



STATEMENT OF CASE

68 & 70 Keymer Road, Hassocks, West Sussex, BN6 8QP

CHURCHILL RETIREMENT LIVING
CHURCHILL HOUSE
PARKSIDE
RINGWOOD
BH24 3SG

MAY 2024

TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY CHURCHILL RETIREMENT LIVING LTD AGAINST MID SUSSEX DISTRICT COUNCIL'S FAILURE TO DETERMINE AN APPLICATION FOR REDEVELOPMENT TO FORM 41 RETIREMENT LIVING APARTMENTS FOR OLDER PERSONS WITH ASSOCIATED COMMUNAL FACILITIES, PARKING AND LANDSCAPING.

SITE AT: 68-70 KEYMER ROAD, HASSOCKS, WEST SUSSEX, BN6 8QP

LPA REF: DM/23/3114

PLANNING INSPECTORATE REF: APP/TBC

PLANNING INQUIRY DATE: TBC

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1.0 INTRODUCTION

- 1.1 This statement has been prepared by Planning Issues Ltd. to support an appeal by Churchill Retirement Living Ltd against Mid Sussex District Council's failure to determine an application

for redevelopment to form 41 no. Retirement Living apartments for older persons including communal facilities and associated car parking and landscaping. This document should be read in conjunction with the Draft Statement of Common Ground (SoCG).

1.2 Planning Issues is a subsidiary company of the Appellant. Planning Issues has provided planning advice to the Appellant on the proposed redevelopment of the appeal site since August 2023 and has acted as agent on behalf of the Appellant in submitting and pursuing the planning application that is now subject to this appeal.

1.3 This Statement provides a summary of the site and its surroundings, relevant planning policy considerations and planning history, a statement of the Appellant's case, and documentation which will be referred to in evidence.

2.0 APPEAL PROPOSAL

Appeal Site Description

2.1 The 0.45ha site comprises of two detached residential homes and associated gardens both with accesses on to Keymer Road.

2.2 The site is located along Keymer Road, a primary artery to the east of the Hassocks village centre. The surrounding area is predominately residential, and located opposite Adastra Hall which is used as a local community centre and village hall, as well as Adastra Park. The site is located just east of the Hassocks main centre, with a host of services and amenities, as well as the Hassocks railway station.

2.3 To the east of the site is The Minnells a cul de sac of detached residential houses. To the west of the site is Fitzjohn Court a flatted development of two storeys with a further floor of accommodation in the roof. To the south of the site there is a small brook and then the gardens and properties of 17-27 Dale Avenue.

2.4 Please see the Design and Access Statement submitted with the application for further information on the site and context.

Proposed Appeal Scheme

2.5 The scheme the subject of this appeal is for the demolition of existing buildings on site and redevelopment to form 41 no. Retirement Living apartments for older persons including communal facilities and associated car parking and landscaping.

2.6 The Appellant has specialised in the provision of purpose-built apartments designed specifically for the elderly since 1998 and has provided development proposals throughout England and Wales. The accommodation proposed is specifically designed to meet the needs of independent retired people and provides self-contained apartments for sale contained within a single block. The planning statement submitted with the application provides more information on the nature of the accommodation proposed and the benefits of specialised accommodation for older persons.

Relevant Planning History

2.7 There is no relevant planning history pertaining to the appeal site. There are some limited applications relating to tree pruning on 79 Keymer Road.

3.0 Planning Application Process

3.1 The application was submitted on 4th December 2023 and was validated on the 5th December 2023.

3.2 The application was submitted with the following plans:

| Details | Plan Number | Scale |
|--------------------------------------|--------------------|------------------|
| Site Location Plan | 20090HK_PL001 P1 | 1:1250 @ A1 |
| Site Plan | 20090HK_PL_002 P1 | 1:200 @ A1 |
| Ground Floor Plan | 20090HK_PL_003 P1 | 1:100 @ A1 |
| First Floor Plan | 20090HK_PL_004 P1 | 1:100 @ A1 |
| Second Floor Plan | 20090HK_PL_005 P1 | 1:100 @ A1 |
| Roof Plan | 20090HK_PL_006 P1 | 1:100 @ A1 |
| Elevation AA & Street Scene | 20090HK_PL_007 P1 | 1:100 / 200 @ A1 |
| Elevation BB & CC | 20090HK_PL_008 P1 | 1:100 @ A1 |
| Elevations DD | 20090HK_PL_009 P1 | 1:100 @ A1 |
| Site Distances & Levels Plan | 20090HK_PL_010 P1 | 1:200 @ A1 |
| 68 & 70 Ground Floor & 68 Elevations | - | 1:100 @ A0 |
| 68 & 70 First Floor & 70 Elevations | - | 1:100 @ A0 |
| No 70 Second Floor | - | 1:100 @ A0 |

