

4 December 2013

## DRAFT NEIGHBOURHOOD PLAN

### OPEN LETTER TO LINDFIELD PARISH COUNCIL

We would like to thank the Parish Councils for this opportunity to comment on the draft Neighbourhood Plan (NP). The following remarks address the housing policies that are the heart of the plan.

#### **SUMMARY**

The draft NP is weak at several key points:

**1) The statement of policy context is incorrect and unsafe.**

The draft states that the recently approved Wates development scheme satisfies a requirement placed on Lindfield by Mid Sussex District Council (MSDC) planning policy, and that Lindfield is therefore exempt from further large-scale development. In fact no such requirement exists, nor does any such exemption. These notions do not provide a viable basis for a NP.

**2) There is no evidence to support the proposed housing limits. They also include a dangerous acceptance of further green-field development.**

This would expose our countryside to further speculative planning applications without hard evidence to oppose them.

**3) The plan contradicts itself.**

The draft sets a limit of six homes per development, but also hints at a possible exception for a considerably larger site at Great Walstead School. This would create a precedent that would undermine any attempt to enforce a lower limit elsewhere.

**4) Affordable housing policies are vague and therefore unlikely to be enforceable.**

The draft offers no quantified projection of the need for affordable housing. In the absence of hard data, these policies are open to being circumvented by developers.

Recommendations follow for strengthening the draft NP at each of the above points.

## **DETAILED COMMENTS**

The NP's **Forward** states:

*"The plan contains a number of policies, which include areas where Mid Sussex District Council and the Parish Councils will encourage some small developments and changes, and other areas where development will be resisted. However given the recent history of about 250 new houses having been granted planning permission in our parishes since April 2012, there is no requirement within the plan to provide for any large housing developments."* (para 3)

Since the purpose of the NP is to express policies arising from the established wishes of the community, this paragraph should summarise the later sections dealing with Housing more assertively:

*The plan contains a number of policies, which include areas where Mid Sussex District Council and the Parish Councils will encourage some small developments and changes, and other areas where development will not be permitted. Moreover, given the recent history of 120 new houses having been granted planning permission in January 2010, 65 new houses in December 2010 and 230 new houses in April 2013, the Parishes have had to take a total of 415 new houses in large developments within the last four years. This is a wholly disproportionate increase for a predominantly rural area when judged against the District-wide total of 530 houses per annum. The plan therefore includes only small, sustainable clusters of affordable housing to meet local needs and to conserve the Parishes' landscapes and bio-diversity.*

Note on **State of the Parishes** clause 2.39, Planning Policy Context (p.16):

The consented major development on land between Gravelye and Lyoth Lanes in the Rural Parish is for 230 dwellings, not 235 as stated.

The NP's **Housing Policies** (pp. 25 – 27) are in our view weak at several key points and need to be reformulated. Specifically:

### **1) The statement of policy context is incorrect and unsafe.**

*"4.5 The policy context is such that the recently consented major development scheme off Gravelye Lane on the edge of Lindfield has delivered in excess of the number of new homes required from the neighbourhood area to contribute to the proposed district housing land supply (In Policy DP5). In which case, the LLRNP need only provide for small scale development that will arise over the plan period. No additional housing allocations are therefore required of the LLRNP."* (p. 25)

The proposed district housing land supply as set out in DP5 of the Draft District Plan dated May 2013 contains neither a target housing number nor an upper limit for the Lindfield Parishes, nor in any other area apart from Burgess Hill, for the plan period. There is no figure from which the NP can seek comfort in the present situation, even though the disproportionately high number of 415 houses for the two Parishes has been granted recently, of which 230 within the last twelve months. It is imperative that the Neighbourhood Plan and the District Plan are sufficiently robust in themselves to limit housing numbers to those which can be sustained by the community, its

infrastructure and its landscape. The housing estimate of 200 that the Parish Councils volunteered in 2012 is completely unsupported and would not stand up to scrutiny. The fact that Wates subsequently gained planning permission for 230 is no guarantee that Lindfield will be exempted from large developments in the future plan period unless there are sound evidence based plans to the contrary - whether MSDC expects that Lindfield has done its duty or not. This paragraph should be re-written as follows:

