

Rother District Local Plan 2025 - 2042

Housing and Economic Land Availability (HELAA) and Site Selection Methodology Background Paper

Draft (Regulation 18) Version – January 2026

This information can be made available in large print, audio or in another language upon request.

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1 Introduction

- 1.1 The new Local Plan for Rother will guide sustainable development in the district up to 2042 and set out the Council's planning policy approach to the climate emergency and biodiversity crisis. To support and inform its preparation, a comprehensive and robust evidence base has been developed.
- 1.2 The draft Local Plan was published for a "Regulation 18" consultation in April 2024 (hereafter referred to as "Regulation 18A"). At that time, the draft Plan contained detailed topic policies and a proposed development strategy but not proposed site allocation policies. However, the draft Housing and Economic Land Availability Assessment (HELAA) (2024) was published in support of the plan, and comments were invited on the sites contained within it.
- 1.3 The development strategy within the Regulation 18A Local Plan proposed a minimum of 5,158 to 7,287 dwellings to be constructed by 2040, at an average rate of 258 to 364 dwellings per year, and a minimum of 74,189 square metres (sqm) of employment floorspace. The housing figures were informed by the draft HELAA (2024), with the lower figure in the range representing the totals of the "identified sites" (current allocations and sites with planning permission), and the upper figure representing the then identified sites plus the total capacity of "potential additional sites" (sites identified in the draft HELAA at that time as being potentially suitable, available and achievable for development during the Local Plan period). The employment figure represents the employment need identified in the Rother and Hastings Housing and Economic Development Needs Assessment (HEDNA, 2024).
- 1.4 The housing figures proposed at Regulation 18A can be compared to the "Local Housing Need" (LHN), calculated using the national "standard method" as set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), which at that time was 733 dwellings per year. Proposals of 258 to 364 dwellings annually consequently represented a significant shortfall against the LHN, explained largely by the district's significant coverage of environmental constraints including 83% of its land area being within the High Weald National Landscape and not suitable for large-scale development.

- 1.5 Since the Regulation 18A consultation there has been a change of Government, with the Labour Government elected in July 2024 on a mandate to significantly increase house-building. The Government's "Plan for Change" set an ambitious goal of delivering 1.5 million new homes this parliament, and a Written Ministerial Statement in December 2024 accompanied a revised NPPF which includes a number of measures aimed at increasing house-building, including affordable housing. Most significant of these measures for Rother have been:
- Extending the deadline for Local Plans to be submitted for examination under the current plan-making system, to December 2026;
 - The restoration of mandatory housing targets, calculated using the "standard method", meaning that local planning authorities are required to use this method to calculate housing need;
 - A revised standard method calculation, which relies on a baseline set at a percentage of existing housing stock and a stronger affordability multiplier, with the aim of focusing additional growth on those places facing the biggest affordability challenge.
- 1.6 The use of the revised standard method has resulted in an increased Local Housing Need for Rother district, of 912 dwellings per annum.
- 1.7 To respond to the requirements of the NPPF, the Council has undertaken the following, with regard to its Local Plan:
- i. Updated the Local Development Scheme (LDS) in March 2025, which confirms that the Council will submit its new Local Plan for examination by December 2026 to meet the government deadline;
 - ii. Through the LDS, committed to carrying out a second Regulation 18 consultation in quarter 4 2025/26, focused on proposed site allocations. This is hereafter referred to as "Regulation 18B".
- 1.8 This document explains the work that has been undertaken to select sites for proposed allocation at Regulation 18b, building on the HELAA Methodology (2022). A key aim of the work has been to seek to increase the proposed housing figures in the district, compared to those included at Regulation 18A, to respond to increased

Government housing targets for Rother and to ensure that the Local Plan is found “sound” at examination.

2 The Legislative and National Planning Policy Position

- 2.1 Section 39(2) of the Planning and Compulsory Purchase Act (PCPA) (2004) confirms that it is a legal requirement of local planning authorities exercising their plan-making functions to ensure that a Local Plan is prepared with the objective of contributing to sustainable development. Section 38(6) of PCPA and section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 2.2 The Strategic Environmental Assessment (SEA) Regulations (2004) and the PCPA (2004) set out the requirements for Sustainability Appraisal and Strategic Environmental Assessment as they apply to Local Plans.
- 2.3 The National Planning Policy Framework (NPPF) (December 2024) notes that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities¹. Paragraph 61 confirms that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Through the local plan, a housing requirement figure for the plan area should be established, which shows the extent to which the LPA’s identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period (NPPF, paragraph 69).
- 2.4 NPPF paragraph 72 notes: Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.

¹ NPPF (2024), paragraph 15.

- 2.5 In relation to economic land supply, paragraph 8 of the NPPF confirms that an economic objective is one of the three overarching objectives in achieving sustainable development, that is: to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure. Paragraph 86 of the NPPF sets out the requirements for planning policies, which include to: (b) set criteria, or identify strategic sites, for local and inward investment to match the economic vision and strategy of the Local Plan and to meet anticipated needs over the plan period.
- 2.6 National Planning Practice Guidance (PPG) provides national guidance for planning practice, reinforcing the requirements of the NPPF. The PPG sets out the method for assessing housing and economic land availability.

3 The HELAA

- 3.1 The draft HELAA was published in 2024 in support of the Regulation 18A consultation. The purpose of the HELAA is to provide information on a potential supply of land which is suitable, available and achievable for housing and economic development over the local plan period. In relation to housing supply, on its completion, the HELAA will determine the amount of land available for residential development and the resulting number of dwellings that could be accommodated in Rother over the plan period, in line with NPPF paragraph 69. This figure may be compared to the minimum local housing need (LHN) figure (defined using the standard method calculation). The HELAA will be an important piece of evidence informing the extent to which the LHN figure can be met in Rother.
- 3.2 In accordance with the NPPF and PPG, on completion of the HELAA, the key outputs will include:
- A list of housing and economic development sites and broad locations assessed for their suitability, availability and achievability with associated maps.
 - An assessment of each site and broad location in terms of its suitability, availability and achievability, and where relevant, an anticipated timeframe for delivery.

- Information on site constraints with clear evidence and justification for the assessment outcomes.
- Where relevant, an assessment of the type and quantity of development for each site, including information on build rates and densities.
- Strong conclusions explaining why sites that are considered currently suitable for development are preferable to ones that are not.

3.3 The HELAA follows a methodology and process set out in the Planning Practice Guidance. It is important to note that the HELAA does not pre-empt or prejudice any future Council decisions about any site. It is not a statement of Council policy. It does not determine whether a site should be allocated for future development, as that is the role of a Local Plan or a Neighbourhood Plan. It does not determine whether or not a site will be granted planning permission. As noted in the PPG, it is the role of the assessment to provide information on the range of sites which are available to meet the local authority's requirements, but it is for the development plan itself to determine which of those sites are the most suitable to meet those requirements.²

4 How the HELAA has been developed

4.1 The PPG includes a five-stage process for carrying out a HELAA:

1. Identification of sites and broad locations
2. Site/ broad location assessment
3. Windfall assessment (where justified)
4. Assessment review
5. Final Evidence Base.

4.2 The following sections briefly explain how this process has been carried out to date. Further detail on how sites have been identified and assessed is contained within the HELAA Methodology, attached at Appendix 1.

² PPG Paragraph: 001 Reference ID: 3-001-20190722

5 Identifying sites for assessment

- 5.1 Having regard to Rother’s very high minimum local housing need (LHN) figure, a very comprehensive search for potential housing and economic sites has been undertaken, to seek to leave “no stone unturned” in identifying potential development sites. This is in line with the PPG, which states:

It is important that plan-makers do not simply rely on sites that they have been informed about, but actively identify sites through the desktop review process that may assist in meeting the development needs of an area.³

- 5.2 Figure 2 of the Council’s HELAA Methodology Paper (April 2022) details the data sources used in identifying sites for assessment, based on the PPG. The most significant data sources that have been used, and the approximate number of sites identified through those sources, at Spring 2024, are shown in Figure 1.

Figure 1: Methods of identification of HELAA sites for assessment, Spring 2024

Data source	Approximate number of sites identified ⁴
Reassessment of sites previously considered through earlier land assessment exercises, including the Council’s Strategic Housing Land Availability Assessment (SHLAA, 2013) and Neighbourhood Plans	310
Public “Call for Sites”, launched in October 2020	210
Council search (sites identified by officers and others)	210
Sites that have been subject to a planning application for the scale of development considered through the HELAA	70
Sites subject to an allocation through the DaSA Local Plan or a Neighbourhood Plan	60
Sites owned by Rother District Council or other Local Authorities	55
Sites on the Council’s Brownfield Land Register	5
TOTAL	920

³ PPG Paragraph: 010 Reference ID: 3-010-20190722

⁴ To calculate the approximate totals in this table, sites are counted only once, although a site may fit into more than one category. For example, sites subject to an allocation may have also been subject to a planning application but are included in the “allocated sites” category only.

5.3 Since the Regulation 18A consultation in Spring/ Summer 2024, the “Call for Sites” has remained open, indeed, it was relaunched in Summer 2025, as detailed below. The Regulation 18A consultation itself also provided an opportunity for site submissions. As a result, since Spring 2024, correspondence relating to around 120 sites has been received from landowners or their agents. A proportion of this has related to newly identified sites, some has related to sites already identified by officers but not previously known to be available, and some has included additional information on sites already submitted. As of December 2025, in total, around 300 sites have been submitted by landowners or their agents. The Call for Sites remains open and the Regulation 18B consultation will provide a further opportunity for site submissions.

