

Report to	-	Planning Committee
Date	-	21 June 2018
Report of the	-	Executive Director
Subject	-	Planning Applications

---

**Head of Service: Tim Hickling**

---

## **Planning Committee Procedures**

### **Background Papers**

These are planning applications, forms and plans as presented in the agenda, pertinent correspondence between the applicant, agents, consultees and other representatives in respect of the application, previous planning applications and correspondence where relevant, reports to Committee, decision notices and appeal decisions which are specifically referred to in the reports. Planning applications can be viewed on the planning website <http://www.rother.gov.uk/planning>

### **Planning Committee Reports**

If you are viewing the electronic copy of the Planning Applications report to Planning Committee then you can access individual reported applications by clicking on the link ([View application/correspondence](#)) at the end of each report.

### **Consultations**

Relevant statutory and non-statutory consultation replies that have been received after the report has been printed and before the Committee meeting will normally be reported orally in a summary form.

### **Late Representations**

Any individual representations in respect of planning applications on the Planning Committee agenda must be received by the Head of Service Strategy and Planning in writing by 9am on the Monday before the meeting at the latest. Any representation received after this time cannot be considered.

Late petitions cannot be considered in any circumstance, as petitions will only be accepted prior to publication of the agenda in accordance with the guidance on submitting petitions found at <http://www.rother.gov.uk/speakingatplanningcommittee>

### **Delegated Applications**

In certain circumstances the Planning Committee will indicate that it is only prepared to grant/refuse planning permission if/unless certain amendments to a proposal are undertaken or the application is subject to the completion of outstanding or further consultations. In these circumstances the Head of Service Strategy and Planning can be delegated the authority to issue the decision of the Planning Committee once the requirements of the Committee has been satisfactorily complied with. A delegated decision does not mean that planning permission or refusal will automatically be issued. If there are consultation objections, difficulties, or negotiations which cannot be satisfactorily concluded, then the application will be reported back to the Planning Committee or reported via the (internal electronic)

Notified D system as a means of providing further information for elected Members. This delegation also allows the Head of Service Strategy and Planning to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee.

Applications requiring the applicant entering into an obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) are also delegated.

### **Order of Presentation**

The report on planning applications is presented in the following order as shown below:

## **6.1 APPLICATIONS ATTRACTING A PETITION (PUBLIC SPEAKING)**

<b>REFERENCE</b>	<b>PAGE</b>	<b>PARISH</b>	<b>SITE ADDRESS</b>
<a href="#"><u>RR/2017/1629/P</u></a>	4	ROBERTSBRIDGE/ SALEHURST	Grove Farm – Land at, George Hill
<a href="#"><u>RR/2017/1642/P</u></a>	40	ROBERTSBRIDGE/ SALEHURST	Grove Farm – Land at, George Hill
<a href="#"><u>RR/2017/1643/L</u></a>	77	ROBERTSBRIDGE/ SALEHURST	Grove Farm – Land at, George Hill
<a href="#"><u>RR/2018/627/P</u></a>	90	RYE	Greenwood House – Land at rear, Rye Hill

## **6.2 ALL OTHER APPLICATIONS**

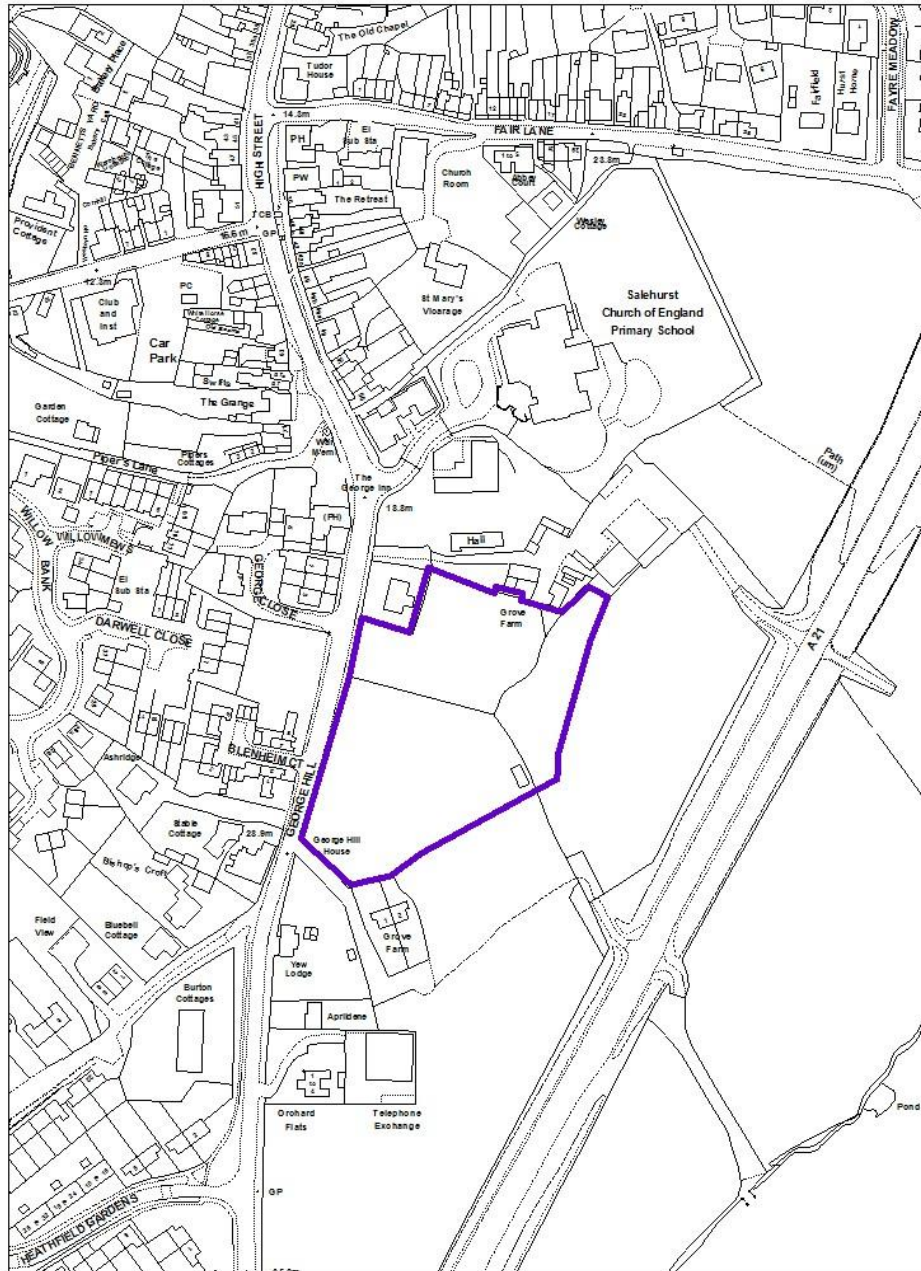
<b>REFERENCE</b>	<b>PAGE</b>	<b>PARISH</b>	<b>SITE ADDRESS</b>
<a href="#"><u>RR/2018/513/P</u></a>	103	TICEHURST	Berners Hill Poultry Farm, Berners Hill.
<a href="#"><u>RR/2018/929/P</u></a>	121	WESTFIELD	Hoads Farm – Mobile Unit 1, Moat Lane
<a href="#"><u>RR/2018/1238/P</u></a>	129	WESTFIELD	Five Acres, Brede Road
<a href="#"><u>RR/2018/1318/P</u></a>	137	CATSFIELD	Covertside, Powdermill Lane

SITE PLAN

Salehurst / Robertsbridge

RR/2017/1629/P

Grove Farm - Land at,



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No

Not To Scale

RR/2017/1629/P

**SALEHURST/ROBERTSBRIDGE Grove Farm –  
land at, George Hill****Erection of 24 no. residential dwellings, car parking,  
landscaping and associated development with all  
matters reserved except for layout and access.****Applicant:****The Rector and Scholars of Exeter College****Agent:****Turnberry Planning Ltd. London.****Case Officer:****Mr M Cathcart (Email: [mark.cathcart@rother.gov.uk](mailto:mark.cathcart@rother.gov.uk))****Parish:****SALEHURST/ROBERTSBRIDGE****Ward Members:****Councillors G.S. Browne and Mrs S.M. Prochak****Reason for Committee consideration: Head of Service Strategy and Planning  
referral: Strategic housing site.****Statutory 13 week date: 18 October 2017****Extension of time agreed to: 26 June 2018**

---

This application is included in the Committee site inspection list.

---

This is one of two current planning applications with the Council relating to development at Grove Farm Robertsbridge. This application (Grove Farm [south]) deals essentially with the farmland. The other application RR/2017/1642/P (Grove Farm [north]) relates essentially to land presently occupied by the farm buildings. A third application RR/2017/1643/L, for listed building consent, concerns the works associated with the conversion of the listed timber barn.

---

## **1.0 POLICY**

1.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:

- OSS2 – use of development boundaries
- OSS3 – location of development
- OSS4 – general development considerations
- RA1 – villages
- RA3 – development in the countryside
- RA4 – traditional historic farm buildings
- LHN1 – achieving mixed and balanced communities
- LHN2 – affordable housing
- EN1 – landscape stewardship
- EN2 – stewardship of the historic built environment
- EN3 – design quality
- EN5 – biodiversity and green space
- TR3 – Access
- TR4 – car parking

- 1.2 Salehurst and Robertsbridge Neighbourhood Development Plan (SRNDP). At a referendum held on 31 May 2018 residents voted in favour of adopting the Salehurst and Robertsbridge Neighbourhood Plan 2016-2028 (as amended as a consequence of the Independent Examiner's Report). Although the decision of the referendum has now to go before Full Council before the plan is 'made', the SRNDP is now in force (NPPG Ref: 41-064-20170728) as a material consideration when determining planning applications and guiding development in the Parish. The matter will be reported to Cabinet on 2 July 2018 followed by full Council on 9 July 2018.

The following policies of the SRNDP (summarised) are relevant to this application:

*Environment:*

- EN3: requires that development will be considered with regard to the need to protect the landscape character of Parish within the Area of Outstanding Natural Beauty (AONB) countryside; conserves or enhances the natural beauty of the Parish and has regard to the High Weald AONB Management Plan; including respecting the settlement pattern, use of local materials, relating well to historic route ways and not damaging their rural character by loss of banks, hedgerows, verges or other important features.
- EN4 covers the conservation of landscape and natural resources: including the retention of well-established features of the landscape, including mature trees, species-rich hedgerows, watercourses and other ecological networks together with the habitats alongside them and ponds.

*Historic Environment:*

- EN5 sets out that designated historic heritage assets in the Parish and their settings, including listed buildings, historic public realm, sites of archaeological significance and scheduled ancient monuments or conservation areas will be preserved and enhanced for their historic significance, including the contribution made by their settings.
- EN8: is concerned with locally important trees and hedgerows outside the Conservation Area and states that permission will not be granted where development would result in an unacceptable loss, or damage, to existing trees or woodlands or hedgerows.

*Housing:*

- HO1: designates a development boundary as shown on the proposals map 4 and states that any development outside the development boundary will be regarded as lying within the countryside as defined in paragraph 12.47 of the Core Strategy to which Rother District Council (RDC) Policies RA2 and RA3 relate, and therefore will only be permitted provided it complies with provisions of other relevant policies in this Plan and RDC policy documents.
- HO2: allocates sites for development as shown on Map 4 subject to compliance with other relevant policies in the development plan, including: Grove Farm – for residential development – including the refurbishment and conversion of existing redundant agricultural buildings.
- HO4: requires that proposals for housing developments within the development boundary shall include a range of house types, and normally include a high proportion of one, two and three bedroom dwellings; also, they will be expected to include an element of single level

dwelling and, where practicable, sheltered accommodation to meet the needs of the elderly and people with disabilities.

- HO5: deals with design, requiring that all forms of new development must plan positively for the achievement of high quality and inclusive design, at the same time demonstrating they have sought to conserve local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in the AONB.
- HO6: relates to sites within and adjacent to Conservation Areas; stating that development proposals will be required to preserve or enhance the character or appearance of those areas. Specifically, new developments will be expected to be suitably designed for the context within which they are set; ensure that the scale and massing of buildings relate sympathetically to the surrounding area; and use traditional and vernacular building materials to respect the context of the development concerned.

*Infrastructure:*

- IN1: states that development proposals that would result in the overall net loss of existing on-street and/or off-street car parking will generally not be supported.
- IN3: promotes: walking, cycling and the use of public transport, including making proper provision for those with mobility impairment; and measures to improve, protect, maintain and extend the local footpath, cycle and bridle path and public transport network.
- IN4: requires that all new housing developments must provide safe pedestrian access to link up with existing or proposed wider footpath networks, ensuring that residents can walk safely to public transport services, schools and other key village services, including retail and medical facilities.

1.3 The following 'saved' policies of the adopted Rother District Local Plan 2006, whilst related to the proposal, are now to be superseded by policies contained within the SRNDP which is now in force:

- DS3 – use of development boundaries
- DS6 – managing housing land release
- VL7 – land at Grove Farm, Robertsbridge

1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The following National Planning Policy Framework policies are particularly relevant to the proposal:

- Paragraphs 7-14, 17 core planning principles for sustainable development.
- Paragraphs 17, 32, 35, and 58 transport and parking.
- Paragraph 47 delivering a wide choice of high quality homes via 'deliverable and developable' sites.
- Paragraph 49 five-year supply of deliverable housing sites.
- Paragraph 115 protection of the AONB.
- Paragraph 118 conservation and enhancement of biodiversity.
- Section 12 Conserving and enhancing the historic environment.

1.5 Legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant to the proposal. At section 66 this states in

considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out the general duty as respects conservation areas in exercise of planning functions and states the special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

---

## **2.0 SITE**

- 2.1 The application site is located to the eastern side of George Hill to the south of the village. It extends to some 0.94ha and comprises mainly agricultural pasture. It forms part of larger area of fields which are bounded to their eastern side by the Robertsbridge (A21) by-pass. Existing residential properties front the western side of George Hill (including Blenheim Court) to the western side of the site. The site itself is bounded on the northern side by the land occupied by the farm buildings (the subject of outstanding planning application RR/2017/1642/P). Further north is the primary school and community buildings (including the scout hut). Nos. 1 and 2 Grove Farm Cottages and Yew Tree Lodge are to the south; and the development site extends on two sides of a pair of semi-detached bungalows (1 and 2 George Hill Cottages) which front the eastern side of George Hill. There is an existing single farm access track from George Hill leading to the farm buildings to the north, which is outside this application site.
- 2.2 It is a sloping site and site levels fall to the north and west from the higher ground to the south and the east. The land levels adjacent to George Hill are somewhat higher than the adjacent road level and there is presently a mixed roadside hedge.
- 2.3 The area of the application site is, for the most part, within the village housing development site allocated within Policy HO2.
- 2.4 The site, along with the whole of Robertsbridge village and its environs, lies within the High Weald AONB.
- 2.5 The site abuts the Robertsbridge Conservation Area to the north. Along with the whole of Robertsbridge village and its environs, it lies within the High Weald AONB.
- 

## **3.0 HISTORY**

- 3.1 RR/2015/1929/P Erection of 35 dwellings (including affordable housing, access, parking and landscaping - Withdrawn.
- 3.2 RR/2016/1722/P Erection of 34 dwellings (including affordable housing) access, parking and landscaping and conversion of existing listed barn and animal shelter to a live-work unit - Withdrawn.
- 3.3 RR/2016/1723/L Conversion of existing listed barn and animal shelter to a live-work unit – Withdrawn.



#### Adjacent land:

- 3.4 RR/2017/1642/P Proposed residential-led mixed-use development to include conversion of existing listed barn, access, parking, landscaping and associated development. Total of six dwellings and three commercial units – use class B1; and car port – outstanding application.
- 3.5 RR/2017/1643/L Proposed works associated with conversion of listed barn and former cow shed out-building to commercial use – outstanding application.
- 

#### **4.0 PROPOSAL**

- 4.1 The application site covers a part of application site RR/2016/1722/P, a previous application which was withdrawn in January 2017 prior to a decision.
- 4.2 The application, unlike the previous application, is in outline. However, detailed matters relating to the proposed means of access and the layout fall to be determined at this stage. Planning permission is sought for 24 new dwellings to be served by a new vehicular access to George Hill. The net density of the development through the whole of the development site would equate to approximately 25 dwellings per hectare. Whilst, as stated, the application is in outline the proposed mix of dwelling types is indicated as follows:

6	3 bed houses
12	2 bed houses
4	1 bed house
1	2 bed flat
1	1 bed flat

Just over 40% of the units would be affordable. The delivery of the affordable units would be secured through a section 106 legal agreement.

- 4.3 A new vehicular access is proposed off George Hill.
- 4.4 A mix of housing types is proposed, comprising terraced, semi-detached units and detached houses. Whilst the 'scale' of the buildings is a detail for consideration at any subsequent reserved matters stage the indicative drawings suggest the proposed dwellings would range of height from single storey to 2½ storey properties. A mix of elevation treatments is also indicated consisting of weatherboard, tile-hanging and brick, and clay roof tiles. Each of the dwellings has a private rear garden. 44 parking spaces would be provided within the application site, comprising a mixture of private curtilage parking and small open areas of allocated and unallocated spaces.
- 4.5 Accompanying documents have been submitted with the planning application. These include: Planning, Design and Access Statement (July 2017), Heritage Report (July 2017), Report on Landscape and Visual Appraisal (July 2017), Transport Statement (July 2017 with revised/updated Statement May 2018) with separate appendices A – Q, Flood Risk Assessment (July 2017), Archaeological Evaluation Survey (January 2015)



and Archaeological Heritage Statement for Phase 1, Grove Farm (June 2017), Ecology Assessment – Habitat and Preliminary Bat Report (July 2017), Aborigicultural Impact Assessment (June 2017), Affordable Housing Statement (July 2017 with revised/updated Statement dated May 2018), Consultation Statement (Community Involvement).

- 4.6 The existing listed barn and dairy fall within the adjacent application site (RR/2017/1642/P) – Grove Farm (north) and a separate listed building consent application RR/2017/1643/L has been submitted for the proposed works to the barn (also reported at this meeting).

---

## 5.0 CONSULTATIONS

### 5.1 Parish Council:

- 5.1.1 The Parish Council comments are reproduced in full in the separate Appendix Document to this Committee 21 June 2018.

***(Note: the Parish Council comments were made in September 2017 prior to the Examiner's Hearing into the Salehurst & Robertsbridge Neighbourhood Development Plan and the referendum decision to adopt the Plan. The Parish Council has been re-consulted on the amended application and any comments received prior to the meeting will be reported).***

- 5.1.2 Previously the Parish Council (PC) objected to this application stating that there are several sound policy grounds, based on both local and national policy, which justify refusal. While the new status of the SRNDP may affect these comments the original representations on policy and other matters are summarised as follows:

- Neighbourhood Plan – the development is contrary to the NP which (*at the time*) has passed Reg. 16 stage.
- Local Plan (2006) - Policy VL7 has lapsed and cannot be used to support the current proposal.
- National Planning Policy Framework: the application also fails various other criteria set out in National Planning Policy Framework, specifically: paragraphs: 17 (previously developed land; 100 (surface water flood risk); 109 (protect valued landscapes); 115 (AONB); 116 (major developments in AONB); 130 (deliberate neglect or damage to a heritage asset); 132 (the setting of a heritage asset).
- Core Strategy (2014): contrary to Policies: OSS3 (vi) (vii); OSS4: (ii) (iii) (v); RA2; LHN1 (vi); EN1 (viii); Policy EN3 (a) (f) and (g); EN7 (i) (iv); TR2 (iv); and TR3.
- Development and Site Allocations Document: fails: paragraph 8 – space standard for homes; and paragraph 8.81- boundary treatments.
- Other Comments/Application Documents: loss of tree; highway objections; concerns about the ecology reports; no binding commitment to provide affordable housing; unsatisfactory landscape Assessment: Impact on heritage assets (listed buildings and the conservation area) and their setting; inaccurate Design and Access Statement; problems with surface water run-off and flooding not recognised; land contamination not addressed.

- In summary, the PC believes that the present application should be refused on any one or all of the policy grounds set out above but also in light of the clear deficiencies, errors and wrong conclusions drawn in the supporting documentation.

5.1.3 Further comments are awaited on the revised details received after these comments.

5.2 Highway Authority: No objection subject to the imposition of conditions.

5.2.1 Main points (summarised):

*Executive Summary:*

This site lies in the village of Robertsbridge which has a good level of public provisions/services; travel choices by foot and by public transport and can provide suitable vehicular site access. The Highway Authority does not wish to restrict the grant of consent subject to conditions and a traffic regulation order to prevent site access obstruction.

*Access* – Access into the site would be via a priority junction with George Hill (Drawing No 17/0309/SK06). The design of the access is considered to be appropriate for a development of this type and tracking drawings have been provided to show that larger vehicles can be accommodated.

The visibility splays required are 2.4m x 59m to the north and 2.4m x 56m to the south and the Highway Authority is satisfied that these sight lines can be achieved.

Bearing in mind concerns regarding the existing parking pressures and congestion that occurs on George Hill and impact from additional traffic generated by the development it has been recommended that parking restrictions in the form of double yellow lines are required for a short distance either side of the new access to act as junction protection and to ensure that visibility splays are maintained for vehicles leaving the site. It is acknowledged that this will result in the loss of approximately four on-street parking spaces and this will force vehicles to park a short distance further south along George Hill beyond the new junction.

*Internal layout* – If the layout is not intended to be adopted, the private layout should be able to accommodate service vehicles, and future proofed so that a 12m vehicle may access and turn within the site. The plans provided show a 11.2m long vehicle within the site and tracking conflicts with kerb edges and the parking area at plots S8 and at the access. The Waste team at Rother District Council should confirm if this size of vehicle is acceptable and if so some adjustments are required to allow for access internally to prevent conflict.

If the internal layout is to be put forward for adoption the above points can be addressed at S38 stage; however, if the roads are to remain privately owned it is recommended that an amended plan be submitted in order for the layout to be conditioned.

*Parking* – According to the East Sussex Residential Parking Demand Calculator the number and mix of houses proposed requires 44 car parking spaces. The submitted plan (Drawing No.17/0309/SK06) indicates 44

parking spaces will be provided. The level of car parking proposed is acceptable on the basis that there are no tandem spaces and spaces are open; however, it should be noted that parking spaces would need to meet the required minimum dimensions to be counted towards the overall provision.

*Cycle Parking* – Safe, secure and covered cycle parking facilities need to be provided at new developments.

*Accessibility* – Overall, given the location of the site it is considered that it is relatively well situated to encourage less reliance upon the private car.

*Trip Rates & Traffic Impact* – Overall trip generation for 24 residential units is calculated to be 122 two-way traffic movements over a 12 hour period. In the am peak it is likely that in the region of 12 traffic movements would be generated whilst in the pm peak this figure would be approximately 15 movements.

It is confirmed that the trip rates put forward in the applicant's traffic assessment report are very similar to the results obtained by the Highway Authority's own calculations, and looking at the breakdown of housing size and tenure, it is considered that the above estimate is robust, especially as there are relatively good public transport links and walking provision for key journeys (work and school).

Base traffic flows on George Hill have been determined using an automatic traffic count undertaken over two days. The traffic data has also grown from 2017 to 2020, to represent the developments future year situation. The Highway Authority is satisfied that the methodology provides a robust worst case scenario.

The site traffic modeling demonstrates that the site access junction would operate well within capacity during both the AM and PM peak periods with only very minor delay experienced by vehicles leaving the site.

As has been mentioned previously, some local residents have expressed concern regarding an existing problem with vehicles parking on George Hill during periods of the day when parents are dropping off and collecting their children at the nearby school. George Hill is particularly busy during these periods and the increase in parking pressures and traffic flows causes congestion issues on this stretch of road, especially in the morning when a high level of on-street parking coincides with the general peak period on the highway network.

The existing situation is commonplace for locations adjacent to schools and can influence times when residents choose to travel, generally avoiding school pick-up/drop off periods; however, with only 12-15 movements generated by the development during the AM peak hour it is likely that only a small number of additional vehicles will enter or leave the site during the 20 minute period when congestion on this stretch of road is at its worst. With this in mind the relatively minor increase in traffic generated by the development is unlikely to have a significant impact during the busiest period at the beginning of the school day and no perceptible impact in the afternoon when children are collected.