*“4.5 The policy context is such that the recently consented major development scheme off Gravelly Lane on the edge of Lindfield, even without the developments at The Limes and Kaleidoscope, is already set to deliver within the Lindfield Parishes a disproportionately large number of the new dwellings set out in Policy DP5 of the Draft District Plan when considering the size of the Parishes, their communities, their rural nature and the importance of their landscapes (including AONB) and of their historic character, including exceptional collections of Listed Buildings. The small scale of affordable housing clusters is therefore an appropriate and sufficient contribution to the housing supply needed in the plan period.”*

Government planning legislation has combined with weak governance at MSDC to produce a free for all, in which decisions on where to build have effectively been ceded to speculative developers. We see the results all around us, in the opportunistic housing schemes being promoted - and approved - across the district. Surely, the prime objective of the NP should be to outlaw further predatory over-development and to make a robust case for the kind of community in which we want to live. We can rely on nothing less.

**Recommendation:** The NP and State of the Parishes Report should begin with a full and frank assessment of the status quo. After a decade of stable population numbers, Lindfield is being forced to grow by 20%, accepting 1,000 more residents and 600 additional cars. This will have predictable consequences for a village infrastructure that was already under strain before a single house went up at Newton Road. In the process, large stretches of irreplaceable countryside are being lost unnecessarily. (There are already approved sites across the district for 4,000 homes, on which developers are not acting.) This is the state of affairs on which the NP should base a reasoned case that further large-scale development is inappropriate. It is strange that the NP mentions only the Wates development in this connection. It is not true that “The Limes” and “Kaleidoscope” “don’t count” because their planning permissions arrived before an arbitrary date dictated by MSDC planners. The recent history of the village is what it is, and the NP and State of the Parishes Report have a duty to confront it.

**2) There is no evidence to support the proposed housing limits. They also include a dangerous acceptance of further green field development set out in Policy 3.**

*“The Neighbourhood Plan will support development proposals of 6 or fewer net new homes on previously-developed land within, or on land adjoining, the built up area ...” providing “they result in no more than 50 net new homes in total in the plan period, nor more than 20 homes in any of the 5 year periods (2014-19, 2020-24 and 2025-31).” (p. 25)*

The NP offers no reason why the number six is more reasonable than, say, three or for that matter thirteen, or why 50 is more acceptable than 150. It is a matter of particular concern that the plan will also support development on “land adjoining the built up area”. This is a recipe for developers seizing on the part of the policy they will like - green field building - and then supplying their own numbers. As the developers will have precedent on their side, and as the NP offers no evidence in support of its numbers, it is difficult to see how the village could win this argument.

In addition, once a development goes up on land adjoining the village, it would itself become part of the built up area. It would then be a simple matter to apply for permission to develop the next bit of adjoining land, potentially starting a domino effect across the countryside. The NP does not address this danger. Nor does it anticipate the inevitable developer’s objection that small developments are not “economically viable”, which is a criterion accepted in government planning legislation. A further weakness is that as no sites are identified, the NP appears to invite an open season along the borders of the village.

**Recommendations:** The Parish and District Councils recently spent £6,500 on a housing needs analysis by the consultants Action in rural Sussex (AirS). It is strange not to see this study featured in the plan. The NP’s authors should go back to the study and use it to help develop credible housing numbers based on defensible data. Much more will be needed than a well-intentioned desire to “keep things small”.

There is nothing in the National Planning Policy Framework (NPPF) that requires a community to offer up green-field sites. Therefore, there is no reason to take this risk. Support for development on green-field land adjoining the built-up area should be removed from the NP. The plan should accept only in-fill or redevelopment within the borders of the built up villages, or on land adjoining only when it is brown-field.