5.4 Most of the data sources listed in Figure 1 are self-explanatory, however, further detail is provided on the Call for Sites and Council Search, below.

Call for Sites

5.5 The Council’s “Call for Sites” was launched on 12 October 2020, which initially ran to 7 December 2020. Following the completion of this period, in order to allow for further submissions, the Call for Sites remained open, and a steady stream of sites have since been submitted. The Call was relaunched on 20th June 2025, with submissions requested by 1 August 2025, and has remained open since that time.

5.6 As well as being publicised locally and on the Council’s website, the following groups received direct notification of the Calls for Sites:

- Landowners and land promoters
- Developers
- Planning agents
- Local property agents (residential and commercial)
- Town and parish councils
- Local Enterprise Partnership
- Businesses and relevant local interest groups
- Statutory bodies and local authorities.

- 5.7 To submit a site for consideration, respondents are asked to: complete a standard site submission form, supply a site location plan; and include any relevant supporting evidence (if available).

Council search (Sites identified by Council officers and members)

- 5.8 These sites were identified through a number of methods:
- *Settlement Study.* Sites have been identified by Planning Policy officers through the Settlement Study (2024) (published separately in support of the draft Local Plan). The Study involved site visits and desktop surveys of settlements and the identification of unconstrained land on the edges of settlements that could potentially be suitable for development.
 - *Discussions and informal workshops.* Planning Policy officers have undertaken discussions and informal workshops with Development Management colleagues, representatives from parish and town councils, representatives from Neighbourhood Plan groups, and elected Rother District councillors. At these meetings, attendees were asked to suggest any sites that could be assessed.
 - *Long-term empty properties.* Lists of long-term empty properties were obtained from Rother's Council Tax Department.
 - *Electronic Property Information Mapping services (e-PIMS).* Officers reviewed the e-PIMS database for details of any potentially available public sector land.

6 Site/ broad location assessment

Stage 1

- 6.1 Once sites had been identified, Stage 1 involved an initial site assessment. Potentially suitable sites were taken forward to Stage 2 for a more detailed assessment, which would include further assessment of suitability, as well as the determination of sites' availability and achievability.
- 6.2 Initial desktop assessments were carried out. This involved:
- Filtering out sites that did not meet the minimum size thresholds for consideration (0.25 hectares or suitable to accommodate at least 5 dwellings, or 500 sqm of employment floorspace).
 - Planning history checks. Where sites had planning permission, information on development progress was obtained, and sites at an advanced stage of

construction were also filtered out from further assessment due to being “unavailable” for development.

- Identifying sites that had previously been assessed, for example sites within the SHLAA or sites that had been the subject of planning applications. The key findings of previous assessments were taken note of.
- Identification of environmental constraints using the Council’s GIS.

6.3 Sites were visited by a planning policy officer and usually viewed from the closest public viewpoint, e.g. a public highway or public right of way. An initial site survey was carried out, as set out in the HELAA Methodology paper attached at Appendix 1.

6.4 Sites with either extant planning permission, that are currently allocated in the Local or a Neighbourhood Plan or are on the Council’s Brownfield Land Register (BLR), have been determined to be suitable, provided that no significant changes in circumstances that may affect their suitability were identified. Currently allocated sites without planning permission have, however, been subject to Sustainability Appraisal together with newly identified sites known to be available.

Stage 2

6.5 Sites which were not ruled out as “unsuitable” at stage 1 were further assessed at stage 2. In many cases this involved consultation with key stakeholders including the Highway Authority, National Highways and the County Landscape Architect.

6.6 At stage 2, the development potential of sites has also been considered, including suitable development uses and an estimation of site capacity (the number of dwellings or amount of employment floorspace that could be accommodated). For new sites, site capacity has been informed by the Density Study (2024, 2026) (see HELAA Review section, below). The site capacity of those sites which are allocated, or which have planning permission has been carried forward as per the allocation/permission at this stage.

6.7 The availability and achievability of sites has also been considered at stage 2. Where necessary, this has involved Land Registry searches to identify ownership, and the contacting of landowners. Sites have also been assessed in terms of whether there

could be a reasonable prospect that the sites will be developed during the course of the plan period.

7 Windfall assessment

- 7.1 Windfall sites are defined in the NPPF as “sites not specifically identified in the development plan”. In accordance with the PPG and paragraph 72 of the NPPF, a windfall allowance may be justified as a component of the district’s anticipated supply of housing. Within the HELAA, the PPG allows the Council to identify broad locations in years 6-15 of the new Local Plan period, which could include a windfall allowance.
- 7.2 There is strong evidence⁵ that small windfall sites have consistently come forward across the district in a variety of economic and planning environments and it is reasonable to assume that they will continue to do so in the future.
- 7.3 Initial evidence based on recent data⁶ suggests that a windfall projection for the new Local Plan period, comprising the number of houses which may be built on small sites (1-4 dwellings) not allocated or considered in the HELAA, is 39 dwellings per annum.
- 7.4 An initial draft Windfall Assessment Report is attached at Appendix 2. This will be updated and finalised at a later stage in the preparation of the new Local Plan.

8 Assessment Review

- 8.1 The PPG⁷ states, that in respect of the HELAA:

Once the sites and broad locations have been assessed, the development potential of all sites can be collected to produce an indicative trajectory. This should set out how much housing and the amount of economic development that can be provided, and at what point in the future (i.e. within years 1 to 5, 6 to 10, and 11 and beyond). An overall risk assessment should be made as to whether sites will come forward as anticipated.

⁵ See the Draft Windfall Assessment Report, attached at Appendix 2.

⁶ Draft Rother Windfall Assessment Report, attached at Appendix 2

⁷ PPG Paragraph: 024 Reference ID: 3-024-20190722

- 8.2 The draft HELAA (2024) resulted in the calculation of “ranges” for the district’s development capacity, based on sites assessed. As noted in section 1 above, including a windfall allowance, this comprised: 5,158 to 7,287 dwellings to be constructed by 2040, at an average rate of 258 to 364 dwellings per year⁸. The lower end of the range represented the totals of the “identified sites”⁹ and the upper figure represented the identified sites plus the total capacity of “potential additional sites”¹⁰. A detailed trajectory was not provided at that time because further assessment work was required to determine this. The draft HELAA acknowledged that the potential figures may be subject to change as the Local Plan consultation progresses, as sites are discounted, or alternatively, as additional sites are found to be suitable, available and achievable. Many of the potential sites listed in the draft HELAA, required more detailed consideration of their impacts, including cumulative impacts.
- 8.3 However, it was clear that in terms of dwellings numbers, insufficient potential had been identified to meet the local housing need (LHN) figure, calculated using the standard method calculation set out in the NPPF.
- 8.4 In relation to the supply of land for economic development, the Rother and Hastings joint Housing and Economic Development Needs Assessment (HEDNA) (2024) identifies a need for 74,189sqm of employment floorspace over the plan period. Initial figures in the draft HELAA suggest that this need will be met.
- 8.5 The PPG¹¹ states that where the HELAA finds that insufficient sites / broad locations have been identified to meet objectively assessed needs, including the identified local housing need, local planning authorities:

⁸ See Development Strategy and Principles chapter, draft Rother Local Plan (2024)

⁹ Identified sites are those which are allocated for development, or which have an extant planning permission or a current planning application which has a resolution to grant, subject to a legal agreement.

¹⁰ Potential additional sites were those which may be suitable, available and achievable for development over the plan period, subject to further assessment work and the result of the Regulation 18A consultation. The potential additional growth set out in the draft Local Plan (2024) did not include those sites listed in the draft HELAA where the availability is currently unknown.

¹¹ PPG Paragraph: 025 Reference ID: 3-025-20190722

“.. will need to revisit their assessment, for example to carry out a further call for sites, or changing assumptions about the development potential of particular sites to ensure these make the most efficient use of land. This may include applying a range of densities that reflect the accessibility and potential of different areas, especially for sites in town and city centres, and other locations that are well served by public transport.

If insufficient land remains, then it will be necessary to investigate how this shortfall can best be planned for. If there is clear evidence that strategic policies cannot meet the needs of the area, factoring in the constraints, it will be important to establish how needs might be met in adjoining areas through the process of preparing statements of common ground, and in accordance with the duty to cooperate. If following this, needs cannot be met then the plan-making authority will have to demonstrate the reasons why as part of the plan examination”.

- 8.6 Consequently, in line with the PPG, the draft HELAA was reviewed in summer 2025. This process has involved:
- The re-launch of the Call for Sites (as detailed above), and the assessment of all new sites submitted;
 - Considering any additional information received on sites from landowners or agents and as necessary, reflecting this in the HELAA assessment;
 - Considering any representations received on sites through the Regulation 18A consultation (including, for example, from landowners indicating land is, or is not, available);
 - Updating the planning status of sites and reflecting this in the HELAA assessment, for example, where sites have been granted planning permission these have become “suitable” and where sites have been built out these are no longer “available”;
 - Carrying out further consultations with consultees including the Highway Authority;
 - Considering whether it is appropriate to change previous assessments of previously rejected sites, particularly focusing on those sites known to be available (assessment methods are further detailed in the HELAA Methodology). The key matters considered have been:
 - Site sustainability. Having regard to the significant shortfall compared to the LHN, sites which were previously rejected primarily because they were assessed as being within an unsustainable location have

been reconsidered to determine whether the location can in fact be accepted, for example, if services are not within walking distance but there is a bus or train service accessible to the site.

