being 2-storey. It is considered that these plans show that a sufficient distance can be maintained between the development and neighbouring dwellings to ensure no unacceptable adverse overbearing, overshadowing or overlooking impact.
8.36	The proposed site access would be positioned on Goldbridge Road and would not be within close proximity of any existing dwellings, therefore preventing concerns that use of the access may result in unacceptable harm to residential amenity due to the associated noise, light and air emissions. The proposed development would introduce an increase in traffic on Goldbridge Road. However, the road is a primary route and already well trafficked and it is

	<p>considered that the proportional increase would therefore not be significant and not introduce any material increase in noise, light and air emissions experienced by the occupants of existing dwellings on and close to Goldbridge Road. The indicative layout of the development shows an arrangement where roads and parking areas could be kept well away from existing neighbouring development.</p>
8.37	<p>There would also be increased activity on the existing Public Right of Way (NWK/11/2) that runs to the rear of dwellings on Cricketfield, Alexander Mead and Bullsfield. The proposed development would include widening works to some parts of the footway although they would remain relatively narrow. It is noted that the rights of way pass to the rear of a number of dwellings but are not well overlooked. Increased use of these paths would result in some potential for anti-social behaviour and security issues as a result. Any use of lighting on the paths would have potential to negatively impact upon the amenities of residents as well as upon night time tranquillity and, as a result, there are some concerns that the proposed development could negatively impact upon living conditions for existing residents. It is noted that Sussex Policy have also advised that, for security purposes, the paths should be well lit and, where secluded, widened to 3 metres, which cannot be achieved on the paths in question.</p>
8.38	<p>The general nature and intensity of the proposed residential use would be consistent with the existing character of the area whilst the proposed community/business floorspace would be relatively small and could be conditioned to ensure permitted uses are those that are compatible with a residential environment. It is therefore considered that the proposed development would not generate activities that would be detrimental to the amenities enjoyed by existing residents. Through the use of a condition to secure a Construction Management Plan, the activities associated with the construction phase of the development can also be controlled so as to prevent unacceptable impact towards existing residents.</p>
8.39	<p>There would be a change in outlook experienced from neighbouring dwellings on that back onto the site, many of which currently enjoy views across open fields towards the wider surrounding countryside. It is long established that there is no right to a private view in planning legislation, or the law in general. Whilst an excessive level of development within a private view could be regarded as overbearing, and therefore detrimental to amenity, as per the so called 'Lavender Test' (PINs ref: 2071880), the intensity of the proposed development is not considered to cross that threshold and it is considered that the occupants of neighbouring dwellings would continue to enjoy a pleasant living environment provided any reserved matters application showed dwellings as sympathetically positioned and orientated.</p>
	<p><u>Impact upon Heritage Assets:</u></p>
8.40	<p>The site is within close proximity a number of Grade II Listed Buildings, these being Cuttings, Springfield, Snells Cottage and Toll Cottage. The site is also adjacent to The Green Conservation Area which includes the village green and a number of Listed Buildings as well as the Grade II Listed village pump.</p>
8.41	<p>The Council's heritage consultant has identified harms to the significance of the Conservation Area and Listed Buildings to the west of the site, primarily as a</p>

	<p>result of loss of the rural character of the site. On the basis of the submitted illustrative plans, which include mitigation measures in the form of green buffers adjacent to Listed Buildings and the edge of the Conservation Area, the consultant considers that these harms would be less than substantial and at the lower end of the scale. It is noted the consultant did not consider the site would be present in views from The Green and this is at odds with officers conclusion. However, it is also noted that the heritage consultant visited the site when the trees were in full leaf. It is considered the site does contribute to the character of the Conservation Area by providing a rural backdrop. Nevertheless, in terms of heritage significance, it is considered that harm would remain less than substantial.</p>
8.42	<p>It is confirmed in <i>Widdington Parish Council, R (On the Application Of) v Uttlesford District Council [2023] EWHC 1709</i>, that the correct approach in establishing whether a 'strong' reason for refusal can be provided is set out in para. 215 of the NPPF (formerly para. 196) which instructs that the harm should be weighed against the public benefits of the proposal. At this stage, only the harm to the significance of the heritage asset is taken into account. If this 'test' is passed then the weight attributed to any impact upon heritage assets falls to be considered as part of the wider planning balance as per <i>Monkhill Ltd v Secretary of State for Housing, Communities and Local Government [2019] EWHC 1993 (Admin)</i>.</p>
8.43	<p>The proposed development would provide up to 250 new dwellings, including a 40% affordable housing provision (up to 100 dwellings), biodiversity net gain, economic gain and public open green space. This is considered to represent a significant public benefit and, acknowledging that considerable weight and importance should be attached to any heritage harm as per the statutory duty set out in para. 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that these public benefits, along with others set out in section 1 of this report, outweigh the heritage harm and, therefore, the heritage harm should be considered in the wider context of the tilted balance exercise as it does not provide a strong reason for outright refusal of the development. The tilted balance is therefore engaged.</p>
	<p><u>Living Conditions for Future Occupants</u></p>
8.44	<p>Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.</p>
8.45	<p>The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants.</p>

