

NPPF (NATIONAL PLANNING POLICY FRAMEWORK) POLICY ASSESSMENT

ASSESSMENT OF RELEVANT IN-PRINCIPLE POLICIES - PART A – NATIONAL LANDSCAPE POLICIES

KEY NPPF NATIONAL POLICY AONB 'IN-PRINCIPLE' TESTS, AS APPLICABLE [Relevant NPPF Footnotes text added in square brackets] MY VIEW OF THE MOST RELEVANT TEXT TO DEFINE THE 'TEST' HIGHLIGHTED IN RED AND BOLD EMPHASIS	RE-WRITTEN / PARAPHRASED APPLICABLE- ONLY PARTS OF THE TEXT FOR ANY PROPOSALS TO BE CONSIDERED AGAINST AS THE 'TEST' I.E. 'EXAM QUESTION' MY ADDED / EXPLANATORY TEXT IN GREEN ON DEFINING THE EXAM QUESTION	CONSIDERATION OF THE WARREN HERITAGE PROJECT PROPOSALS AS FORMULATED, REASONABLY AND OBJECTIVELY AGAINST THE RELEVANT AND APPLICABLE NPPF POLICY TESTS FOR THE SPECIFIC PROPOSAL AS PUT FORWARD, AND OUTLINED IN THE WARREN HERITAGE PROJECT BOOKLET AND ACCOMPANYING DOCUMENTS
		Introduction and Context 1. The Project is to bring different elements of a unique estate into a settled relationship and permanently reverse its division and decline in the interests of the local community. It is an exemplary solution to meeting local heritage conservation, rural economic and housing goals. 2. As a part of the proposals, limited enabling development is included, to deliver the proposed benefits of the Project. The full proposals are set out in the in the Warren Heritage Project booklet and accompanying documents. 3. The reasons for the Project, and the main benefits it delivers, include: • Provides a sustainable economic model to restore and preserve unique heritage assets in perpetuity. • Reverses decline and prevents the further break-up of the estate and the fabric of the Parish. • Guarantees the settled future of the built and natural environment, with no further new dwellings beyond those in this application. • Secures a valuable landmark and encourages public interest and participation in its future. • Delivers rural economic benefits through agrotech innovation, employment and growth. 4. The main elements of the Project in relation to a new, sustainable economic model, through rural economic development, public access and appreciation, heritage asset conservation including a courtyard building with improved amenities, replacement dwellings, and enabling development, have been broadly supported in principle in pre-application discussion. 5. This NPPF policy assessment is focussed on specific elements of the proposals – the three plots off of Handford Way, which are part of the enabling development, and which have been the focus of pre-application discussions in relation to National Landscape policy issues. The policy tests to be applied to such considerations were agreed in pre-application discussions with HDC (the first two columns are exactly as agreed), and this third columns provides the consideration of the final revised proposals against those policy tests. 6. A full assessment of planning policy considerations is included in the Planning Statement Document.