- Landscape impact. Sites outside the National Landscape which were previously rejected due to landscape impact have been re-assessed to determine whether the original assessment is defensible, given the lack of statutory or policy protection to the landscape in question and the significant shortfall compared to the LHN.
- Impact on the HWNL. Sites within the National Landscape previously assessed as unacceptable due to impact on the HWNL have been reconsidered to determine whether the impact could in fact be mitigated to an acceptable degree, for example through reducing the size of the site or through good design or retention of landscape features.
- Workshops with Development Management colleagues to seek to identify (i) new sites, and (ii) sites previously assessed but initially rejected through the draft HELAA (2024) which could require re-assessment;
- Engaging with landowners and developers to understand whether land identified is available for development, and if so, the expected timeframes for this;
- Considering the density of suitable sites (and generally seeking increased densities), informed by the updated Density Study (2026) and Sustainability Appraisal (further detail in the HELAA Methodology).

8.7 The outcome of the HELAA review has been the identification of additional sites assessed as potentially suitable, available and achievable, and an increase in the total number of dwellings and employment floorspace that can potentially be accommodated on those sites. Including an allowance for windfall, the new total number of dwellings identified is 8,427, or 495 dwellings annually over the 17-year plan period. While this is a significant increase compared to the draft Local Plan (2024) it still represents a large shortfall on the Local Housing Need figure calculated using the standard methodology, which is currently 912 dwellings per year.

9 Next Steps

- 9.1 All sites assessed as suitable or potentially suitable, available and achievable through the draft HELAA (2026) have been included as proposed site allocations in the draft Local Plan (Regulation 18b version, 2026). Through the consultation, comments on the sites will be sought from statutory consultees, landowners, infrastructure providers and other interested parties, in order to inform the final site allocations for inclusion in the Regulation 19 Local Plan.
- 9.2 The Call for Sites will remain open with the aim of identifying further sites for assessment through the HELAA.
- 9.3 Further liaison with landowners, agents and developers will take place to establish details on site availability and achievability, site requirements, and when sites are likely to come forward for development.
- 9.4 Liaison with infrastructure providers will take place to inform the final site allocation policies, specifically infrastructure needs, and also to inform the Council's Infrastructure Delivery Plan (IDP).
- 9.5 Following the completion of the HELAA, a set of standard outputs will be produced in line with the PPG, including a detailed development trajectory for inclusion in the Regulation 19 Local Plan.

Appendix 1: HELAA Methodology Paper (Updated 2026)

Introduction

- 1 A Housing and Economic Land Availability Assessment (HELAA) is required to be carried out in line with the National Planning Policy Framework (NPPF, Dec 2024) and the national Planning Practice Guidance (PPG). The HELAA is an important part of the evidence base for the new Rother Local Plan to inform plan-making and provides information on the potential amount of land which is suitable, available and achievable for housing and economic development uses over the plan period. In addition, where relevant, it includes consideration of other land uses to support future development.
- 2 The HELAA is the latest iteration of other land availability studies undertaken by the Council in the past, most recently the Strategic Housing Land Availability Assessment (SHLAA) carried out in 2010 and a subsequent update completed in 2013. The main difference between the SHLAA and the HELAA is that the SHLAA focused on determining land availability for housing only, whereas the HELAA also considers other uses, as set out above. Furthermore, unlike the SHLAA, the HELAA does not use a traffic-light system for assessing sites but instead, for each site, determines whether it is suitable, available and achievable for development at this moment in time.
- 3 This HELAA Methodology sets out the Council's application of the PPG which will be used going forward.
- 4 The HELAA is an 'evidence-base' document which does not pre-empt or prejudice any future Council decisions about particular sites. It is an aid to plan-making and not a statement of Council policy. It does not determine whether a site should be allocated for future development, as that is the role of a Local Plan or a Neighbourhood Plan. Specifically, it informs the preparation of the Rother Local Plan by identifying potential land that may be available for development.
- 5 Carrying out the HELAA enables Rother to:
 - Identify specific sites and broad locations with the potential for housing and economic development, or other land uses.
 - Assess the development potential of sites.
 - Appraise the suitability, availability and achievability of different sites for development in line with the guidance set out in the PPG.
- 6 Completing the HELAA has enabled the Council to collect a large volume of information on sites and potential development locations. When final, the key outputs will include:

- A list of potential housing and economic development sites and broad locations with associated location and constraint maps.
- An assessment of each site and broad location in terms of its suitability, availability and achievability, and where relevant, an anticipated timeframe for delivery.
- Information on site constraints with clear evidence and justification for the assessment outcomes.
- Where relevant, an assessment of the type and quantity of development for each site, including information on build rates and densities.
- Strong conclusions explaining why sites that are considered currently suitable for development are preferable to ones that are not.

Policy Context

7 Paragraph 61 of the NPPF states that in order to support the Government's objective of significantly boosting the supply of homes, *it is important that a sufficient amount and variety of land can come forward where it is needed.*

8 The requirement to carry out a HELAA is contained within the NPPF. In respect of housing, paragraph 72 states:

Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

a) specific, deliverable sites for five years following the intended date of adoption (including an appropriate buffer which in the case of Rother is currently 20%).

b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period.

9 Small and medium sized sites are specifically mentioned at paragraph 73 of the NPPF and are noted to make an important contribution to meeting the housing requirement of an area. The NPPF requires that local planning authorities, through the development plan and brownfield registers, identify at least 10% of their housing requirement on sites no larger than one hectare, unless there are strong reasons why this target cannot be achieved.

- 10 The NPPF (paragraph 75) advises that an allowance can be made for windfall sites¹² but there needs to be compelling evidence that they will bring a reliable source of supply. Any allowance should be realistic, having regard to the HELAA, historic windfall delivery rates¹³ and expected future trends.
- 11 In relation to economic development, paragraph 85 of the NPPF notes:
- Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...*
- 12 While paragraph 86 (part b) sets out the requirements for planning policies, which include:
- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.*
- 13 The PPG includes guidance on housing and economic land availability assessment and, in relation to potential housing land, sets out a methodology to identify a future supply of land which is suitable, available and achievable for housing over the plan period. The PPG advises that plan-making authorities may carry out land availability assessments for housing and economic development as part of the same exercise, in order that sites may be identified for the use(s) which is most appropriate. The HELAA will be carried out in the context of the latest guidance, which largely dates from July 2019.

Methodology

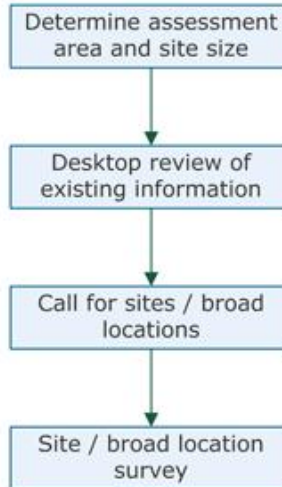
- 14 Figure 1 (see below) is taken from the PPG and sets out the stages that local planning authorities should go through in carrying out the HELAA. An explanation of what each stage entails, and how it has been carried out in the context of Rother district, is further explained in the remainder of this document.
- 15 The PPG expects plan-making bodies to have regard to the guidance in preparing and updating their assessments and also explains that the guidance indicates what inputs and processes can lead to a robust assessment of land availability.

¹² A windfall site is defined in the National Planning Policy Framework as a site not specifically identified [for development] in the development plan.

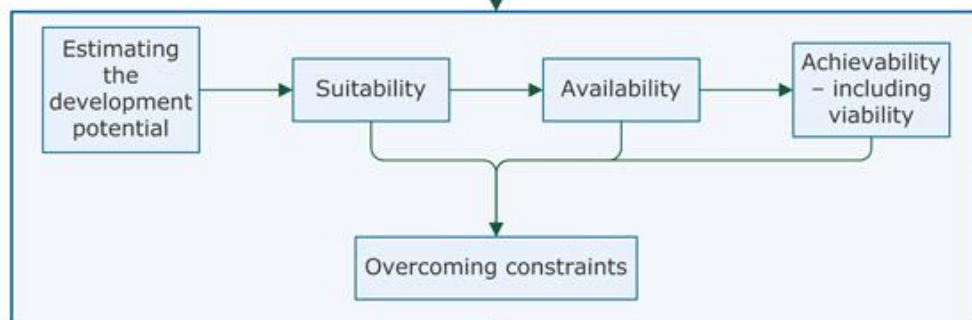
¹³ Historic windfall delivery rates means the number of dwellings the Council has historically approved on “windfall” sites (sites not identified in the development plan). For further details see the Windfall Assessment.