8.46	It is considered that the illustrative plans demonstrate the site has the capacity to accommodate the number of dwellings proposed with minimum space standards achieved and exceeded, and also without requirement for excessively tall buildings that would appear incongruous in the general setting of the settlement whilst also minimising impact upon the wider landscape character, although it is noted that the tallest (2.5 storey buildings) are shown as being located in one of the most sensitive parts of the site in the centre. It is also considered that the illustrative layout presents a scheme where buildings are well spaced and would be able to offer a good degree of outlook, without sacrificing the privacy of neighbouring residents, and also provide good levels of access to natural light.
8.47	The illustrative plan shows capacity for the provision of significant green infrastructure providing formal and informal recreation space within easy reach of future occupants. The provision of this green space should also reduce recreational pressure on surrounding sensitive landscape.
8.48	The southern part of the site is located close to the busy A272 road whilst the central and northern parts are in relatively close proximity of a wastewater treatment works. The application is accompanied by a Noise Assessment that concludes that the majority of the site would not be subject to any significant noise related pressures but does note that that southern end, closest to Goldbridge Road, would be exposed to traffic noise and the positioning, orientation, fenestration arrangements on buildings at the southern end of the site would have to account for this in the detailed design of the scheme, should outline permission be granted. The application is also accompanied by an odour assessment which addresses potential harmful impacts from the operation of the nearby wastewater treatment works. This assessment notes that much of the development would be downwind from the wastewater treatment works, based on the prevailing winds in the area. It states that the illustrative plans submitted include a suitable buffer around the wastewater treatment works to ensure odour impact upon future occupants is negligible. Southern Water, who operate the treatment works, have been consulted and have not raised any objection to the proposed development in terms of potential for odour impact.
8.49	It is noted that connectivity with the neighbouring development is limited and that, other than the single main access which would be over 700 metres from development at the northern end of the site, the only other pedestrian routes would utilise the existing narrow public right of way, which would be widened in places but only to a maximum of 1.8 metres. Although ESCC Highways have not objected to the pedestrian access arrangements, they have described them as 'far from ideal' and stated they would not be suitable for all users. It is therefore considered that the restriction in pedestrian connectivity undermines the quality of the living environment for future occupants to a degree.
	<u>Highway Impact</u>
8.50	The application seeks approval for the access arrangements to serve the development. The general nature of these arrangements is described earlier in this report.

8.51	<p>The Transport Assessment accompanying the application anticipates that the additional traffic associated with the development would amount to 128 trips in the AM peak hour (08:00 – 09:00) and 124 additional trips in the PM (17:00 – 18:00). Modelling anticipates 56% of traffic associated with the development travelling west on the A272, 24% travelling the east and the remaining 20% being distributed between The Green/Church Road and Oxbottom Lane. The modelling also includes the additional traffic generated by committed development in the surrounding area comprising the 39 dwellings recently completed opposite the site at Holly Lane (LW/22/0220), the development at the telephone exchange site, also opposite the application site which is nearing completion (although it is wrongly listed as a 30 dwelling scheme when there are in fact 36 dwellings on the site as per LW/21/0700) and the proposed expansion of the Ashdown Business Park which is approx. 4.5km to the east of the site on the A272. This expansion has recently been refused by Wealden District Council under WD/2022/3319/MAO, although it is still within the appropriate timescales for an appeal against the refusal to be lodged.</p>
8.52	<p>Along with an estimation of the number of trips generated and how they would be dispersed through the local highway network, the Transport Assessment also models impacts on specific junctions which may be impacted upon by increased traffic flows, these being the proposed site access itself (including the proposed new right turn bay) and the mini roundabouts at the junction between the A272 and the A275, approx. 3.25km driving distance to the west of the site. Modelling submitted demonstrated that there would be no unacceptable impact in terms of junction capacity and, therefore, the proposed development would not result in any unacceptable disruption to the free flow of traffic on the local highway network.</p>
8.53	<p>Submitted plans have demonstrated that the proposed access would include maintainable visibility splays of dimensions that appropriate to allow for suitable visibility of oncoming traffic and surveys, supported by speed surveys carried out on the section of road the access would emerge onto. The right hand turn bay, which would be approx. 65 metres long, would have sufficient capacity to accommodate vehicles waiting to turn right into the site without obstructing the main carriageway. The geometry of the junction would support a 6 metre wide access road that would include an island to assist pedestrian crossing and would support two way vehicular traffic and access by servicing vehicles.</p>
8.54	<p>Pedestrians would be provided with a footway connecting to the existing footway that runs into the village. As part of the proposed off site highway works, the existing footway would be widened in places on its route towards The Green and, in the immediate vicinity of the proposed site access, the footway would be widened to support use by cyclists. This cycle path would be diverted to the rear of the relocated Holly Lane bus stop in order to prevent conflict between cyclists and pedestrians. A dropped kerb pedestrian crossing with textured paving would also be provided at the junction between The Green and the A272.</p>
8.55	<p>The site access is a significant distance from the northern parts of the application site and, were it to be used by occupants of dwellings in the northern areas to access The Green, the walking distance would be in the region of 1km. Pedestrian permeability is important both as a means to integrate development</p>