To conclude, I can confirm that I have no major concerns regarding the site access from a capacity perspective. I am also satisfied that the development traffic will not have an adverse effect on the surrounding highway network and that the roads leading to the site will continue to function in a satisfactory manner and without detriment to highway safety.

*Construction Traffic Management Plan* – If the Local Planning Authority is minded to grant planning permission it is requested that a condition is imposed requiring a Construction Traffic Management Plan to be submitted for the its consideration and agreement in consultation with East Sussex County Council (ESCC) prior to the commencement of works.

*Conclusion* – subject to agreement on the points raised above the Highway Authority would have no objection to the application Further to these, it is considered that a singular access is considered to serve both southern and northern sites on the basis that they are both approved.

5.2.2 Any further comments on the revised details will be reported before Committee

### 5.3 Highways England

5.3.1 Main points (summarised):

No objection: on the basis that the trips generated by the individual and/or combined sites will be of a level that will not materially affect the safety and/or operation of the Strategic Road Network based on current circumstances. However, if further development beyond that in the Local and Neighbourhood Plans is proposed and/or brought forward that would intensify use of the A21/George Hill junction, the safety aspects of the this junction will need to be reviewed and mitigated accordingly.

### 5.4 Environment Agency

5.4.1 As the site is outside the flood plain, not on Source Protection Zones for the aquifer and lies outside of the byelaw margin, we have no comments to make on the application. The Lead Local Flood Authority should be consulted regarding surface water drainage

### 5.5 Southern Water

5.5.1 Main points (summarised):

- Initial investigations indicate the Southern Water can provide foul sewage disposal.
- An initial desk top study indicates that southern Water currently cannot accommodate the needs of the application without the development providing additional local infrastructure. The proposed development would increase flows into the surface water sewerage system and as a result increase the risk of flooding in and around the existing area.
- Alternatively the developer can discharge surface water flow no greater than existing levels from the site. In this regard the developer would be required to provide a topographical site survey and CCTV survey with the connection application to demonstrate that the proposed surface flow would be no greater than the existing contributing flows.

- Should the Local Planning Authority be minded to approve the application, Southern Water would request a condition to be imposed requiring the proposed means of surface water drainage to be submitted for the consideration and subsequent approval of the Local Planning Authority in consultation with Southern Water.

## 5.6 Lead Local Flood Authority (LLFA / ESCC)

### 5.6.1 Main points (summarised):

No objection: The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

## 5.7 ESCC Rights of Way and Countryside Team

### 5.7.1 Main points (summarised):

- No existing footpaths are directly affected by the proposals for this site.
- We had previously raised concerns in response to a previous application over the suitability of the existing path (46b) to the north of the site to provide a link to Fair Lane. The path would be likely to need improvements. However, it would appear from the new application that a footpath link is now not intended.
- Existing footpath (45b) connects George Hill to Fair Lane close to the access to the site. This improvement of the footpath should be considered through CIL payments.
- There may also be scope for improvements to the surface of footpaths 43a and b, again, in the context of CIL payments.

## 5.8 Acquisitions, Transformation & Regeneration – Asset Development Officer (Housing)

### 5.8.1 Main points (summarised):

- Housing Development fully supports the affordable housing provision provided across both phases of the above planning applications, subject to planning approval
- There are two phases to this scheme with 2 affordable dwellings provided on the first phase and 10 affordable dwellings provided on the second phase
- The tenure mix of the 12 affordable dwellings provided is considered policy compliant.
- The housing types/size is considered suitable to meet both current and future housing need.
- The affordable housing is currently grouped in one location on the scheme, exceeding the minimum number of houses in one cluster. A revised plan demonstrating a policy compliant mix of affordable and market units will be required at the reserved matters stage.
- The market housing proposed includes a good proportion of smaller dwellings in this rural location. This should appeal to both down sizes and families of the local community

## 5.9 County Archaeologist

5.9.1 The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.

## 5.10 County Ecologist

5.10.1 Main points (summarised):

- Ecological surveys were carried out broadly in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement.
- The site is not subject to any nature conservation designation and given the location of the proposed development, there are unlikely to be any significant impacts on any sites designated for their nature conservation interest or on any areas of ancient woodland.
- The majority of the site comprises semi-improved grassland, with species-poor highly managed hedgerows, tall ruderal vegetation, dense scrub and some mature trees. The majority of the site is of relatively low biodiversity value, but the mature trees and hedgerows should be retained and protected where possible.
- In summary, provided the recommended mitigation measures are carried out, it is considered unlikely that there will be any significant impacts on biodiversity and the application can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and National Planning Policy Framework.

## 5.11 High Weald AONB Unit

5.11.1 Main points (summarised); these relate to both planning applications:

- It is considered that the current applications are of an improved layout and design to the previous proposal, with a 'courtyard' type layout for the dwellings adjacent to the barn and straight parallel streets proposed for the larger development which reflect the settlement pattern of the High Weald.
- In the event that Rother District Council considers that the principle of development is acceptable, then the following detailed matters should be taken into account and conditioned where appropriate.
- Field boundary hedgerows and trees should be retained, protected and enhanced by supplementary planting of native species.
- All proposed new landscaping should be of native species to the High Weald. This includes areas of grassland / wildflower meadow which should be planted and managed to encourage wildflowers and grasses particular to the High Weald rather than using generic wildflower seed.
- The materials used for the buildings, fencing and other hard structures and surfacing within the sites should be locally sourced so they are sympathetic to the medieval settlement of Robertsbridge and support the sustainable management of quarries and woodland in the High Weald AONB.

- Dwellings should be equipped with working chimneys and space for log storage to encourage the use of local wood to support the sustainable management of woodland in the High Weald AONB.
- Details of external lighting should comply with the Institute of Lighting Professionals light control zone E1 to protect the intrinsically dark night skies of the High Weald AONB and to minimise impacts on bats and other nocturnal wildlife.
- Bat boxes should be provided and clearance and construction timed to minimise impact on breeding birds in accordance with the recommendations of the Ecology report submitted with the planning application.
- Archaeological conditions should be imposed as recommended by the County Archaeologist to record and where appropriate protect evidence of previous historic settlement on the sites.

#### 5.12 Historic England (summarised):

- 5.12.1 Historic England retains the view that these proposals cause harm to the setting of the listed building (the barn) and the conservation area, through the erosion of the rural landscape character which contributes to the significance of the designated heritage assets. We also maintain the view that the harm could be minimised further by a reduction in the number of units, in particular those now proposed under application RR2017/1642P which are in the immediate setting of the listed building.
- 5.12.2 The conversion of the barn itself is primarily a matter for your authority.
- 5.12.3 The other structures on the site are all of little or no merit and their removal, without replacement, and simple management of the site to maintain its green character would be the most sympathetic approach.
- 5.12.4 The recommendation is that Historic England has no objection to the application on heritage grounds providing the issues and safeguards outlined in our advice above are addressed in order for the application to meet the requirements of paragraphs 132-134 of the National Planning Policy Framework. In determining this application you should also bear in mind the statutory duty in respect of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 5.13 Sussex Police

- 5.13.1 No objection in principle.

#### 5.14 Planning Notice:

- 5.14.1 A petition of objection to the proposal signed by 15 individuals has been received. A spokesperson for the petitioners will have the opportunity to speak at the Planning Committee meeting.
- 5.14.2 The reason for objection stated within the petition are:
- In conflict with the Neighbourhood Plan;
  - No reliance on LP Policy VL7/DS6;
  - Lack of detail in supporting documents e.g. flood risk and transport;
  - assessments;
  - No provision for future maintenance of common areas; and



vi. Not a brownfield site (National Planning Policy Framework para 17).

5.14.3 40 emails/letters of objections have been received (from 27 addresses). Whilst the objection letters can be viewed in full on the website, the main points are summarised as follows:

*General:*

- Robertsbridge is in need of affordable housing. If there is to be Development in the centre of the village it should be affordable housing to meet the needs of local people.
- The public consultation was a hastily put together event during the school holidays.
- Thirdly I feel this should be a single application as it is one site.
- It is apparent that the views of local people when consulted about future developments expressed their belief that Grove Farm was not land they wanted to see developed. In considering this application, the Local Planning Authority is completely disregarding those views/preferences.
- The applicant is clearly downplaying the use made of the land at Grove Farm which has been constantly in agricultural use for over 70 years and remains so to this day.
- The application appears poorly put together with different drawings/layouts used in different parts of the application. This cannot give a clear and accurate position of the applicant's proposals, for example what is the affordable housing – 9 or 10 units? What is the older people's housing referred to?
- There appears to be a grim determination by the landowners to get approval to develop this land as evidenced by the fact that this is at least the third application made. Each application, including this one, has contained significant flaws and would come at considerable cost to the village and is most certainly against the wishes of the people living there.
- There is a vast amount of history attached to this site, as has been proved by recent architectural digs when numerous finds were recorded from dwellings as early as the 12<sup>th</sup> century. This will all be lost if the development goes ahead.
- The farm is under agricultural tenancy and is in use.
- Village infrastructure (schools, surgery) cannot cope with the additional housing.

*Policy:*

- the Parish has prepared a highly detailed neighbourhood plan at Rother Councils request detailing sites for developments to provide the housing requirements (including affordable starter homes) within the parish for the next 20+ years.
- Grove Farm is not included in the draft Neighbourhood Plan as suitable for housing development.
- The overriding view of the residents of Robertsbridge was that they wanted to keep the site as a green space within the village; the first preferred sit was the Mill site, to hold as many of the housing allocation as possible. This complies with the policy of using brownfield sites first.
- EDP and Turnberry have provided an assessment that does not hold up to scrutiny. It is awash with speculation, unsubstantiated opinion and deceptive comments which are meant to mislead and present the unrepresentable in a positive light. With rebuttal of the points raised by focusing on National Planning Policy Framework, NP & HWMP etc., the

development is not acceptable in design, social or economic parameters decreed by the relevant policies and laws specified.

- Turnberry's conclusion that the emerging NP is of little regard or consequence whereby it is insufficiently developed is not supported by case law.
- The plans of the overall development cover an area which exceeds that of Policy VL7 by over 30% - surely the applications should be contained within the physical boundaries set out within this Policy.
- Policy VL7 requires the provision of 'at least 30 dwellings' – this application is only providing 24 – a drop of 20%.
- As a consequence, the 40% affordable housing target is not being met as they are only providing 40% of 24 and not 30 – a loss to the village of two affordable homes.
- The development proposal does not comply with the National Planning Policy Framework paragraphs 7, 9, 17 (points 2,4,7,8,10), 28 (point2), 61,66,121 (point3), 126,128,131,133,139,141,152,156 (point65) and 157(point 7).

#### *Traffic and highways:*

- The development of Grove Farm will create significant problems with traffic and road safety so close to the primary school in an area of the village where the safe flow of traffic is already an issue.
- George Hill is already unable to support the amount of traffic it carries. This is especially so at the start and end of the school day when cars parked on both sides of the road force traffic into single file which buses then block completely.
- Existing traffic problems would be exacerbated by the entrance to the new site being almost directly opposite the entrance to Blenheim Court. There are no parking or speed restrictions on George Hill and this – coupled with increased traffic movements resulting from the proposed development – will increase danger to children entering and leaving the school'
- Three through roads meet in the centre of Robertsbridge: George Hill, High Street, and Station Road. All are quite narrow and have become linear car parks.
- The traffic Audit was carried out at possibly the least crowded time of day
- If Grove Farm residents go north they add to the already congested High Street (one-way at a time). If they go south they might turn off to the west down the already busy Bishops Lane with its blind single track crank-handle under the railway bridge. Or they take life in hand exiting onto the A21 which is a dangerous junction.
- The Parish Council used Police records for 2004 to 2013. These recorded 14 accidents at A21 junction (south). These resulted in 26 injuries, including two deaths.
- The application also states: "*These double yellow lines will restrict parking around the access, ensuring adequate visibility can be achieved*"; it should be noted that Sussex Police have publically declared that they will not generally enforce parking restrictions on yellow lines.
- Parking is at a premium especially in this part of the village. Many houses in the High Street do not have driveways or garages, so George Hill is used by many of the residents to park their cars.
- Congestion will be overwhelming with another 30+ houses and their associated cars (up to 60?).

- This area also has cars and delivery vehicles associated with the Guides, Children's Services, the Youth Club, the George Pub, the residents and visitors to the village generally.
- There is no accompanying Travel Plan document with the application.

*Residential amenity:*

- The drawings do not show any impact of the development on the properties 1 & 2 Grove Far; although these homes are some of those nearest the development these have been completely missed off the application.
- The dwellings fronting George Hill will overlook existing residential properties fronting the western side of the road.
- This would result in loss of privacy.
- Overlooking would be particularly significant because the ground levels of the application site are higher than George Hill.

*Landscape/AONB:*

- The proposed development is on farm land "green belt" site there are brown field areas in the parish that would better serve the housing needs, granting this would create a worrying precedent for other green / farm sites in the future.
- Grove Farm is made up of green fields and as such is not appropriate for a housing development. It provides one of the green surrounds to the built community, helping to retain the village feel.
- Although more houses are necessary, more appropriate locations have been identified, including the large brownfield site at the mill.
- The Local Planning Authority should ask itself a question as to why the developers need to put a 2.5 storey home (plot S16) at the very highest point on the land.
- Greenfield site should be protected.
- Harmful to the appearance and character of the AONB countryside.
- Contrary to paragraph 115 of the National Planning Policy Framework.
- Contrary to the High Weald Management Plan.

*Heritage Assets:*

- The Heritage Statement submitted with this application is not fit for purpose. The National Planning Policy Framework paragraph 121 lays the onus on the Council to ensure that the correct documents are prepared by a competent person. To submit this document for this application is totally incompetent.
- Given the historic significance of this farm as a whole, how can you make any judgement with regard to even outline planning permission without an accurate and correct heritage statement?
- Surely you should be using the Heritage statement as required by the National Planning Policy Framework (paragraph 169) to assist with judging the heritage assets and their significance. This document does not allow you to make that judgement:
- It makes no reference to the fact that the fields border the conservation area, and that the conservation area was extended to include the barn in 2009 i.e. after the 2006 plan.
- It makes no mention of the fields being in the curtilage of the listed barn (the barn listing not being included in the 2006 plan).

- It makes no reference to the potentially curtilage listed building by the pond which appears on the old maps of the village, but has not been investigated.
- It makes no reference to the fact that these fields are mentioned in the Conservation Area document.
- It makes no reference to the historic remains dating from the 12<sup>th</sup> century. These are non-designated heritage assets and have been added to the HER register.
- Sadly, it would appear that with the opportunities available to you to revise your plan and policies, you have failed in your duty to protect this historic site.
- Your own conservation area document describes Robertsbridge as a 'large historic village...'
- The loss of this historic site would impact on the historic and rural nature of the core of the village and its potential to attract tourism.
- Keeping the building of new houses away from the centre of the village is the only way to protect the historic nature of the village.
- Old maps of the site indicate that there are several buildings/structures in the farm yard itself and in the field which pre-date 01/07/1948 and are therefore considered to be curtilage listed.
- The issue of whether Grove Farm Cottages are curtilage listed which needs to be addressed. The cottages were built in the 1930's as residency for the farm. The final link was only severed in 2014 when the tenancy ended.
- I have received some legal advice from Ben Garbett of Keystone Law, 48 Chancery Lane, London: this mentions Grove Farm Cottages as a possible example of curtilage listing. These cottages have never been mentioned before. Certainly they fall within the right timescale, being built in the 1930's, probably as a replacement for the original farmhouse (the Grove), one cottage was certainly associated with the farm as the home of the tenant until 2014 when the tenancy was terminated, each cottage had a gate to the field, and this still exists at the cottage shown as 1 Grove Farm on the map.
- If proven to be curtilage listed, then this would have a clear impact on this development, as this would place housing between the listed barn and the curtilage listed cottages.
- Curtilage listed buildings enjoy the same protection as listed buildings and therefore cannot just be removed. There needs to be an understanding as to how these buildings have interacted over time. Sadly none of this is in the woefully bad Heritage Statements.

#### *Drainage:*

- There is already a difficulty of water run-off and losing the absorption of open grass fields will increase run-off down George Hill; the drains are already inadequate.
- The requirement of a s98 southern water sewer across George Hill and the immediate disruption to neighbouring properties is a grave concern.
- The legal implications of subsequent management companies taking responsibility for the lifetime management of the Sustainable Urban Drainage System (SuDS) are not sufficiently detailed and vague at best.
- The application accepts the geology of the site to be unacceptable for SuDS storage units.
- To suggest the developed site will result in no more surface water run-off than the presently undeveloped (greenfield) site is unrealistic.

5.14.4 Two emails/letters of support have been received.

- It is a 'known' fact that under normal circumstances, once a bypass is in place, building will take place up to it. I think that anyone who has produced more than two children to object to an application such as this is being hypocritical. Where are all these people supposed to live?
- The land is not really viable farmland and is not owned by the village. Obviously more housing brings the need for more facilities and hopefully this will be addressed. However I do think that the Mill site should go ahead before this one.
- I cannot see that any objections already raised are materially any different to the objections to the other sites.
- Northbridge Street is considerably narrower and more constricted than George Hill, yet the proposed development of 93 houses is being actively considered.
- Concerns about school traffic whilst valid only relate to two times in the day

5.14.5 Two emails/letters of general comment have been received.

- I realise the village needs further development - please ensure that the houses are definitely affordable housing for locals – unlike Etchingham whereby enormously expensive houses were built.
- I understand we need more housing. Keep prices low and do not use Fair Lane for access – Lane struggles as it is.

---

## 6.0 APPRAISAL

6.1 This is one of two planning applications relating to Grove Farm, which are being reported to Committee. This application is Grove Farm - south; the other application RR/2016/1642/P relates to Grove Farm - north. Whilst each application stands-alone in that it should be considered and determined on its individual planning merits members should be mindful of the relationship between the two adjacent sites and the respective developments. Both applications have been amended following negotiations with the applicant (without prejudice) in accordance with government requirements set out in the Framework (paragraphs 186 and 187) and within the Town and Country Planning (Development Management Procedure) (England) Order 2015. The amendments are design revisions which, although not substantial, relate to the layout of the development but include also revised and additional drawings relating to the scale and external appearance of the development, which are illustrative only at this stage. The amendments also include a revised and updated Transport Statement and follow discussions with the Highway Authority. The amendments have been re-advertised and re-consultations have been carried out with the Parish Council and the Highway Authority.

6.2 Since the planning application was submitted the SRNDP has gone to referendum and residents have voted to adopt the Plan. Whilst this still needs to go before full Council before the Plan is 'made' (adopted) it is now in force.

### 6.3 Policy position

- 6.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.3.2 Paragraph 14 of the National Planning Policy Framework requires decision-taking to approve developments that accord with the development plan. Paragraph 49 of the National Planning Policy Framework requires that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to say that existing local plan policies for the supply of housing should not be considered up-to date if the Local Planning Authority cannot demonstrate a *five-year supply* of deliverable housing sites against their housing requirements with an additional appropriate buffer to ensure choice and competition in the market for land. The requirement changes once a Neighbourhood Plan is ‘made’ and within the Plan area the policies for the supply of housing will be considered up-to-date so long as the Local Planning Authority can identify a *three-year supply* of housing sites (with an additional appropriate buffer).
- 6.3.3 For the purposes of planning, Policy OSS1 of the Core Strategy (CS) that sets out the overall spatial development strategy includes a requirement to plan for at least 5,700 additional dwellings (net) in the district over the Plan period. 2011-2028. Policy RA1 (v) identifies that 1,670 of these dwellings will be provided within villages (which shall comprise existing commitments, new allocations and windfalls). Figure 12 of the Core Strategy sets out the distribution of rural housing allocations and identifies a total of 155 new houses for Robertsbridge between 2011-2028.
- 6.3.4 For the Robertsbridge neighbourhood area housing allocations and adjustments to the development boundary are to be made in the Neighbourhood Plan.

### 6.4 The SRNDP

- 6.4.1 Prior to the referendum, the Examiner formally appointed to conduct the examination into the Submission Version of the Salehurst and Robertsbridge Neighbourhood Plan held a Hearing on 28 September 2017. Following this the Examiner’s report was published on 23 January 2018. In respect of the allocation of new housing sites the Examiner in his report noted that, “*there was an overwhelming preference expressed during the public consultation on the plan for it to promote the redevelopment of the Mill Site*”; however, he recognised that this clear expression of public support cannot ignore important planning considerations, in terms of ensuring that the “making” of the plan has had regard to national policy, strategic policies in the Local Plan and ensuring that it delivers sustainable development. In this regard, the Examiner concluded that whilst fully accepting the community’s legitimate choices in seeking to prioritise the restoration of the Mill Site, this should not be at the expense of those people in housing need, when it comes to allocating new sites for housing. In the circumstances the Examiner recommended that the Grove Farm site should be added to the three proposed new housing sites contained within the Submission Version of the Plan. The Policy HO3 text was subsequently amended to comprise the following housing allocation sites for Robertsbridge:

- Mill Site – for a mixed-use development including residential development and at least 1200 sq. m. of employment space, including the conversion of the Mill Building and the conversion and refurbishment of the listed building on the site subject to the prior provision and retention of an alternative access from the site to the A21 that will provide a vehicular access in times of flooding, as an alternative route to the access from Northbridge Street which lies within flood zone 3.
- Heathfield Gardens – for residential development.
- Vicarage Land – for residential development.
- Grove Farm – for residential development including the refurbishment and conversion of existing redundant agricultural buildings.

6.4.2 In recommending the inclusion of the Grove Farm site the Examiner commented:

*“It is my intention to include a recommendation that the Grove Farm Phase 1 site should be allocated and I have looked carefully at the reasons why the Parish Council have objected to the current outstanding planning application and the comments in the Revised Environmental Statement, but I am not satisfied that these constitute sustainable reasons for rejecting the proposed allocation. I consider that the site will have an acceptable impact on the wider landscape, that an appropriate access can be made, surface water drainage measures can be properly designed to prevent an increase in run off from the site. Whilst the site is of importance in terms of archaeological interest, this can be appropriately dealt with by conditions. The existence of underground pipes is not a reason to sterilise the land so long as appropriate protection zones are in place which can be accommodated within the layout. The site is well located in terms of its proximity to the facilities in Robertsbridge and will bring back into beneficial use clearly redundant farm buildings which should enhance the adjacent Conservation Area and importantly it will deliver 40% affordable housing.” (page 27).*

6.4.3 Elsewhere in the report the Examiner commented:

*“I place due weight on the fact that the Grove Farm Phase 1 site is already an allocated site for residential use, in the present adopted version of the development plan – Policy VL7. Whilst I have been made very aware that this is a controversial site locally, my conclusion is that it is readily developable, residential land, within easy walking distance to the primary school, the shops and other village amenities of Robertsbridge. As the existing Local Plan states: “Housing on the allocated land would have little effect on the character of the AONB or Robertsbridge because of the topography”. It was explicitly confirmed by the representative of Exeter College at the hearing that the development of this site would offer full compliance with affordable housing policy, notwithstanding the fact that the development would also, like the Mill Site be securing the restoration of a redundant listed building. The delivery of this site would go in some way to offset the shortfall in affordable housing arising from the Plan’s choice of allocating such a significant amount of housing to the Mill Site.” (page 14).*

## 6.5 The application proposal

6.5.1 The application on Grove Farm (south) is an outline application, which seeks approval of some details – those relating to layout and access. Other details relating to the scale of the development, the external appearance, and the



landscaping, would be dealt with at a subsequent reserved matters stage in the event that planning permission is granted.

- 6.5.2 The principal issues for consideration in this application are the impact of the proposed development on: the setting of the village in this location (including the adjacent conservation area and adjacent listed buildings and their setting) and the landscape and character of this part of the High Weald AONB, having particular regard to planning policies for the provision of new housing, including the Council's housing supply position. Other issues that will need to be considered are: design (including density); archaeology; housing mix and affordable housing; highway safety and traffic management; drainage (including SuDS); biodiversity; impact on the living conditions of any neighbouring properties; s106 contributions and Community Infrastructure Levy (CIL).