Figure 1: Planning Practice Guidance Methodology Flowchart

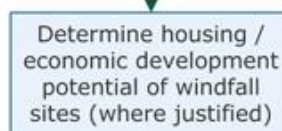
Stage 1 - Site / broad location identification



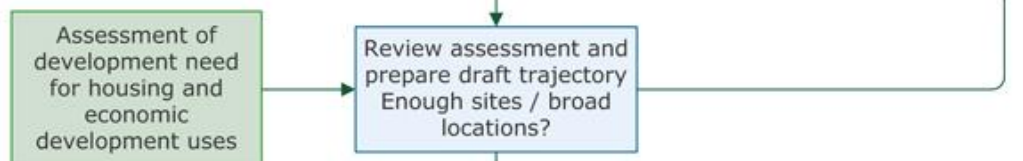
Stage 2 - Site / broad location assessment



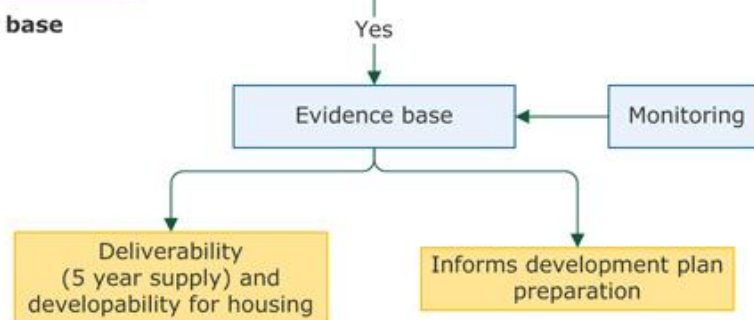
Stage 3 - Windfall assessment



Stage 4 - Assessment review



Stage 5 - Final evidence base



Stage 1: Identification of sites and broad locations

- 16 *Determining the assessment area:* The PPG confirms that the area selected for the assessment should be the plan-making area. In this case, the plan-making area is the district of Rother and this is the area which the HELAA covers.
- 17 *Who should Rother District Council work with?* As advised at paragraph 007 of the PPG, the assessment will be undertaken and regularly reviewed. Rother shares its housing market area and functional economic market area with Hastings Borough Council (HBC) and as such and in line with the guidance, is working with them on any cross-boundary sites, in line with the duty to cooperate. It is also important to involve landowners and promoters; local property agents; developers; local communities; Local Enterprise Partnerships; businesses and their local representative organisations; parish and town councils and neighbourhood forums preparing neighbourhood plans. These groups are given the opportunity to submit details of any potential sites for housing and economic land that they wish to be considered.

Size of sites and broad locations to be assessed

- 18 Paragraph 009 of the PPG states that plan-makers will need to assess a range of different site sizes from small scale sites to opportunities for large scale developments such as village and town extensions and new settlements where appropriate. In terms of housing, sites capable of delivering five or more dwellings is suggested and for economic development sites measuring 0.25 hectares (or 500 square metres of floor space) and above, although it does say that plan-makers may wish to consider alternative site size thresholds. The NPPF expects a minimum proportion of the sites identified as suitable for housing to be no larger than one hectare, unless there are strong reasons why this cannot be achieved.
- 19 For resource efficiency purposes, the identification of sites in Rother is limited to those capable of accommodating five dwellings or more for residential proposals or 0.25 hectares or more (or 500 square metres or more of floor space) for economic proposals. These thresholds are slightly lower than Rother's current monitoring process and Annual Monitoring Report which sub-divides 'small' and 'large' sites at a six dwellings threshold.
- 20 In addition, small-scale development boundary amendments have also been considered. These must adjoin existing development boundaries and can take into consideration sites that are below the five dwellings threshold.

How sites and broad locations will be identified

- 21 In line with paragraph 010 of the PPG, when carrying out the desktop review, a proactive approach has been taken to identify as wide a range of sites and broad locations for development as possible (including those existing sites that could be

improved, intensified or changed). Identified sites, which have particular constraints, will be included in the assessment for the sake of comprehensiveness but the constraints will be set out clearly, including where they severely restrict development. The assessment will identify sites and their constraints, rather than simply rule out sites outright which are known to have constraints.

- 22 In Rother, the High Weald National Landscape (HWNL), a designated area of outstanding natural beauty has some 83% coverage, whilst roughly 7% comprises internationally and nationally designed habitats sites. Flood risks also affect the district. National Landscapes have the highest form of protection in relation to landscape and scenic beauty. Under Section 85 of the Countryside and Rights of Way Act (2000) (as amended) public bodies, including Rother District Council, have a duty to seek to further the statutory purpose (namely conservation and enhancement of natural beauty) of National Landscapes. The NPPF protects National Landscapes and habitats sites as areas of particular importance, where application of policies provide a strong reason for restricting the overall scale, type or distribution of development in the plan area¹⁴. Nevertheless, housing and economic requirements necessitate some development within the HWNL. Development in rural areas will also be necessary and justified to meet local needs.

Types of sites and sources of data to be used

- 23 The PPG advises that plan-makers should consider all available types of sites and sources of data that may be relevant in the assessment process. It confirms:

It is important that plan-makers do not simply rely on sites that they have been informed about, but actively identify sites through the desktop review process that may assist in meeting the development needs of an area.

- 24 The table below (Figure 2) is based on a table in the PPG and highlights data sources that have been used in identifying different types of sites. In addition, the knowledge of council officers and Councillors has been used to help to identify potential sites.

¹⁴ NPPF (2024), Paragraph 11 (b) (i) and footnote 7

HELAA and Site Selection Methodology

Background Paper

Figure 2: Data sources used in identifying sites

Type of site (as listed in PPG)	Data sources that sites could be drawn from
Existing housing and economic development allocations and site development briefs not yet with planning permission.	<ul style="list-style-type: none"> • Development and Site Allocations Local Plan. • 'Made' Neighbourhood Plans • Planning application records • Development Briefs including the North East Bexhill 'Masterplan' SPD and Camber Village SPD.
Planning permissions for housing and economic development that are unimplemented or under construction.	<ul style="list-style-type: none"> • Planning application records • Development starts and completions records
Planning applications that have been refused or withdrawn.	<ul style="list-style-type: none"> • Planning application records - review reasons for refusal/withdrawal and assess the potential for issues to be resolved • Assess viability
Land in the local authority's ownership.	<ul style="list-style-type: none"> • Local authority records
Surplus and likely to become surplus public sector land	<ul style="list-style-type: none"> • National register of public sector land. • Engagement with strategic plans of other public sector bodies such as county councils, central government, National Health Service, police, fire services, utilities services, statutory undertakers
Sites with permission in principle and identified brownfield land.	<ul style="list-style-type: none"> • Brownfield land register • Permission in Principle records
Vacant and derelict land and buildings (including empty homes, redundant and disused agricultural buildings, potential permitted development changes, e.g. offices to residential)	<ul style="list-style-type: none"> • Local authority records • English Housing Survey • Commercial property databases (e.g. estate agents and property agents) • Active engagement with sector • Brownfield land registers • Prior Notification applications
Additional opportunities for unestablished uses (e.g. making productive use of under-utilised facilities such as garage blocks).	<ul style="list-style-type: none"> • Ordnance Survey maps • Aerial photography • Planning applications • Site surveys • Call for sites • Windfall sites
Business requirements and aspirations.	<ul style="list-style-type: none"> • Enquiries received by the local planning authority • Active engagement with the sector • Call for sites

<p>Sites in rural locations; Large scale redevelopment and redesign of existing residential or economic areas; Sites in adjoining villages and rural exceptions sites; and Potential urban extensions and new free-standing settlements.</p>	<ul style="list-style-type: none"> • Development and Site Allocations Local Plan • 'Made' Neighbourhood Plans • Planning applications • Ordnance Survey maps • Aerial photography • Site surveys • Call for sites • Omission sites • Other previously assessed sites (2013 SHLAA – not allocated or permitted)
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Call for sites and broad locations

25 The call for sites and broad locations has been aimed at as wide an audience as is practicable, including those not usually involved in property development. The call for sites has targeted the following groups and people:

- Town and parish councils
- Relevant bodies undertaking neighbourhood plans.
- Landowners and promoters
- Developers
- Planning agents
- Local property agents (residential and commercial).
- Local Enterprise Partnerships.
- Businesses and relevant local interest groups.
- Local publicity.

26 The information sought from respondents includes:

- Site location, to include a plan to identify the land;
- Suggested potential type of development;
- Details relating to the suitability, availability and achievability of sites;
- Constraints to development; and
- Any supporting evidence/studies which the landowner/land promoter/developer has undertaken to support development of the site.

27 Brownfield sites submitted for housing during the call for sites can also be considered for the next iteration of the Council's Brownfield Land Register.

Site and broad location survey: Stage 1 Assessment

28 The survey has included a comprehensive list of sites and broad locations derived from data sources (set out in Figure 2) and the call for sites.

29 Prior to a more detailed survey, a desktop assessment of sites and broad locations has been carried out on the following basis:

- Review sites previously considered, for example sites identified within the previous SHLAA, unimplemented planning permissions
- Validate information gathered through the call for sites
- Carry out planning history checks
- Where sites have planning permission, obtain up to date information on development progress
- Gain a more detailed understanding of deliverability, any barriers and how they could be overcome
- Identify further sites with potential for development that were not identified through data sources or the call for sites. This may include natural extensions to sites that have been identified through the call for sites which are in separate ownership and remaining parcels of land between identified sites

30 Next, the site's location in respect of environmental and other constraints has been checked using the Council's Geographic Information System. Whether a site is within, adjacent or outside any particular constraint has been recorded. The assessment of whether a site is "adjacent" will sometimes vary according to the constraint and whether the site could affect its setting. Figure 3 provides more detail on the Council's approach to considering constraints. The list of constraints that have been checked is as follows:

Biodiversity /habitat /landscape constraints:

- Ancient woodland
- High Weald National Landscape
- Biodiversity Opportunity Area
- Local Wildlife Site
- Local or National Nature Reserve
- Priority Habitat Inventory
- Ramsar site
- Site of Special Scientific Interest (SSSI)
- Special Area of Conservation
- Special Protection Area
- SSSI Impact Risk Zone (relevant use)
- Tree Preservation Order

Water constraints:

- Flood Zone 2/ 3
- Surface Water Flooding Risk
- Groundwater Flood Risk
- Groundwater Source Protection Zone
- Pevensey Levels Hydrological Catchment

- Fairlight and Pett Drainage Area (as defined in the Development and Site Allocations Local Plan (Figure 11) and referred to in Policy DEN5)

Heritage constraints:

- Archaeological Notification Area
- Conservation Area
- Historic Field Boundaries
- Listed Buildings
- Registered Battlefield
- Registered Parks and Gardens
- Scheduled Ancient Monument

Other constraints:

- Agricultural land use classification
- Combe Valley Countryside Park
- Waste or Minerals Consultation Area
- Former Landfill
- Local Geological Site
- Public Rights of Way
- Sustainable Access and Recreation Management Strategy (SARMS) area (as defined in the Development and Site Allocations Local Plan (Figure 10) and referred to in Policy DEN4)
- Strategic Gap (as defined in the Development and Site Allocations Local Plan (Figures 6 to 8) and referred to in Policy DEN3)
- Presence of services on site (electricity, gas, water)

31 Following the desktop review, the following information has been considered during the site survey:

- Site size, boundaries and location
- Current land use and character
- Land uses and character of the surrounding area, including density of existing development
- Whether development would be likely to impact on neighbouring amenities
- Biodiversity potential, considering habitats present and potential for protected species
- Drainage and watercourses
- Any likely risks of contamination
- Any likely risks from land instability
- Presence of trees and hedgerows
- Any landscape issues
- Impact on the High Weald National Landscape (see Figure 3 below for further detail of how this will be assessed)
- Suitability of access (vehicular and pedestrian) and any traffic impacts
- Physical constraints such as topography, existing buildings, powerlines, etc
- Proximity to, and level of, nearby services and infrastructure

- Barriers to deliverability and how they may be overcome (for example, a ransom strip)
 - Any requirement for public open space if the site were to be developed
 - Whether the site has potential for low carbon or renewable energy
 - Development progress (if relevant, if the site is being developed)
 - Initial assessment of whether the site is suitable for a particular type of use or as part of a mixed-use development.
- 32 On conclusion of the Stage 1 Assessment (desktop review and site survey) an initial view is taken on whether the site is unsuitable for development with little prospect of constraints being overcome. This requires a judgement by the assessing planning officers. If a site is identified as being unsuitable then it will not be taken forward for further assessment. Where a site is rejected at this stage, reasons for the decision are clearly set out. It should be noted, however, that the fact that a site is assessed as unsuitable through the HELAA does not rule it out from ever being developed or from being considered again in the future, should circumstances change.
- 33 Figure 3 below sets out the Council's approach to considering common constraints when assessing a site/broad location's suitability for development. It should be noted that this list is not exhaustive.

Figure 3: Approach to assessing constraints

Constraint	Approach to assessment
Ancient Woodland	Sites where development would result in ancient woodland being lost or adversely impacted will be rejected in line with paragraph 193 of the NPPF, unless there are wholly exceptional circumstances as set out in footnote 70 of the NPPF. Where there is ancient woodland on or near to the site which could be retained, which may include mitigation, sites will not be ruled out. The Standing Advice from Natural England should be utilised and the County Ecologist should be consulted directly where necessary.
High Weald National Landscape (HWNL)	<p>Sites will be assessed in light of Paragraph 189 of the NPPF, which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues, and that the scale and extent of development should be limited, while development within the setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</p> <p>Guidance has been received from the High Weald National Landscape Unit on assessing sites in, or within the setting of, the HWNL. This guidance has evolved since the HELAA was commenced in 2020 to reflect the adoption of a new HWNL Management Plan (with additional character components) in 2024. Sites will be considered against the defining components of character, as set out in the High Weald NL</p>

[Management Plan](#) (2024-2029), informed by Geographic Information System (GIS) data supplied by the HWNL Unit. Guidance from the HWNL (2025) on how to assess the character components is as follows:

- Natural systems (geology, soils, water and climate). To consider matters including: impacts on floodplains, watercourses, topography, changes to landform, disturbance to undisturbed fields and loss of soil carbon storage.
- Settlement. To consider matters including: erosion of historic settlement pattern, separation between settlements, suburbanisation, proportionality in size to settlement, need to retain key landscape features, impact on heritage assets.
- Routeways. To consider matters including: impacts on any historic routeways or PROWs within the site, impacts on verges or trees along routeways, damage to form and character of sunken routeways.
- Woodland. To consider matters including: impacts on ancient woodland, trees, wood pasture, historic parkland, connections of woodland to other habitats.
- Fieldscape and heath. To consider matters including: impacts on productive agricultural land, historic field boundaries, medieval field systems, historic farmsteads, species-rich grassland or heathland, ecology and archaeology associated with the field/ heathland.
- Dark skies. To consider matters including: impacts of new lighting near wildlife-sensitive areas including ancient woodland, or into a topographically prominent location, or a presently unlit location.
- Aesthetic and perceptual qualities. To consider matters including: impacts of development on the intrinsic rural character of the landscape; sense of connection with the countryside; tranquillity; valued viewpoints; historical/ cultural features.
- Land-based economy and rural living. To consider matters including: impact on farming, forestry or small-scale horticulture, support/ retain local services, rural businesses, improvement of agricultural and forestry infrastructure.

Assessments of sites within or affecting the setting of the HWNL will consider the level of impact on the HWNL (e.g. a high, medium or low impact), having regard to the components of character detailed above. The HWNL Unit will be consulted, where practicable, on sites likely to have a moderate to high impact.

Paragraph 190 of the NPPF rules out major development within National Landscapes other than in exceptional circumstances. For the

	purpose of paragraph 190, 'major development' is defined as 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. Sites will not be ruled out for constituting 'major development' but will need to be identified as such within the assessment.
Landscape impact	<p>Sites outside of the HWNL will need to be assessed in terms of landscape impact and how they affect the setting of any settlements they relate to as well as the character and appearance of the surrounding countryside.</p> <p>For sites both outside and inside the HWNL, existing Landscape Assessments for Rother will be considered, including the Market Towns and Villages Landscape Assessment (2009) and the Bexhill and Hastings Fringes Landscape Assessment, and site-specific landscape sensitivity assessments will be carried out where necessary.</p>
Topography and land conditions	The topography of the site will be considered, together with any land stability issues, including the potential for impact of development in terms of necessary earthworks. Any form of potential harm to the character and appearance of an area or the extent of any necessary works which could impact on viability or limit the amount of development will be considered.
Development boundaries	Development boundaries will not be applied as a constraint to site suitability as amendments can be undertaken through the Local Plan process to accommodate development needs in the future.
Employment land	Existing employment sites will generally be viewed as unsuitable for residential uses unless deemed surplus to requirements in any future employment land review or comprehensive evidence is provided to demonstrate that there is no reasonable prospect of an employment use continuing.
Other uses including community uses	In accordance with paragraphs 98 (c) and 104 of the NPPF, community facilities, sports grounds and buildings and recreation facilities will generally be viewed as unsuitable for residential uses unless the criteria set out in the NPPF is met.
Flood zones and drainage	In accordance with the sequential test and paragraphs 170-172 of the NPPF, sites falling entirely or largely within the functional floodplain (zone 3b) will be considered unsuitable. Sites in flood zone 3a or at high risk of flooding from other sources including surface water flooding or groundwater flooding will be assessed but will need to be subject to the sequential and exception tests as appropriate, informed by the emerging Rother SFRA. Where part of the site falls within zone 3b, this part of the site will be excluded from the calculation of the developable area.

	<p>Sites within the Fairlight and Pett Level Drainage Area and Pevensey Levels Hydrological Catchment Area will be identified.</p> <p>The Environment Agency and Lead Local Flood Authority will be consulted where necessary.</p>
Heritage designations and their setting	<p>In line with Chapter 16 of the NPPF, designated and non-designated heritage assets will be identified, with the potential for impact flagged. Any form of potential harm (whether substantial or less than substantial) will be considered.</p> <p>The Council's Conservation Officer, County Archaeologist and/or Historic England will be consulted where necessary.</p>
International, national and local habitat designations	<p>In line with paragraphs 193 (b) and 181 of the NPPF, sites or parts of sites within SSSIs, SPAs, SACs or Ramsar sites will not be considered suitable. Sites adjacent or near to these sites will be flagged. Locally protected sites and areas of Priority Habitat will be noted and assessed in line with paragraphs 192 and 193 of the NPPF. The County Ecologist will be consulted where necessary.</p> <p>Sites within SSSI Impact Risk Zones will be noted where the Risk Zone relates to a residential or commercial use.</p> <p>The Sussex Local Nature Recovery Strategy will be considered once adopted.</p>
Open space	<p>Paragraph 104 of the NPPF notes that existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless strict criteria are met. Sites which would result in the complete loss or reduction in open space will not be considered suitable unless the criteria are met.</p>
Access and sustainable transport	<p>An assessment will be made of whether access is available to the site and any highway safety issues. The site's sustainability in terms of access to services by public transport, walking and cycling will also be considered together with whether such access can be improved.</p> <p>The Highway Authority and/ or National Highways will be consulted where necessary.</p>
Infrastructure and utilities	<p>Any availability issues will be flagged.</p>
Waste or minerals development or infrastructure	<p>If the site is shown as being within a Minerals or Waste Consultation Area, the Minerals and Waste Planning Authority (East Sussex County Council) will be consulted where necessary.</p>

Close to District Boundary	For sites adjoining or in close proximity to the District Boundary, the relevant adjoining Authority will be consulted where necessary.
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Assessment Stage 2: site/broad location assessment

- 34 All sites not excluded at the end of the Stage 1 process have been taken forward to Stage 2 for more detailed assessment of their suitability, availability and achievability.