	<p>into the surrounding built environment and to encourage walking as a means of transport. Other than the main site access, there would be connectivity via the public right of way network to provide a more direct route from the northern and central parts of the site into the village. Whilst the sections of public right of way that would be utilised are surfaced, they are narrow, secluded in that they pass to the rear of dwellings and unlit. The proposed off site works would include some widening of the rights of way but no width greater than 1.8 metres can be achieved and, in many places, the width would be narrower. Whilst highways have not objected to the proposed development they have noted that the use of the right of way, even when widened, is not an ideal solution and would not provide a suitable means of access for all people. The narrow width in particular may inhibit use for wheeling (pushchairs, wheelchairs etc) whilst the lack of lighting and secluded nature may also act as a deterrent to use, particularly during hours of darkness. The pedestrian connectivity of the development is therefore considered to be suboptimal.</p>
8.56	<p>Overall, it is considered that the proposed development would be served by an appropriate vehicular access and would not generate levels of traffic that would lead to any unacceptable impact on highway safety or the flow of traffic. It is also considered, based on illustrative plans, that the development could accommodate an appropriate quantum of parking to prevent risk of dangerous or obstructive parking on neighbouring roads. However, the quality of pedestrian connectivity, even when allowing for proposed widening works, is considered to be poor.</p>
	<p><u>Sustainability/Spatial Strategy</u></p>
8.57	<p>Newick is classified as a 'rural service centre' (tier 2) in the settlement hierarchy provided in table 2 of LLP1. In the more recent (December 2025) Settlement Hierarchy Review (SHR), which forms part of the evidence base of the emerging local plan, it has been downgraded to a 'service village' (tier 3) settlement. The principal reason for the re-classification is the shortfall in public transport provision in the village and the increased emphasis on sustainable transport in the 2024 NPPF. The village continues to score well in terms of services provided, being the 5<sup>th</sup> highest score of the 16 settlements assessed.</p>
8.58	<p>The settlement hierarchy in LLP1 informs the overall spatial strategy, which seeks to focus growth to the most sustainable settlements in the District. The spatial strategy does promote some growth in the rural settlements of the District, with the levels being informed by a separate Rural Settlement Study (RSS). The RSS makes the following observations of Newick:</p> <p><i>Newick village has many aspects of sustainable village life with a wide range of services and facilities.</i></p> <p>No sites in Newick were allocated for development in LLP1 or LLP2. However, there were a number of allocation in the Newick Neighbourhood Plan (NNP) which included the Woods Fruit Farm and Telephone Exchange sites on the opposite side of Goldbridge Road, both of which are now largely built out to provided 39 and 36 dwellings respectively and a site north of Cricketfield which has been built out and now forms Mantell Close (31 dwellings) as well as a small</p>