## 6.6 Development boundaries

- 6.6.1 A particular matter in determining the application is the extent of the application site area in relation to the allocated site in the SRNDP Policy HO1 (formerly Policy VL7 in the 2006 Local Plan). The application site extends beyond the allocated site and the SRNDP development boundary and includes an additional area of land (about 0.13 ha). This swathe of land is at the eastern-most part of the site and comprises part of the field (pasture); it was included in the red line of the application site to correspond with Local Plan allocation VL7, which required the additional provision of a children's play area outside the development. In terms of the proposed built development, all of this would be contained *within* the development boundary, which corresponds to the existing field hedge in this location, and would not encroach into the additional land. Whilst the application site does not wholly accord with the development boundary, in landscape terms this would not justify a refusal of planning permission.

## 6.7 Village character, setting and impact on the landscape and natural beauty of the AONB

- 6.7.1 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2014-2019. This document is also a necessary consideration. The Plan is focussed on delivering the statutory purpose of AONB designation: conserving and enhancing natural beauty. There are a series of objectives relating to geology, landform, water systems and climate; settlement; route-ways; woodland; and field and heath. Objective S2 aims to protect the historic pattern of settlement. The rationale behind this is to protect the distinctive character of towns, villages, hamlets and farmsteads and to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to local identity. The objective of FH2 is to maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.

- 6.7.2 Paragraph 115 of the National Planning Policy Framework states that, "*Great weight should be given to conserving landscape and scenic beauty in*

*National Parks, the Broads and AONB, which have the highest status of protection in relation to landscape and scenic beauty*". Over 80% of the district lies within the designated High Weald AONB and this includes the whole of Robertsbridge village and surrounding landscape. As such any development around the edges of the village will have some impact on its countryside setting and may affect the landscape character and quality of the AONB. Policy EN3 of the SRNDP applies.

- 6.7.3 Overall, the application proposal would inevitably have some impacts on the AONB, as it would introduce built residential development on an undeveloped greenfield site. This would be visible in the village scene from High Street (George Hill) and from some neighbouring properties, the occupiers of which would lose their views of undeveloped farmland. The visual impacts of the development would be largely localised, however, and importantly in this instance, have to be considered against the recognised need expressed in the adopted Core Strategy and the SRNDP allocation to meet the housing requirements for Robertsbridge, which cannot be met by the development of brown-field sites alone (i.e. the Mill Site). Inevitably, meeting the housing needs of the village will require the development of green-field sites and moreover, as the whole of the Parish is within the AONB, it is unavoidable that this will involve AONB land. Grove Farm was included within the identified new housing sites within the SRNDP at the recommendation of the Examiner, and this carries considerable weight in the determination of the application. In terms of landscape impact it is significant that the Examiner noted that, *"as the existing Local Plan states: "Housing on the allocated land would have little effect on the character of the AONB or Robertsbridge because of the topography"*.
- 6.7.4 As a potential development site, the site is adjacent to the existing built area of the village and it relates satisfactorily to the existing pattern of built development. It is also within close proximity to the village core. Moreover, the design of the development proposal has evolved following negotiations with officers and it is considered that the resultant layout of the development would correspond well to existing landscape topography and relate satisfactorily to the pattern of existing built development. It is now considered that the form of development would be appropriate for the site and its setting within the AONB.
- 6.7.5 The High Weald AONB Unit has commented on the application proposal and has raised no objection in principle, commenting: *"It is considered that the current applications are of an improved layout and design to the previous proposal, with a 'courtyard' type layout for the dwellings adjacent to the barn and straight parallel streets proposed for the larger development which reflect the settlement pattern of the High Weald."*
- 6.7.6 In conclusion it is considered that the development would have an acceptable impact in terms of the environmental role of sustainable development including the impact on the character and appearance of the AONB.
- 6.8 Heritage: the setting of listed buildings and the conservation area
- 6.8.1 Grove Farm (south) is within close proximity to the village core; it abuts the Robertsbridge Conservation Area but is not within it. It does not contain any listed buildings but is adjacent to the Grove Farm (north) site, which contains

a listed barn and outbuilding. It is therefore necessary to have regard to the impact of the development on the setting of the conservation area and any heritage assets.

- 6.8.2 Section 72 of the T&CP (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty on local planning authorities in the exercise of their planning functions to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area. Section 66 of the same Act confers a statutory duty to local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. This is reflected in government guidance in the National Planning Policy Framework, which gives support to the conservation and enhancement of a significant heritage asset in a development, as well as Policy EN2 of the Council's Core Strategy, and Policies EN5 and EN6 of the SRNDP, which sets out that designated historic heritage assets will be preserved and enhanced for their historic significance, including the contribution made by their settings.
- 6.8.3 An assessment of the relationship between the heritage assets and the Grove Farm (north) development is reported elsewhere (application RR/2017/1642/P). With respect to the Grove Farm (south) the proposed development will have some impact on the conservation area and setting of the listed barn in the landscape through the erosion of the rural landscape character that would occur through the development of part of the farmland. This is recognised within the comments made by Historic England in respect of the original application submission. It is considered that the revisions to the layout mitigates any impact on the setting of the barn by repositioning the nearest new dwelling so that there would now be a landscaped 'green' area to the south of the barn, allowing an open aspect to the barn from the south. Moreover, the new dwellings within this location are now shown (illustratively at this stage) to be single storey units and as such the nearest adjacent buildings would be subservient in scale to the listed barn. It is also significant that the development proposals contained in application RR/2018/1642/P would bring positive benefits by bringing the disused listed building (and outbuilding) back into use. The proposed development would not result in substantial harm to the significance of the heritage assets and any impact on the setting of heritage assets would be limited and proportional, particularly as it needs to be recognised that this is an allocated housing site and public benefits will arise from meeting the housing needs of the village (including the provision of affordable housing).
- 6.8.4 Overall, it is considered that the layout, and general character of the development satisfactorily preserves the setting of the listed barn and its context as part of a historic farmstead as well as the adjacent conservation area, whilst at the same time meets the need for additional housing.
- 6.8.5 The application responds to the statutory duty to preserve or enhance the conservation area and also, to have special regard to the desirability of preserving the listed building or its setting.

6.9 Design: density, layout and general form of the proposed development

- 6.9.1 The density of development of Grove Farm (south) is approximately 25 dwellings/hectare. This is in character with the general density of existing village development in the vicinity of the site.
- 6.9.2 The design of the scheme has evolved from the original submission as amendments have been incorporated following negotiations. Whilst the application is partly in outline, additional indicative plans and illustrations have been received in relation the scale of the buildings (including the number of storeys), their external appearance (including materials), street scene illustrations, and sections across the site showing topography and the height relationship between the new houses and existing development. Other than 'layout' and 'access' all of these design details fall to be submitted for consideration and approval at any subsequent reserved matters stage. The plans and drawings that have been submitted at this stage, however, although indicative serve to illustrate in a three dimensional form that a scheme based on the submitted layout would result in an acceptable development on the site.
- 6.9.3 The submitted layout has had regard to the existing water main that crosses the site. It is a general requirement of Southern Water that no new built development or tree planting should be carried out within 6m of a water main, and whilst it would have been open to the applicant to divert the apparatus (at the developer's expense and with the consent of Southern Water), the application proposes its retention. The layout of the development has been designed to facilitate the retention of the water main and this has been incorporated within the alignment of a new estate road and parking areas. Whilst the retention of the underground apparatus has influenced the layout options for the development it is considered that this has satisfactorily been assimilated in to the scheme in a manner that has not compromised the design quality of the layout and thereby provides for a satisfactory arrangement of buildings, streets, parking areas, and public and private open space, from an urban design point of view.
- 6.9.4 The layout also includes a new roadway linking Grove Farm (south) to the northern site (RR/2017/1642/P). This is indicated on the plans as having an informal layout and a porous resin bound gravel finish. The roadway has been designed to avoid an overly urban character and appearance, in keeping with the open-space and farmstead buildings on the northern site.
- 6.9.5 The proposed layout also includes new development fronting the eastern side of George Hill. This represents a continuation of the existing pattern of village development fronting the High Street. There are existing properties opposite the site and fronting the western side of George Hill. The ground level of the Grove Farm land is higher than the roadway (George Hill) and rises by about 2m some 6m into the site. In this regard it is important to establish that new development would have an acceptable impact on the street scene and would not dominate existing properties fronting the western side of the road. Whilst the scale of the development is a reserved matter indicative cross section drawings have been provided. These indicate the new properties to be higher than those in Blenheim Court; although in view of the distance between the respective properties across the roadway (George Hill), it is not considered that the new units would be overbearing or detrimental to the village streetscape.

- 6.9.6 Whilst the scale and appearance of the new development would be a reserved matter the illustrative plans and drawings show the scale of building to be generally restrained in terms of scale, incorporating a mix of heights ranging from single storey to 2½ buildings (at the upper-end, 5 No. properties are suggested as being two storey and 3 No. properties are indicated as being 2½ storey). The external appearance of the dwellings shows traditional design detailing and use of local materials.
- 6.9.7 The indicative housing mix would incorporate over 30% one and two bed units within the scheme and in this regard would be compliant with Policy LHN1 (ii) of the CS and HO6 of the SRNDP.
- 6.10 Affordable housing
- 6.10.1 Whilst the two planning applications (Grove Farm north and south) are separate applications which fall to be determined on their individual merits, for the purposes of calculating the number of affordable housing units both sites have been taken together. This means that the required 40% affordable housing units can be calculated in respect of the total 30 units (six on the northern site and 24 on Grove Farm south), giving a requirement 12 affordable housing units in total. The number proposed is considered to be policy compliant.
- 6.10.2 The layout plans show the provision of 10 units in the Grove Farm (south) site. These are shown to be ‘pepper-potted’ throughout the development and are indicated as being a mixture of affordable rented and intermediate housing.
- 6.11 Highway Authority
- 6.11.1 The Highway Authority was consulted on the original application and has raised no objection in respect of the access and parking. It is proposed that a new vehicular access would be formed to the eastern side of George Hill opposite Blenheim Court properties. The Highway Authority has indicated that if both applications are to be approved (Grove Farm north and south) then it would wish to see both sites served by the proposed new vehicular access on to George Hill. In this respect, it is proposed that the new roadway to Grove Farm (north), which is referred to in paragraph 6.9.4 above, would link the two sites and provide a means of vehicular access for the northern dwellings and commercial units. The view of the Highway Authority is that, in this event, the existing northern farm track access should be retained for use by pedestrians and cyclists only. This approach would be satisfactory to the applicant.
- 6.11.2 Being mindful of the fact that these are stand-alone applications, the Highway Authority has been consulted on the revised details and updated Transport Statement. Further comments are awaited on the revised details.
- 6.12 Drainage
- 6.12.1 Policy SRM2 of the CS states that effective management of water resources will be supported by (iii) the promotion of sustainable drainage systems to control the quantity and rate of run-off as well as to improve water quality wherever practicable. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The application proposes that underground cellular storage attenuation tanks would be used to manage

surface water run-off from the development. Whilst general guidelines on sustainable drainage systems give preference for more natural forms of surface water management to be used, ESCC as Lead Local Flood Authority has been consulted on the application and confirms that there is no objection subject to the imposition of appropriate conditions.

- 6.12.2 Foul sewerage would be dealt with via the main sewer. Southern Water has been consulted on the application and has raised no objection.

6.13 Archaeology

- 6.13.1 The County Archaeologist has now confirmed that in the event the Committee is minded to grant planning permission the area affected by the proposals should be the subject of a programme of archaeological works and appropriate planning conditions.

6.14 Ecology

- 6.14.1 The nature conservation and bio-diversity issues are a material planning consideration in the determination of the application. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The site comprises semi-improved grassland, with highly managed hedgerows, ruderal vegetation, scrub and some mature trees. It is not a statutory designated site on nature conservation grounds and there are no such sites within 2km of the site. A Habitat and Preliminary Bat Report (dated July 2017) has been submitted with the application. The County Ecologist has been consulted on the submitted reports. The ecological survey findings are that the majority of the site is of relatively low bio-diversity value but the mature trees and hedgerows should be retained and protected where possible. In terms of protected species it is considered that the site would have potential for bat activity and breeding birds. In this regard if the Committee is minded to grant planning permission the County Ecologist would request an appropriate condition to provide for mitigation measures and also, provide some wildlife enhancement.

*Other ecological matters – including impacts on European sites:*

- 6.14.2 With regard to a number of other residential sites in the District objections have been received from Wealden District Council (WDC) in respect of the impact of the proposal on the air quality of Ashdown Forest and Lewes Downs Special Areas of Conservation (SAC) from traffic generation, and hence on the sites' principal interests: having regard to the conclusions of the Habitat Regulation Assessments (HRAs) undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, it is found that there is no discernible prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular. The application proposal has been assessed having regard to the WDC objection in respect of other residential sites.
- 6.14.3 This is based on consideration of the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded

commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate less than a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. Similarly, the likely trip generation close to the Lewes Downs SAC is less than a single daily vehicle movement.

#### 6.15 Impact on the living conditions of neighbouring properties

- 6.15.1 Policy OSS4 (ii) states that all development should not unreasonably harm the amenities of adjoining properties. Existing properties adjoining the site essentially comprise the houses fronting the western side of George Hill and on the eastern side – the two bungalows adjacent to the farm access track (George Hill Cottages), as well as the scattering of dwellings overlooking the farm land to the south of the application site (including Grove Farm Cottages, Yew Lodge and Aprildene). As described in 6.9.5 the ground level of the Grove Farm land is higher than the roadway (George Hill) and rises by about 2m some 6m into the site. In this regard it is important to establish that new development would not unreasonably harm the amenities of an existing adjoining property. Whilst the scale of the development is a reserved matter, indicative cross-section drawings have been provided at various locations across the site. The section across George Hill indicates the new properties to be higher than those in Blenheim Court; however, in view of the separation distance between the respective properties it is not considered that the new units would unreasonably harm the amenities of adjoining properties (including as a consequence of overlooking, loss of privacy, or an unreasonably overbearing outlook). The aforementioned dwellings to the south of the application site (including Grove Farm Cottages) are set at a higher level and, again, there would be an adequate separation distance between the respective properties. Amendments to the application (illustrative drawings) now indicate the new properties to the rear of the existing bungalows (George Hill Cottages) would be reduced in height from the two storey dwellings originally proposed; as a consequence of this, the development would not unreasonably harm the amenities of those adjoining properties.

---

## 7.0 SUMMARY

- 7.1 This is one of two applications relating to the Grove Farm site. This application is an outline application for 24 dwellings on the agricultural land to the south. The other full planning application RR/2017/1642/P proposes a mixed business and residential development on the northern site. Whilst the two schemes are related, they each stand to be determined on their individual planning merits.
- 7.2 The greater part of the site the area was previously allocated for residential development as Policy VL7 in the 2006 Local Plan. Following the examination into the SRNDP the Grove Farm site has been added into the list of allocated new housing sites in the SRNDP in accordance with the Examiners recommendation. The Examiner commented that:

*“Grove Farm, should also be allocated to make up, in part for the shortfall in the provision of social housing within the plan area. I am not persuaded by the Parish Council’s arguments that the Grove Farm Phase 1 site is not a suitable location to new housing, being within easy walking distance of village*



*amenities. I appreciate that this particular recommendation will be a disappointment to many, but it must be remembered that Robertsbridge is one of the more sustainable locations for new housing.”*

- 7.3 In terms of the location of the site and access to services and community facilities, this offers travel choice other than the private car, especially for reaching village centre services. In this regard the sustainability requirement is met.
- 7.4 At a referendum held on 31 May 2018 residents voted in favour of adopting the Salehurst and Robertsbridge Neighbourhood Plan 2016-2028 (as amended as a consequence of the Independent Examiner’s Report). Although the decision of the referendum has now to go before Full Council before the plan is ‘made’, the SRNDP is now in force.
- 7.5 The application site is within the AONB where it is required that great weight should be given to conserving landscape and scenic beauty. Whilst most forms of development around the edges of the village will have some impact on its countryside setting and may affect the landscape character and quality of the AONB, it is considered that any impact would be localised. Moreover, being mindful of the requirement to provide additional housing in the village the scheme would be proportionate and the development would have an acceptable impact in terms of the environmental role of sustainable development including the impact on the character and appearance of the AONB.
- 7.6 Whilst the application is in outline, the detail of the layout of the development falls to be considered at this stage. The layout plans have been supported by additional plans and drawings, which although indicative, serve to illustrate in a three dimensional form that a scheme based on the submitted layout would result in an acceptable development on the site.
- 7.7 The site abuts the Robertsbridge Conservation Area to the north which also contains listing buildings. The layout and general character of the development satisfactorily preserves the setting of the listed buildings and their context as part of a historic farmstead, as well as the adjacent conservation area; whilst at the same time the development meets the need for additional housing.
- 7.8 The Highway Authority has no objection to the proposed new access; however, in the event that both sites (Grove Farm north and south) are approved, would wish to see the whole development served by the new southern vehicular access.
- 7.9 Finally and importantly the development would deliver a proportion of much needed affordable housing and would be in accordance with Policies HO2, HO3 and HO5 of the SRNDP.
- 7.10 The development will not unreasonably harm the residential amenities of adjoining properties and satisfies Policy OSS4 (ii) of the CS.

---

## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The Council has adopted CIL and this is a development for which CIL would be charged.

---

**RECOMMENDATION: GRANT (OUTLINE PLANNING) DELEGATED (SUBJECT TO: THE COMPLETION OF A S106 PLANNING OBLIGATION DEALING WITH THE PROVISION OF AFFORDABLE HOUSING UNITS AND THE PROVISION AND MANAGEMENT OF PUBLIC OPEN SPACE).**

---

**CONDITIONS:**

1. Approval of the details of appearance, landscaping and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development commences on each phase of the development.  
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
2. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
Reason: In accordance with the requirements of Article 4(1) of the Town and Country Planning (Development Management Procedure) Order 2010.
3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
5. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site location plan: Drawing No. 1159-S-002  
Block plan: Drawing No. 1159-S-003  
Parking allocation plan: Drawing No. 1159-S-101 rev C  
Unit allocation & amenity space plan: Drawing No. 1159-S-102 rev B  
Affordable housing plan: Drawing No. 1159-S-103 rev C  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
6. Pursuant to condition 1; no above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:
  - a) 1:200 scale street-scene drawings, accurately reflecting site topography, and showing proposed buildings in context.

- b) 1:50 drawings of all proposed buildings including details of all fenestration, eaves details, porches, dormers, roof-lights, chimneystacks, pipes and vents.
- c) Samples of the materials to be used in the construction of all external faces of the buildings.
- d) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).
- e) Reason: To ensure a high building appearance and architectural quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework, and in respect of d), to ensure a satisfactory relationship with adjoining dwellings in accordance with Policy OSS4(ii) of the Rother District Local Plan Core Strategy.

7. Pursuant to condition 1; no above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme:

- a) Proposed finished levels or contours.
- b) Boundary treatments and other means of enclosure (fences, railings and walls) indicating the locations, design, height, materials of such.
- c) car-parking layouts.
- d) Design of other vehicle and pedestrian access and circulation areas, (including street widths, pavements and cycle-ways where relevant and other strategic public realm).
- e) Hard surfacing materials (including road surfaces, cycle-ways, footpaths, parking spaces and other areas of hard-standings, kerbs and tactile paving).
- f) Street furniture, signage and lighting (if proposed), including proposed locations.

Reason: To ensure the creation of a high quality public realm, landscape setting, minimal impact upon retained trees and architectural quality in accordance with Policy EN3 and EN1 of the Rother District Local Plan Core Strategy.

8. The soft landscaping details to be submitted pursuant to condition 1 shall include the following:

- a) Indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development.
- b) Design, layout and appearance of structural and amenity green space, including verges.
- c) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers).
- d) Written specifications (including cultivation and other operations associated with plant and grass establishment).
- e) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- f) Details for implementation.

The development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald

AONB in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy.

9. If within a period of five years from the date of occupation any retained tree, planted tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
Reason: To enhance the appearance of the development and the landscape of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.
10. Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape/open space areas, including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.  
Reason: To ensure a high quality public realm taking account of the characteristics of the locality and enhancing the landscape character and quality of the High Weald AONB in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy.
11. The new access shall be in the position shown on the submitted plan (drawing no 17/0309/SK06) and laid out and constructed in accordance with the approved construction details, form HT401, attached to this permission, and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to the occupation of the development hereby permitted.  
Reason: In the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.
12. The access shall not be used until the appropriate visibility splays are provided in each direction (2.4m x 59m to the north and 2.4m x 56m to the south). The visibility splays should be cleared of all obstructions exceeding 600mm in height and kept clear thereafter.  
Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway
13. Pursuant to condition 1, no dwelling shall be occupied until the car parking spaces serving that dwelling have been constructed and provided in accordance with plans and details to be submitted for consideration and subsequent approval in writing by the Local Planning Authority. The parking areas, once approved, shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.  
Reason: To provide car-parking space for the development in accordance with Policy TR4 of the Rother Local Plan Core Strategy.
14. Pursuant to condition 1, no dwelling shall be occupied until covered and secure cycle parking spaces serving that dwelling have been provided in accordance with plans and details to be submitted for consideration and subsequent approval in writing by the Local Planning Authority. The approved areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including Policy TR3 of the Rother Local Plan Core Strategy.

15. Prior to the commencement of development a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This should include details for an onsite compound for contractors' vehicles and plant machinery and materials.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with Policies TR3 and OSS4 (ii) of the CS. A pre-commencement condition is necessary because initial ground works may impact on highway safety and public amenity.

16. The new estate road shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to its possible adoption as a publicly maintained highway  
Reason: In the interest of highway safety and for this benefit and convenience of the public at large in accordance with Policies TR3 and OSS4 (ii) of the Rother Local Plan Core Strategy.

17. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: In the interests of highway safety. A pre-commencement condition is necessary because initial ground works during the construction phase may impact on highway safety and public amenity.

18. Prior to the commencement of above ground works, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and details of any street lighting that may be proposed, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with Policies TR3 and OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.

19. Before house building commences, the new estate roads shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with this Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

20. During any forms of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

21. Pursuant to condition 1, the proposed new road linking the site to the development on the northern Grove Farm site and indicated on drawing no.

1159-S-100 rev F shall be surfaced in a porous resin bound gravel finish and shall be completed as such prior to the commencement of the final dwelling, or at such a time as shall have been agreed in writing with the Local Planning Authority.

Reason: To ensure that the appearance of the road is in keeping with the rural character of the village in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

22. Prior to commencement of any below ground works in association with the development hereby approved, the following details in respect of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA), and the development shall thereafter be completed and maintained in accordance with the approved details prior to the occupation of the dwellings:
- a) The principles of the Herrington Consulting's FRA (dated July 2017) should be taken forward to detailed design. The surface water drainage design should consider the capacity of the downstream development (application ref. RR/2017/1642/P). Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
  - b) The detailed design should include how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. The surface water drainage design should show the route and details of the connection from the development site to the public Southern Water sewer or the watercourse if connection is directly to the watercourse.
  - c) The detailed design of the cellular storage tanks should be informed by findings of groundwater monitoring in winter. The following details for the cellular storage should be provided.
    - An accessible inlet manhole with an integral silt trap should be provided upstream of the proposed attenuation.
    - The design should leave at least 1m unsaturated zone between the base of the cellular storage and the highest recorded groundwater level.
    - If groundwater in winter is found to be high, measures that will be taken to prevent the ingress of groundwater into the tank together with the potential flotation and risks to the structural integrity of the tank introduced by high groundwater.
  - d) A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
  - e) The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Environment Management Plan for the development.
  - f) Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
  - g) Reason: A pre-commencement condition is required as the very nature of surface water drainage schemes can require works to be put in place prior to any other above ground development being undertaken. To control the

quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

23. No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water and no dwelling shall be occupied until the drainage works to serve that plot have been provided in accordance with the approved details.

Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

24. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework. A pre-commencement condition is necessary to avoid disturbance and damage to any below-ground archaeology during initial groundwork.

25. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 24 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

26. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The EDS shall take into account the species and habitats identified in the Ecology Assessment & Habitat Preliminary Bat Report (July 2017) together with the requirement for an additional bat survey and shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location /area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;

- h) Details of initial aftercare and long-term maintenance;
  - i) Details for monitoring and remedial measures; and
  - j) Details for the disposal if any wastes arising from the works.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: These details are required prior to commencement of works to ensure the protection of species in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

27. Prior to the occupation of any of the new dwellings, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory (e.g., for foraging) and
- b) Show how and where the external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding site and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without the prior consent from the Local Planning Authority.

Reason: These details are required prior to commencement of works to safeguard protected species in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

28. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:

- a) Creation of escape ramps for badgers, which may be achieved by edged profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) Open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: These details are required prior to commencement of works to safeguard protected species in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

## NOTES:

- 1. This permission is the subject of an obligation under section 106 of the Town and Country Planning Act 1990.
- 2. Southern Water has indicated that a foul sewer crosses the site. This needs to be protected during the course of development and a 3m clearance either side of the sewer would be required to protect it from construction works and allow access for future maintenance. No development or tree planting should be located within 3m of the sewer and no soakaways should be constructed within 5m of the sewer. Alternatively, the developer may seek to divert the sewer, which may be possible provided this resulted in no unacceptable loss



of hydraulic capacity, and work was carried out at the developer's expense to the satisfaction of southern Water under the relevant statutory provisions. The developer should contact Southern Water in this regard.

3. The East Sussex County Council Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid-out and constructed to standards at, or at least close to, adoption standards
4. The East Sussex County Council Highway Authority's requirements associated with this development proposal will need to be secured through a Section 106/278 Legal Agreement between the applicant and East Sussex County Council. The off-site works and financial contribution that the Highway Authority would wish to secure as part of this development via a section 106/278 agreement are:

Off-site works:

- A new vehicular access into the site with footways on both sides;
- Dropped kerbs and tactile paving on either side of the site access;
- Improvements to the existing footway on the east side of the George Hill extending from the northern site boundary to the southern edge.
- A pedestrian crossing on George Hill to include dropped kerbs and tactile paving is also required;

Financial contribution:

- A financial contribution to fund the Traffic Regulation Orders required to implement parking restrictions necessary either side of the site access.

5. Formal application for connection to the public sewerage system is required in order to service this development, in this regard the developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel. 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
6. The proposed development will be subject to the Community Infrastructure Levy (CIL) at the reserved matters stage.

#### **NATIONAL PLANNING POLICY FRAMEWORK:**

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

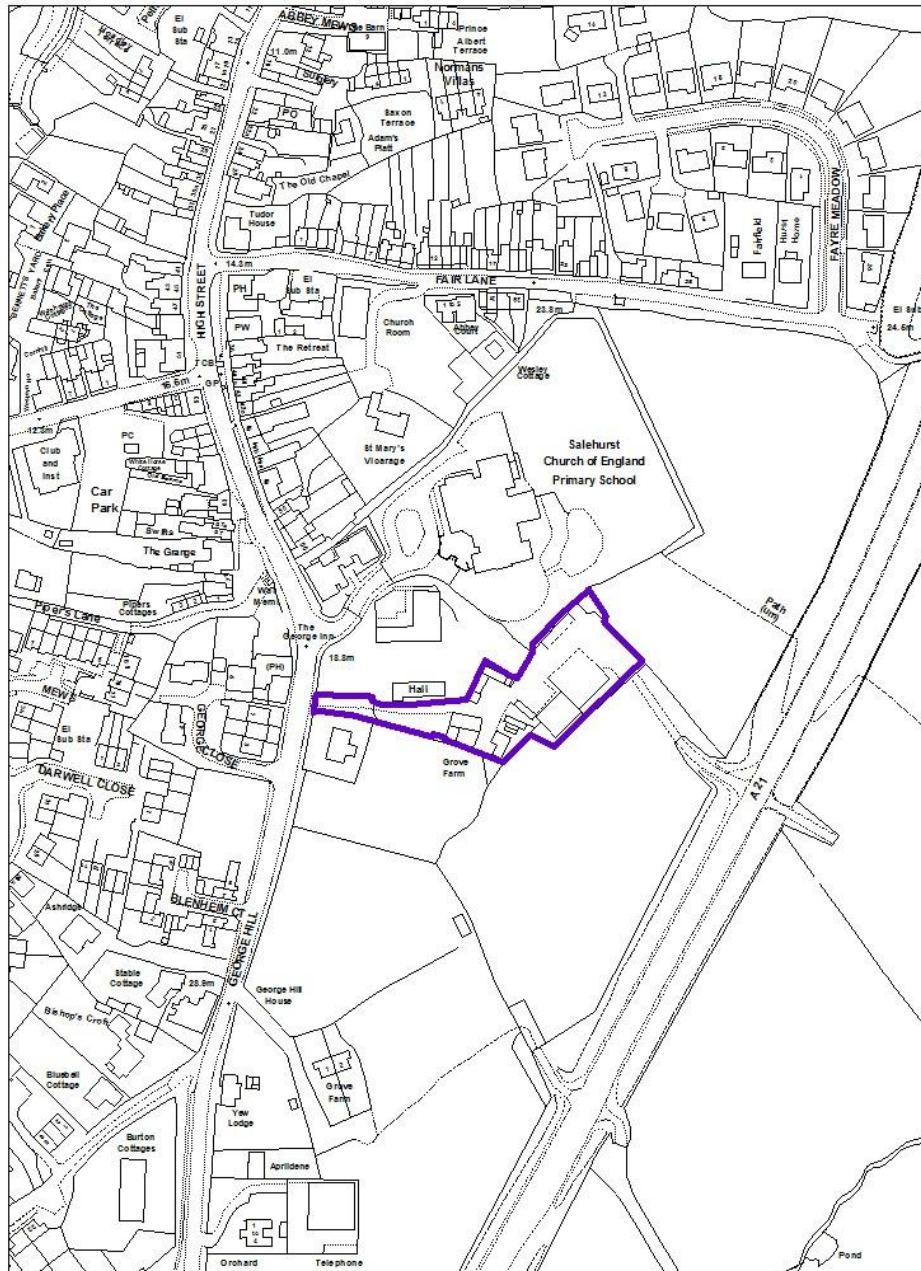
[View application/correspondence](#)

SITE PLAN Salehurst / Robertsbridge

SITE PLAN Salehurst / Robertsbridge

RR/2017/1642/P Grove Farm - Land at,

RR/2017/1642/P Grove Farm - Land at,



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No

Not To Scale

---

**RR/2017/1642/P****SALEHURST/ROBERTSBRIDGE Grove Farm – land at, George Hill**

**Proposed residential-led mixed-use development to include conversion of existing listed barn, access, parking, landscaping and associated development. Total of six dwellings and three commercial units – use class B1; and car port.**

**Applicant:** The Rector and Scholars of Exeter College  
**Agent:** Turnberry Planning Ltd. London  
**Case Officer:** Mr M. Cathcart: (Email: [mark.cathcart@rother.gov.uk](mailto:mark.cathcart@rother.gov.uk))  
**Parish:** SALEHURST/ROBERTSBRIDGE  
**Ward Members:** Councillors G.S. Browne and Mrs S.M. Prochak

**Reason for Committee consideration:** Head of Service Strategy and Planning referral: Strategic housing site.

**Statutory 8 week date:** 4 September 2017  
**Extension of time agreed to:** 26 June 2018

---

This application is included in the Committee site inspection list.

---

This is one of two current planning applications with the Council relating to development at Grove Farm Robertsbridge. This application (Grove Farm - north) relates essentially to land presently occupied by the farm buildings. The other application RR/2017/1629/P (Grove Farm - south) covers essentially the farmland. A third application RR/2017/1643/L, for listed building consent, concerns the works associated with the conversion of the listed timber barn in relation to this application.

---

## **1.0 POLICIES**

**1.1** The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:

- OSS2 – use of development boundaries
- OSS3 – location of development
- OSS4 – general development considerations
- RA1 – villages
- RA3 – development in the countryside
- RA4 – traditional historic farm buildings
- LHN1 – achieving mixed and balanced communities
- LHN2 – affordable housing
- EN1 – landscape stewardship
- EN2 – stewardship of the historic built environment
- EN3 – design quality
- EN5 – biodiversity and green space
- TR3 – Access

- TR4 – car parking

1.2 Salehurst and Robertsbridge Neighbourhood Development Plan (SRNDP). At a referendum held on 31 May 2018 residents voted in favour of adopting the Salehurst and Robertsbridge Neighbourhood Plan 2016-2028 (as amended as a consequence of the Independent Examiner's Report). Although the decision of the referendum has now to go before Full Council before the plan is 'made', the SRNDP is now in force (NPPG ref: 41-064-20170728) as a material consideration when determining planning applications and guiding development in the Parish. The matter will be reported to Cabinet on 2 July 2018 followed by Full Council on 9 July 2018.

The following policies of the SRNDP (summarised) are relevant to this application:

*Economy:*

- EC7: indicates that employment/business development in the parish will be encouraged where it is in keeping with the character of the area, the amenities of neighbouring properties, it minimises visual impact through sensitive siting and design, minimises impact on Area of Outstanding Natural Beauty (AONB) landscape, would not result in severe traffic problems and would promote sustainable transport.

*Environment:*

- EN3: requires that development will be considered with regard to the need to protect the landscape character of Parish within the AONB countryside; conserves or enhances the natural beauty of the Parish and has regard to the High Weald AONB Management Plan; including respecting the settlement pattern, use of local materials, relating well to historic route ways and not damaging their rural character by loss of banks, hedgerows, verges or other important features.
- EN4 covers the conservation of landscape and natural resources: including the retention of well-established features of the landscape, including mature trees, species-rich hedgerows, watercourses and other ecological networks together with the habitats alongside them and ponds.

*Historic Environment:*

- EN5 sets out that designated historic heritage assets in the Parish and their settings, including listed buildings, historic public realm, sites of archaeological significance and scheduled ancient monuments or conservation areas will be preserved and enhanced for their historic significance, including the contribution made by their settings.
- EN6 says that development that would result in the loss of listed buildings and scheduled ancient monument will not be supported.
- EN7: deals with non-designated heritage assets and states that these will be conserved in a manner appropriate to their significance.
- EN8: is concerned with locally important trees and hedgerows outside the Conservation Area and states that permission will not be granted where development would result in an unacceptable loss, or damage, to existing trees or woodlands or hedgerows.

*Housing:*

- HO1: designates a development boundary as shown on the proposals map 4 and states that any development outside the development boundary will be regarded as lying within the countryside as defined in paragraph 12.47 of the Core Strategy to which Rother District Council (RDC) Policies RA2 and RA3 relate, and therefore will only be permitted

provided it complies with provisions of other relevant policies in this Plan and RDC policy documents.

- HO2: allocates sites for development as shown on Map 4 subject to compliance with other relevant policies in the development plan, including: Grove Farm – for residential development – including the refurbishment and conversion of existing redundant agricultural buildings.
- HO4: requires that proposals for housing developments within the development boundary shall include a range of house types, and normally include a high proportion of one, two and three bedroom dwellings; also, they will be expected to include an element of single level dwellings and, where practicable, sheltered accommodation to meet the needs of the elderly and people with disabilities.
- HO5: deals with design, requiring that all forms of new development must plan positively for the achievement of high quality and inclusive design, at the same time demonstrating they have sought to conserve local distinctiveness and the aesthetic qualities of traditional rural settlements and buildings found in the AONB.
- HO6: relates to sites within and adjacent to Conservation Areas; stating that development proposals will be required to preserve or enhance the character or appearance of those areas. Specifically, new developments will be expected to be suitably designed for the context within which they are set; ensure that the scale and massing of buildings relate sympathetically to the surrounding area; and use traditional and vernacular building materials to respect the context of the development concerned.

*Infrastructure:*

- IN1: states that development proposals that would result in the overall net loss of existing on-street and/or off-street car parking will generally not be supported.
- IN3: promotes: walking, cycling and the use of public transport, including making proper provision for those with mobility impairment; and measures to improve, protect, maintain and extend the local footpath, cycle and bridle path and public transport network.
- IN4: requires that all new housing developments must provide safe pedestrian access to link up with existing or proposed wider footpath networks, ensuring that residents can walk safely to public transport services, schools and other key village services, including retail and medical facilities.

1.3 The following ‘saved’ policies of the adopted Rother District Local Plan 2006, whilst related to the proposal, are now to be superseded by policies contained within the Salehurst and Robertsbridge Neighbourhood Development Plan which is now in force:

- DS3 – use of development boundaries
- DS6 – managing housing land release
- VL7 – land at Grove Farm, Robertsbridge

1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The following National Planning Policy Framework policies are particularly relevant to the proposal:

- Paragraphs 7-14, 17 core planning principles for sustainable development.

- Paragraphs 16, 17, 58, 69, 76, 183-185, and 198 Neighbourhood Plans.
- Paragraphs 17, 32, 35, and 58 transport and parking.
- Paragraph 47 delivering a wide choice of high quality homes via 'deliverable and developable' sites.
- Paragraph 115 protection of the AONB.
- Paragraph 118 conservation and enhancement of biodiversity.
- Section 12 Conserving and enhancing the historic environment.

- 1.5 Legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant to the proposal. At section 66 this states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out the general duty as respects conservation areas in exercise of planning functions and states the special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

---

## **2.0 SITE**

- 2.1 The application site is located to the eastern side of George Hill to the south of the village. There is an existing single farm access track from George Hill and site ground levels rise with this track from the access. The site extends to some 0.32ha and comprises mainly the farm yard, a track and disused farm buildings. Existing properties front the western side of George Hill opposite the access (including The George Inn). The site itself is bounded on the northern side by the primary school and community buildings (including the scout hut). 1 and 2 George Hill Cottages also front the eastern side of George Hill and are to the south of the site.
- 2.2 There is a traditional timber frame barn on the application site, which is listed Grade II, together with a former dairy building within the curtilage (both to be retained and converted as part of the application proposal). The other farm buildings are relatively modern and include a portal framed building and pole-barn structures; these would be removed as part of the proposal.
- 2.3 The Robertsbridge Conservation Area extends into the application site to include the land containing the listed barn and dairy building. The area of the application site is for the most part within the village housing development site allocated within Policy HO2. The site, along with the whole of Robertsbridge village and its environs, lies within the High Weald AONB.

---

## **3.0 HISTORY**

- 3.1 RR/2015/1929/P Erection of 35 dwellings (including affordable housing, access, parking and landscaping - Withdrawn.
- 3.2 RR/2016/1722/P Erection of 34 dwellings (including affordable housing) access, parking and landscaping and conversion of

existing listed barn and animal shelter to a live-work unit - Withdrawn.

- 3.3 RR/2016/1723/L Conversion of existing listed barn and animal shelter to a live-work unit – Withdrawn.
- 3.4 RR/2017/1643/L Proposed works associated with conversion of listed barn and former cow shed out-building to commercial use – outstanding application
- Adjacent land:
- 3.5 RR/2017/1629/P Erection of 24 no. residential dwellings, car parking, landscaping and associated development with all matters reserved except for layout and access – outstanding application.
- 

#### **4.0 PROPOSAL**

- 4.1 The application site covers a part of application site RR/2016/1722/P, a previous application which was withdrawn in January 2017 prior to decision.
- 4.2 This application is a full planning application with all detailed matters to be considered at this stage. Planning permission is sought for six new dwellings and three commercial units (two of which would be formed by the proposed conversion and change of use of the listed barn and dairy buildings). It is proposed that two out of the six dwellings would be provided as affordable units in compliance with Policy LHN2 of the Rother Local Plan Core Strategy.
- 4.3 A mix of housing types is proposed, comprising:
- a uniform terrace of three, 1½ storey, two bedroom cottages (units N1, N2 and N3);
  - a single storey, one bedroom cottage (N4), attached to a 1½ storey, three bedroom dwelling (N5) (incorporating first floor dormers at eaves level); and
  - a detached, two storey, four bedroom house (N6) (with a dropped eaves line).
- External materials are described as bricks, clay roof tiles, and slate (on the roof of two of the units). A free-standing open-fronted, triple car port building, under a pitched, tiled roof, is also proposed to serve a number of the dwelling units (shown on the plans as unit N9).
- 4.4 The proposed commercial units are shown as:
- The conversion and change of use of the grade II listed, timber frame barn to a (Class B1 Use) office unit, incorporating an inserted mezzanine floor (approximately 140 sq. m.); (building N7).
  - The conversion and change of use of the grade II curtilage listed former dairy outbuilding (N8). This is a single storey, timber and brick building with a plain clay tiled roof. The floor area is approximately 40sqm.
  - The erection of a new single storey, detached building (approximately 12.6m x 6.6m), for use as a (Class B1 Use) office unit. External materials are timber featheredged boarding to the walls above a low brick plinth wall, and plain tiles on the gabled roof.



- 4.5 A total of 12 residential parking spaces and seven commercial parking spaces are proposed. The means of vehicular access to the site would be via the southern application site (RR/2017/1629/P) in the event that that application is granted planning permission. This would entail the creation of a new vehicular access onto George Hill. The farm track access would be retained for use by cyclists and pedestrians only. However, in the event that the southern application site (RR/2017/1629/P is refused planning permission, the applicant would be seeking permission to use the existing farm track access as a vehicular access to serve the proposed northern site development. In this regard additional detailed plans and an updated road safety audit has been provided to demonstrate that, with the adaption, the farm access and track could be utilised to serve the development.
- 4.6 Supporting information states that the scheme has been designed to reflect the sense of a farmyard, with the use of appropriate hard landscaping that comes right up to the frontages of buildings, the use of brick walls, and overall, a non-suburban design to the landscaping, all of which give a robust and simple aesthetic. The supporting statement adds that a simplified detailing of the elevations of the buildings has been employed to give emphasis to the rural/vernacular context, and the proposed palate of materials chosen to reflect the historic vernacular, with gullies, verges and thresholds that are simply and traditionally detailed.
- 4.7 Accompanying documents have been submitted with the planning application. These include: Planning, Design and Access Statement (July 2017), Heritage Report (July 2017), Report on Landscape and Visual Appraisal (July 2017), Transport Statement (July 2017 with revised/updated Statement May 2018) with separate appendices A – Q, Flood Risk Assessment (July 2017), Soil Desk Study Report (January 2014); Archaeological Evaluation Survey (January 2015) and Archaeological Heritage Statement for Phase 1, Grove Farm (June 2017), Ecology Assessment – Habitat and Preliminary Bat Report (July 2017), Aboricultural Impact Assessment (June 2017), Affordable Housing Statement (July 2017 with revised/updated Statement dated May 2018), Consultation Statement (Community Involvement).
- 4.8 The existing listed barn and dairy fall within the application site (RR/2017/1642/P) – Grove Farm – north), and a separate listed building consent application RR/2017/1643/L has been submitted for the proposed works to the barn (also reported to this meeting).

---

## 5.0 CONSULTATIONS

### 5.1 Parish Council:

- 5.1.1 The Parish Council comments are reproduced in full in the separate APPENDIX DOCUMENT to this Committee 21 June 2018.

***(Note: the Parish Council comments were made in September 2017 prior to the Examiner's Hearing into the Salehurst & Robertsbridge Neighbourhood Development Plan and the referendum decision to adopt the Plan. The Parish Council has been re-consulted on the amended application and any comments received prior to the meeting will be reported).***



5.1.2 Previously the Parish Council (PC) objected to this application stating that there are several sound policy grounds, based on both local and national policy, which justify refusal. While the new status of the SRNDP may affect these comments the original representations on policy and other matters are summarised as follows:

- Neighbourhood Plan – the development is contrary to the NP which (*at the time*) has passed Reg. 16 stage.
- Local Plan (2006) – Policy VL7 has lapsed and cannot be used to support the current proposal.
- National Planning Policy Framework: the application also fails various other criteria set out in National Planning Policy Framework, specifically: paragraphs: 17 (previously developed land; 100 (surface water flood risk); 109 (protect valued landscapes); 115 (AONB); 116 (major developments in AONB); 130 (deliberate neglect or damage to a heritage asset); 132 (the setting of a heritage asset).
- Core Strategy (2014): contrary to Policies: OSS3 (vi) (vii); OSS4: (ii) (iii) (v); RA2; LHN1 (vi); EN1 (viii); Policy EN3 (a) (f) and (g); EN7 (i) (iv); TR2 (iv); and TR3.
- Development and Site Allocations Document: fails: paragraph 8 – space standard for homes; and paragraph 8.81- boundary treatments.
- Other Comments/Application Documents: loss of tree; highway objections; concerns about the ecology reports; no binding commitment to provide affordable housing; unsatisfactory landscape Assessment: Impact on heritage assets (listed buildings and the conservation area) and their setting; inaccurate Design and Access Statement; problems with surface water run-off and flooding not recognised; land contamination not addressed.
- In summary, the PC believes that the present application should be refused on any one or all of the policy grounds set out above but also in light of the clear deficiencies, errors and wrong conclusions drawn in the supporting documentation.

5.1.3 Further comments are awaited on the revised details received after these comments.

5.2 Highway Authority (comments summarised):

*Executive Summary:*

5.2.1 The Highway Authority objects. This site lies in the village of Robertsbridge which has a good level of public provisions/services; travel choices by foot and by public transport and can provide suitable vehicular site access. However, it is not considered this application meets appropriate requirements for parking, access or turning.

*Response:*

This full application seeks consent for six residential units and three B1 commercial units served by the existing access positioned between Salehurst Primary School and 1 George Hill Cottages.

5.2.2 *Access* – Access into the site is shown via an existing crossover onto George Hill. The access intends to be widened to allow two vehicles to pass and then narrows to 2.83m. There is no detailed plan provided to show the extent of the enhancement in terms of radius detail, actual access width proposed, cross section (given the gradient), and swept path of service

vehicles. For the proposal within the northern section of the site, there are a number of concerns:

The visibility splays required are 2.4m x 59m to the north and 2.4m x 56m to the south. As submitted, the visibility sightlines are not accepted.

It is important to highlight that this authority seeks to minimise where possible the number of access points. The southern site being considered under reference RR/2017/1629/P proposes a to-standard access which could connect to this site. It is preferred that this northern access is used only a pedestrian/cycle route.

If the access issues can be addressed, as indicated for the southern site RR/17/1629 it has been recommended that parking restrictions in the form of double yellow lines are required for a short distance either side of the new access to act as junction protection and to ensure that visibility splays are maintained for vehicles entering/leaving the site.

5.2.3 *Internal layout* – The internal road layout is assumed to be a shared surface, which in principle is considered to be appropriate for this type and level of development. Shared surface roads are required to be 5-6m wide as a minimum to allow for easements, informal parking and passage for all users. There is only an indicative drawing, which is insufficient for a full application. The layout should be able to accommodate service vehicles, and future proofed so that a 12m vehicle may access and turn within the site and leave the site.

5.2.4 *Parking* – According to The East Sussex Residential Parking Demand Calculator the number and mix of dwellings proposed requires 12 car parking spaces. All these spaces should be open spaces or within independently accessible car ports. The minimum sizes are as follows:

Parking Spaces: 2.5m x 5m.

Car Ports: 2.8m x 5m.

For the commercial units, B1 use attracts one space per 30sqm of GFA, and so 10 spaces are required. There is insufficient parking provided as seven spaces are shown on the parking allocation plan. This may result in overspill parking on street which is not supported as the proposed double yellow line restriction intends to reduce on-street parking. It is important that the proposed development delivers the correct amount of parking. 1-2 cycle spaces per unit should be sufficient.

5.2.5 *Accessibility* – The nearest bus stops are located on George Hill approximately 150m to the north of the site. The 304/305 route serves Hastings, Battle, Robertsbridge and Hawkhurst with approximately one service an hour in each direction from Monday to Saturday. A less frequent service operates on a Sunday.

The B73 route operates two services on Tuesdays and Fridays between Battle, Robertsbridge, Burwash and Mountfield. In addition there is a school day only service operating from Robertsbridge to Wadhurst via Hawkhurst.

Robertsbridge train station is located approximately 600m from the site. This station is served by the London (Charing Cross) to Hastings line with two

services in each direction during the morning and evening peaks and hourly throughout the rest of the day.