Specifically, the policy set out at **Policy 3: Housing Development** (p.25) should be amended to:

*The Neighbourhood Plan will support development proposals of 6 (or other low number the NP can support with evidence) or fewer net new homes on previously developed land both within and adjacent to the built up area boundaries of Lindfield and Scaynes Hill, provided:*

- I. their design accords with the adopted Lindfield Village Design Statement or with the key characteristics of Scaynes Hill, as appropriate;*
- II. the homes proposed include a number of smaller homes suited to first time buyers or to older households;*
- III. they result in no more than 50 (or other low number the NP can support with evidence) net new homes in total in the plan period, nor more than 20 (or other low number the NP can support with evidence) homes in any of the 5 year periods (2014-19, 2020-24 and 2025-31).*

*The Neighbourhood Plan will resist proposals for housing development of more than 6 (or other low number the NP can support with evidence) net new dwellings and for developments on green-field sites beyond existing built up area boundaries.*

Additionally:

*“4.9 . . . To conserve the rural setting of both villages and to protect the surrounding countryside from unnecessary encroaching development, the policy favours proposals within or adjoining this boundary. Proposals beyond the boundary may emerge during the plan period, which will be determined in line with development plan policy.” (p. 26)*

The NP should be altered to remove the inconsistency inherent in establishing the value of existing boundaries for distinguishing “the urban” from “the rural” and in the same paragraph allowing the possibility of building in the countryside. This option should be removed. This clause should be amended to the following:

*4.9 These boundaries remain a sensible means of distinguishing the urban from the rural in the parishes, although the Lindfield boundary will need to be redrawn in due course to take account of recent planning consents. To conserve the rural setting of both villages and to protect the surrounding countryside from unnecessary encroaching development, the policy favours proposals either within or on brown-field land adjoining this boundary.*

The number of dwellings in clause 4.10 should be 230.

In paragraph 4.17, the reference should be to the Lindfield Village Design Statement. It is not limited to the Parish but covers the entire Lindfield Ward.

### **3) The plan contradicts itself.**

*“4.6 The policy does not necessarily rule out support for proposals outside of the two Settlements... “(p.25)*

The NP names in this context Great Walstead School, the only potential development site to be mentioned in the entire plan. But the school’s stated intention is to sell land for c. 20 houses. The NP, in declaring that it “does not necessarily rule out support” for such proposals, flatly contradicts the six home limit that it sets out in the very next paragraph. This extraordinary position is clearly untenable.

It is worth remembering that a government planning inspector will have to declare the NP “sound” before the community has the opportunity to vote on it. It is difficult to imagine this level of inconsistency passing such a test. Even if it did, developers would be sure to seize on the exception hinted at here. Accepting 20 houses at one site would clearly put paid to any attempt at enforcing a lower limit elsewhere.

**Recommendation:** It is difficult to understand how this concession could have found its way into the NP. We call on the Parish Councils to make public whatever undertakings, however informal, they may have made to Great Walstead School.

Mention of Great Walstead School should be removed from the NP, as their proposal undermines the lower housing limits that the NP seeks to achieve. The language of section 4.6 should be

tightened to make it clear that the same planning policies, including housing limits, apply to all developments anywhere in the two parishes.

#### **4) Affordable housing policies are vague and therefore unlikely to be enforceable.**

*4.19 ... it is important that as many affordable homes are delivered as possible in the parishes in line with development plan policy. This requires at least 30% of new homes to be designated as affordable... (p.27).*

“As many affordable homes... as possible” is not a meaningful requirement. Developers are adept at negotiating affordable housing quotas down (using the “economic viability” argument), even when they have previously agreed to hard numbers. This section therefore needs to be much stronger.

30% of six homes = 1.8. It is not clear what this means in practice. This whole policy needs to be thought through with considerably more attention to detail.

**Recommendation:** The NP should provide a robust and well documented analysis of just what the need is for affordable housing. It is again surprising not to see the AirS housing need study featuring here, as it provides a factual basis that is missing in the NP itself. This is the one part of the housing market where most parties can agree that there is a real need. People experiencing that need deserve something much more supportive than this.

#### **CONCLUSIONS**

It is highly questionable whether the draft DP would be deemed sound by a planning inspector. Even if it were, developers should not have much difficulty in picking the parts of this plan that they like (especially its acceptance of further development on green-field sites), and then demolishing the council’s “policy constraints” by attacking their vagueness, inconsistency and lack of evidence.

We hope that the recommendations above will contribute to the formulation of a much more robust plan that will provide our community with some real protection. We also call on the Parish Councils to consult other parishes that have succeeded in having their NP’s officially adopted. These groups can be expected to provide a source of best practice and a useful guide to the elements needed for a successful NP.