	<p>site at The Rough where 2 dwellings have been built. The combined housing delivery of these allocations has been 108 dwellings in the plan period.</p>
8.59	<p>The suggested amount of residential development for Newick, as set out in the spatial strategy, is a minimum of 100 dwellings. With this minimum figure having now been met and exceeded through allocations and other minor residential development which has delivered another 12 or so dwellings. The proposed development on its own is clearly well in excess of 100 dwellings and, as such, the proposed development is in conflict with the spatial strategy. However, as explained in the 'principle' section of this report and at para. 1.12, the Council's position in regard to the identification of land for housing delivery results in the spatial strategy being of reduced weight, given the shortfall in housing land indicates that the spatial strategy cannot deliver the amount of new homes required in the District.</p>
8.60	<p>Whilst not an adopted policy, the Council's Interim Policy Statement for Housing Delivery (IPSHD) addresses the situation the Council finds itself in regarding the need to deliver housing and the ability, or lack thereof, for this to be achieved through development in existing settlement boundaries and through the existing spatial strategy. The purpose of the statement is to help establish a clear and consistent approach in assessing schemes outside of settlement boundaries. It does this through providing a list of eight criteria which, if complied with by an application, will lead to the Council adopting a positive approach in its determination. The statement includes references to relevant policies that support its rationale.</p>
8.61	<p>The proposed development would align well with some of the IPSHD criteria. Although the site is outside of the existing settlement boundary of Newick, it is largely contiguous with it on its southern edge (criteria 1). The development would not result in actual or perceived coalescence of settlements (criteria 4), would not impact on the setting of the South Downs National Park (criteria 5), would deliver significant biodiversity net gain (criteria 6), would make efficient and effective use of the land insofar as delivering houses is concerned (criteria 7) and would have the capacity to deliver suitable on site infrastructure including sustainable drainage, green space and affordable housing (criteria 8).</p>
8.62	<p>However, the site performs less well against other criteria. Given its disproportionate scale and prominent positioning in relation to the existing settlement edge it conflicts with criteria 2. Whilst the site would be connected to services by pedestrian infrastructure and would deliver some improvements to pedestrian and cycle accessibility, however, as set out earlier in the report, the pedestrian connectivity is poor in some areas (criteria 3).</p>
8.63	<p>Para. 109 of the 2024 NPPF makes clear that a 'vision led' approach to transport planning should be embraced as a means to deliver sustainable development. This includes an objective of identifying and pursuing opportunities to promote walking, cycling and public transport use. Para. 110 sets out how the vision led objectives would be supported. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. There is a strong emphasis on walking and wheeling, as well as the use of public transport,</p>

	<p>encapsulated in para. 109 e), which states that a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places should involve identifying and pursuing opportunities to promote walking, cycling and public transport use. Para. 109 feeds into para. 110 which states that the planning system should actively manage patterns of growth in support of the objectives it sets out. Para. 110 is a 'footnote 9' policy and, therefore, should be afforded particular regard by decision makers.</p>
8.64	<p>There are a number of services available in the village and these would be accessible to residents on foot and by cycle. In addition, some improvements will be made to sustainability that will benefit the wider village with these being in the form of offsite highway works that will improve the footway into the village. The village is on a main east/west route (the A272) which runs across East and West Sussex into Hampshire, passing through a number of large settlements, including nearby larger towns such as Haywards Heath the west and Uckfield to the east. There are bus services operating this route which provide relatively regular services connecting Newick with Uckfield, Haywards Heath, Lewes and the nearby Ashdown Business Park (where there is a supermarket). The frequency of these services is, however, reduced on a Saturday and there are currently no Sunday services other than a very limited connection to Lewes and ESCC have stated that they will be withdrawing funding for the Sunday service due to poor levels of usage. It is noted that ESCC have requested contributions of £1,430 per dwelling to fund the conventional bus services and support the Flexibus demand responsive transport (DRT). It is also noted that the Council's Interim Infrastructure Delivery Plan includes funding bus service enhancements in the A272 corridor. Overall, whilst not the most sustainable settlement in the District, it is considered that the site is a relatively sustainable location for the proposed development in the context of para. 109 and 110 of the NPPF.</p>
8.65	<p>The proposed development would lead to an increased demand for school spaces at the nearby secondary and primary schools. The ESCC School Organisation Plan (2025 to 2029) shows a general surplus of places in rural primary schools although Newick Primary School is shown to be at capacity. The site falls within the catchment of Chailey Secondary School. The Organisation Plan notes there is some movement of children between the Chailey School area, and the areas served by Uckfield College and Priory School, in Lewes. It also notes there is significant movement of children to and from neighbouring West Sussex and that demand from across the border, particularly with the housing developments being built in Burgess Hill and Haywards Heath, should allow Chailey School to generally fill to its Published Admission Number (PAN) in most years. No objections to the proposed development have been received from educational services.</p>
	<p><u>Drainage and Flood Risk</u></p>
8.66	<p>Although there is land at risk of tidal/fluvial flooding close by in fields flanking the River Ouse, the site lies outside of affected areas and is in Flood Zone 1. There are parts of the site that are identified as being susceptible to surface water flooding, with these areas largely corresponding with The Ghyll and the settlement lagoon/pond although there are areas in the southern and northern</p>