On foot a number of facilities and services are accessible within walking distance of the site including the train station, bus stops, a post office, shops and doctors surgery. Pedestrian facilities connecting the site to these facilities are generally good; however, some improvements are required in the immediate vicinity of the site. Along the site frontage the footway on the east side of George Hill is particularly narrow and generally in a poor state of repair. The footway therefore requires upgrading for the whole site frontage to the north and south of the proposed access. It would also be beneficial for a pedestrian crossing to be provided on George Hill to the north of the southern site access. This should be investigated further.

Overall, given the location of the site it is considered that it is relatively well situated to encourage less reliance upon the private car.

- 5.2.6 Trip Rates & Traffic Impact – An overall trip generation for six residential units is 30 trips over a 12 hour period. In the am peak it is likely that in the region of three traffic movements would be generated whilst in the pm peak this figure would be approximately four movements. For the commercial uses, 300sqm of B1 use is likely to generate 29 trips in a 12 hour period with peak period trips averaging at three in number.

I can confirm that the trip rates put forward for both uses are very similar to the results obtained by my own assessment.

#### 5.2.7 *Conclusion*

To conclude, subject to agreement on the points raised above I am unable to support this application on grounds relating to access and parking.

- i. The access/ access road is unsatisfactory to serve the proposed development by reason of its inadequate visibility, width and construction, and the proposal would be likely to generate additional traffic that would lead to conditions detrimental to road safety, resulting in severe highway impacts, and is contrary to paragraph 32 of the National Planning Policy Framework.
- ii. The proposal does not include adequate provision on the site for the parking of vehicles in a satisfactory manner to the standard required by the Local Planning Authority and the proposal would be likely to increase the pressure for on-street parking in an area where insufficient space is available, with resultant detriment to highway safety and obstruction of the flow of traffic, resulting in severe highway impacts, and is contrary to paragraph 32 of the National Planning Policy Framework.
- iii. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of surface water drainage, and on site turning facilities so to not give rise to increased hazards to highway users.

- 5.2.8 Any further comments on the revised details will be reported before Committee.

### 5.3 Highways England

- 5.3.1 No objection: on the basis that the trips generated by the individual and/or combined sites will be of a level that will not materially affect the safety and/or operation of the Strategic Road Network based on current circumstances. However, if further development beyond that in the Local and Neighbourhood Plans is proposed and/or brought forward that would intensify use of the A21/George Hill junction, the safety aspects of the this junction will need to be reviewed and mitigated accordingly.

### 5.4 Environment Agency (further comments 21.9.2017) summarised:

- 5.4.1 In the light of the submitted soils desk study report (ref: DS2539) there is no objection to the proposal subject to the imposition of planning conditions dealing with investigations and remedial measures in respect of land contamination from previous agricultural uses.

### 5.5 Southern Water summarised:

- 5.5.1 The applicant or developer would be required to make a formal application for a connection to the foul sewer. Sustainable Urban Drainage System (SuDS) surface water drainage facilities proposed in the application are not adoptable by sewerage undertakers; the applicant would need to ensure that arrangements exist for the future management and maintenance of the system in the event planning permission is granted. The Council's building control officers or technical staff should be asked to comment upon the adequacy of soakaways to dispose of surface water from the proposed development.

### 5.6 Lead Local Flood Authority – LLFA (ESCC) summarised:

- 5.6.1 The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

### 5.7 ESCC Rights of Way and Countryside Team

#### 5.7.1 Main points (summarised):

- No existing footpaths are directly affected by the proposals for this site.
- We had previously raised concerns in response to a previous application over the suitability of the existing path (46b) to the north of the site to provide a link to Fair Lane. The path would be likely to need improvements. However, it would appear from the new application that a footpath link is now not intended.
- Existing footpath (45b) connects George Hill to Fair Lane close to the access to the site. This improvement of the footpath should be considered through CIL payments. There may also be scope for improvements to the surface of footpaths 43a and b, again, in the context of CIL payments.

5.8 Acquisitions, Transformation and Regeneration – Asset Development Officer (Housing)

5.8.1 Main points (summarised):

- Housing Development fully supports the affordable housing provision provided across both phases of the above planning applications, subject to planning approval.
- There are two phases to this scheme with two affordable dwellings provided on the first phase and 10 affordable dwellings provided on the second phase.
- The tenure mix of the 12 affordable dwellings provided is considered policy compliant.
- The housing types/size is considered suitable to meet both current and future housing need.
- The affordable housing is currently grouped in one location on the scheme, exceeding the minimum number of houses in one cluster. A revised plan demonstrating a policy compliant mix of affordable and market units will be required at the reserved matters stage.
- The market housing proposed includes a good proportion of smaller dwellings in this rural location. This should appeal to both down sizes and families of the local community.
- The affordable housing mix proposed is supported; however, the total provision across the wider scheme falls short of the onsite policy requirement.
- The applicant must demonstrate why they have not produced a policy compliant scheme.

5.9 County Archaeologist

5.9.1 The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.

5.10 County Ecologist

5.10.1 Main points (summarised):

- The site is not subject to any nature conservation designation and given the location of the proposed development, there are unlikely to be any significant impacts on any sites designated for their nature conservation interest or on any areas of ancient woodland.
- The site currently comprises buildings and hard standing, semi-improved neutral grassland, tall ruderal vegetation, dense and scattered scrub, a short stretch of hedgerow and a single semi- mature/mature pollarded sycamore. The majority of the site is of relatively low biodiversity value but the tree and hedgerow should be retained and protected where possible.
- It is recommended that an Ecological Design Strategy (EDS) should be required by condition, in line with BS 42020:2013. The EDS should take account of the species and habitats discussed above, and should include provision for long term monitoring and management.
- In summary, pending the results of an additional dusk to dawn bat survey, provided the recommended mitigation measures are carried out, it is considered unlikely that there will be any significant impacts on

biodiversity. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and National Planning Policy Framework.

#### 5.11 High Weald AONB Unit

##### 5.11.1 Main points (summarised); these relate to both planning applications:

It is considered that the current applications are of an improved layout and design to the previous proposal, with a 'courtyard' type layout for the dwellings adjacent to the barn and straight parallel streets proposed for the larger development which reflect the settlement pattern of the High Weald. In the event that Rother District Council considers that the principle of development is acceptable, then the following detailed matters should be taken into account and conditioned where appropriate.

- Field boundary hedgerows and trees should be retained, protected and enhanced by supplementary planting of native species.
- All proposed new landscaping should be of native species to the High Weald. This includes areas of grassland / wildflower meadow which should be planted and managed to encourage wildflowers and grasses particular to the High Weald rather than using generic wildflower seed.
- The materials used for the buildings, fencing and other hard structures and surfacing within the sites should be locally sourced so they are sympathetic to the medieval settlement of Robertsbridge and support the sustainable management of quarries and woodland in the High Weald AONB.
- Dwellings should be equipped with working chimneys and space for log storage to encourage the use of local wood to support the sustainable management of woodland in the High Weald AONB.
- Details of external lighting should comply with the Institute of Lighting Professionals light control zone E1 to protect the intrinsically dark night skies of the High Weald AONB and to minimise impacts on bats and other nocturnal wildlife.
- Bat boxes should be provided and clearance and construction timed to minimise impact on breeding birds in accordance with the recommendations of the Ecology report submitted with the planning application.
- Archaeological conditions should be imposed as recommended by the County Archaeologist to record and where appropriate protect evidence of previous historic settlement on the sites.

#### 5.12 Historic England (summarised):

5.12.1 Historic England retains the view that these proposals cause harm to the setting of the listed building (the barn) and the conservation area, through the erosion of the rural landscape character which contributes to the significance of the designated heritage assets. We also maintain the view that the harm could be minimised further by a reduction in the number of units, in particular those now proposed under application RR2017/1642P which are in the immediate setting of the listed building.

5.12.2 The conversion of the barn itself is primarily a matter for your authority.

- 5.12.3 The other structures on the site are all of little or no merit and their removal, without replacement, and simple management of the site to maintain its green character would be the most sympathetic approach.
- 5.12.4 The recommendation is that Historic England has no objection to the application on heritage grounds providing the issues and safeguards outlined in our advice above are addressed in order for the application to meet the requirements of paragraphs 132-134 of the National Planning Policy Framework. In determining this application you should also bear in mind the statutory duty in respect of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.13 Sussex Police
- 5.13.1 No objection in principle:
- 5.14 Planning Notice
- 5.14.1 A petition of objection to the proposal signed by 15 individuals has been received. A spokesperson for the petitioners will have the opportunity to speak at the Planning Committee meeting.
- 5.14.2 The reasons for objection stated within the petition are:
- i. Does not preserve setting for listed building (National Planning Policy Framework 128);
  - ii. Access cannot be achieved as shown on plans;
  - iii. No archaeological investigation of site;
  - iv. Inadequate drainage information produced;
  - v. No evidence of viability of scheme disclosed; and
  - vi. No information re contamination of site.
- 5.14.3 26 emails/letters of objections have been received (from 10 addresses). Whilst the objection letters can be viewed in full on the website, the main points are summarised as follows:
- General:*
- This should be a single application as it is one site.
  - The ecological surveys have not been carried out to the required standard.
  - It is apparent that the views of local people when consulted about future developments expressed their belief that Grove Farm was not land they wanted to see developed. In considering this application, the Local Planning Application is completely disregarding those views/preferences.
  - The applicant is clearly downplaying the use made of the land at Grove Farm which has been constantly in agricultural use for over 70 years and remains so to this day.
  - The site is used for livestock grazing.
  - There appears to be a grim determination by the landowners to get approval to develop this land as evidenced by the fact that this is at least the third application made. Each application, including this one, has contained significant flaws and would come at considerable cost to the village and is most certainly against the wishes of the people living there.

- There is a vast amount of history attached to this site, as has been proved by recent architectural digs when numerous finds were recorded from dwellings as early as the 12<sup>th</sup> century. This will all be lost if the development goes ahead.
- The farm is under agricultural tenancy and is in use.
- Village infrastructure (schools, surgery) cannot cope with the additional housing.

*Policy:*

- The parish has prepared a highly detailed neighbourhood plan at Rother Council's request detailing sites for developments to provide the housing requirements (including affordable starter homes) within the parish for the next 20+ years.
- If any extant policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.
- Grove Farm is not included in the draft Neighbourhood Plan as suitable for housing development.
- NPs form part of the development plan for the relevant area this must be given due weight.
- The application does not comply with the National Planning Policy Framework.
- EDP and Turnberry have provided an assessment that does not hold up to scrutiny. It is awash with speculation, unsubstantiated opinion and deceptive comments which are meant to mislead and present the unrepresentable in a positive light. With rebuttal of the points raised by focussing on National Planning Policy Framework, NP & HWMP etc., the development is not acceptable in design, social or economic parameters decreed by the relevant policies and laws specified.
- Turnberry's conclusion that the emerging NP is of little regard or consequence whereby it is insufficiently developed is not supported by case law.
- The plans of the overall development cover an area which exceeds that of Policy VL7 by over 30% - surely the applications should be contained within the physical boundaries set out within this Policy.
- The development proposal does not comply with the National Planning Policy Framework paragraphs 7, 9, 17 (points 2, 4, 7, 8, 10), 28 (point 2), 61, 66, 121 (point 3), 126, 128, 131, 133, 139, 141, 152, 156 (point 65) and 157 (point 7).
- The site has very similar attributes to the site at Pashley Road, Ticehurst, which the Council robustly defended on appeal; in dismissing the appeal the Inspector concluded that the proposed residential development would have an unacceptable impact on the AONB and heritage assets.

*Traffic and highways:*

- The development of Grove Farm will create significant problems with traffic and road safety so close to the primary school in an area of the village where the safe flow of traffic is already an issue.
- The site is too close to the school entrance.
- 99% of the parking on George Hill has nothing at all to do with residents; the spaces are being used by commuters, the primary school, the pre-school, those attending adult education/fitness classes at the youth club, guides, brownies, and users of the mobile library etc.



- George Hill is already unable to support the amount of traffic it carries. This is especially so at the start and end of the school day when cars parked on both sides of the road force traffic into single file which buses then block completely.
- There are no parking or speed restrictions on George Hill and this - coupled with increased traffic movements resulting from the proposed development – will increase danger to children entering and leaving the school'
- The traffic Audit was carried out at possibly the least crowded time of day
- If Grove Farm residents go north they add to the already congested High Street (one-way at a time). If they go south they might turn off to the west down the already busy Bishops Lane with its blind single track crank-handle under the railway bridge. Or they take life in hand exiting onto the A21 which is a dangerous junction.
- Parking is at a premium especially in this part of the village. Many houses in the High Street do not have driveways or garages, so George Hill is used by many of the residents to park their cars.
- Congestion will be overwhelming with another 30+ houses and their associated cars (up to 60?).
- This area also has cars and delivery vehicles associated with the Guides, Children's Services, the Youth Club, the George Pub, the residents and visitors to the village generally.
- There is no accompanying Travel Plan document with the application.

*Residential amenity:*

- Steep incline makes it difficult for elderly to access – unlike the Mill site.
- The dwellings fronting George Hill will overlook existing residential properties fronting the western side of the road.
- Would result in loss of privacy.

*Landscape/AONB:*

- The proposed development is on farm land "green belt" site there are brown field areas in the parish that would better serve the housing needs, granting this would create a worrying precedent for other green / farm sites in the future.
- Although more houses are necessary, more appropriate locations have been identified, including the large brownfield site at the mill.
- Harmful to the appearance and character of the AONB countryside.
- Contrary to paragraph 115 of the National Planning Policy Framework.
- Contrary to the High Weald Management Plan.

*Heritage Assets:*

- The Heritage Statement submitted with this application is not fit for purpose. The National Planning Policy Framework paragraph 121 lays the onus on the Council to ensure that the correct documents are prepared by a competent person. To submit this document for this application is totally incompetent.
- The first house appears to be within 2-3m of the listed barn.
- Turnberry, in objecting to the development of the Mill site on heritage impact grounds, are either operating dual standards or must also object to their own Grove Farm application as the harm to the listed barn and its setting will be far greater than the case in the Mill application proposal.
- The proposals for the listed barn building are not anywhere near sufficiently sympathetic to its age and historic importance.

- No assessment has been made as to whether any other farm buildings are worthy of retention.
- The issue as to whether Grove Farm Cottages are curtilage listed (with the barn) needs to be addressed; the cottages were built in the 1930's as residency for the farm and this final link was only severed in 2014 when the tenancy ended.
- The vast amount of glass being used in the barn conversion is not representative of an agricultural building.
- The conversions details do not conserve the character of the building.
- The National Planning Policy Framework paragraph 130 states that where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account.
- What is the reason for changing the use of the non-domestic dwellings from Community – as advised at the public consultation – to Commercial in this application? How will this be of benefit to local people?
- Given the historic significance of this farm as a whole, how can you make any judgement with regard to even outline planning permission without an accurate and correct heritage statement?
- Surely you should be using the Heritage statement as required by the National Planning Policy Framework (paragraph 169) to assist with judging the heritage assets and their significance. This document does not allow you to make that judgement.
- It makes no reference to the fact that the fields border the conservation area, and that the conservation area was extended to include the barn in 2009 i.e. after the 2006 plan.
- It makes no mention of the fields being in the curtilage of the listed barn (the barn listing not being included in the 2006 plan).
- It makes no reference to the potentially curtilage listed building by the pond which appears on the old maps of the village, but has not been investigated.
- It makes no reference to the fact that these fields are mentioned in the Conservation Area document.
- It makes no reference to the historic remains dating from the 12<sup>th</sup> century. These are non-designated heritage assets and have been added to the HER register.
- Sadly, it would appear that with the opportunities available to you to revise your plan and policies, you have failed in your duty to protect this historic site.
- Your own conservation area document describes Robertsbridge as a 'large historic village...'
- The loss of this historic site would impact on the historic and rural nature of the core of the village and its potential to attract tourism.
- Keeping the building of new houses away from the centre of the village is the only way to protect the historic nature of the village.
- Old maps of the site indicate that there are several buildings/structures in the farm yard itself and in the field which pre-date 01/07/1948 and are therefore considered to be curtilage listed.
- The issue of whether Grove Farm Cottages are curtilage listed which needs to be addressed. The cottages were built in the 1930's as residency for the farm. The final link was only severed in 2014 when the tenancy ended.
- I have received some legal advice from Ben Garbett of Keystone Law, 48 Chancery Lane, London: this mentions Grove Farm Cottages as a

possible example of curtilage listing. These cottages have never been mentioned before. Certainly they fall within the right timescale, being built in the 1930's, probably as a replacement for the original farmhouse (the Grove), one cottage was certainly associated with the farm as the home of the tenant until 2014 when the tenancy was terminated, each cottage had a gate to the field, and this still exists at the cottage shown as 1 Grove Farm on the map.

- If proven to be curtilage listed, then this would have a clear impact on this development, as this would place housing between the listed barn and the curtilage listed cottages.
- Curtilage listed buildings enjoy the same protection as listed buildings and therefore cannot just be removed. There needs to be an understanding as to how these buildings have interacted over time. Sadly none of this is in the woefully bad Heritage Statements.

*Drainage:*

- There is already a difficulty of water run-off and losing the absorption of open grass fields will increase run-off down George Hill; the drains are already inadequate.
- The requirement of a s98 southern water sewer across George Hill and the immediate disruption to neighbouring properties is a grave concern.
- The legal implications of subsequent management companies taking responsibility for the lifetime management of the SuDS is not sufficiently detailed and vague at best.
- The application accepts the geology of the site to be unacceptable for SuDS storage units.
- To suggest the developed site will result in no more surface water run-off than the presently undeveloped (greenfield) site is unrealistic.

5.14.4 One email/letter of support has been received (summarised:.

- I cannot see that any objections already raised are materially any different to the objections to the other sites.
- Northbridge Street is considerably narrower and more constricted than George Hill, yet the proposed development of 93 houses is being actively considered.
- Concerns about school traffic whilst valid only relate to two times in the day.

---

## 6.0 APPRAISAL

- 6.1 This is one of two planning applications relating to Grove Farm, which are being reported to this Committee. This application is Grove Farm - north; the other application RR/2016/1629/P relating to Grove Farm - south. Whilst each application stands-alone, in that it should be considered and determined on its individual planning merits, Members should be mindful of the relationship between the two adjacent sites and the respective developments. Both applications have been amended following negotiations with the applicant (without prejudice) in accordance with government requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The amendments relate to design revisions which, although not substantial, relate to the layout, scale, and external appearance of the development but also include a revised and updated Transport

Statement which covers the proposed use of the northern access and follows discussions with the Highway Authority. The amendments have been re-advertised and re-consultations have been carried out with the Parish Council and the Highway Authority.

- 6.2 Since the planning application was submitted the Salehurst & Robertsbridge Neighbourhood Development Plan (SRNDP) has gone to referendum and residents have voted to adopt the Plan. Whilst this still needs to go before Full Council before the Plan is ‘made’ (adopted) it is now in force.

6.3 Policy position

- 6.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 6.3.2 Paragraph 14 of the National Planning Policy Framework requires decision-taking to approve developments that accord with the development plan. Paragraph 49 of the National Planning Policy Framework requires that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to say that existing local plan policies for the supply of housing should not be considered up-to date if the Local Planning Authority cannot demonstrate a *five-year supply* of deliverable housing sites against their housing requirements with an additional appropriate buffer to ensure choice and competition in the market for land. The requirement changes once a Neighbourhood Plan is ‘made’ and within the Plan area the policies for the supply of housing will be considered up-to-date so long as the Local Planning Authority can identify a *three-year supply* of housing sites (with an additional appropriate buffer).

- 6.3.3 For the purposes of planning, Policy OSS1 of the Rother Local Plan Core Strategy that sets out the overall spatial development strategy includes a requirement to plan for at least 5,700 additional dwellings (net) in the district over the Plan period. 2011-2028. Policy RA1 (v) identifies that 1,670 of these dwellings will be provided within villages (which shall comprise existing commitments, new allocations and windfalls). Figure 12 of the Rother Local Plan Core Strategy sets out the distribution of rural housing allocations and identifies a total of 155 new houses for Robertsbridge between 2011-2028.

- 6.3.4 For the Robertsbridge neighbourhood area housing allocations and adjustments to the development boundary are now made in the Neighbourhood Plan.

6.4 The SRNDP

- 6.4.1 Prior to the referendum, the Examiner formally appointed to conduct the examination into the Submission Version of the Salehurst and Robertsbridge Neighbourhood Plan held a Hearing on 28 September 2017. Following this the Examiner’s report was published on 23 January 2018. In respect of the allocation of new housing sites in his report the Examiner noted that, “*there was an overwhelming preference expressed during the public consultation on the plan for it to promote the redevelopment of the Mill Site*”; however, he recognised that this clear expression of public support cannot ignore important planning considerations, in terms of ensuring that the “making” of

the plan has had regard to national policy, strategic policies in the Local Plan and ensuring that it delivers sustainable development. In this regard, the Examiner concluded that whilst fully accepting the community's legitimate choices in seeking to prioritise the restoration of the Mill Site, this should not be at the expense of those people in housing need, when it comes to allocating new sites for housing. In the circumstances the Examiner recommended that the Grove Farm site should be added to the three proposed new housing sites contained within the Submission Version of the Plan. Policy HO3 text was subsequently amended to comprise the following housing allocation sites for Robertsbridge:

- Mill Site – for a mixed-use development including residential development and at least 1200 sq. m. of employment space, including the conversion of the Mill Building and the conversion and refurbishment of the listed building on the site subject to the prior provision and retention of an alternative access from the site to the A21 that will provide a vehicular access in times of flooding, as an alternative route to the access from Northbridge Street which lies within flood zone 3;
- Heathfield Gardens – for residential development;
- Vicarage Land – for residential development; and
- Grove Farm - for residential development including the refurbishment and conversion of existing redundant agricultural buildings.

6.4.2 In recommending the inclusion of the Grove Farm site the Examiner commented:

*“It is my intention to include a recommendation that the Grove Farm Phase 1 site should be allocated and I have looked carefully at the reasons why the Parish Council have objected to the current outstanding planning application and the comments in the Revised Environmental Statement, but I am not satisfied that these constitute sustainable reasons for rejecting the proposed allocation. I consider that the site will have an acceptable impact on the wider landscape, that an appropriate access can be made, surface water drainage measures can be properly designed to prevent an increase in run off from the site. Whilst the site is of importance in terms of archaeological interest, this can be appropriately dealt with by conditions. The existence of underground pipes is not a reason to sterilise the land so long as appropriate protection zones are in place which can be accommodated within the layout. The site is well located in terms of its proximity to the facilities in Robertsbridge and will bring back into beneficial use clearly redundant farm buildings which should enhance the adjacent Conservation Area and importantly it will deliver 40% affordable housing.” (page 27).*

6.4.3 Elsewhere in the report the Examiner commented:

*“I place due weight on the fact that the Grove Farm Phase 1 site is already an allocated site for residential use, in the present adopted version of the development plan – Policy VL7. Whilst I have been made very aware that this is a controversial site locally, my conclusion is that it is readily developable, residential land, within easy walking distance to the primary school, the shops and other village amenities of Robertsbridge. As the existing Local Plan states: “Housing on the allocated land would have little effect on the character of the AONB or Robertsbridge because of the topography”. It was explicitly confirmed by the representative of Exeter College at the hearing that the development of this site would offer full*

*compliance with affordable housing policy, notwithstanding the fact that the development would also, like the Mill Site be securing the restoration of a redundant listed building. The delivery of this site would go in some way to offset the shortfall in affordable housing arising from the Plan's choice of allocating such a significant amount of housing to the Mill Site."* (page 14).

## 6.5 The application proposal

6.5.1 The application on Grove Farm (north) is a full planning application, which seeks approval of all details relating to layout, scale, external appearance, access and landscape at this stage.

6.5.2 The principal issues for consideration in this application are the impact of the proposed development on the setting of the village in this location (including the conservation area and listed buildings and their setting) and the landscape and character of this part of the High Weald AONB, having particular regard to planning policies for the provision of new housing, including the Council's housing supply position. Other issues that will need to be considered are, design (including density); archaeology; housing mix and affordable housing; highway safety and traffic management; drainage (including SuDS); biodiversity; impact on the living conditions of any neighbouring properties; s106 contributions and CIL.