Conserving and enhancing the natural environment “189. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas...”	Great weight should be given to conserving and enhancing landscape and scenic beauty. The conservation and enhancement of wildlife and cultural heritage are also important considerations. The scale and extent of development should be limited. <u>The exam question therefore is for the proposals to be formulated, to pass a test of:</u> demonstrating enhancement of landscape, wildlife, and cultural heritage the extent and scale of development should not more be more than ‘limited’ development demonstrating conservation and enhancement of landscape, wildlife, and cultural heritage demonstrating the ‘limited’ extent and scale of development	1. <u>Specific proposals to conserve and enhance land within the National Landscape include:</u> • Landscape and scenic beauty - Replace single species plantation mainly larch with native English woodland interspersed with open heathland and connective tracks over some 20 acres. Replace excessive 'weed' trees, rhododendron and azalea growth resulting from the over-population of invasive deer. Provide new public access and improve drainage and access over existing public footpaths to enhance the appreciation of landscape and scenic beauty within and adjoining the estate. The 3 plots proposed are not within the natural landscape, and in any case are well screened plots which do not detract from the landscape or scenic beauty, and the result of the Project is an overall net enhancement. All three proposed plots are in-fills in that complete the layout of eight equally sized plots within 11 acres granted building consent either side of the Back Drive from the main house to Hammer Pond Road (now Handford Way). • Wildlife - Increase biodiversity and the scale of native plants and animal species which requires essential protection from encroaching wild deer wherever possible, using grids hedges and hollows and the design and measurement of BNG to ensure sustainable regeneration and species rich landscape habitats. • Cultural heritage - The Warren Estate comprised one-fifth of Lower Beeding Parish, with the landscape mostly preserved, and has a 130-year-old natural agricultural and industrial history, much of which is on record, dating back to the Bronze Age. Collaborative initiatives with neighbouring landowners aim to conserve not only the landscape but heritage features such as a nineteenth-century pumping station which fed water to the mansion and electricity to the farm until 1952 as well as aquifer and rainwater storage for use in a variety of integrated agroforestry activities across the estate. Reintegrate and retain the mansion and its remaining curtilage and appurtenant land as a whole, to prevent imminent further sub-division and decay, and secure the heritage value for future generations. The Project will achieve this for the estate, with its central non-designated heritage asset, a sustainable new economic model with adequate amenities for safe hygienic modern living, ensuring the continuing restoration and survival of the whole. 2. <u>The extent and scale of the Handford Way 3 infill dwellings is 'limited' and as demonstrated as follows:</u> • The 3 infill plots proposed either side of Handford Way are ‘small’ in number and 'limited' in extent and scale - the built footprint will occupy less than 1% of the Warren Estate land, and less than 0.0005% of the area of the High Weald National Landscape. • The extent and scale of these 3 plots would be limited compared to the main Warren Estate house, the plots being consistent with the size of the existing 5 plots that were developed, and consistent with the previously accepted and consented 11 acres on Handford Way (previously Back Drive). • The proposed 3 infill plots are all within the layout of the previously consented land off Handford Way (5 were built on 5 out of the 8 plots).
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“190. When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development [67. For the purposes of paragraphs 190 and 191, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.] other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated...”	When considering applications for development within National Landscapes permission should be refused for major development other than in exceptional circumstances where it can be demonstrated that the development is in the public interest (N.B. THIS TEST DOES NOT APPLY FOR ‘NON-MAJOR’ DEVELOPMENT, I.E. ‘MINOR’ DEVELOPMENT, WHICH CAN BE PERMITTED WITHOUT NEEDING THE HIGHER BAR EXCEPTIONAL CIRCUMSTANCES TEST OF BEING IN THE PUBLIC INTEREST) <u>The exam question therefore is for the proposals to be formulated, to seek to pass a test of:</u> to be formulated and designed to be considered ‘Non-Major’ Development by virtue of demonstrating the development is not ‘major development’ for the National Landscape purposes, taking account of its nature, scale and setting, and would not have a significant adverse impact on those purposes IF, the above cannot be demonstrated, that exceptional circumstances exist and it is demonstrated the development is in the public interest.	1. <u>The 3 new Handford Way dwellings objectively are NOT ‘major development’:</u> - As a starting point – national and local planning policy ordinarily defines more than 9 dwellings as ‘major development’, and 9 or less dwellings as ‘minor development’ - Previous Appeal precedent has also supported the use of the normal meaning of the word ‘major’. In appeal reference APP/Y2736/A/13/2197184 it was held that a 30 unit resident development was not major development, in the Howardian Hills AONB and outside the settlement. In appeal APP/C3621/A/11/2159362, for land to the rear of Springfield Road, Dorking, in the AONB, the Inspector concluded that “major development” may include both published and “common sense” criteria, and that a development of 14 dwellings was not “major development” on any criteria. - With regards to ‘nature and scale’ of the 3 infill plots proposed – these are ‘small’ in number, the built footprint will occupy less than 1% of the Warren Estate land, and less than 0.0005% of the area of the High Weald National Landscape. - Their scale would be limited compared to the main Warren Estate house, and would be consistent with the previously consented 5 plots on Handford Way. - The setting of the 3 infill plots is within the boundary of the previous Handford Way planning consent (which included ‘un-built’ land consented for residential development) with 5 of the 8 plots having been developed. The public footpath was moved at the time to accommodate the 8 plots, and the remaining 3 plots are well screened from public views, are beyond the woodland gardens, and do not involve development on TPO land or any other designation. 2. <u>IF the above points did not demonstrate that the 3 dwellings were NOT ‘major development’, based on normal objective criteria for the nature, size and scale of the proposals, and having regard to previous Appeal precedent:</u> - It would then be necessary to consider whether their nature, size and scale would NOT be ‘major development’, by virtue of NOT having a significant adverse impact on the purposes for which the AONB was designated. - The 3 infill plots are within the boundary of the previous Handford Way planning consent, which included ‘un-built’ land consented for residential development, within an area of then Great Landscape Value. - This demonstrates that this land was previously considered suitable for development. - The setting of the 3 infill dwellings is at the south-eastern boundary of the National Landscape designation (formerly AONB). When the AONB was designated in 1976, the Council lobbied for inclusion of this land, although it had initially been rejected by the Minister and the Countryside Commission (the proposed boundary was the present West Sussex County line). The Minister in the end agreed to grant HDC’s request to include the land within the AONB “as the most convenient solution to the problem of defining a suitable boundary in Plummers Plain where there is a difference between us”. - This demonstrates that this particular corner of the AONB was added for rounding off on the plan and on the ground, as lobbied for by HDC, even though it had not met the
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		objective criteria for inclusion in the AONB (the Countryside Commission “felt that the area did not merit inclusion”). • As the proposals are only for a very small element of infill development, in a part of the site previously consented, in a part of the AONB not originally intended to be AONB, as it lacked the intrinsic qualities, and the land concerned is separate from the woodland gardens as well screened ‘plots’, left over from the previous consent, there is objectively no adverse impact to the purposes of the designation of the AONB, and certainly no significant adverse impact. • Furthermore, by virtue of the wider benefits of the Project as a whole, that the 3 plots would enable, including securing the future of heritage assets, rural business growth, landscape and bio-diversity net gains, and improved public access and appreciation, to permanently secure the whole against otherwise demonstrable inevitable decline, disintegration and division of the estate and natural landscape, and that there is overall a net positive impact in relation to the purposes for which the AONB has been designated, and which implicitly allows for ‘non-major’ residential development. 3. <u>IF the above points did not demonstrate that the 3 dwellings were NOT ‘major development’:</u> • It would be necessary to go to the final test, and exceptionally consider the extent to which the Warren Heritage Project as a whole was in the ‘public interest’. • If so – being ‘in the public interest’ would be demonstrated by compliance with and support from other NPPF policies, and the comprehensive benefits of the proposals, as set out. • The scale of plots of land is crucial to the viability of the project, which is in the public interest because, the alternative is the disintegration of the estate, the decay of the heritage assets and the continuing subdivision of the surrounding landscape.
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NPPF (NATIONAL PLANNING POLICY FRAMEWORK) POLICY ASSESSMENT