Assessing the suitability of sites and broad locations

- 35 A site or broad location can be considered suitable if it would provide an appropriate location for development when considered against relevant constraints and their potential to be mitigated (paragraph 018 of the PPG).
- 36 When considering constraints, the information collected as part of the initial site survey will be considered together with an assessment against local¹⁵ and national policy; the appropriateness and the likely market attractiveness of the type of development proposed; and the potential impacts including the effects on landscapes, including landscape features, nature and heritage conservation. Key stakeholders, such as the Highway Authority, National Highways, Southern Water, Environment Agency, Natural England and the HWNL Unit, amongst others, may need to be consulted at this stage, where necessary and practicable, to provide their expert input. Such consultation may take place through a formal Regulation 18 consultation process.
- 37 Mitigations have been considered, informed by the site suitability assessment and the Sustainability Appraisal. This has fed into draft site allocation policies in the emerging Local Plan.

Estimating the development potential of sites and broad locations

- 38 Paragraph 129 of the NPPF notes that planning policies and decisions should support development that makes efficient use of land, taking into account factors including: (a) the identified need for different types of housing and other forms of development and the availability of land suitable for accommodating it; (b) local market conditions and viability; (c) the availability and capacity of infrastructure and services; (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and (e) the

¹⁵ The PPG confirms: "When assessing sites against the adopted development plan, plan-makers will need to take account of how up to date the plan policies are and consider the relevance of identified constraints on sites / broad locations and whether such constraints may be overcome. When using the emerging plan to assess suitability, plan-makers will need to account for potential policy changes or other factors which could impact the suitability of the site / broad location."

importance of securing well-designed, attractive and healthy places. Paragraph 130 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

- 39 Where a site has planning permission or a relatively recent expired permission, the quantum of development that was granted has been used to guide the site capacity.
- 40 For sites with no planning permission, or any permission expired more than 10 years ago, consideration the development potential of each site will be calculated by making the most effective use of land whilst also applying a density appropriate to the site context. To calculate the indicative developable area on smaller sites, a site-specific assessment may be possible, taking into account any constraints and land needed for on-site infrastructure or open space. On larger sites, in the absence of indicative site layout plans, for example, a general estimate will be made that around 50% of the site area would usually be developable.
- 41 To calculate the capacity of the developable area, density assumptions have been applied, in line with the “preferred approach” density option set out in the Regulation 18b draft Local Plan (2026), which has also been subject to Sustainability Appraisal (2026). This is “Option B - higher density” which sets out a range of appropriate densities in the different area types¹⁶, as shown in Figure 4 below.

Figure 4: Housing Density Options (Draft Local Plan, Regulation 18B Version, 2026)

Area Type	Density Range (dph – dwellings per hectare)
Urban areas in Bexhill, Battle and Rye	110-125 dph (average 120)
Suburban areas in Bexhill, Battle, Hastings Fringes and Rye	45-75 dph (average 60)
Live Well Locally areas (Urban edge of Bexhill)	35-55 dph (average 40)
Villages with development boundaries	25-45 dph (average 35)
Countryside (including villages and hamlets without development boundaries)	N/A – to be determined on a site by site basis.

Assessing the availability of sites and broad locations

- 42 Paragraph 019 of the PPG states that a site can be considered available for development, when, on the best information available (confirmed by the call for sites and information from landowners and legal searches where appropriate), there is confidence that there are no legal or ownership impediments to development. For

¹⁶ The different area types are set out in Policy LWL1 of the draft Rother Local Plan (2024).

example, land controlled by a developer or landowner who has expressed an interest to develop may be considered available.

- 43 The existence of planning permission can be a good indication of the availability of sites. Sites meeting the definition of deliverable¹⁷ should be considered available unless evidence indicates otherwise. Sites without permission can be considered available within the first five years. Consideration can also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.
- 44 Figure 5 below identifies some of the potential considerations in determining whether a particular site is available.

Figure 5: Considerations of Availability

Consideration	Approach to assessment
Ransom strip, multiple ownership, access via a private road and other access issues.	Flag as potential issues to resolve, where necessary.
Interest of owner/developer	If a site has been put forward by the landowner or a developer on behalf of a landowner, this should be viewed as showing an interest to develop the land and thus available
Planning permission extant	This will generally indicate that a site is available.
Sites with existing occupiers and site is not clear for development	Evidence will need to be obtained of if and when the site is likely to become vacant.

Assessing the achievability of sites and broad locations, including whether development would be viable

- 45 A site is considered achievable for development where there is a reasonable prospect that it will be developed for the intended use at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period. The market, cost and delivery factors will all need to be taken into consideration and are expanded on below.
- Market factors – such as adjacent uses, economic viability of existing, proposed and alternative uses in terms of land values, locality, market demand and projected rate sales;

¹⁷ As set out in the NPPF Glossary

- Cost factors – to include site preparation costs, any exceptional works necessary, planning standards and obligations, prospect of funding or investment to address identified constraints;
- Delivery factors – including developer phasing, build-out rates, whether there is a single or several developers offering different housing products and the size and capacity of the developer.

Overcoming constraints

- 46 Where constraints have been flagged as an issue, more detailed investigations are carried out to establish whether mitigation could resolve any conflict with policy, or whether issues relating to ownership, for example, are likely to be resolved easily. It should be noted that some constraints, such as location within the functional floodplain or SSSI designation, will not be able to be overcome and will mean those sites will not be progressed. This will be set out in the site assessment.

Stage 3: Windfall Assessment

Windfall assessment

- 47 A windfall allowance may be justified in the anticipated supply if there is compelling evidence as set out in paragraph 75 of the NPPF. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. A separate detailed windfall methodology assessment has been carried out.

Stage 4: Assessment Review

- 48 Upon completion of the assessments for the site and broad locations, the development potential will be known and thus an indicative trajectory will be produced. The number of units for housing and the total site area for economic uses will be provided together with information on at which point it is likely to come forward in the future (years 1 – 5; 6 – 10; or 11 and beyond). An overall risk assessment will also be carried out as to whether sites will come forward as anticipated, which will be aligned to the Council's assessment of its 5 year housing supply and whether sites are coming forward as anticipated, together with reasons for any delays.

Plan of action in the event that there are insufficient sites and broad locations identified to meet the Local Housing Need

- 49 The Government's standard method for calculating local housing need, as set out in the NPPF and PPG, must be used to calculate the Local Housing Need

- 50 If the HELAA identifies insufficient sites to meet Rother's objectively assessed needs, the following steps will be taken to seek additional sites and broad locations:
- Sites will be reassessed as appropriate for their suitability, available and achievability.
 - If necessary and prudent the Council will consider the benefits of undertaking a further call for sites.
- 51 In the event that insufficient land still remains and there is clear evidence that strategic policies cannot meet the needs of the area, factoring in the constraints, the Council will establish whether the needs may be met in neighbouring areas through preparation of statements of common ground in accordance with the duty to cooperate.
- 52 If the plan of action outlined above fails to yield sufficient sites and broad locations to meet the need, the Council will need to prepare and demonstrate robust reasons why it is unable to meet the need and fully explain this during the Plan examination.

Stage 5: Final Evidence Base

- 53 Following the completion of the assessment, as outlined in stages 1 to 4 above, the outputs listed below will need to be provided:
- A list of all the sites and broad locations that have been considered cross referenced to their location on a map.
 - An assessment of each site or broad location, including:
 - Where these have been discounted, an explanation and justification of the reasons given;
 - Where these are considered suitable, available and achievable, the potential type and quantity of development, including a reasonable estimate of build out rates, setting out how any barriers to delivery could be overcome and when;
 - An indicative trajectory of anticipated development based on the evidence available.

Monitoring

- 54 A full re-survey of sites and broad locations will normally take place when the development plan has to be reviewed or when there are other significant changes such as new guidance or changes in circumstances.

Appendix 2 Draft Windfall Assessment (April 2024¹⁸)

1. Introduction

- 1.1. This Windfall Assessment has been prepared to enable the Council to justify, in the context of national planning guidance, the likely contribution that windfall sites can make to the district's housing requirement for the emerging Rother District Local Plan. As such, it will also provide justification for the inclusion of a windfall allowance in the calculation of the District's five year housing land supply position.
- 1.2. This Assessment also considers the most appropriate means of calculating the quantity of new dwellings that could be expected to be delivered on windfall sites and any issues that may impact on the calculation of the windfall allowance.
- 1.3. This Assessment essentially forms part of the Housing and Economic Land Availability Assessment (HELAA) insofar that it assesses the quantum of development that is likely to come forward over the Plan period, for which the HELAA cannot account.

2. Planning Policy Framework

National Policy

- 2.1. While there is no requirement to include a windfall allowance in the district's housing requirement or five-year housing land supply calculations, paragraph 73 (d) of the National Planning Policy Framework (NPPF, December 2024) states that local planning authorities should:
“support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

¹⁸ NPPF paragraph references updated, 2025

- 2.2. Paragraph 75 of the NPPF goes on to state that:
- “Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.”*
- 2.3. It is therefore clear that, where windfalls have historically been a significant component of housing supply, and there is evidence that indicates they will continue to provide a reliable source of supply, an allowance for windfall sites in the District’s housing requirement should be included, as well as within any housing supply trajectory or five year housing land supply calculations.

Adopted Local Policy

Rother District Local Plan (RDLP) 2011 - 2028

- 2.4. The RDLP 2011-2028 does not have a specific policy regarding a windfall allowance, however, estimated small site windfalls are included in the District’s housing requirement, as discussed in paragraphs 7.51 to 7.59 of the [Core Strategy](#)¹⁹.
- 2.5. Furthermore, Appendix 3 - Components of Housing Supply, on page 197 of the Core Strategy, presents a breakdown of estimated small site windfalls in years 5 - 15, between the main spatial areas of Bexhill, Battle, Rye, the Rural Areas and the Hastings Fringes.
- 2.6. In total, a small site windfall allowance of 460 dwellings was included in the housing requirement, equating to 46 dwellings per annum over the 10-year period from 1 April 2018 to 31 March 2028.