## 6.6 Development boundaries

6.6.1 A particular matter in determining the application is the extent of the application site area in relation to the allocated site in the SRNDP Policy HO1 (formerly Policy VL7 in the 2006 Local Plan). The application site extends beyond the allocated site and the SRNDP development boundary and includes an additional area of land (about 0.15 ha). This land is at the northern-most part of the site and comprises land located behind the primary school that is presently occupied by farm buildings (including the greater part of a large Atcost-type barn, pole barns and the working area of the former farm yard). The aforementioned buildings have no merit and are not worthy of retention: to some extent they detract from the setting of the listed farm buildings. These buildings would be removed to accommodate part of the development. The additional area of land is not substantial in terms of size and is part of the farmyard area. Whilst visible from the adjacent public footpath (46b), it is not prominent in the wider landscape and its inclusion would not result in the unacceptable impact on the setting of the village or on the AONB landscape. The applicant has stated that delivering the proposed development is dependent on the inclusion of the additional land, which provides five houses in this position, including the affordable housing. From the Council's point of view it is also significant that at the last assessment its housing land supply stood at 3.2 years, and as such, is only just above the 3-year minimum that would apply once the Neighbourhood Plan is made. Overall it is considered that this is not so significant an obstacle so as to prevent progress on the application and otherwise justify a refusal of planning permission.

## 6.7 Village character, setting and impact on the landscape and natural beauty of the AONB

6.7.1 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in

an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2014-2019. This document is also a necessary consideration. The Plan is focussed on delivering the statutory purpose of AONB designation: conserving and enhancing natural beauty. There are a series of objectives relating to geology, landform, water systems and climate; settlement; routeways; woodland; and field and heath. Objective S2 aims to protect the historic pattern of settlement. The rationale behind this is to protect the distinctive character of towns, villages, hamlets and farmsteads and to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to local identity. The objective of FH2 is to maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.

- 6.7.2 Paragraph 115 of the National Planning Policy Framework states that, *“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONB, which have the highest status of protection in relation to landscape and scenic beauty”*. Over 80% of the district lies within the designated High Weald AONB and this includes the whole of Robertsbridge village and surrounding landscape. As such any development around the edges of the village will have some impact on its countryside setting and may affect the landscape character and quality of the AONB. Policy EN3 of the SRNDP applies.
- 6.7.3 A ‘Landscape and Visual Appraisal’ (July 2017) has been submitted with the application. This states that the development would introduce *“built residential development to a partially dilapidated farm complex on the edge of the settlement, changing the character of this part of the site from one kind of built development to a different kind”*; it goes on to add, *“the localised landscape character of the site and immediate surroundings would be altered only marginally by the proposed development and the rescue of the listed building will be of benefit in character terms.”*
- 6.7.4 As a potential development site, the site is adjacent to the existing built area of the village and it relates satisfactorily to the existing pattern of built development. It is also within close proximity to the village core. Moreover, in terms of character and appearance the development has been designed in a simple manner, around a yard to respect and relate to the setting of the retained listed barns. Following negotiations with officers and the subsequent adoption of amendments, this design approach has evolved and it is now considered that the form of development would be appropriate for the site.
- 6.7.5 Overall, the housing development would inevitably have some impacts on the AONB; these, however, would be largely localised and importantly in this instance, have to be considered against the recognised need expressed in the adopted Core Strategy to meet the housing requirements for Robertsbridge and the SRNDP allocation. In recommending the addition of Grove Farm as an allocated new housing site, it is also significant that the Examiner noted that, *“as the existing Local Plan states: “Housing on the allocated land would have little effect on the character of the AONB or Robertsbridge because of the topography”*.

- 6.7.6 The High Weald AONB Unit has commented on the application proposal and has raised no objection in principle, commenting:  
*“It is considered that the current applications are of an improved layout and design to the previous proposal, with a ‘courtyard’ type layout for the dwellings adjacent to the barn and straight parallel streets proposed for the larger development which reflect the settlement pattern of the High Weald.”*
- 6.7.7 In conclusion it is considered that the development, which includes the replacement of the farm buildings discussed at paragraph 6.6.1 above, would have an acceptable impact in terms of the environmental role of sustainable development including the impact on the character and appearance of the AONB.
- 6.8 Heritage: the setting of listed buildings and the conservation area
- 6.8.1 Grove Farm (north) is within close proximity to the village core. Whilst not a previously developed ‘brownfield’ site, it is occupied by a range of farm buildings, which are now no longer used. The land comprises a historic farmstead that has evolved to include a range of pole barns, hard-standings, and a relatively modern portal frame building. Two of the historic farmstead buildings – timber frame Sussex barn and a single storey curtilage outbuilding (former animal shelter/dairy building) – are listed as Grade II. These would be retained, and converted, as part of the scheme.
- 6.8.2 The application proposal includes the conversion and change of use of the barn and the outbuilding to B1 office use. A separate application for listed building consent has been submitted under RR/2017/1643/L, reported elsewhere on this agenda.
- 6.8.3 Section 72 of the T&CP (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty on local planning authorities in the exercise of their planning functions to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area. The western part of the site lies within the Robertsbridge Conservation Area.
- 6.8.4 Section 66 of the same Act confers a statutory duty to local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. This is reflected in government guidance in the National Planning Policy Framework, which gives support to the conservation and enhancement of a significant heritage asset in a development, as well as Policy EN2 of the Rother Local Plan Core Strategy, and Policies EN5 and EN6 of the SRNDP, which sets out that designated historic heritage assets will be preserved and enhanced for their historic significance, including the contribution made by their settings.
- 6.8.5 The main considerations in respect of this part of the development are the proposed use of the barn and outbuilding and the impact of the development as a whole on the historic character and setting of the listed buildings and the Robertsbridge Conservation Area.
- 6.8.6 Regarding the first issue, CS Policy RA4 states that a hierarchical approach will be taken to proposals for the re-use of traditional historic farm buildings, whereby should a building be redundant and no longer be required for its



original agricultural use then non-agricultural commercial uses, including workshops, office use of tourism uses will be considered over and above residential uses. In this regard, use class B1 office type uses are proposed within the barn and outbuilding which, on the understanding that they are no longer required or suitable for modern agricultural use, would be consistent with RA4.

6.8.7 The comments from Historic England, which can be viewed in full on the planning website, identify that the application would cause some harm to the significance of the listed barn. The comments state that, *“the other structures on the site are all of little or no merit and their removal, without replacement, and simple management of the site to maintain its green character would be the most sympathetic approach”*. In this regard it is considered that in addition to the barn, the former dairy outbuilding is a building of historic significance that is worthy of retention and , indeed, the application makes provision for this. The setting of both buildings would, however, be enhanced by the removal of the more modern pole barns and the large portal frame building. With regard to Historic England’s other comments on the setting of the listed building and its context, the site is presently an allocated housing site, and in this regard it is the case that if development goes ahead there will be some impact on the setting of the agricultural barn. This impact needs to be balanced against the requirement to provide new housing in the village. However, any such impact should be mitigated by the use of appropriate key design principles, including sympathetic layout – which in this case is modelled on a yard, with hard-standings and walls making use of appropriate materials; moreover, the proposed residential units, are generally restrained in terms of scale (including height), and are arranged in a simple ‘L’ formation in the far eastern part of the site – being separated from the listed barn by a proposed new B1 unit in timber and tile, which displays a simple utilitarian character. It is considered that the design layout and setting issues with regard to the conservation area and the listed buildings have been addressed in the application. The listed barn has a strong relationship with the main pedestrian route into the site which is the original farm track. The Robertsbridge Conservation Area Appraisal identifies the informal grouping of farm buildings as being readily visible from the village and a reminder of the historical, agricultural association of the village. It is considered that this strong link is retained in the application in terms of preserving the agricultural setting of the barn in a manner which preserves the conservation area and protects the significance of the listed barn within it. Overall, it is considered that the layout, scale and general character of the development within the area of the barn satisfactorily preserves the setting of the listed barn and its context as part of a historic farmstead, whilst at the same time provides commercial/business opportunities and meets the need for additional housing.

6.8.8 The application responds to the statutory duty to preserve or enhance the conservation area and also, have special regard to the desirability of preserving the listed building or its setting.

6.9 Design: the scale, layout and external appearance of the proposed development

6.9.1 This has been covered in part in the heritage character section above. The design of the scheme has evolved from the original submission as amendments have been incorporated following negotiations (on a without

prejudice basis) with officers. The scale and proportions of the new buildings are restrained, with the residential units being generally 1½ storey; as such the new development does not dominate the setting. The materials used for the hard-landscaping includes resin-bound gravel, block-pavers, stone setts, and cast iron bollards. The proposed external materials for the new buildings comprise principally facing bricks, featheredged boarding and clay roof tiles. The plans show a form of development around a yard with, on the whole, clearly defined public and private open space throughout the site. Amendments to the individual design of some of the units have also been agreed. The appearance of the buildings is now generally in character with the historic farmstead setting and the rural village vernacular.

6.9.2 The proposed development contains a mix of house types, which incorporates over 30% one and two bed units within the scheme and in this regard would be compliant with Policy LHN1 (ii) and HO5 of the SRNDP.

6.9.3 It is considered that the design of the development would satisfy the design considerations in Policies EN2(i) (iii), EN3, and OSS4(iii) of the Rother Local Plan Core Strategy and Policies HO4 and HO5 of the SRNDP.

#### 6.10 Affordable housing

6.10.1 Whilst the two planning applications (Grove Farm north and south) are separate applications which fall to be determined on their individual merits, for the purposes of calculating the number of affordable housing units both sites have been taken together. This is considered to be the appropriate approach. To have done otherwise would have meant that the with only six housing units in total proposed on Grove Farm north, it would have been exempt from any affordable housing. However, taking both sites together means that 40% affordable housing units can be calculated in respect of the total 30 units (six on the northern site and 24 on Grove Farm south), giving a requirement 12 affordable housing units in total. The number proposed is considered to be policy compliant, however, the housing officer has been re-consulted on the amended application and any further comments received before the meeting will be reported.

#### 6.11 Highway Authority

6.11.1 The Highway Authority was consulted on the original application and has raised an objection in respect of the access and parking. The proposed access is the existing farm track onto George Hill. The concern in respect of parking is that the proposed number of spaces to be provided is below the standard for this type of development. The Highway Authority has also been consulted on the Grove Farm (south) application RR2017/1629/P. This proposes a new vehicular access onto George Hill to the south and the Highway Authority has confirmed that there is no objection to this. Indeed, the Highway Authority has indicated that if both applications are to be approved (Grove Farm north and south) then it would wish to see both sites served by the proposed new vehicular access on to George Hill. In this respect the master layout plan for both sites shows the provision of a new track linking the two sites, which would facilitate the use of the new southern access by the northern site properties. The view of the Highway Authority is that, in this event, the existing farm track access should be retained for use by pedestrians and cyclists only. This approach would be satisfactory to the applicant.

6.11.2 Being mindful of the fact that these are stand-alone applications, the applicant has submitted a revised and updated Transport Statement. This proposes revision to the layout and construction of the northern access in the event that Committee is minded to approve the northern application but not the southern application. The additional details also seek to address the concerns of the Highway Authority in respect of the proposed on-site parking. The Highway Authority has been consulted on the revised details and further comments will be reported in advance of the Committee.

## 6.12 Drainage

6.12.1 Policy SRM2 of the CS states that effective management of water resources will be supported by (iii) the promotion of sustainable drainage systems to control the quantity and rate of run-off as well as to improve water quality wherever practicable. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The application proposes that underground cellular storage attenuation tanks would be used to manage surface water run-off from the development. Whilst general guidelines on sustainable drainage systems give preference for more natural forms of surface water management to be used, ESCC as LLFA has been consulted on the application and confirms that there is no objection subject to the imposition of appropriate conditions.

6.12.2 Foul sewerage would be dealt with via the main sewer. Southern Water has been consulted on the application and has raised no objection.

## 6.13 Archaeology

6.13.1 The County Archaeologist has now confirmed that in the event the Committee is minded to grant planning permission the area affected by the proposals should be the subject of a programme of archaeological works and appropriate planning conditions.

## 6.14 Ecology

6.14.1 The nature conservation and bio-diversity issues are a material planning consideration in the determination of the application. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The site is a former farm yard, with areas of hard standing and farm buildings with some trees and hedges to the boundary. It is not a statutory designated site on nature conservation grounds and there are no such sites within 2km of the site. A Habitat and Preliminary Bat Report (dated July 2017) has been submitted with the application. The County Ecologist has been consulted on the submitted reports. The ecological survey findings are that the buildings on the site offer potential for bats and the evidence available to date suggests that the site is used as a feeding roost for low numbers of brown long-eared bats. The County Ecologist recommends that in the event that the Committee is minded to grant planning permission this should be subject to an appropriate condition requiring further surveys to be undertaken and mitigation measures to be incorporated into the development as appropriate. The County Ecologist considers that, other than bats, the site has the potential to support breeding birds (protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended)), and to avoid disturbance to

nesting birds, any demolition of buildings or removal of vegetation etc. should be carried out outside the nesting season and alternative nesting habitat provided in the form of nesting boxes. The County Ecologist considers it unlikely that the site supports any other protected species, although if protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

*Other ecological matters – including impacts on European sites:*

- 6.14.2 With regard to a number of other residential sites in the District objections have been received from Wealden District Council (WDC) in respect of the impact of the proposal on the air quality of Ashdown Forest and Lewes Downs Special Areas of Conservation (SAC) from traffic generation, and hence on the sites' principal interests: having regard to the conclusions of the Habitat Regulation Assessments (HRAs) undertaken for the adopted Core Strategy, supplemented by available evidence of commuting data for this locality, it is found that there is no discernible prospect of additional traffic from the proposed development impacting on the Ashdown Forest or Lewes Downs SACs in particular. The application proposal has been assessed having regard to the WDC objection in respect of other residential sites.
- 6.14.3 This is based on consideration of the likely level of non-local (i.e. commuting) trips that can be estimated to be generated by the proposed development and the likely distribution of those trips, having regard to recorded commuting flows from this locality. Assuming two trips from a single vehicle to any destination, the proposal is found likely to generate less than a single daily vehicle movement that would have the potential to have impact on the Ashdown Forest SAC. Similarly, the likely trip generation close to the Lewes Downs SAC is less than a single daily vehicle movement.
- 6.15 Impact on the living conditions of neighbouring properties:
- 6.15.1 Policy OSS4 (ii) states that all development should not unreasonably harm the amenities of adjoining properties. Existing properties adjoining the site essentially comprise the houses fronting the western side of George Hill and on the eastern side – the two bungalows adjacent to the farm access track. Having regard to OSS4 (ii) it is not considered that the proposed development on Grove Farm north would unreasonably harm the amenities of the adjoining properties.

---

## **7.0 SUMMARY**

- 7.1 This is one of two planning applications relating to the Grove Farm site. This application proposes a mixed use development on the northern site. The southern site (application RR/2017/1629/P) is an outline application for 24 dwellings on the agricultural land to the south. Whilst the two schemes are related, they each stand to be determined on their individual planning merits.
- 7.2 The application proposes a mixed use development on the northern site comprising six residential units and three light industrial office units within use class B1. The use class is defined as being the type of business activity that can be carried out in a residential area without detriment to the

occupiers of the dwellings. It is considered that the relationship between the two different uses is acceptable.

- 7.3 The greater part of the site the area was previously allocated for residential development as Policy VL7 in the 2006 Local Plan. Following the examination into the SRNDP the Grove Farm site has been added into the list of allocated new housing sites in the SRNDP in accordance with the Examiners recommendation. The Examiner commented that:

*“Grove Farm, should also be allocated to make up, in part for the shortfall in the provision of social housing within the plan area. I am not persuaded by the Parish Council’s arguments that the Grove Farm Phase 1 site is not a suitable location to new housing, being within easy walking distance of village amenities. I appreciate that this particular recommendation will be a disappointment to many, but it must be remembered that Robertsbridge is one of the more sustainable locations for new housing”.*

- 7.4 In terms of the location of the site and access to services and community facilities, this offers travel choice other than the private car, especially for reaching village centre services. In this regard the sustainability requirement is met.
- 7.5 At a referendum held on 31 May 2018 residents voted in favour of adopting the Salehurst and Robertsbridge Neighbourhood Plan 2016-2028 (as amended as a consequence of the Independent Examiner’s Report). Although the decision of the referendum has now to go before Full Council before the plan is ‘made’, the SRNDP is now in force.
- 7.6 The application site is within the AONB where it is required that great weight should be given to conserving landscape and scenic beauty. Whilst most forms of development around the edges of the village will have some impact on its countryside setting and may affect the landscape character and quality of the AONB, it is considered that any impact would be localised. Moreover, being mindful of the requirement to provide additional housing in the village – would be proportionate and the development would have an acceptable impact in terms of the environmental role of sustainable development including the impact on the character and appearance of the AONB.
- 7.7 The development proposal would remove a number of disused farm buildings that are without merit and bring back into beneficial use two redundant farm buildings that have been recognised as designated heritage assets. The new development satisfactorily preserves the setting of the listed buildings and their context as part of a historic farmstead. It also preserves the conservation area. Whilst at the same time, the development meets the identified need for additional housing. The development would be in accordance with Policies EN6 and EN7 of the SRNDP.
- 7.8 The objection from the highway authority in respect of the use of the access is still outstanding and further comments are awaited in respect of the revisions that have been put forward by the applicant.
- 7.9 Finally and importantly the development would deliver a proportion of much needed affordable housing and would be in accordance with Policies HO2, HO3, and HO5 EN6 and EN7 of the SRNDP.

- 7.10 The development will not unreasonably harm the residential amenities of adjoining properties and satisfies Policy OSS4 (ii) of the CS.
- 

## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The Council has adopted CIL and this is a development for which CIL would be charged in respect of the market residential units.
- 

**RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED (SUBJECT TO OUTSTANDING COMMENTS FROM THE HIGHWAY AUTHORITY OF THE AMENDED HIGHWAY DETAILS; THE COMPLETION OF A S106 PLANNING OBLIGATION DEALING WITH THE PROVISION OF AFFORDABLE HOUSING UNITS AND THE DELIVERY OF THE CONVERTED BARNS FOR COMMERCIAL USE).**

---

### **CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Existing site layout plan: Drawing No. 1159-N-001.  
Site location plan: Drawing No. 1159-N-002.  
Block plan: Drawing No. 1159-N-003.  
Illustrative master-plan: Drawing No. 1159-N-100 rev. D.  
Parking allocation plan: Drawing No. 1159-N-101 rev. C.  
Unit allocation & amenity space plan: Drawing No. 1159-N-102 rev. B.  
Affordable housing plan: Drawing No. 1159-N-103 rev. C.  
Building height plan: Drawing No. 1159-N-104 rev. C.  
Drawing section N1 views N1 & N2: Drawing No. 1159-N-300 rev. E.  
Units N1, N2 & N3: proposed plans, elevations & sections: Drawing No. 1159-410.  
Unit N4: proposed plans, elevations & sections: Drawing No. 1159-N-420 rev A.  
Unit N5: proposed plans, elevations & sections: Drawing No. 1159-N-425 rev A.  
Unit N6: proposed elevations: Drawing No. 1159-N-431 rev A.  
Unit N6: proposed plans: Drawing No. 1159-N-430 rev A.  
Unit N8: (class B1 use) proposed plans: Drawing No. 1159-N-600 rev. A.  
Unit N8: (class B1 use) proposed elevations: Drawing No. 1159-N-601 rev. A.  
Unit N8: (class B1 use) proposed elevations & section: Drawing No. 1159-N-602 rev. A.  
Unit N8: (class B1 use) proposed ground floor plan: Drawing No. 1159-N-603 rev A.  
Unit N8: (class B1 use) proposed first floor plan: Drawing No. 1159-N-604 rev. A.  
Unit N8: (class B1 use) proposed section A: Drawing No. 1159-N-605 rev. A.

Unit N8: (class B1 use) proposed north elevation: Drawing No. 1159-N-606 rev. A.

Unit N7: (class B1 use) proposed floor plan & section: Drawing No. 1159-N-610.

Unit N7: (class B1 use) proposed elevations: Drawing No. 1159-N-610.

Unit N9: (class B1 use) proposed floor plans & elevations: Drawing No. 1159-N-620.

Unit N10 (car port) proposed floor plan & section: Drawing No. 1159-N-630.

Unit N10 (car port) proposed elevations: Drawing No. 1159-N-631.

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. The development shall not be occupied until such a time as a vehicular access serving the site has been constructed in accordance with a detailed scheme that shall have been submitted for the consideration and approval of the Local Planning Authority in consultation with the Highway Authority. For the purposes of satisfying this condition the Highway Authority requires that in the event that application RR/2017/1629/P is approved the vehicular access serving the application (north) site shall be via the new vehicular access serving the southern site and the existing farm track (northern access) shall be closed to general vehicular traffic.  
Reason: In the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

4. In the event that the site is served by a new southern access, a detail scheme shall be submitted for the consideration and approval of the Local Planning Authority for the closure of the existing farm track (northern access) to general vehicular traffic. This shall be used for pedestrian and cycle access only and the closure shall be implemented before the buildings are occupied for the uses hereby permitted.  
Reason: In the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

5. No above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority and the development shall thereafter be completed in accordance with the approved details:
  - a) 1:50 scale plans and elevations of all the proposed dwellings on the site and details of all fenestration, eaves details, any porches, and chimneystacks;
  - b) a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and the development shall be carried out in accordance with the approved details. The submitted boundary details shall take into account measures to retain and incorporate any existing hedgerows;
  - c) samples of the materials to be used in the construction of all external faces of the buildings; and
  - d) the proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).

Reason: To ensure a development of high quality urban design, building appearance and architectural quality in accordance with Policy EN3 of the

6. No above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme:
- a) proposed finished levels or contours;
  - b) details of any other means of enclosure within the site (fences, railings and walls) indicating the locations, design, height, materials of such;
  - c) car-parking layouts; and
  - d) design of other vehicle and pedestrian access and circulation areas, (including street widths, pavements and cycle-ways where relevant, and other strategic public realm).
- The hard surfacing materials (including road surfaces, cycle-ways, footpaths, parking spaces and other areas of hard-standings, shall be in accordance with the details described on the approved drawing 1159-N-100 rev D unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure the creation of a high quality public realm, landscape setting, minimal impact upon retained trees and architectural quality in accordance with Policy EN3 and EN1 of the Rother District Local Plan Core Strategy.
7. Prior to the occupation of the buildings soft landscaping details shall have been submitted for the consideration and approval of the Local Planning Authority. The submitted details shall include:
- a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
  - b) planting plans, including landscape and ecological mitigation;
  - c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
  - d) details for implementation.
- The development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.
- Reason: To ensure the creation of a high quality public realm and landscape setting that enhances the landscape and scenic quality of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother District Local Plan Core Strategy.
8. If within a period of five years from the date of occupation any retained tree, planted tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- Reason: To enhance the appearance of the development and the landscape of the High Weald AONB in accordance with Policies EN1 and EN3 of the Rother Local Plan Core Strategy.
9. No business unit or dwelling shall be occupied until the car parking spaces serving that business unit or dwelling have been constructed and provided in accordance with plans and details to be submitted for consideration and subsequent approval in writing by the Local Planning Authority. The parking



areas, once approved, shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

10. No business unit or dwelling shall be occupied until covered and secure cycle parking spaces serving that business unit or dwelling have been provided in accordance with plans and details to be submitted for consideration and subsequent approval in writing by the Local Planning Authority. The approved areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including Policy TR3 of the Rother Local Plan Core Strategy.

11. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with details submitted to and approved in writing by the Local Planning Authority. This space shall thereafter be retained at all times for this use and shall not be obstructed.

Reason: In the interests of road safety in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

12. No business unit or dwelling shall be occupied until the road(s), footways and parking areas serving that plot have been constructed, surfaced, and drained in accordance with plans to be submitted for consideration and approval in writing by the Local Planning Authority. The submitted details shall also include details of any street lighting, in the event that this is proposed. The development shall only be carried out in accordance with the approved details.

Reason: To secure satisfactory standards of access for the proposed Development in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

13. Construction Management Plan – no development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- a) the anticipated number, frequency and types of vehicles used during construction;
- b) the method of access and egress and routeing of vehicles during construction;
- c) the parking of vehicles by site operatives and visitors;
- d) the loading and unloading of plant, materials and waste;
- e) the storage of plant and materials used in construction of the development;
- f) the erection and maintenance of security hoarding;
- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- h) details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policies OSS4 (ii) and TR3 of the Rother Local Plan Core Strategy.

14. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework. A pre-commencement condition is necessary to avoid disturbance and damage to any below-ground archaeology during initial groundwork.
15. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 141643 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.  
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
16. Prior to commencement of any below ground works in association with the development hereby approved a surface water drainage scheme shall be submitted for the consideration of the Local Planning Authority, in consultation with the Lead Local Flood Authority (LLFA), and shall be subject to its subsequent approval in writing. The development shall thereafter be completed and maintained in accordance with the approved details prior to the occupation of the buildings. The submitted scheme shall include details in respect of the following:
- a) Surface water runoff from the proposed development should be limited to 3 l/s, which is the available capacity confirmed by Southern Water, for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
  - b) The detailed design should include how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. The surface water drainage design should show the route and details of the connection from the development site to the public Southern Water sewer or the watercourse if connection is directly to the watercourse.
  - c) The detailed design of the cellular storage tanks should be informed by findings of groundwater monitoring in winter. The following details for the cellular storage should be provided:
    - i. An accessible inlet manhole with an integral silt trap should be provided upstream of the proposed attenuation.
    - ii. The design should leave at least 1m unsaturated zone between the base of the cellular storage and the highest recorded groundwater level.
    - iii. If groundwater in winter is found to be high, measures that will be taken to prevent the ingress of groundwater into the tank together with the potential flotation and risks to the structural integrity of the tank introduced by high groundwater.

- d) A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
- e) Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: A pre-commencement condition is required as the very nature of surface water drainage schemes can require works to be put in place prior to any other above ground development being undertaken. To control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework with accompanying ministerial statement of December 2014.

- 17. No development shall commence until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The EDS shall take account of the species and habitats identified in the Ecology Assessment - Habitat and Preliminary Bat Report (July 2017) together with the requirement for an additional bat survey and shall include the following:

- a) the EDS purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location/area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures; and
- j) details for disposal of any wastes arising from the works shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: A pre-commencement condition is required to enable the Local Planning Authority to properly ensure the protection of protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

- 18. Prior to occupation of any of the buildings, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory (e.g. for foraging); and

- b) show how and where any external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding site and resting places.

Reason: To enable the Local Planning Authority to properly ensure the protection of protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

19. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:

- a) creation of escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: To enable the Local Planning Authority to properly ensure the protection of protected species identified by EU & UK Wildlife Protection Legislation and the UK Biodiversity Action Plan in accordance with Policy EN5(ii), (v) and (viii) of the Rother Local Plan Core Strategy.

20. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- a) A preliminary risk assessment which has identified:
  - i. all previous uses;
  - ii. potential contaminants associated with those uses;
  - iii. a conceptual model of the site indicating sources, pathways and receptors; and
  - iv. potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identify requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure the development does not pose a risk to the underlying secondary aquifer and controlled waters.

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Any visibly contaminated or odorous material encountered on the site, during the development work, must be investigated. The Planning Authority must be informed immediately of the nature and degree of contamination present.

Reason: to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

22. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Potential contaminants present on site may be mobilised by piling acting as a pathway to underlying groundwater.

23. Proposals for the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and a collection point, shall be submitted for the consideration and subsequent approval of the Local Planning Authority. Bin and recycling provision shall be in place for each dwelling prior to its occupation in accordance with the approved details. The approved details shall be implemented prior to the occupation of any dwellings and shall thereafter be continued, with all bins and containers available for use, maintained and replaced as need be.

Reason: In the interests of providing sustainable development and protect and safeguard the residential and visual amenities of the locality in accordance with Policy OSS4 (i), (ii) and (iii) of the Rother Local Plan Core Strategy.

#### **NOTES:**

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.
2. The proposed development will be subject to the Community Infrastructure Levy (CIL).
3. A formal application for connection to the public sewerage system is required in order to service this development; the developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

#### **NATIONAL PLANNING POLICY FRAMEWORK:**

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local

Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

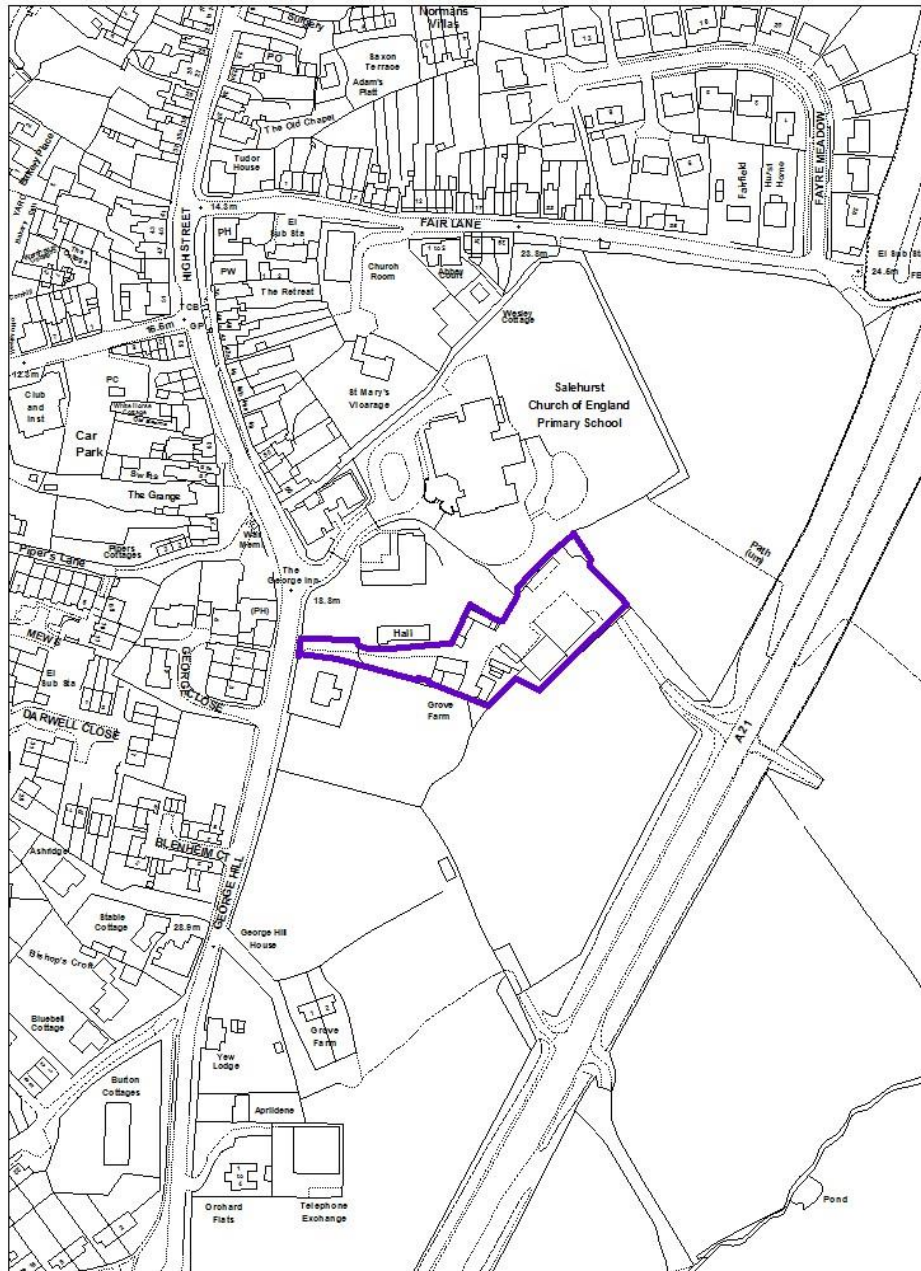
[View application/correspondence](#)

# SITE PLAN

Salehurst / Robertsbridge

RR/2017/1643/L

Grove Farm - Land at,



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No

Not To Scale



RR/2017/1643/L

**SALEHURST/ROBERTSBRIDGE Grove Farm – land at, George Hill**

**Proposed works associated with conversion of listed barn and former cow shed out building to commercial use.**

---

**Applicant:** The Rector and Scholars of Exeter College  
**Agent:** Turnberry Planning Ltd. London  
**Case Officer:** Mr M. Cathcart: (Email: [mark.cathcart@rother.gov.uk](mailto:mark.cathcart@rother.gov.uk))  
**Parish:** SALEHURST/ROBERTSBRIDGE  
**Ward Members:** Councillors G.S. Browne and Mrs S.M. Prochak

**Reason for Committee consideration:** Head of Service Strategy and Planning referral: associated planning application is a strategic housing site.

**Statutory 8 week date:** 4 September 2017  
**Extension of time agreed to:** 26 June 2018

---

This application is included in the Committee site inspection list.

---

There are also two current planning applications with the Council relating to development at Grove Farm Robertsbridge:

Planning application RR/2018/1642/P (Grove Farm - north) relates essentially to land presently occupied by the farm buildings. This listed building consent application relates to the works associated with the conversion of two of the farm buildings to commercial use – a timber framed barn and a former cow shed out building

The planning other application RR/2017/1629/P (Grove Farm – south) covers essentially the farmland and proposes the erection of 24 dwellings.

---

## **1.0 POLICIES**

- 1.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- RA4 – traditional historic farm buildings
  - EN2 – stewardship of the historic built environment
  - EN3 – design quality
- 1.2 Salehurst and Robertsbridge Neighbourhood Development Plan (SRNDP). At a referendum held on 31 May 2018 residents voted in favour of adopting the Salehurst and Robertsbridge Neighbourhood Plan 2016-2028 (as amended as a consequence of the Independent Examiner's Report). Although the decision of the referendum has now to go before Full Council before the plan is 'made', the SRNDP is now in force (NPPG ref: 41-064-20170728) as a material consideration when determining planning



applications and guiding development in the Parish. The matter will be reported to Cabinet on 2 July 2018 followed by Full Council on 9 July 2018.

The following policies of the SRNDP (summarised) are relevant to this application:

*Historic Environment:*

- EN5 sets out that designated historic heritage assets in the Parish and their settings, including listed buildings, historic public realm, sites of archaeological significance and scheduled ancient monuments or conservation areas will be preserved and enhanced for their historic significance, including the contribution made by their settings.
  - EN6 says that development that would result in the loss of listed buildings and scheduled ancient monument will not be supported.
- 1.3 The following 'saved' policies of the adopted Rother District Local Plan 2006, whilst related to the proposal, are now to be superseded by policies contained within the Salehurst and Robertsbridge Neighbourhood Development Plan which is now in force:
- VL7 – land at Grove Farm, Robertsbridge.
- 1.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The following National Planning Policy Framework policies are particularly relevant to the proposal:
- Paragraph 7 -14, 17 core planning principles for sustainable development.
  - Paragraphs 16, 17, 58, 69, 76, 183-185, and 198 Neighbourhood Plans.
  - Section 12 Conserving and enhancing the historic environment.
- 1.5 Legislation contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to the proposal. At section 16 this states that in considering whether to listed building consent for any works which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

---

## **2.0 SITE**

- 2.1 The application site is located to the eastern side of George Hill to the south of the village. There is an existing single farm access track from George Hill and site ground levels rise with this track from the access. The site extends to some 0.32 hectares and comprises mainly the farm yard, a track and disused farm buildings. Existing properties front the western side of George Hill opposite the access (including The George Inn). The site itself is bounded on the northern side by the primary school and community buildings (including the scout hut). 1 and 2 George Hill Cottages also front the eastern side of George Hill and are to the south of the site.
- 2.2 The subject of the application is a traditional timber frame barn on the application site, which is listed Grade II, together with a former dairy building within the curtilage (both to be retained and converted as part of the associated planning application proposal). The other farm buildings are

relatively modern and include a portal framed building and pole-barn structures; these would be removed as part of the proposal.

- 2.3 The Robertsbridge Conservation Area extends into the application site to include the land containing the listed barn and dairy building. The area of the application site is for the most part within the village housing development site allocated within Policy HO2. The site, along with the whole of Robertsbridge village and its environs, lies within the High Weald AONB.
- 

### **3.0 HISTORY**

- |     |                |   |
|-----|----------------|---|
| 3.1 | RR/2015/1929/P | Erection of 35 dwellings (including affordable housing, access, parking and landscaping – Withdrawn.  |
| 3.2 | RR/2016/1722/P | Erection of 34 dwellings (including affordable housing) access, parking and landscaping and conversion of existing listed barn and animal shelter to a live-work unit – Withdrawn.  |
| 3.3 | RR/2016/1723/L | Conversion of existing listed barn and animal shelter to a live-work unit – Withdrawn.  |
| 3.4 | RR/2017/1642/P | Proposed residential-led mixed use development to include conversion of listed barn and former cow shed out-building, access, parking, landscaping and associated development. Total of six dwellings and three commercial units – use class B1 and car port – outstanding application. |

#### Adjacent land:

- |     |                |  |
|-----|----------------|--|
| 3.5 | RR/2017/1629/P | Erection of 24 no. residential dwellings, car parking, landscaping and associated development with all matters reserved except for layout and access – outstanding application |
|-----|----------------|--|
- 

### **4.0 PROPOSAL**

- 4.1 The application is for works associated with the proposed change of use and conversion of the grade II listed, timber frame barn to a (Class B1 Use) office unit, incorporating an inserted mezzanine floor (approximately 140sqm); (building N7) and the conversion and change of use of the curtilage listed former dairy outbuilding (N8). The latter is a single storey, timber and brick building with a plain clay tiled roof and a floor area of approximately 40sqm. This would also be converted to a (Class B1 Use) office unit,
- 4.2 The works to the barn include:
- the demolition of a lean-to pole barn (animal shelter) clad in corrugated metal;
  - existing large barn doors to be re-made and pinned back;
  - installation of new office front entrance with new doors/glazed windows;
  - new staircase to new mezzanine level of first floor with oak finish flooring

- installation of office kitchenette and wc;
- replacement timber weatherboarding where appropriate;
- brick walls forming part of adjacent cart shed to be rebuilt with foundations, due to present structural issues;
- installation of new and replacement windows; and
- ground floor to be a limecrete breathable floor with oak flooring finish.

The supporting information states that the existing studs and timber posts are to be retained.

- 4.3 The works to the former dairy outbuilding (also referred to in the reports as the 'cow shed' or building 'N9'):
- installation of replacement timber door and two new windows (southern elevation);
  - retiling the roof (replacing existing concrete interlocking tiles with salvaged/reclaimed clay peg tiles);
  - existing vertical boarding to be treated, repaired and replaced where necessary; and
  - northern wall to be replaced (due to structural instability) and to be brick built.
- 4.4 A number of disused farm buildings within the Grove Farm north site would be removed as part of the development proposals; these include a large and relatively modern portal-frame building and pole barns. They are not considered to be curtilage listed and are of no merit.
- 4.5 Developments relating to Grove Farm north also include new housing development, a new commercial building, car parking, boundary structures and hard landscaping. These relate to the corresponding planning application and the any impact of the development on the setting of the listed buildings will be assessed as part of the planning application.
- 4.6 Accompanying documents have been submitted with the listed building consent application. These include: Planning, Design and Access Statement (July 2017), Heritage Report (July 2017), Archaeological Evaluation Survey (January 2015) and Archaeological Heritage Statement for Phase 1, Grove Farm (June 2017), Ecology Assessment – Habitat and Preliminary Bat Report (July 2017), and a structural survey report on the listed buildings (June 2017).

---

## 5.0 CONSULTATIONS

### 5.1 Parish Council

#### 5.1.1 The Parish Council objects to the application

***(Note: the Parish Council comments were made in September 2017 prior to the Examiner's Hearing into the Salehurst & Robertsbridge Neighbourhood Development Plan and the referendum decision to adopt the Plan. The Parish Council has been re-consulted on the amended planning application (RR/2017/1642/P) and any comments received prior to the meeting will be reported. The listed building consent application has not, however, been amended. Consequently, re-consultations have not been carried out).***

Previously the Parish Council (PC) objected to this application stating that there are several sound policy grounds, based on both local and national policy, which justify refusal. While the new status of the SRNDP may affect these comments the original representations on policy and other matters are summarised as follows:

- Neighbourhood Plan – the development is contrary to the NP which (*at the time*) has passed Reg. 16 stage.
- Local Plan (2006) – Policy VL7 has lapsed and cannot be used to support the current proposal.
- National Planning Policy Framework: the application also fails various other criteria set out in National Planning Policy Framework, specifically: paragraphs: 17 (previously developed land; 100 (surface water flood risk); 109 (protect valued landscapes); 115 (AONB); 116 (major developments in AONB); 130 (deliberate neglect or damage to a heritage asset); 132 (the setting of a heritage asset)
- Core Strategy (2014): contrary to Policies: OSS3 (vi) (vii); OSS4: (ii) (iii) (v); RA2; LHN1 (vi); EN1 (viii); Policy EN3 (a) (f) and (g); EN7 (i) (iv); TR2 (iv); and TR3.
- Development and Site Allocations Document: fails: paragraph 8 – space standard for homes; and paragraph 8.81- boundary treatments.
- Other Comments/Application Documents: loss of trees; highway objections; concerns about the ecology reports; no binding commitment to provide affordable housing; unsatisfactory landscape Assessment: Impact on heritage assets (listed buildings and the conservation area) and their setting; inaccurate Design and Access Statement; problems with surface water run-off and flooding not recognised; land contamination not addressed;
- In summary, the PC believes that the present application should be refused on any one or all of the policy grounds set out above but also in light of the clear deficiencies, errors and wrong conclusions drawn in the supporting documentation.

## 5.2 County Archaeologist

- 5.2.1 The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.

## 5.3 High Weald AONB Unit

- 5.3.1 The received comments are made in respect of both planning applications as well as the listed building consent application: The main points are as follows (summarised);

It is considered that the current applications are of an improved layout and design to the previous proposal, with a 'courtyard' type layout for the dwellings adjacent to the barn and straight parallel streets proposed for the larger development which reflect the settlement pattern of the High Weald. In the event that Rother District Council considers that the principle of development is acceptable, then the following detailed matters should be taken into account and conditioned where appropriate.

- Field boundary hedgerows and trees should be retained, protected and enhanced by supplementary planting of native species.
- All proposed new landscaping should be of native species to the High Weald. This includes areas of grassland / wildflower meadow which should be planted and managed to encourage wildflowers and grasses particular to the High Weald rather than using generic wildflower seed.
- The materials used for the buildings, fencing and other hard structures and surfacing within the sites should be locally sourced so they are sympathetic to the medieval settlement of Robertsbridge and support the sustainable management of quarries and woodland in the High Weald AONB.
- Dwellings should be equipped with working chimneys and space for log storage to encourage the use of local wood to support the sustainable management of woodland in the High Weald AONB.
- Details of external lighting should comply with the Institute of Lighting Professionals light control zone E1 to protect the intrinsically dark night skies of the High Weald AONB and to minimise impacts on bats and other nocturnal wildlife.
- Bat boxes should be provided and clearance and construction timed to minimise impact on breeding birds in accordance with the recommendations of the Ecology report submitted with the planning application.
- Archaeological conditions should be imposed as recommended by the County Archaeologist to record and where appropriate protect evidence of previous historic settlement on the sites.

#### 5.4 Historic England (main points summarised):

- 5.4.1 The conversion of the barn itself is primarily a matter for your authority but the approach set out in the application (RR/2017/1643/L) appears generally acceptable; although details of timber framed repairs, insulation, servicing and materials will all require express approval.
- 5.4.2 The other structures on the site are all of little or no merit and their removal, without replacement, and simple management of the site to maintain its green character would be the most sympathetic approach.
- 5.4.3 The recommendation is that Historic England has no objection to the application on heritage grounds providing the issues and safeguards outlined in our advice above are addressed in order for the application to meet the requirements of paragraphs 132-134 of the National Planning Policy Framework. In determining this application you should also bear in mind the statutory duty in respect of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 5.5 Planning Notice

- 5.5.1 A petition of objection to the proposal signed by 15 individuals has been received. A spokesperson for the petitioners will have the opportunity to speak at the Planning Committee meeting.
- 5.5.2 The reasons for objection stated within the petition are:
- (i) Proposed changes to listed buildings are not in character with agricultural buildings.

- 5.5.3 27 emails/letters of objections have been received (from 6 addresses). Whilst the objection letters can be viewed in full on the website, the main points in relation to the application are summarised as follows:
- The Heritage Statement submitted with this application is not fit for purpose. The National Planning Policy Framework paragraph 121 lays the onus on the Council to ensure that the correct documents are prepared by a competent person. To submit this document for this application is totally incompetent.
  - The first house appears to be within 2-3m of the listed barn.
  - Turnberry, in objecting to the development of the Mill site on heritage impact grounds, are either operating dual standards or must also object to their own Grove Farm application as the harm to the listed barn and its setting will be far greater than the case in the Mill application proposal.
  - The proposals for the listed barn building are not anywhere near sufficiently sympathetic to its age and historic importance.
  - No assessment has been made as to whether any other farm buildings are worthy of retention.
  - The issue as to whether Grove Farm Cottages are curtilage listed (with the barn) needs to be addressed; the cottages were built in the 1930's as residency for the farm and this final link was only severed in 2014 when the tenancy ended.
  - The vast amount of glass being used in the barn conversion is not representative of an agricultural building.
  - The conversions details do not conserve the character of the building.
  - The National Planning Policy Framework paragraph 130 states that where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account.
  - What is the reason for changing the use of the non-domestic dwellings from Community - as advised at the public consultation - to Commercial in this application? How will this be of benefit to local people?
  - Given the historic significance of this farm as a whole, how can you make any judgement with regard to even outline planning permission without an accurate and correct heritage statement?
  - Surely you should be using the Heritage statement as required by the National Planning Policy Framework (paragraph 169) to assist with judging the heritage assets and their significance. This document does not allow you to make that judgement.
  - It makes no reference to the fact that the fields border the conservation area, and that the conservation area was extended to include the barn in 2009 i.e. after the 2006 plan.
  - It makes no mention of the fields being in the curtilage of the listed barn (the barn listing not being included in the 2006 plan).
  - It makes no reference to the potentially curtilage listed building by the pond which appears on the old maps of the village, but has not been investigated.
  - It makes no reference to the fact that these fields are mentioned in the Conservation Area document.
  - It makes no reference to the historic remains dating from the 12<sup>th</sup> century. These are non-designated heritage assets and have been added to the HER register.
  - Sadly, it would appear that with the opportunities available to you to revise your plan and policies, you have failed in your duty to protect this historic site.

- Your own conservation area document describes Robertsbridge as a 'large historic village...'
- The loss of this historic site would impact on the historic and rural nature of the core of the village and its potential to attract tourism.
- Keeping the building of new houses away from the centre of the village is the only way to protect the historic nature of the village.
- Old maps of the site indicate that there are several buildings/structures in the farm yard itself and in the field which pre-date 01/07/1948 and are therefore considered to be curtilage listed.
- The issue of whether Grove Farm Cottages are curtilage listed which needs to be addressed. The cottages were built in the 1930's as residency for the farm. The final link was only severed in 2014 when the tenancy ended.
- I have received some legal advice from Ben Garbett of Keystone Law, 48 Chancery Lane, London: this mentions Grove Farm Cottages as a possible example of curtilage listing. These cottages have never been mentioned before. Certainly they fall within the right timescale, being built in the 1930's, probably as a replacement for the original farmhouse (the Grove), one cottage was certainly associated with the farm as the home of the tenant until 2014 when the tenancy was terminated, each cottage had a gate to the field, and this still exists at the cottage shown as 1 Grove Farm on the map.
- If proven to be curtilage listed, then this would have a clear impact on this development, as this would place housing between the listed barn and the curtilage listed cottages.
- Curtilage listed buildings enjoy the same protection as listed buildings and therefore cannot just be removed. There needs to be an understanding as to how these buildings have interacted over time. Sadly none of this is in the woefully bad Heritage Statements.
- The parish has prepared a highly detailed neighbourhood plan at Rother Councils request detailing sites for developments to provide the housing requirements (including affordable starter homes) within the parish for the next 20+ years.
- If any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.
- Grove Farm is not included in the draft Neighbourhood Plan as suitable for housing development.
- NPs form part of the development plan for the relevant area this must be given due weight.
- The application does not comply with the National Planning Policy Framework.
- EDP and Turnberry have provided an assessment that does not hold up to scrutiny. It is awash with speculation, unsubstantiated opinion and deceptive comments which are meant to mislead and present the unpresentable in a positive light. With rebuttal of the points raised by focussing on National Planning Policy Framework, NP & HWMP etc., the development is not acceptable in design, social or economic parameters decreed by the relevant policies and laws specified.
- Turnberry's conclusion that the emerging NP is of little regard or consequence whereby it is insufficiently developed is not supported by case law.

