

---

**IN THE MATTER OF AN APPEAL  
IN RELATION TO A PROPOSED DEVELOPMENT AT FRYATTS WAY**

---

---

**OPENING STATEMENT  
ON BEHALF OF THE COUNCIL**

---

**I. INTRODUCTION**

1. This appeal involves an outline application by Gladman Developments Ltd for up to 210 residential dwellings and other associated works (the “**Development**”) on land off Fryatts Way, Bexhill (the “**Site**”).
2. There are three remaining issues between the parties:
  - a. The landscape harm caused by the Development;
  - b. The sustainability of the Development in transport terms; and,
  - c. In light of the tilted balance, whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
3. The tilted balance applies in this case in the absence of a 5-year housing land supply. Notwithstanding this, the Council’s position is that the significant landscape harm that would be caused by the Development, in addition to its unsustainable location, significantly and demonstrably outweigh its benefits.

**II. LANDSCAPE**

4. First, in terms of the context of the Site, there is no dispute that the Site is located within, and defined in policy, as countryside. But its value is not confined to that. It displays some of the key and distinctive characteristics of the South Slopes of the High Weald Character Area, a landscape dating from the mediaeval times, particularly its small irregular fields framed by mature treed hedgerows. In addition, together with the countryside surrounding it, it forms a landscape corridor

both between Little Common and Sidley/Bexhill above the A259 and extending towards the Highwoods SSSI to the north.

5. Secondly, given that context, the adverse impact of the Development on the Site would be unacceptable. In particular:
  - a. It would irreversibly destroy the very characteristics of the Site that make it distinctive, composed of the *combination* of the open fields together with the bordering treed hedgerows.
  - b. It would tend to close the landscape corridor between Little Common and Sidley/Bexhill above the A259, which forms a valuable spatial and planning role.
  - c. It would irreversibly impact the green corridor to the north, west and south, of which the Site forms part.
6. The result is a conflict with policies OSS2, OSS3, OSS4, RA3, EN1, EN3 and EN5 of the Core Strategy, DEN1 and DEN4 of the DaSA, and §§130 and 174(b) of the NPPF.
7. The Appellant's case on landscape is flawed because it entirely ignores the role the Site plays in this broader landscape, choosing to focus instead on the Site's proximity to the existing settlements. Starting from the wrong premise, its landscape assessment arrives at the wrong answer.

### **III. SUSTAINABILITY**

8. The Council's position is that there is no practical solution to the lack of access to and from the Site by non-car modes.
9. The Appellant's claims to the contrary are plainly incorrect. In particular:
  - a. Walking: the local primary schools are too far away for the children to walk there and, even for those with the inclination, the safety concerns on the route make walking even more unlikely. In terms of amenities, the local shops at Little Common are almost 2km away. In both instances, driving by car will be the norm.

- b. Bus: the bus provision is wholly inadequate. The bus stops are not close and/or easily accessible and the service is not frequent enough. The Appellant now appears, belatedly, to have accepted this.
  - c. Cycling: this is a possible method of travel from the Site but safety concerns on the road network immediately to the Site and across the A259 will reduce the number of residents willing to travel by this method.
  - d. Train: the only train station providing a regional service is Bexhill and this is a 35-minute walk from the Site. Even Collington, which provides a local service, is a 25-minute walk. The likelihood is that most commuters getting the train will use a car to get there.
10. The mitigation offered by the Appellant will do little to nothing to improve this situation. This is because, in relation to both the DRT scheme and the car club, they are likely to have a small uptake and will likely be unviable in both the short and medium term. The simple fact is that the nature of development on the Site as proposed generates car dependencies and does not facilitate modal shift to become sustainable as suggested. The number of people choosing to live in this location without a car will be negligible.
11. The effect is that there is a serious conflict with policies OSS2, OSS3, SRM1, TR2 and TR3 of the Core Strategy, DIM2 of the DaSA, and §105 of the NPPF.

#### **IV. PLANNING BALANCE**

12. As to the planning balance, the harms of the Development significantly and demonstrably outweigh its benefits.
13. For the reasons already mentioned, first, the irreversible harm to the landscape occasioned by the Development would be unacceptable.
14. Secondly, the Site is not a sustainable location in terms of transport.
15. These impacts are not a surprise. They are the clear and obvious reasons why the Site was deliberately not allocated for housing in the SHLAA, the Core Strategy and

the DaSA in the first place. These issues carry huge weight, even if conflict with certain policies in the development plans are to be given lesser weight on account of them being out-of-date.

16. On the other side of the balance, the Council accepts that significant weight should be given to the provision of up to 210 houses. As will be demonstrated, however, the issues that were delaying the delivery of housing over the last few years have been addressed and the Council can evidence that the delivery of housing coming through the pipeline over the next few years is substantial. The idea that the 5-year housing land supply can only be increased to an acceptable level by permitting developments such as this one is fundamentally wrong.

## **V. CONCLUSION**

17. In conclusion, the Council's position is that the appeal should be dismissed on account of the unacceptable landscape harm that would be caused by the Development and its unsustainable location. The effect is that the harms of the Development significantly and demonstrably outweigh its benefits.

**YAASER VANDERMAN**

**Landmark Chambers**

30 November 2022