¹⁹ <https://www.rother.gov.uk/planning-and-building-control/planning-policy/corestrategy/>

3. Definition of windfall

- 3.1. Windfall are defined in Annex 2 (Glossary) to the NPPF as:
“Sites not specifically identified in the development plan.”
- 3.2. For Rother, this means that sites which have not been identified in a Local Plan or Neighbourhood Plan will be considered as windfall sites. This includes allocated sites and sites that had planning permission at the base date of the various Plans.
- 3.3. As such, this Windfall Assessment is closely linked to the Housing and Economic Land Availability Assessment (HELAA), which is seeking to identify all potential sites of five or more dwellings in order to assess their development potential.

Relationship with the HELAA

- 3.4. It is common practice for HELAAs to exclude sites below a certain size threshold so that it can focus on the larger, more strategic sites²⁰, as the resource implications of identifying and assessing all sites, regardless of size, would be significant and would also diminish the scope of the Assessment.
- 3.5. The HELAA methodology sets out that all potential sites of at least 0.25 hectares and/or being capable of accommodating five or more dwellings will be assessed, with sites smaller than this threshold (sites of between one and four dwellings) being considered as windfall.
- 3.6. In terms of sites larger than this threshold (sites of five dwellings or more), it is expected that all greenfield sites which are deliverable or developable will be identified in the HELAA and therefore contribute to the housing supply.
- 3.7. It should be recognised, however, that the HELAA does not have the scope to be able to identify all potential sites of five or more dwellings. There will be sites that

²⁰ <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>

unexpectedly become available and, in many cases, will be on brownfield (previously developed) land.

- 3.8. This could include development such as conversions, for example where a large house is to be converted into several flats, or changes of use, perhaps where a redundant or unviable care home is proposed to be split into several residential dwellings.
- 3.9. “Permitted developments” (developments not requiring planning permission)²¹ are particularly unlikely to be identified within the HELAA and are likely to form the majority of the unidentified large sites.

4. Methodology

- 4.1. This Windfall Assessment will consider the following factors:

- Small site completions
- Settlements with development boundaries
- Development of residential gardens
- Spatial distribution

Small site completions

- 4.2. As discussed previously, the HELAA is seeking to identify all sites of five or more dwellings in order to assess sites for their development potential, with small sites of between one and four dwellings being considered as windfall through this Assessment.
- 4.3. As noted at paragraph 3.7, though it is recognised that the HELAA does not have the scope to be able to identify all potential sites of five or more dwellings, it is not considered appropriate to propose a large site windfall allowance through this Assessment, due to the unpredictability in those sites coming forward.

²¹ As set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for example, some changes of use from other uses to dwellinghouses.

- 4.4. Therefore, this Assessment will be based on an analysis of net housing completions on small windfall sites only, over a 10-year period from 1 April 2009 to 31 March 2019. This period provides a robust evidence base, covering periods of economic growth and decline. It will consider completions, as opposed to permissions, as this reflects actual delivery and will not necessitate any further discounting to account for non-delivery e.g., implementation rate.

Development boundaries

- 4.5. It is important to consider the role that settlement development boundaries play in encouraging or discouraging small sites to come forward, both over the 10-year period being analysed and in the future. This is because where development boundaries are in place, windfall developments are currently able to come forward and are generally supported, and where development boundaries are not in place, settlements are considered to be part of “the countryside” where the creation of new dwellings is strictly controlled.²²
- 4.6. This is clearly demonstrated when looking at the number of newly permitted small sites in the four settlements which had their development boundaries removed upon adoption of the DaSA in December 2019. These were the settlements of Winchelsea Beach, Pett Level, Norman’s Bay and Friar’s Hill.
- 4.7. In the 10-year period prior to the removal of their development boundaries, there was a total of 25 dwellings permitted on small sites within these settlements. In the three years afterwards however, there were no small sites permitted.
- 4.8. Therefore, in order for this analysis to be considered robust, any completions within these settlements should be excluded, as it is assumed that future small site completions within these settlements will be substantially lower.

²² The Core Strategy sets out that new dwellings in the countryside are only supported in specific circumstances, such as where there is a need for agricultural workers accommodation. The draft new Local Plan takes a similar approach.

- 4.9. Furthermore, while the draft new Local Plan proposes to continue the current adopted position on development boundaries, it also proposes to review the development boundaries following the Regulation 18 consultation. Therefore, this analysis takes the baseline position of the current Development Plan²³, with no new development boundaries being applied to settlements and no settlements having current development boundaries being removed.
- 4.10. Likewise, new Local Plan policies controlling the creation of new dwellings in the Countryside are still at consultation stage. Therefore, this analysis must again take the baseline position of the current Development Plan, see **Policy RA3: Development in the Countryside** of the Core Strategy, where the creation of new dwellings in the Countryside is only supported in specific circumstances.

Development of residential gardens

- 4.11. With regard to the development of residential gardens, paragraph 75 of the NPPF states that:
- “Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”*
- 4.12. Therefore, to be consistent with the NPPF, the analysis will identify and exclude completions that involve the development of residential gardens.
- 4.13. More specifically, this analysis will exclude developments that result in the creation of additional dwellings on residential gardens whilst retaining the original dwelling. Redevelopments of residential dwellings that include gardens will still be considered in the analysis as this is viewed as comprehensive redevelopment.

²³ Consisting of the development boundary policies in the DaSA Local Plan, made Neighbourhood Plans and the saved development boundary policies in the Rother District Local Plan 2006.

Spatial distribution

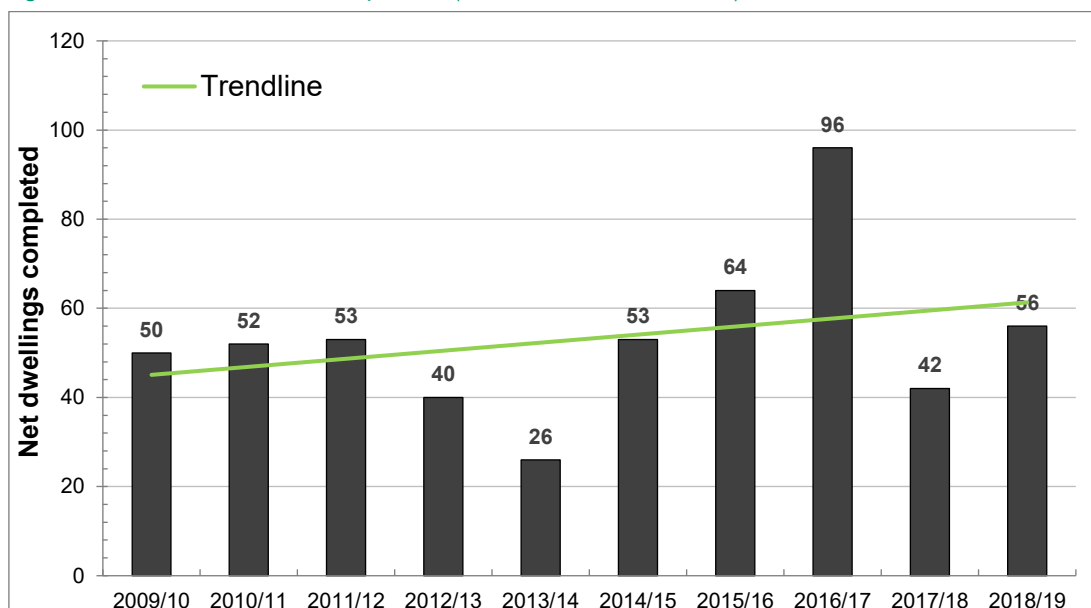
- 4.14. This Assessment will propose separate small site windfall allowances for each of the District's main spatial areas, as set out in the Core Strategy. These are Bexhill, Battle, Rye, the Hastings Fringes and the Rural Areas.
- 4.15. Therefore, this analysis will break down the completions over the 10-year period into those five spatial areas in order to provide separates figures.
- 4.16. The Rural Areas will then be disaggregated into Rural Villages (those villages with development boundaries) and the Countryside (villages without development boundaries and isolated dwellings within the countryside) so that the completions in the Countryside can be further analysed.
- 4.17. This is necessary as the creation of new dwellings in the Countryside is only permitted in exceptional circumstances. By analysing the Countryside completions separately, the Council can demonstrate whether they will continue to contribute to the districts housing supply in the future and should therefore be considered within the proposed small site windfall allowance.

5. Small site windfall analysis

Step 1: Measuring small site completions

- 5.1. Figure 1 shows annual net completions on small sites over the period 1 April 2009 to 31 March 2019. In total there have been 532 dwellings completed, equating to an average of some 53 dwellings a year.

Figure 1: Annual net small site completions (01/04/2009 - 31/03/2019)



- 5.2. Year on year, the number of small site completions has been fairly steady with a slight upward trend indicated above. There are two notable exceptions in 2013/14 and in 2016/17, where there were 26 and 96 small site completions, respectively.
- 5.3. A breakdown of small site completions by settlement is presented in section 9 of this appendix.

