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Wealden District Council Local Plan Examination
Matter 4: Supply of housing

On behalf of Mr William Fattal

May 2019
DHA/13308
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Introduction

1.1 Purpose of this statement

1.1.1 These comments are prepared on behalf of Mr William Fattal in respect of the Wealden District Council Local Plan Examination. They respond to the Matters and Issues Paper Stage 1 (Matter 4) key questions set by the Inspector on 9th April 2019.

1.1.2 Mr Fattal is promoting land adjacent to Jonas Drive, in the Durgates area of Wadhurst (Wealden SHELAA reference: 58/3330) and has numerous interests in respect of the emerging plan. Nonetheless, the comments contained herewith relate to matters of a strategic nature that go to the heart of soundness and legal compliance in line with the initial questions posed by the Inspector. Site specific comments will be added should the Examination proceed to stage 2 detail in due course.

1.1.3 In formulating these comments, we acknowledge that the Government published a revised National Planning Policy Framework in February 2019 but that because the Council chose to submit its Local Plan for examination before 24th January 2019 the policies in the original 2012 framework apply to this Examination. On this basis, any reference to the NPPF relates to the 2012 publication and to be “sound” it must be:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

1.1.4 In formulating this response, we have addressed the Inspector’s questions directly and recapped our Regulation 19 concerns. Given many of questions are directed specifically to the Local Planning Authority, our responses have been limited to only those matters relevant to our client’s Regulation 19 response.

1.1.5 Our client will confirm in due course as to whether he wishes for us to participate in the oral sessions of the Examination.
Matter 4: Supply of housing

1.2 Issue 1: Is the Council’s approach to its housing supply, justified, effective and consistent with national policy?

Is reliance on the scale of windfall housing predicated within the LP being delivered, realistic, justified and consistent with national policy? In particular, how have the Core Areas been determined? How does the projected contribution from windfall housing compare with recent housing delivery? Is it appropriate to rely to such an extent on windfall housing rather than the allocation of housing sites within a plan led system?

1.2.1 Wadhurst is identified in the Council’s settlement hierarchy as a Large Village (type 1). These are the largest villages within the district which are either very accessible by public transport with good local facilities or accessible by public transport with good local facilities. The village centre accommodates a range of shops and businesses which meets the day to day needs of the village and wider areas.

1.2.2 In terms of access to shops and services Wadhurst is an excellent location, with a number of high quality food and convenience stores, retail and business services and financial services. The High Street is designated in the draft Local Plan as a primary shopping area.

1.2.3 The settlement is also served by Wadhurst railway station, primary and secondary schools and offers a range of leisure opportunities.

1.2.4 There are currently three small housing allocations and one mixed use allocation in and around the settlement of Wadhurst, which would deliver 91 new dwellings across the plan period.

1.2.5 With the above context in mind, we are of the view that the Council should be allocating more sites for development (or increasing windfall provision) which should be focussed in and around larger villages - including Wadhurst.

1.2.6 Our client’s site was previously assessed as part of Wealden’s Strategic Housing and Economic Land Availability Assessment, where it was deemed suitable for new housing with an indicative capacity of 30 dwellings (although we believe it may accommodate more than this, even taking account of the site constraints). However, despite the Council’s positive assessment it has not been allocated within the draft Wealden Local Plan.

1.2.7 The site comprises 3.27 hectares of land on the western edge of Wadhurst. It falls wholly within the High Weald Area of Outstanding Natural Beauty (AONB), which washes over the whole village.

1.2.8 The site is contiguous to the settlement confines of Wadhurst, being bounded by residential development to the south and east. It therefore represents a logical location to extend the settlement boundary and accommodate sustainable residential development.
1.2.9 Having regard to the above factors, should the inspector conclude that additional sites are needed, we would strongly urge the Council to consider further proportionate growth to Wadhurst.

1.2.10 In several instances, the Council has extended the settlement boundaries of villages to include peripheral greenfield sites. Based on the parameters set out within policy WLP3, within these new development boundaries the principle of development is acceptable.

1.2.11 Whilst we acknowledge the reasoning is to encourage and manage the future expansion of the settlements, the lack of clarity or formal allocation provides inadequate certainty regarding the status of the land. For example, sub area Hailsham 015 includes amended settlement boundaries and a windfall allowance of 300 homes (30pa for the residual plan period). The only explanatory note is that this windfall allowance is identified for Hailsham Town Centre.

1.2.12 Upon reading the policy it is unclear whether the plan intends for the peripheral greenfield land within the new settlement boundaries should come forward on a windfall basis, or if it would be resisted on the basis of it digesting a windfall allowance that was intended to allow genuine town centre regeneration.

1.2.13 The absence of any clarity means that the status of the land is uncertain and the strategy for this area of the town is ambiguous. Such ambiguity conflicts with policy 154 of the NPPF that states plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.