	<p>fields subject to surface water flood risk which the illustrative plans show development over, particularly in the southern field.</p> <p>Neither the Lead Local Flood Authority nor the Environment Agency have raised any concerns regarding flood risk in relation to the development, based on a submitted combined Flood Risk Assessment and Surface Water Drainage Strategy. As such, there is no need for the sequential test to be undertaken to establish whether the development could be delivered on a site with a lower level of flood risk as per para. 027 of the Flood Risk and Coastal Change PPG which states</p> <p><i>Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.</i></p>
8.67	<p>A sustainable surface water drainage scheme is required and would need to be based on the hierarchy for sustainable drainage set out in para. 056 of the PPG which is as follows:-</p> <ol style="list-style-type: none"> <li>1. into the ground (infiltration);</li> <li>2. to a surface water body;</li> <li>3. to a surface water sewer, highway drain, or another drainage system;</li> <li>4. to a combined sewer.</li> </ol>
8.68	<p>At present, surface water associated with the site is drained either through infiltration or through run-off into The Ghyll or the watercourse running through the ancient woodland to the north.</p>
8.69	<p>Survey work suggested that the soil type could be suitable to support infiltration drainage but the use of infiltration would only be suitable for raised areas of the site due to proximity of groundwater to the surface in lower lying areas. Due to these uncertainties, the framework drainage scheme has been designed with an assumption of no infiltration but the strategy notes it may be possible to include infiltration in the detailed design if supported by the relevant testing. The submitted scheme therefore follows the second run in the hierarchy which is discharge into a surface water body. This would be achieved through the use of a series of attenuation basins which would store surface water and allow for it to be discharged at an appropriate rate into either The Ghyll or, for the northern parts of the site, into the ditch that passes through fields to the east of the site. Both watercourses discharge into the nearby River Ouse. The storage capacity of the attenuation features will include appropriate contingencies for the predicted 45% increase in intensive rainfall events as a consequence of climate change. The existing overland flow from Goldbridge Road into The Ghyll would be diverted around development within the southern field using swales before continuing along its existing course.</p>
8.70	<p>The Lead Local Flood Authority have assessed the submitted details and have confirmed they are satisfied that the sustainable drainage hierarchy has been</p>

	followed, that the proposed means of surface water discharge is acceptable in principle and that on and off-site flood risk can be appropriately managed.
8.71	The submitted details maintain that foul drainage would be managed by connection to the existing foul sewer, which crosses the northern part of the site. It is stated that, due to the site topography, a pumped solution will be required for some parts of the foul drainage network. The existing sewer runs into the nearby WWTW. It is stated in the Interim Infrastructure Development Plan that capacity exists at the WWTW for circa 930 additional dwellings in accordance with its DWF permit. Southern Water, the statutory undertaker, have also stated that there is capacity in the sewer network to accommodate the proposed development. Notwithstanding this, there are significant concerns over the operation of the sewage network in the local area. It is considered that these concerns would be best addressed through the use of a planning condition that would ensure that no dwellings are connected to the sewer system or occupied until any necessary improvement works have been carried out to the sewer infrastructure. In this way, the development of the site can be aligned in such a way as to prevent overloading of the network. The detailed design of any foul drainage pump will also be an important consideration at the Reserved Matters stage as assurance will need to be provided that it includes monitoring facilities, emergency storage to prevent spillage during any failure of the pump and a detailed management and maintenance plan.
8.72	The previous use of the site includes landfill adjacent to The Ghyll (inert soils) and growing of crops and this presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary Aquifer A in hydrological connectivity with the neighbouring stream (The Ghyll) which flows to the River Ouse. The submitted Phase 2 Geo-Environmental Site Investigation demonstrates that it will be possible to manage the risks posed to controlled waters by this development subject to further technical details being provided prior to the commencement of any development.
	<u>Ecology and Biodiversity</u>
8.73	<p>Following amendments to the Town and Country Planning Act made through the Environment Act of 2021, and enacted on minor development on 2nd April 2024, there is a mandatory requirement for the development to deliver a minimum of 10% biodiversity net gain (BNG) over the site baseline level. The net gain should be delivered by following the hierarchy set out in article of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), which is as follows:-</p> <ol style="list-style-type: none"> <li>i. habitat enhancement of onsite habitat;</li> <li>ii. insofar as there cannot be that enhancement, creation of onsite habitat;</li> <li>iii. insofar as there cannot be that creation, the availability of registered offsite biodiversity gain for allocation to the development;</li> <li>iv. insofar as registered offsite biodiversity gain cannot be allocated to the development, the purchase of biodiversity credits</li> </ol>