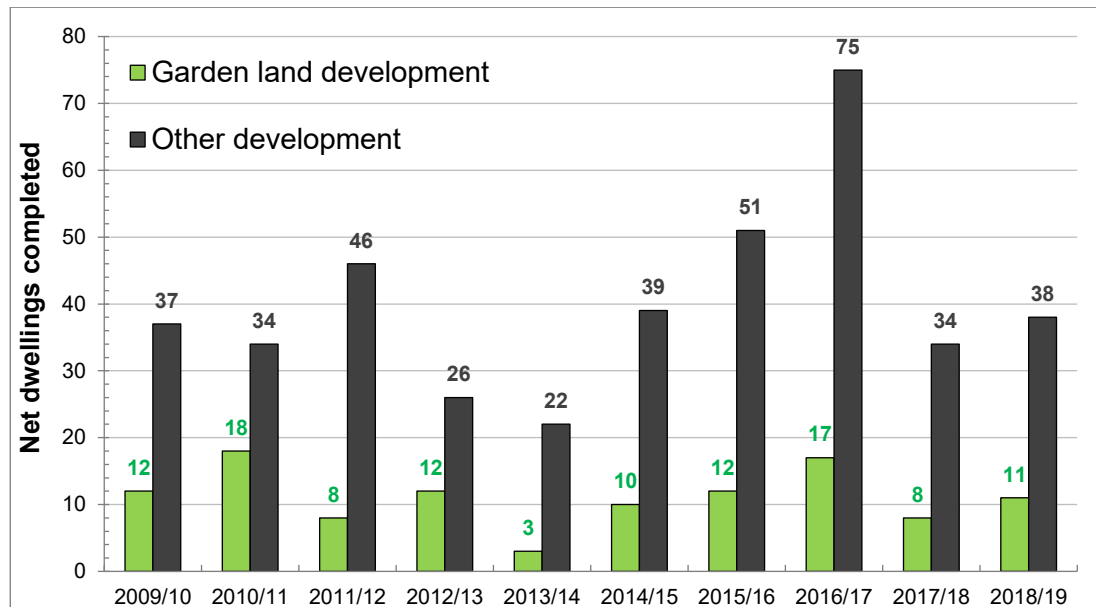
Step 2: Excluding sites where development boundaries were removed

- 5.4. As discussed in the Methodology, development boundaries play an important role in encouraging or discouraging small sites to come forward. As the development boundaries for Winchelsea Beach, Pett Level, Norman's Bay and Friar's Hill were removed in the DaSA Local Plan, any completions in those settlements over the 10-year period being analysed, should be removed.
- 5.5. This equates to 19 small site completions, composed of 11 dwellings in Winchelsea Beach, six dwellings in Pett Level and two dwellings in Norman's Bay. There were no completions in Friar's Hill.
- 5.6. Excluding the 19 completions in the above settlements reduces the total number of completions to carry forward in the analysis to 513 dwellings.

Step 3: Excluding residential garden sites

- 5.7. Figure 2 shows the annual split between garden land development and other development. Of the 513 completions analysed, 111 completions have been categorised as garden land development, which is some 22%.

Figure 2: Small site completions on garden land (01/04/2009 - 31/03/2019)



- 5.8. Excluding the 111 completions on garden land reduces the total number of completions to carry forward in the analysis to 402 dwellings.

Step 4: Spatial distribution

- 5.9. Figure 3 shows that there have been 132 completions on small sites in Bexhill, 122 in Rural Villages, 86 in the Countryside, 33 in Rye, 28 in Battle and one completion in the Hastings Fringes.

Figure 3: Spatial distribution of small site completions (01/04/2009 - 31/03/2019)

Spatial Area	Dwellings
Bexhill	132
Rural Areas - Rural Villages	122
Rural Areas - Countryside	86
Rye	33

Battle	28
Hastings Fringes	1
Total	402

Completions in the Countryside

- 5.10. Small site completions in the Countryside have been grouped into categories based on the reason for being granted planning permission and are shown in Figure 4.

Figure 4: Reason for approval of small site completions in the Countryside

Reason for approval	Dwellings
Alternative commercial use unviable/unsuitable	37
Agricultural/Key Worker	22
Residential use previously established	8
Unknown	6
Lack of a 5-year supply	5
Character improvement	4
Other	4
Total	86

- 5.11. It can be seen that six of the completions were granted for an unknown reason. The permissions for these completions are all relatively old and the officer's reports are not available at the time of analysis. As these completions cannot be demonstrated to provide a reliable source of supply in the future, it is proposed to exclude them from further analysis.
- 5.12. The five completions identified as being approved due to a lack of five-year supply were all granted at appeal and it's unlikely that they would have been approved if the Council had been able to demonstrate a five-year supply of housing. It is expected that the Council will be able to demonstrate a five-year supply on adoption of the new Local Plan and so these five dwellings should also be excluded from further analysis.
- 5.13. All other completions are considered to be reliable enough to count towards the small site windfall allowance, leaving the Countryside with a figure of 75 to carry forward in the calculation.

Adjusted spatial distribution

- 5.14. Figure 5 shows the final spatial distribution after analysis, with the Rural Villages and Countryside recombined into the Rural Areas.

Figure 5: Adjusted spatial distribution of small site completions (01/04/2009 - 31/03/2019)

Spatial Area	Dwellings
Rural Areas	197
Bexhill	132
Battle	33
Rye	28
Hastings Fringes	1
Total	391

6. Proposed small site windfall allowance

- 6.1. It is not proposed to include an allowance for small site windfalls in the first three years of the Plan period, on the basis that any small site completions likely to be delivered over the first three years will already have planning permission and will therefore already be contributing towards the districts housing supply. This ensures no 'double-counting'.
- 6.2. This approach will also apply when calculating the districts five-year housing land supply position, with a small site windfall allowance being included only in years four and five for the reasons outlined above.
- 6.3. An appropriate figure to take forward as a small site windfall allowance is considered to be 39 dwellings per annum, as set out in Figure 6 below. This represents a total small site windfall allowance of 663 dwellings over the 17-year period from 1 April 2022 to 31 March 2039.

Figure 6: Proposed small site windfall allowance by spatial area

Spatial Area	Dwellings completed over past 10 years	Annual avg. & proposed dwelling allowance	Projected dwellings over 17 years
Rural Areas	197	20	340
Bexhill	132	13	221
Battle	33	3	51
Rye	28	3	51
Hastings Fringes	1	0	0
District Total	391	39	663

- 6.4. It is considered that proposing a small site windfall allowance for the Rural Areas as a whole, is more appropriate than individual allowances for each Rural Village due to the low number of completions involved. In fact, as shown in Figure 7, there are only two Rural Villages that have averaged one or more completions per annum over the past 10 years.

Figure 7: Small site windfall completions in Rural Villages (01/04/2009 - 31/03/2019)

Rural Villages	Dwellings	Annual Avg.
Beckley Four Oaks	6	0.6
Brede	2	0.2
Broad Oak	6	0.6
Burwash	-1	-0.1
Burwash Common	5	0.5
Burwash Weald	3	0.3
Cackle Street	6	0.6
Camber	8	0.8
Catsfield	1	0.1
Crowhurst	1	0.1
Etchingham	4	0.4
Fairlight Cove	8	0.8
Hurst Green	14	1.4
Icklesham	2	0.2
Iden	3	0.3
Netherfield	7	0.7
Northiam	8	0.8
Peasmarsh	10	1.0
Pett	4	0.4
Robertsbridge	3	0.3
Rye Harbour	1	0.1
Sedlescombe	9	0.9
Staplecross	4	0.4
Stonegate	4	0.4
Three Oaks	1	0.1
Ticehurst	-5	-0.5
Westfield	5	0.5
Winchelsea	3	0.3
Total	122	12.2

- 6.5. In practice this will mean that when calculating residual requirements against a Rural Villages housing requirement, windfall cannot be included within individual Rural Villages identified housing supply trajectories.
- 6.6. However, any completions on windfall sites within individual Rural Villages should still be deducted from their overall housing requirements when calculating any residual requirements for the purposes of producing a Local or Neighbourhood Plan.

7. Updating the Windfall Assessment

- 7.1. As noted previously in this Assessment, the proposed small site windfall allowance may be affected by:
- the application of new development boundaries to settlements and/or their removal;
 - changes to policies controlling the creation of new dwellings in the Countryside; and
 - changes to the spatial strategy.
- 7.2. As such it will be necessary to update the Windfall Assessment, prior to adoption of the new Rother Local Plan, to account for these variables and make any adjustments to the proposed small site windfall allowance.

8. Conclusion

- 8.1. There is strong evidence that small windfall sites have consistently come forward across the District in a variety of economic and planning environments and it is reasonable to assume that they will continue to do so in the future.
- 8.2. It is considered that this Windfall Assessment provides robust justification for likely contribution that windfall sites can make to the Districts housing supply and for the inclusion of a windfall allowance in years four and five of the five year housing land supply position.

9. Net small site completions by settlement (2009/10 - 2018/19)

Settlement	Dwellings
Bexhill	178
Countryside	68
Battle	41
Rye	37
Peasmarsh	16
Hurst Green	14
Northiam	12
Fairlight Cove	11
Winchelsea Beach	11
Beckley Four Oaks	10
Sedlescombe	10
Cackle Street	9
Camber	8
Netherfield	8
Westfield	8
Broad Oak	7
Brede	6
Burwash Common	6
Pett Level	6
Etchingham	5
Pett	5
Robertsbridge	5
Staplecross	5
Icklesham	4
Stonegate	4
Burwash Weald	3
Catsfield	3
Iden	3
Kent Street	3
Winchelsea	3
Woods Corner	3
Cottenden	2
Guestling Green	2
Mill Corner	2
Normans Bay	2
Broad Street	1
Crowhurst	1
Darwell Hole	1
Hastings Fringes	1
Holton Hill	1
Horns Cross	1
Rye Harbour	1
Silver Hill	1
Swaile's Green	1
Three Oaks	1
Udimore	1

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Settlement	Dwellings
Watermill	1
Westfield Lane	1
Ticehurst	0
Burwash	-1
Total	532

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