3.3 The application was also submitted with the following accompanying statements and information:

- Planning Statement by Planning Issues;

- Design and Access Statement by Planning Issues Ltd;
- Affordable Housing by Planning Issues;
- Archaeological Desk Based Assessment by Ecus Consultants;
- Ecological Appraisal, Bat Survey Report and Biodiversity Net Gain Assessment by Tetra Tech;
- Flood Risk and Drainage Technical Note by Awcock Ward Partnership;
- Landscaping Strategy by James Blake Associates;
- Statement of Community Engagement by Devcomm;
- Air Quality Assessment by Air Quality Consultants;
- Sustainability Statement by Focus;
- Transport Statement by Paul Basham Associates Ltd; and
- Tree Protection Plan, Arboricultural Method Statement and Manual for Managing Trees on Development Sites by Barrell Tree Care.
- Infographic by Lichfields
- Planning Obligations Form
- Covering Letter

3.4 The Appellant submitted revised plans formally to the Council on the 10th April 2024. The revised plans accompanied by covering letter were as follows:

| Details | Plan Number | Scale |
|------------------------------|-----------------------|------------------|
| Site Plan | 20090HK_PL_002 Rev P3 | 1:200 @ A1 |
| Ground Floor Plan | 20090HK_PL_003 Rev P3 | 1:100 @ A1 |
| First Floor Plan | 20090HK_PL_004 Rev P3 | 1:100 @ A1 |
| Second Floor Plan | 20090HK_PL_005 Rev P3 | 1:100 @ A1 |
| Roof Plan | 20090HK_PL_006 Rev P3 | 1:100 @ A1 |
| Elevation AA & Street Scene | 20090HK_PL_007 Rev P2 | 1:100 / 200 @ A1 |
| Elevation BB & CC | 20090HK_PL_008 Rev P3 | 1:100 @ A1 |
| Elevations DD | 20090HK_PL_009 Rev P3 | 1:100 @ A1 |
| Site Distances & Levels Plan | 20090HK_PL_010 Rev P3 | 1:200 @ A1 |
| Site Sections Sheet 1 | 20090HK_PL_011 Rev P2 | 1:100 @ A1 |
| Site Sections Sheet 2 | 20090HK_PL_012 Rev P2 | 1:100 @ A1 |
| Site Sections Sheet 3 | 20090HK_PL_013 Rev P2 | 1:100 @ A1 |

| | | |
|-------------------------|------------------------|-----------|
| Site Sections Sheet 4 | 20090HK_PL_014 Rev P3 | 1:100@A1 |
| Boundary Treatment Plan | 20090HK_PL_015 Rev P3 | 1:NTS@A1 |
| Urban Grain Diagram | 20090HK_PL_020 Rev P3 | 1:1250@A1 |
| Landscape Strategy Plan | JBA 23/2339 SK02 Rev D | 1:250@A1 |
| Landscape Strategy Plan | JBA 23/2339 SK03 Rev D | NTS |

3.5 The Appellant also submitted the following two documents in March 2024 in response to consultation responses received:

- Revised Flood Risk Assessment by AWP (March 2024)
- Highways Letter by Paul Basham Associates Ltd (13th March 2024)

3.6 At the time of writing the application remains undetermined and the applicant has chosen to appeal non-determination following the Council's failure to determine the application within the statutory timeframe against the revised plans.

4.0 DEVELOPMENT PLAN POLICY

4.1 This section of the SoC identifies the relevant national, and local planning policies considered to be of relevance to the determination of the Appeal. It is anticipated that the applicable adopted and emerging national and local planning policy will be agreed with the Council through the Statement of Common Ground (SoCG). If certain matters cannot be agreed, evidence will be presented in relation to adopted and emerging national and local planning policy.