ASSESSMENT OF RELEVANT IN-PRINCIPLE POLICIES PART B – OTHER RELEVANT POLICIES

Achieving sustainable development “11. (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8. This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites...], granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance [7. National Landscape] provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination...”	Granting permission...unless National Landscape policies provide a strong reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits <u>The exam question therefore is for the proposals to be formulated to seek to pass a test of:</u> Granting permission where there is no ‘strong’ reason for refusing from the National Landscape (AONB) tests (see 189/190) OR the proposals are formulated and designed to seek to avoid any adverse impacts which would significantly and demonstrably outweigh the benefits	1. <u>As the proposed 3 Handford Way dwellings would be ‘limited development’ (NPPF 189), and NOT ‘major development’ (NPPF 190) in the High Weald National Landscape, the development is ‘allowed’ for by the Policy wording (NPPF 189/190), and would meet the relevant tests, NPPF 11d then applies as follows:</u> - As the 3 plots proposed are ‘limited development’, and not ‘major development’ by definition it is not ‘contrary’ to the policy (NPPF 189/190), and even if it did fail that first test, it would pass the final test by virtue of other benefits being in the national interest for the Project as a whole. The policy cannot then be said to provide any reason, and no ‘strong reason’, which is a higher bar, for dis-applying the ‘requirement’ to ‘grant permission’. 2. <u>IF, and only If there was ‘strong reason’ from a non-compliance with the above policy (NPPF 189/190), then the second part of the test (NPPF 11d) would apply – to determine if there were ‘adverse impacts’, and if so if any ‘adverse impacts’ would ‘significantly and demonstrably’ outweigh the benefits, which would not be the case for this proposal, as demonstrated as follows:</u> - The benefits, and as shown in compliance with, and drawing policy support and positive presumptions from other policy tests, as set out, would be significant benefits, including: the requirement to grant housing permissions when there is only a 1 year supply (NPPF 11d);securing the future of a heritage asset and its estate (NPPF 84 / 221); enable growth and diversification of a rural business (NPPF 88); meeting rural business needs (NPPF 89); supporting enhancing biodiversity and improved public access to nature (NPPF 193). - The above significant benefits would NOT be ‘significantly outweighed’ by any adverse impacts, even if there were any, as the bar to ‘significantly outweigh’, is higher than to ‘outweigh’, and the benefits would require the negative value of the adverse impacts to be significantly greater than the positive value of the benefits.
Delivering a sufficient supply of homes	Planning decisions should avoid the development of isolated homes in the countryside unless ...appropriate enabling	1. <u>The proposed 3 Handford Way infill plots are appropriate enabling development to secure the future of the non-statutory heritage asset, the Warren Estate House and its setting and grounds, as follows:</u>