	Any move down the hierarchy to achieve the required 10% biodiversity net gain will require strong justification.
8.74	The majority of the site has been continued arable use, which limits its ecological value but there are more valuable habitats within the site, particularly in the form of the hedgerow network and watercourses. The site is also within close proximity of ancient woodland to the north and east. The illustrative plans accompanying the application show buffers in place around the watercourses and woodland. The woodland buffers demonstrate the minimum 15 metre buffer around ancient woodland required by Natural England and the Forestry Commission can be achieved. It is noted that standing advice calls for larger buffers where an assessment shows other impacts are likely to extend beyond 15 metres and that, for ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. Therefore, a greater buffer area may be required once the detailed design of the scheme is known at the reserved matters stage. Given the size of the site, it is considered that there would be ample space for greater buffers to be provided without the need to reduce the number of dwellings accommodated. It is also noted that surface water attenuation basins are relatively close to the ancient woodland and it will be important to assess any potential impact excavations or the presence of standing water would have upon the woodland. It is noted that tree officers have raised concerns regarding increased access to the ancient woodland (and subsequent ecological impact) but it is considered this could be adequately managed through appropriate buffer planting, particularly the use of thorny scrub and hedgerow.
8.75	It is noted that there is priority habitat present on the site in the form of planted broadleaf woodland, standing and running water and the existing hedgerow network. The Council has a statutory duty under Section 40 and 41 of the Natural Environment and Rural Communities Act 2006 (as amended) to conserve and enhance biodiversity. The water and woodland related habitat is associated with The Ghyll and illustrative plans show that a suitable buffer could be provided around this area. The hedgerow network would be enhanced through additional planting although it would be important to ensure any loss to allow for openings for access would be minimal.
8.76	The application is accompanied by a biodiversity net gain statement that provides suitable assurances that biodiversity net gain well in excess of the mandatory 10% could be delivered over the site (26.32% in terms of habitat units, 374% in hedgerow units and 86.72% in watercourse units). These enhancements would take the form of new woodland and scrub planting, creation of meadow grassland, new hedgerow planting and the formation of new ponds. would be subject to a 30 year management, maintenance and monitoring period as required by relevant legislation. It is noted that the submitted statement refers to a large amount of 'defunct' hedgerow being removed. On inspection, this hedgerow is gappy in many places but, at this stage, it is not clear why the remaining hedgerow would need to be removed rather than simply enhanced with new planting. However, this is considered to be a matter that can be resolved at the reserved matters stage and through use of planning conditions.

8.77	<p>An Ecological Impact Assessment (EclA) has been submitted with the application. The EclA provides a thorough assessment of species present on site, informed by surveys. On inspection of the existing trees on the site it was found that there is minimal potential roosting habitat for bats on the site although a number of species were recorded commuting and foraging over the site. The site provides suitable habitat for a number of other mammals, including otter and water vole, although no evidence of their presence was found. A number of species of bird were observed on and around the site, including those on the Birds of Conservation Concern red and amber list. Of these, some birds were found to be breeding on site, including the amber listed dunnoek. Small populations of reptile were recorded (slow worm, grass snake and common lizard) and parts of the site were considered as suitable habitat for adder. There are historic records of Great Crested Newt in the surrounding area and it is noted that there are a number of ponds and other bodies of water on and around the site. Environmental DNA (eDNA) testing has found no evidence of Great Crested Newt in surrounding water bodies. However, a precautionary approach is recommended in the EclA and this can be secured by condition as well as an application to use the District of National Licencing Scheme for Great Crested Newt mitigation if necessary.</p>
8.78	<p>The PEA identifies a series of avoidance, mitigation and enhancement measures that can be followed during the construction phase and also incorporated into the development to cover the operational phase. These include sympathetic external lighting strategies, native planting which would include wildflower grassland creation, species rich hedgerow planting, boxes/refugia for bats, birds, hedgehogs, reptiles and woodland planting.</p>
8.79	<p>It is considered that a combination of a sympathetically designed detailed scheme and the use of appropriate planning conditions could ensure that development on the site could be brought forward without unacceptable harm to ecology and biodiversity.</p>
8.80	<p>Part of the site falls within the 7km Ashdown Forest zone of influence. Development that involves a net increase in residential development in this area is highly likely to increase recreational impact upon the forest, which is a Special Protection Area (SPA) and Special Area of Conservation (SAC). In response to this demonstrable impact, and in line with the statutory requirement of the Local Planning Authority to protect the integrity of SPA's, as per The Conservation of Habitat and Species Regulations 2017, an 'appropriate assessment' of the implications of the development upon these sensitive areas must be made.</p>
8.81	<p>As set out in para. 1.19 of LLP2, referencing the Habitat Regulations Assessment (HRA) forming part of its evidence base</p> <p><i>The Habitat Regulations Assessment published alongside this document constitutes a number of individual reports and addendums that demonstrate that only recreational impacts on the Ashdown Forest SPA/SAC from residential development within 7km will require Appropriate Assessment. For all other impact pathways, a conclusion of No Likely Significant Effects on European Sites is reached.</i></p>