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

4.3 The development plan for Mid Sussex District Council consists of the Mid-Sussex District Plan 2014-2031 (adopted in 2018), the Site Allocations Development Plan Document (adopted in June 2022), as well as the Hassocks Neighbourhood Plan

(adopted in July 2020). Mid-Sussex District Council are also in the process of adopting an updated Mid-Sussex District Plan Review 2021-2039.

4.4 The planning policies from the Mid-Sussex District Plan 2014-2031 relevant to the redevelopment of older persons housing on this appeal proposal site are listed below:

- DP1 – Sustainable Economic Development
- DP3 – Village and Neighbourhood Centre Development
- DP4 – Housing
- DP6 – Settlement Hierarchy
- DP21 - Transport
- DP26 – Character and Design
- DP27 – Dwelling Space Standards
- DP28 – Accessibility
- DP30 – Housing Mix
- DP31 – Affordable Housing
- DP37 – Trees, Woodland, and Hedgerows
- DP38 – Biodiversity
- DP39 – Sustainable Design and Construction
- DP41 – Flood Risk and Drainage
- DP42 – Water Infrastructure and the Water Environment

4.5 The planning policies from the Hassocks Neighbourhood Plan relevant to the redevelopment of this site to older persons housing on this proposal site are listed below:

- Policy 4 – Managing Surface Water
- Policy 5 – Enabling Zero Carbon
- Policy 8 – Air Quality Management
- Policy 9 – Character and Design
- Policy 14– Residential Development Within and Adjoining the Built-Up Area Boundary of Hassocks
- Aim 4 – Housing Mix
- Policy 17 – Affordable Housing

4.6 The planning policies from the Site Allocation Development Plan Document relevant to the redevelopment of this site to older persons housing on this proposal site are listed below:

- SA39 - Specialist Accommodation for Older People and Care Homes

4.7 The National Planning Policy Framework (December 2023) (the Framework) sets out the Government's planning policies for England, and how these are expected to be applied, and is a material consideration in the determination of the Appeal.

4.8 The following sections are considered to be relevant to this appeal:

- Section 2 - Achieving Sustainable Development

- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 6 - Building a strong, competitive economy
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting Sustainable Transport
- Section 11 - Making Effective use of Land
- Section 12 - Achieving well-designed and beautiful places
- Section 14 – Meeting the challenge of climate change, flooding, and coastal change.

4.9 In addition, the National Planning Practice Guidance (PPG), launched on 6th March 2014, also contains relevant advice on the determination of planning applications and plan making. It is considered that the following sections are relevant to this appeal:

- Design
- Effective Use of Land
- Housing for Older and Disabled People
- Viability

4.10 The Government has also produced the National Design Guide (2021) which illustrates how well-designed and beautiful places can be achieved.

Material Planning Considerations

4.11 In addition to the development plan the Council have a number of supplementary planning documents:

- Affordable Housing SPD (2018)
- Mid-Sussex Design Guide SPD (2020)
- Development Infrastructure and Contributions SPD (2018)

4.12 In addition to the above the Government has published a consultation document 'Strengthening planning policy for Brownfield development' in February 2024 which is capable of being a material planning consideration.

5.0 Appellant's Case

5.1 The following section of the Statement of Case summarises the Appellant's evidence in relation to the proposed development at the Appeal site, prior to a full submission of the Appellant's evidence.

5.2 The Appellant's case focuses on compliance of the scheme with the development plan and national planning policy, and the material planning benefits to be accrued by the proposed scheme. In the absence of any reasons for refusal the Appellant's evidence will demonstrate that the scheme makes a significant contribution to housing and specialist housing need in a sustainable location and incorporates good-quality design appropriate to local character. The

Appellant's evidence will also address any further issues raised by the Council in its Statement of Case or deemed reasons for refusal if cited.

Five Year Housing Land Supply

- 5.3 Paragraph 77 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, or a minimum of 4 years against their housing requirement if Paragraph 226 of the NPPF applies. The supply of specific deliverable sites should in addition include a buffer of 5% or 20% where there has been significant under delivery. Failure to demonstrate a five or four year supply of deliverable housing sites or the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years then the policies which are most important for determining a planning application are out of date.
- 5.4 The Council has published a Reg 19 Local Plan Review and as such under paragraph 226 of the NPPF only is required to demonstrate a minimum of 4 years supply against their housing requirement. A recent appeal decision (3319542) dated 5th October 2023 and updated Housing Land Supply Statement by the Council identifies a deliverable supply of 5.04-years. The Council's housing delivery test results from 2022 identified that the Council delivered 148% of its housing target from the previous three years.