“84. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:... b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets...”	development to secure the future of heritage assets <u>The exam question therefore is for the proposals to be formulated, to pass a test of:</u> “the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets”	• Allowing for the retention of the Estate as a whole, to prevent further sub-division, and long term up-keep and restoration of the Estate and heritage asset. • Providing for the future of the non-statutory heritage asset and its setting, with a new economic model and adequate amenities for safe, hygienic modern living, and including the provision of replacement garaging and storage for the post war garage blocks, and restoring the summer house, artesian well and water retention from the mansion. • Determining through an enabling development viability calculation that the proposed 3 Handford Way dwellings are the minimum necessary as enabling development.
Supporting a prosperous rural economy “88. Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside; and d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.	Decisions should enable sustainable growth and expansion of all types of business in rural areas (including well-designed, new buildings), and development and diversification of agricultural and other land-based rural businesses <u>The exam question therefore is for the proposals to be formulated, to pass a test of:</u> demonstrating proposals for sustainable growth and expansion of all types of business in rural areas and / or demonstrating development of agricultural and other land-based rural businesses – e.g. agroforestry	1. <u>The proposals specifically provide for sustainable growth and diversification of a rural business, including with well-designed new buildings, which will be achieved through:</u> • Expanding the existing rural business barn building and facilities, to be used by the Estate Office for managing the estate and agroforestry activities, with Seagreen's Innovation Centre (an R&D facility for human and animal health and plant nutrition) by a total of 600 sq.m. • The creation of employment in this and other local rural enterprises, including up to an additional 12 people on site. • The expanded facilities will also house a public information and heritage centre, with controlled educational and public access.
89. Planning policies and decisions should recognise that sites to meet local business and community needs in rural	Decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and important to	1. <u>The proposals specifically provide for meeting local business needs in a rural area, which will be achieved through:</u> • Expanding the existing rural business barn building and facilities with B1 use, to meet the needs of the Estate Office, for managing the estate and agroforestry activities, and

areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot), by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist	ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot) <u>The exam question therefore is for the proposals to be formulated, to pass a test of:</u> demonstrating the proposals include for meeting sustainable rural business needs exploits any opportunities for making the location more sustainable, e.g. walking on foot, by cycling, or by public transport.	Seagreens (an established organic seaweed producer and ingredient manufacturer with strong research and development capabilities), by a total of 600 sq.m • The design will be in keeping with a traditional vernacular Sussex rural barn design and appropriate to the setting. • The proposals will specifically improve access on foot with new drainage to 'boggy' footpaths, and car parking facilities, and new access to natural landscape. • The increased traffic from the limited development, spread across a day and the two entrances to the site, would be negligible.
“193. When determining planning applications, local planning authorities should apply the following principles: d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate...”	Should be supported where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. <u>The exam question therefore is for the proposals to be formulated, to pass a test of:</u> demonstrating measurable biodiversity net gain proposals and / or enhanced public access to nature	1. <u>The proposals specifically provide for up to 30 acres of land for bio-diversity net gain land, being the majority of the Estate Land, and public access to nature, which will be achieved through:</u> • Securing the estate boundaries as far as possible with fencing against encroachment by the local deer population, and allow for the habitats to be restored and re-planted, and maintained for species rich bio-diversity net gain, and creation and maintenance of habitats for a variety of wildlife. • Improved public access to the woodlands and bio-diversity net gain areas as heritage and nature trails.
Conserving and enhancing the built environment “221. Local planning authorities should assess whether the benefits of a proposal for	Assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits.	1. <u>The 3 Handford Way infill plots are appropriate enabling development to secure the future conservation of the non-statutory heritage asset, and its setting and grounds, as follows:</u> • Allowing for the retention of the Estate as a whole, to prevent further sub-division, and create a viable agroforestry unit, together with the long term restoration of the Estate and heritage asset.

enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”	(N.B this test applies to all heritage assets – which includes non-designated heritage assets) The exam question therefore is for the proposals to be formulated, to pass a test of: whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies	• Providing for the restoration of the non-statutory heritage asset and its setting, including removal of 3 unsightly and inappropriate post war garage blocks, and restoring the summer house and the artesian well and pumping facilities. • Determining through an enabling development viability calculation that the proposed 3 Handford Way infill plots are the minimum necessary for the beneficial enabling development. 2. <u>As the proposals as a whole provides for enabling development which would secure the future conservation of a heritage asset, this outweighs any dis-benefits as follows:</u> • To the extent that there are any dis-benefits of the enabling development 3 new Handford Way infill plots, any dis-benefits would objectively be ‘minor’ for the 'non-major' and 'limited' development, in well screened plots, and within the boundaries of a former consent for plots, and to achieve the new economic model to sustain the future of the whole estate. • As such the significant heritage asset conservation benefits would outweigh any minor dis-benefits of the enabling development, if there are any such dis-benefits, given policy compliance, as set out above.
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