8.82	<p>A Recreational Impact Statement of Common Ground for Ashdown Forest was made between Natural England and Lewes District Council as well as Mid Sussex District Council, Sevenoaks District Council, Tandridge District Council, Tunbridge Wells Borough Council and Wealden District Council. This statement includes a requirement that all development involving a net gain in residential dwellings is required to make a contribution towards Suitable Alternative Natural Greenspace (SANGs) and Strategic Access Management and Monitoring (SAMMs) as a means to secure the provision of alternative recreation space for future occupants (taking recreational pressure off the forest) and to assist in management of the SPA as well as fund initiatives to increase the awareness of visitors to the sensitivity of the area.</p>
8.83	<p>Provided appropriate contributions are made towards SANGs and SAMMs it is therefore considered that an appropriate assessment has been made of the implications of the development upon the Ashdown Forest and suitable mitigation measures have been identified.</p>
	<p><u>Loss of Agricultural Land</u></p>
8.84	<p>The site is currently productive agricultural land which, at the time of the initial site visit in the summer of 2022, was in active use for food production. Para. 187 b) of the NPPF states that planning decisions should recognise ‘...the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile (BMV) agricultural land...’.</p> <p>LLP2 policy DM19 stipulates that ‘development that would result in the irreversible loss of the best and most versatile agricultural land (Grades 1, 2, 3a in the DEFRA Agricultural Land Classification System) will not be permitted unless it can be demonstrated that there are no suitable alternative locations and the proposal would have overriding sustainability benefits that outweigh the loss of land from agricultural use.’</p>
8.85	<p>The site is of substantial size, approx. 27.5 hectares, and the majority of the existing land use is for arable purposes. The application would therefore result in the irreversible loss of a significant area of land currently in active food production. Whilst Natural England macro scale mapping identifies the general area within and around the site as comprising predominantly Grade 3 land it does not differentiate between Grade 3a (BMV) and Grade 3b (not BMV). In any case, Natural England standing advice specifically states that their overview maps are not at a scale suitable or accurate for assessment of individual fields or sites. Instead, it is stated that whether a development proposal is likely to affect BMV agricultural land can be assessed by using the post 1988 ALC Magic map and detailed site survey reports and that, if no site survey reports are available, a new detailed survey may be necessary.</p>
8.86	<p>There are no detailed survey reports of the site available and the applicant has failed to provide a soil assessment to support the application meaning that there is no evidence to suggest the land is lower grade or that a sequential approach has been adopted in identifying the site as is required by DM19. Furthermore, there is a detailed site survey of land directly opposite the site, on the southern side of Goldbridge Road, where the land was found to be largely Grade 1 ‘excellent quality agricultural land’. It is therefore considered that there is a</p>