Principle of Development

- 5.5 The Appellant considers that the principle of redeveloping this site for specialised accommodation for older persons complies with the spatial objectives of the adopted Local Plan, and the National Planning Policy Framework and substantial weight can be given to its compliance. Development Plan Policy DP4 directs new housing development towards village centres which Hassocks is identified as. The site falls within the settlement boundary and built-up area of Hassocks as identified by the development plan and Policy DP6 supports infilling and redevelopment of sites within defined built-up area boundaries will be supported on the basis the proposal is of an appropriate nature and scale to the character and function of the settlement. The site is currently in a C3 use as two dwellinghouses and there is no change of use proposed. Paragraph 68 of the NPPF acknowledges that small and medium sites can make an important contribution to meeting the housing requirement of an area. It is considered that the proposal complies with Policy DP6 of the Mid Sussex District Plan and Policy 14 of the Hassocks Neighbourhood Plan.

Character and Appearance of the Area

- 5.6 The application was submitted with a Design and Access Statement that undertook a thorough contextual analysis of the site and surrounding area. The scale and massing of the proposed scheme is in keeping with the height and massing of buildings in the locality. The

proposal would add to and complement the existing mix of housing in the village and is in keeping with the character of this part of the village. The palette of materials has had regard to those prevalent Mid Sussex materials and colours in the existing townscape most notably in its choice of bricks, painted brickwork and tile hanging.

- 5.7 The Appellant also positively engaged with the Council's Design Review Panel and made changes to the design of the scheme following receipt of its comments. The Appellant will provide evidence on the mixed character of the area including both houses and flatted development. The Appellant will demonstrate the proposal is a good quality design appropriate in scale, height, massing, layout, appearance, and materials and compatible to the area. The Appellant will show that the scheme has been specifically designed to function well and meet the specific needs of its intended residents. The Appellant will demonstrate that the proposal complies with Paragraph 134 of the NPPF and supporting national design guide whilst making effective and efficient use of land (paragraph 124, NPPF) and complies with the development plan policy DP26 and Policy 9 of the Hassocks Neighbourhood Plan.

Highways and Parking

- 5.8 The Appellant submitted a Transport Statement with the application which considered the transport aspects of the site and the proposed development. The proposed development provides 18 unallocated car parking spaces for residents of the apartments along with a buggy store for mobility scooters. The provision of 18 parking spaces associated with the development is considered to be appropriate given the location of the site and on the basis of evidence from similar Churchill Retirement Living sites elsewhere and will ensure there is no overspill parking onto surrounding roads. The Appellant will provide evidence from comparable schemes and recent Secretary of State's decisions on this issue if necessary. The Appellant will also demonstrate that the provision of cycling parking and pedestrian access for the development would not result in an unacceptable impact on highway safety. The County Council's Highways engineer in their consultation response of the 25th April 2024 have confirmed that subject to conditions and S106 to secure a travel plan that the proposal would not result in any unacceptable impact on highway safety.

- 5.9 Accordingly, the Appellant considered that the proposal complies with Paragraph 115 of the Framework which advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Appellant considers that the proposal would provide an acceptable access and egress to the site and would not result in an unacceptable impact on highway safety.

Development Viability and Affordable Housing Provision

- 5.10 Policy DP31 of the district plan seeks 30% provision of affordable housing from all residential developments of 11 or more dwellings. The policy does reference that the Council will consider development viability where a scheme is considered not viable to meet the Council's target percentage provision. The Appellant submitted a detailed viability assessment of the proposed scheme for the Council's consideration with the application submission. This included evidence in respect to the viability inputs associated with specialised accommodation for older people which is acknowledged by national planning policy (PPG) to differ from mainstream housing in terms of its characteristics and viability consideration (e.g. additional communal areas, slower sales rate etc.).
- 5.11 The Council have sought an independent assessment of the Appellant's viability appraisal which has resulted in areas in dispute between the parties. At the current time no agreement has been reached between the parties and the Appellant considers this likely to be a live issue for the appeal. The Appellant will positively engage with the Council's assessor to look to agree the development viability of the proposed scheme. If agreement cannot be reached, then the Appellant will look to provide evidence which may involve one or more expert witnesses.
- 5.12 The Appellant also questions the policy basis for the Council to seek a review mechanism as national planning policy guidance at Paragraph 9 of the viability section is clear that circumstances where review mechanisms are appropriate need to be set out in development plan policy. It is not appropriate for review mechanisms to be sought through supplementary planning guidance or other subsequent documents. The Appellant will continue to discuss drafting of the legal agreement with the Council but will be prepared to provide evidence on this issue including relevant recent appeal decisions which supports this position.