	reasonable chance that the site could support BMV land and, in the absence of any evidence to the contrary, the proposal gives rise to serious concerns relating to the permanent loss of a substantial area of productive BMV agricultural land.
	<u>Human Rights Implications</u>
8.87	The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.
	<u>Conclusion and Overall Planning Balance</u>
8.88	It is considered that the tilted balance is applicable given the Council's inability to demonstrate a 5 year housing land supply and that the harm to the significance of heritage assets and the setting of the National Landscape, whilst material, would not support strong reasons for refusal in their own right. However, when considering the wider harms to landscape and the character of Newick, it is considered that the significance of those harms is of a magnitude, in and of themselves, that significantly and demonstrably outweighs the benefits of the scheme. Further harms have been identified that add to the negative planning balance in relation to loss of agricultural land and conflict with the spatial strategy.
8.89	It is considered that the planning balance exercise provided in section 1 of this report demonstrates that the proposed development would result in substantial harmful impacts and that, whilst the significant benefits of the scheme are acknowledged, these would be significantly and demonstrably outweighed by the identified harms and, therefore, in line with para. 11 d) ii) of the NPPF, it is considered that the application should be refused.

<b>9</b>	<b>Reasons for Refusal</b>
9.1	<p>The proposed development, by reason of its disproportionately excessive scale, siting and coverage, would result in a significant and irreversible loss of openness on a prominent approach to the village of Newick, fundamentally altering its rural setting and identity and its historic nucleated settlement form.</p> <p>The rural character of the wider countryside surrounding Newick, including that extending northwards towards the High Weald National Landscape would be damaged, with the development presenting as an unsympathetic and incongruous presence in views towards and from the High Weald. and would fail to maintain an appropriate transition between the built-up area and the open countryside and the experience and amenity values on the public right of way network heading east out of the village.</p> <p>In addition, the need to maintain buffers around heritage assets and other sensitive areas of the site would result in reduced levels of interaction with existing settlement, with this being compounded by the site having only one identifiable means of access, direct from the main road on the approach to the village, with additional pedestrian connectivity restricted to use of narrow and</p>

	<p>secluded public rights of way. The resulting lack of engagement with the rest of the settlement would lead to the development presenting as a sprawling enclave intruding into the rural environment rather than an integral part of the village.</p> <p>The proposed development is therefore in conflict with LLP1 policy CP10, LLP2 policies DM1, DM25, DM27 and DM35, para. 135 and 187 of the NPPF and NNP policies HO1, EN1 and EN3.</p>
9.2	<p>The proposed development would result in the permanent and irreversible loss of a substantial area of productive agricultural land. The applicant has failed to submit a detailed Agricultural Land Classification survey or soil assessment to demonstrate that the land is not best and most versatile agricultural land (Grades 1, 2 or 3a).</p> <p>In the absence of such evidence, and given the established presence of high quality agricultural land nearby, the Local Planning Authority cannot be satisfied that the development would result in the loss of best and most versatile land, without sufficient justification or a sequential approach to site selection.</p> <p>The proposed development is therefore in conflict with LLP2 policy DM19 and para. 187 of the NPPF.</p>
9.3	<p>The proposed development comprises up to 250 dwellings, significantly exceeding the scale of housing growth envisaged for Newick within the spatial strategy. Although the Council cannot demonstrate a five-year housing land supply, this does not justify development of a scale that is disproportionate to the size, role and function of the settlement, particularly where significant environmental harm would arise.</p> <p>The proposed development is therefore in conflict with LLP1 policy SP2, LLP2 policy DM1 and para. 12 of the NPPF.</p>
9.4	<p>Following an appropriate assessment of the impact of the development upon the Ashdown Forest SAC/SPA, there is an identified need for mitigation measures to be in place, in the form of contributions towards Suitable Alternative Natural Greenspace (SANGs) and Strategic Access Management and Monitoring (SAMMs). There is no mechanism in place for these contributions to be secured and, therefore, the development would result in an unacceptable impact upon the Ashdown Forest as a result of recreational pressure in conflict with LLP1 policy CP10, LLP2 policy DM24 and The Conservation of Habitat and Species Regulations 2017</p>

<b>10</b>	<b>Plans</b>
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<u>Plan Type</u>	<u>Date Received</u>	<u>Reference</u>
Other Plan(s)	26 September 2025	SX5047-3PD-001 Rev A - Proposed Site Access Strategy
Location Plan	20 March 2025	FL24-2168-050 - Site Location Plan

<b>11</b>	<b>Informative</b>
11.1	In addition to the reasons for refusal listed above, should the refusal of this application be appealed, there would be a need for a completed legal agreement

to secure affordable housing, SANGs and SAMMs contributions and Offsite Highway Works/Contributions. In the absence of any such agreement there would be additional harm in relation to affordable housing delivery, protection of the Ashdown Forest SPA/SAC and highway safety/sustainable transport.

<b>12</b>	<b>Appendices</b>
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12.1	None.
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