Residential Amenity

- 5.13 The site is situated in a predominantly residential area with adjoining detached dwellings to either side. To the east of the site is The Minnells a cul de sac of detached dwellings of which numbers 9-11 back on to the appeal site. Policy DP26 of the District Plan requires development to not cause significant harm to the amenities of existing nearby residents and future occupants including taking account of the impact on privacy. The Appellant has submitted a distances and levels plan which shows the separation distances from habitable room windows to neighbouring properties exceeds commonly adopted rule of thumb distances. Neither the District Plan policy nor the Mid Sussex Design Guide provides specific separation distances. The Appellant would also point out the mature and extensive tree planting on both the eastern and western boundaries of the site. The Appellant considers the proposed scheme complies with the relevant part of Policy DP26 in respect to residential amenity.

Planning Balance and Material Planning Benefits

5.14 It is necessary for the decision maker to carry out a planning balance exercise in respect to the application including consideration of the policy compliance of the application, its planning merits in meeting planning objectives and the consideration of other planning benefits. Evidence will be presented to demonstrate that in line with the social, economic, and environmental objectives of Paragraph 8 of the Framework, the scheme presents the following benefits:

- Development of a vacant previously developed land;
- Development would be of land in a sustainable location
- Making optimum use of a previously developed site
- The delivery of much needed specialist housing for older people
- Development would provide 41 market dwellings and would contribute to the delivery of housing in a district with an identified under supply of dwellings.
- Releasing under-occupied housing stock
- Economic benefits through job creation through construction and operational phases, and through residents spending locally
- Social benefits of specialised accommodation for older persons
- Environmental benefits.

5.15 The Appellant will provide recent appeal decisions at Fleet (APP/N1730/W/20/3261194), Basingstoke (APP/H1705/W/20/3248204) and Wigginton (APP/C2741/W/23/3314331) do demonstrate the substantial weight that should be afforded to the planning benefits of the proposed scheme.

6.0 WITNESSES

6.1 At this stage, we anticipate presenting evidence and witnesses to address the reasons for refusal which will be;

- Planning witness addressing planning policy, planning obligations and planning balance
- Design Witness
- Development Viability Witness(es)
- Drainage Witness

6.2 We will seek to reduce the evidence required through the production of an agreed Statement of Common Ground (SoCG), as indicated above and will continue to work with the Council to minimise dispute between parties.

Planning Conditions

6.3 A list of Planning Conditions will be discussed and agreed with the Local Planning Authority and will be included within the final agreed SoCG.

7.0 CONCLUSION

7.1 The Appellant's case clearly sets out that the Appeal Site is located in a sustainable location in Hassocks, within reasonable walking distance of key local services and facilities, is in accordance with the development plan for new development, and will deliver significant and tangible benefits to the new and existing community, including:

- The site is in a highly accessible location, making it suitable for older people housing;
- The location of the development will make a positive and sustainable contribution to the local economy in terms of placing development where it is needed in an accessible location ensuring there is no undue reliance on use of the private car for future occupants;
- The proposals contribute to a serious and significant local need for older people housing and to the Council's housing policy objectives in respect of delivery of private retirement housing;
- The proposal scheme would deliver 41 residential C3 dwellings in an authority with a significant undersupply of housing;
- The Appeal proposal would assist in releasing and freeing up under-occupied houses elsewhere in the county back into the housing market;
- The development would allow independent living, reducing security worries for older people, reducing loneliness and isolation for older people by creating a community and having someone who can be called upon in an emergency;
- The use of the site for a retirement housing development is wholly appropriate at this location and the design of the proposal will make a positive contribution to the character of the area and will contribute to housing land supply.

7.2 On the basis of the above, we consider that the proposals accord with national and local planning policy, and in line with the presumption in favour of sustainable development and Paragraph 11 of the Framework, should be approved without delay.