- The plans of the overall development cover an area which exceeds that of Policy VL7 by over 30% - surely the applications should be contained within the physical boundaries set out within this Policy.
- The development proposal does not comply with the National Planning Policy Framework paragraphs 7, 9, 17 (points 2, 4, 7, 8, 10), 28 (point 2), 61, 66, 121 (point 3), 126, 128, 131, 133, 139, 141, 152, 156 (point 65) and 157 (point 7).
- The site has very similar attributes to the site at Pashley Road, Ticehurst, which the Council robustly defended on appeal; in dismissing the appeal the Inspector concluded that the proposed residential development would have an unacceptable impact on the AONB and heritage assets.

5.5.4 Other objections include matters such as, traffic and highways, residential amenity, ecology, and drainage, etc. and are not relevant to the determination of a listed building consent application.

---

## 6.0 APPRAISAL

### 6.1 The application:

6.1.1 Planning application RR/2017/1642/P has been submitted for a mixed-development on land occupied (mainly) by disused farm buildings at Grove Farm (north) which includes the change of use and conversion of a grade II listed timber frame barn and curtilage building to commercial office use (use class B1); this application (RR/2017/1643/L) is the corresponding listed building consent application for the proposed works to the listed buildings.

6.1.2 The issue for consideration is the determination is the effect of the proposed works on the character and appearance of the listed buildings.

### 6.2 Legislation and Policy position

6.2.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to LPAs when considering whether to grant listed building consent, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

6.2.2 The National Planning Policy Framework (the Framework) and Planning Policy Guidance are also material considerations. Section 12 of the Framework relates to conserving and enhancing the historic built environment.

6.2.3 Policy EN2 (stewardship of the historic built environment) is a relevant policy contained within the Rother Local Plan Core Strategy. This requires that development affecting the historic built environment will be required to preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.

6.2.4 Since the planning application was submitted the Salehurst & Robertsbridge Neighbourhood Development Plan (SRNDP) has gone to referendum and residents have voted to adopt the Plan. Whilst this still needs to go before Full Council before the Plan is 'made' (adopted), it is now in force. Policy



EN6 of the SRNDP states that designated historic heritage assets and their settings, including listed buildings, will be preserved and enhanced for their historic significance, including the contribution made by their settings and their importance to local distinctiveness, character and sense of place. Policy EN7 (listed buildings and buildings or structures of character) states that, development that would result in the loss of listed buildings will not be supported. The SRNDP policy position reflects legislation relation to listed buildings.

- 6.2.5 The Heritage Statement submitted clearly demonstrates the significance of the listed barn in respect of its architectural definition, historic and social value. It describes the changing context and in particular, the relevance of the barn to the landscape and other farmstead buildings. The statement fully assesses the existing condition of the building and the enhancement to its significance upon completion of repairs. It also explains the intervention that is necessary to facilitate the conversion and change of use.
- 6.2.6 The Council's Design and Conservation Officer has reviewed the application and is generally satisfied that the proposal represents a strong understanding of the existing historic fabric and generally proposes a sensitive scheme for conversion. Whilst it is noted that there is limited replacement of historic fabric proposed, the one area of exception to this is the proposed demolition and rebuilding of the western wall of the southern range (the cart shed). This is proposed to be substantially rebuilt due to structural deficiencies. It is noted that certain repairs detailed in the structural report are caveated as being subject to removal of boarding and the further investigation. For clarity therefore it would be appropriate to include a condition regarding such repairs.
- 6.2.7 Historic England has been consulted on the application and in respect of matters relating to the conversion of the barn itself, has said that the approach set out in the application appears generally acceptable; although details of timber framed repairs, insulation, servicing and materials will all require express approval.

---

## **7.0 SUMMARY**

- 7.1 Planning application RR/2017/1642/P has been submitted for a mixed-development on land occupied (mainly) by disused farm buildings at Grove Farm (north) which includes the change of use and conversion of a grade II listed timber frame barn and curtilage building to commercial office use (use class B1); this application (RR/2017/1643/L) is the corresponding listed building consent application for the proposed works to the listed buildings.
- 7.2 The proposed works would preserve the special architectural and historic interest of the listed building, the setting of the adjacent listed buildings and character and appearance of the listed building in accordance with section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 132 of the National Planning Policy Framework, Policies EN2 (i) and (iii) and EN3 (i) & (ii) of the Rother Local Plan Core Strategy, and Policies EN6 & EN7 of the SRNDP.
- 7.3 Benefits would be achieved as a result of repair of the buildings and securing a sustainable use for the buildings. The details of the scheme for the works

to the listed buildings are satisfactory and can be supported subject to conditions.

---

**RECOMMENDATION: GRANT (LISTED BUILDING CONSENT)**

---

**CONDITIONS:**

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.  
Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Site location plan: Drawing No. 1159-N-002;  
Unit N8 (class B1 use) proposed plans: Drawing No. 1159-600 rev A;  
Unit N8 (class B1 use) proposed elevations: Drawing No. 1159-601 rev A;  
Unit N8 (class B1 use) proposed elevations & section: Drawing No. 1159-602 rev A;  
Unit N8 (class B1 use) proposed ground floor plan: Drawing No. 1159-603 rev A;  
Unit N8 (class B1 use) proposed first floor plan: Drawing No. 1159-604 rev A;  
Unit N8 (class B1 use) proposed section 'A': Drawing No. 1159-605 rev A;  
Unit N8 (class B1 use) proposed north elevation: Drawing No. 1159-606 rev A;  
Unit N9 (class B1 use) proposed floor plan & elevations: Drawing No. 1159-N-620.  
Main Entrance Glazing Details Drawing no. 1159-N-652 dated Jul 2017  
Ground Floor Fixed Glazing Details Drawing No. 1159-N-653 dated Jul 2017  
The repairs and alterations contained in the Structural Survey are not hereby approved.  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. Prior to the commencement of works, the following details to be submitted for the consideration of the Local Planning Authority and its subsequent approval in writing:
  - a) A schedule and specification of any proposed repairs to existing timbers. (N.B. No sandblasting or other abrasive method is to be used to clean any timbers);
  - b) A method statement detailing repairs to and underpinning of the brick plinth, including the making safe of the historic timber frame during such works.
  - c) A method statement detailing the rebuilding of the west wall of the cart shed, including the safeguarding of the roof structure to this wing during the works, and any alterations/realignment/repairs proposed to the roof structure following the rebuilding of the wall. (N.B. the rebuilt wall shall match exactly in terms of bricks, bond, and mortar mix and style of pointing, the wall which it replaces, constitutes repairs to, and

underpinning of, the brick plinth, including the making safe of the historic timber frame during such works.

- d) Samples of any proposed supplementary or replacement external materials.

The works shall be carried out wholly in accordance with the approved details.

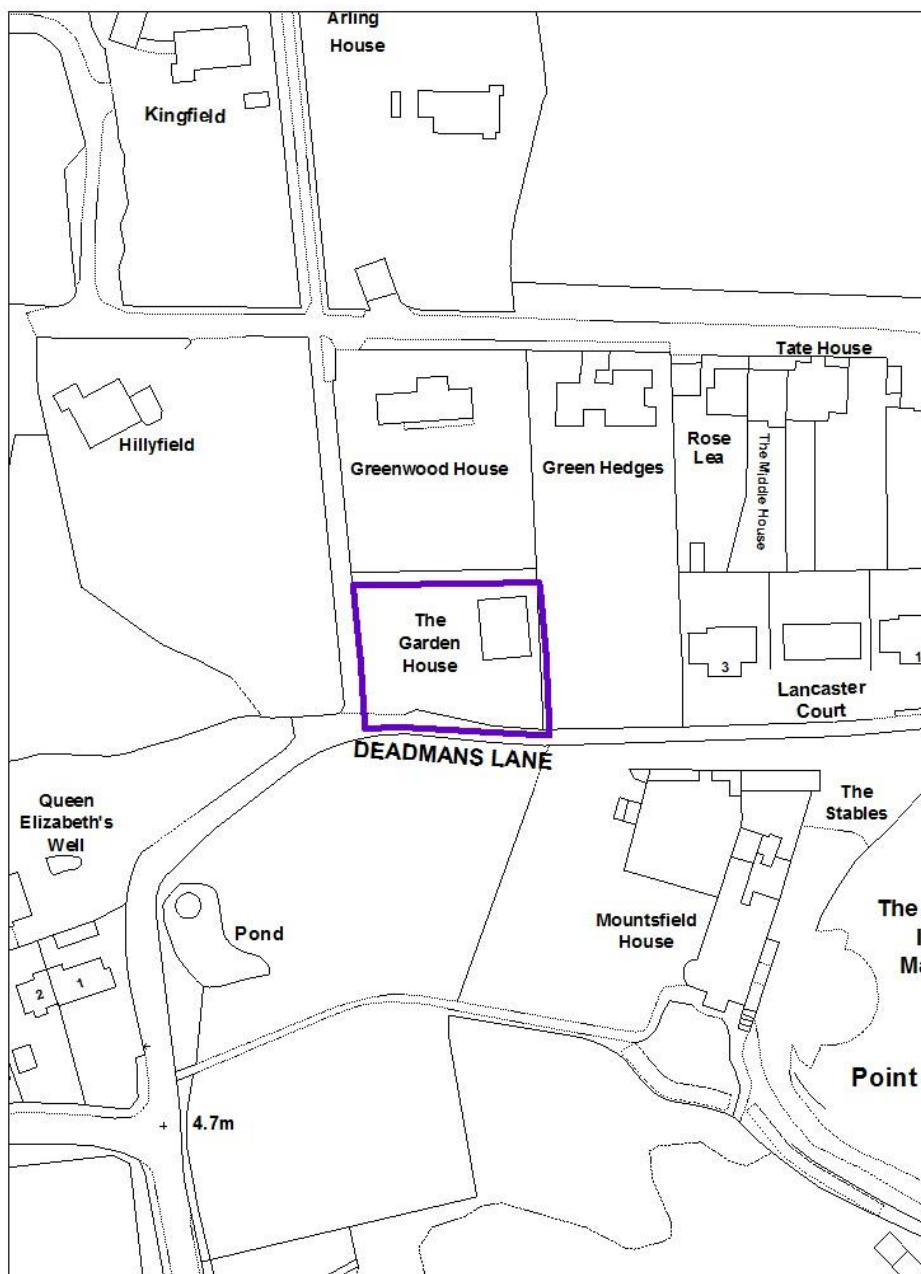
Reason: To ensure that special regard is paid in the interests of protecting special architectural and historic character and detailing of the listed building in accordance with Policy EN2 of the Rother Local Plan Core Strategy and Policies EN6 & EN7 of the SRNDP.

4. No works shall commence on site until an appropriate programme of building assessment and recording (including architectural/historical analysis) has been secured in respect of the building concerned, which is in accordance with a Written Scheme of Investigation that has first been agreed in writing with the Local Planning Authority. This record shall be carried out by an archaeologist / building recorder or an organisation with acknowledged experience in the recording of standing buildings to professional standards and guidance, which is acceptable to Rother District Council. Once approved, the development shall only be undertaken in full accordance with the approved written scheme of investigation and the findings presented in the format and timetable agreed.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

[View application/correspondence](#)

SITE PLAN	Rye
RR/2018/627/P	Greenwood House - land at rear, Rye Hill



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No

Not To Scale

RR/2018/627/P

RYE Greenwood House – Land at rear, Rye Hill

Variation of condition 2 (approved drawings) imposed on RR/2015/1051/P to reflect amendments to approved scheme including increase in height & depth of dwelling, changes to fenestration and repositioning & reduced size of detached garage (part retrospective).

**Applicant:** Mr and Mrs J and S Luck  
**Agent:** Mr J. Luck  
**Case Officer:** Mr E. Corke (Email: [edwin.corke@rother.gov.uk](mailto:edwin.corke@rother.gov.uk))  
**Parish:** RYE  
**Ward Members:** Councillors Lord Amptill and G.F. Stevens

**Reason for Committee consideration:** Head of Service Strategy and Planning referral: Public interest

**Statutory 8 week date:** 19 April 2018

**Extension of time agreed to:** 26 June 2018

This application is included in the Committee site inspection list.

## 5 POLICIES

- 1.1 Policy OSS4 (General Development Considerations) of the Rother Local Plan Core Strategy 2014 (Core Strategy) is relevant to the proposal.
- 1.2 The National Planning Policy and Planning Practice Guidance (PPG) are also material considerations.

## 2.0 SITE

- 2.1 This application relates to a detached dwelling granted under planning application reference RR/2015/1051/P in 2015, which is now in the advanced stages of construction. It is located in a rectangular plot of land that once formed part of the rear garden of Greenwood House – a large detached house located at a higher ground level to the north. The site slopes to the south and west and is bounded by Greenwood House to the north, a building plot to the east (for which there is an extant planning permission for the construction of a detached contemporary style house), Deadmans Lane to the south, and a public footpath to the west. Access to the site is from Deadmans Lane.
- 2.2 The boundary treatment along the common boundary with Greenwood House to the north consists of a close-boarded fence with trellis, the eastern boundary with the adjoining building plot consists of a mature hedge, the Deadmans Lane frontage consists of mature trees and vegetation and the

western boundary adjacent to the public footpath consists of a close-boarded fence with trellis.

- 2.3 The site is located within the defined development boundary for Rye and is also situated within an Archaeological Notification Area defining the historic northern extension of settlement on Rye Hill.
- 2.4 The surrounding area is residential in character and includes large dwellings on a variety of plot sizes. In recent years planning permission has been granted for the subdivision of existing gardens with a total of five new dwellings allowed along this stretch of Deadmans Lane. Three have already been completed (those at Lancaster Court to the east of the site). The dwelling currently being constructed at the application site is another.

---

### **3.0 HISTORY**

- 3.1 RR/2014/1194/P Erection of new 'zero carbon' house – Refused.  
This proposal was for a chalet style dwelling with integral garage. Planning permission was refused because the proposed dwelling, by reason of its overall size and bulk facing the common boundaries with the adjoining properties, together with its close proximity to the common boundaries, would have appeared from within the neighbouring gardens as a visually intrusive feature, detracting from the living conditions of the occupiers of those properties.
- 3.2 RR/2015/1051/P Erection of new 'zero carbon' house – Granted.  
This was a revised proposal for the erection of a chalet style dwelling with detached garage, which overcame the previous reason for refusal, mainly through a combination of rotating the dwelling 90 degrees and providing a greater overall distance to the common boundaries with the adjoining properties. Approved external materials consist of vertical larch cladding to the walls and clay tile to the roofs (to match Greenwood House).

---

### **4.0 PROPOSAL AND BACKGROUND**

- 4.1 Earlier this year concern was raised by local residents that the dwelling currently being constructed was not being built in accordance with the approved drawings. It was suggested that the dwelling was being built higher than approved and an additional window had been inserted in the north elevation. The site was subsequently visited by the case officer and it was established that the dwelling had increased in size and changes had been made to the fenestration.
- 4.2 Following the site visit the applicant was advised to submit a retrospective application to vary the originally approved drawings to regularise the situation. Submission of a retrospective application is one of a range of ways of tackling breaches of planning control. National Planning Practice Guidance (PPG) dealing with ensuring effective enforcement advises that local planning authorities should act in a proportionate way when considering what enforcement action should be taken. In this case it was considered that the invitation of a retrospective application was the appropriate way forward to regularise the situation. The PPG does, however, advise that:

*“Although a Local Planning Authority may invite an application, it cannot be assumed that permission will be granted, and the Local Planning Authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way” (Paragraph: 012 Reference ID: 17b-012-20140306).*

- 4.3 Since this matter was raised with the Council the applicant has been informed throughout this process that any further works carried out to the building before any changes were determined would be at his own risk. The works have continued.
- 4.4 The main changes from the approved scheme are as follows:
- The depth of the dwelling from east to west has increased from 9m to 10m (an increase of 1m).
  - The eaves height of the main roof of the dwelling has been raised from 3m to 3.7m (an increase of 700mm).
  - Two additional rooflights have been inserted in the rear, east roofslope. These would serve a bedroom and a bathroom.
  - An obscure glazed window has been inserted at ground floor level in the side, north elevation. This would serve a bathroom.
  - A window has been inserted at ground floor level in the side, south elevation. This serves a kitchen.
  - A 2m deep verandah (yet to be built) is proposed on the front, west elevation.
  - It is proposed to reposition the detached garage (yet to be built) some 3.5m to the west of the dwelling, reduce its width by 1m, reduce its height by 600mm, and set it 500mm lower on the site.
- 4.5 In addition to the above, the applicant has advised that the ridge height of the dwelling is 150mm higher than approved as a result of a setting out error. He has also advised that the contextual relationship with the adjoining properties is incorrect on the originally approved boundary views drawing. The applicant's explanation for this is that the original site survey was carried out several years ago on a steeply sloping uneven site with many obstructions, which meant that some readings were difficult to tie up. The combination of these errors, according to the applicant, means that the dwelling appears some 550mm higher than is shown on the existing approved drawings. Additionally the applicant has advised that there was no movement of material on site to increase the level at which the house has been built.
- 4.6 Since submitting the current application, the applicant has amended the drawings to address some discrepancies (e.g. inconsistencies in the dimensions) and also to reposition & reduce the size of the detached garage, as detailed above. The application has been re-publicised with an amended description to more accurately reflect the changes to the approved scheme.

---

## **5.0 CONSULTATIONS**

### **5.1 Rye Town Council**

#### **5.1.1 Comments in relation to the originally publicised scheme:**

*“Support Refusal. Over development; overlooking neighbours.”*

5.1.2 Comments in relation to the re-publicised scheme:

*“Support Refusal. Overdevelopment; overlooking neighbours; adverse impact on the amenity of occupants of neighbouring properties.”*

5.2 Planning Notice

5.2.1 A petition of objection signed by 60 people in relation to the re-publicised scheme and a spokesperson for that group has been invited to address the Committee. The grounds for objections are as follows:

- Line of view at Greenwood House has been significantly compromised by heightened elevations which is believed to be as much as 20% higher than consented.
- The increased elevation height of 20% reduces light to Greenwood House (gardens), Green Hedges and Lalapanzi land.
- Elevated height is obtrusive, overlooks neighbouring houses and reduces privacy.
- Additional upper floor windows overlook neighbours and compromise privacy.
- Windows are set very low on the roof line compromising privacy to neighbours.
- The access to and from Deadmans Lane is dangerously close to the adjacent footpath.
- If Rother District Council approve retrospective planning where consent has intentionally been breached this will serve as a precedent to encourage unconsented development on future sites.

5.2.2 The petition is available to view in full online.

5.2.3 20 letters of objection from 14 individual addresses in relation to the originally publicised scheme. The reasons for objecting are summarised as follows:

- Unauthorised changes have been made from the originally approved scheme including an increase in the overall size of the dwelling, the inclusion of additional windows and raising ground levels.
- The property does not appear to be in keeping with the surroundings and looks far too large for the position it occupies.
- Represents a visually intrusive feature adversely affecting the living conditions and amenities of the occupiers of adjoining properties.
- Loss of view.
- Loss of light.
- Obtrusive.
- Overlooking and loss of privacy.
- Position of garage with extended drive will create additional noise.
- The new bathroom window at ground floor level will release noxious gases from the bathroom toilet into the air.
- Disturbance from the construction works (e.g. noise).
- Detrimental to pedestrian and highway safety.
- Concern that garage is not built higher than approved.
- There is no clear indication of ridge height given for the main house or garage.
- Most of the reasons for refusing the original 2014 application still apply.



- Example of “garden grabbing”.
- To describe the new house as ‘zero carbon’ appears to be a bit of a stretch.
- Concern that the western side of the site will be subject to further building development at a later date.
- Cill level of the rooflights should be 1.7m above floor level.
- The concept of regularising the ‘as built’ situation is a strange one and would seem to strike at the heart of the planning consultation and approval process, and our expectations of, and confidence in, the system.
- The additional elements would seem to be factors of such significance that, had they been put forward as aspects of the originally proposed construction, the acceptability of the overall project may well have been considered in a different light by neighbours, and perhaps by Rother District Council (RDC).
- To go for retrospective planning at this stage seems like a way of forcing through an application that would not have been permitted in the first place.
- There is no point in having planning regulations if they are not adhered to.
- It is surely not right for unapproved building work to be undertaken and then to ask for retrospective approval. Surely applicants and developers should not be permitted to ‘play’ the system by using retrospective applications to regularise building changes that breach planning consents.
- RDC should insist on suitable alterations being made to ameliorate the unacceptable abuse of the planning regulations.
- This should have been picked up by the building inspector long before it got this far.
- How can planning permission be sort and given and then disregarded?
- Surely this cannot be the way forward, build what you like and then look for approval.
- No deviation from the originally approved plans should be tolerated.
- Concern about how the changes were allowed to occur and how building work has been allowed to continue despite being in breach of the original planning permission.
- Clear intent on the part of the applicant to ride roughshod over RDC’s authority and legitimate concerns and wishes of local residents.
- The inaction of RDC to address this issue over the last seven months negatively affected health of local residents.
- The building needs to be torn down and new planning permission needs to be sought that takes account for the increased groundworks.

5.2.4 Nine letters of objection from nine individual addresses in relation to the re-publicised scheme. The reasons for objecting are summarised as follows:

- Unauthorised changes have been made from the originally approved scheme including an increase in the overall size of the dwelling, the inclusion of additional windows and raising ground levels.
- The current structure does not resemble either the original or the resubmitted plans.
- Current plans are insufficient, inconsistent and incomplete.
- Proposed garage has been moved closer to the boundary with Greenwood House.

- Retrospective plans fail to show the foundations for a new structure to the north of the house.
- All previous objections relating to this application should be considered;
- The applicant has absolutely no regard for due process or the opinions and privacy of neighbouring properties.
- It is believed that the delays in submitting revised plans etc. have been to play for time in the hope of making it harder for RDC to issue and enforce a notice to reduce the size of the structure.
- Much larger building than was originally approved.
- Newly submitted plans do not accurately reflect the development to date.
- Applicant is understood to be an experienced architect and one should expect such a person to have a firm grasp of the detail required by the planning process and the importance of observing imposed conditions.
- Changing the character of what was a relatively once a relatively open and leafy neighbourhood.
- No application has been made to vary condition 8 of the original permission, which states that no additional rooflights or dormer windows shall be inserted in the rear (east) facing roofslope. This surely means that these windows, and other unapproved windows built without permission, should be removed.
- Pressure has been placed on RDC to allow retrospective planning permission that otherwise may not have been granted.
- The current development has demonstrated a flagrant disregard of the planning process by the applicant.
- Loss of view.
- Loss of light.
- Overlooking and loss of privacy.
- Clarification has been sought on a number of issues including the change in dimensions, whether the dimensions have been checked to verify their accuracy, reason for the changes, correct procedure for altering plans, why there is no front elevation plan onto Deadmans Lane showing difference between what was approved and what has now been built.
- Detrimental to pedestrian and highway safety.
- No one has the right to ignore imposed planning conditions and to seek their retrospective approval as a way around the planning process.
- RDC's planning laws must be rigorously observed if they are to have any meaning and if RDC is to keep the confidence of the public.
- This is not a case where minor, insignificant errors have been made during construction.
- The taller structure does not fit well with the aesthetics of the neighbourhood.
- Unless the Council is prepared to take action the system will continue to be abused.
- Permission should have been sought in advance for the changes.
- Precedent for future retrospective applications.
- Retrospective planning permission should be refused and the development built in accordance with the approved plans.

5.2.5 Rye Conservation Society – No objection subject to neighbours in relation to the originally publicised scheme.

5.2.6 All of the comments received are available to view in full online. Any further comments received will be reported to Committee.

---

## 6.0 APPRAISAL

6.1 The principle of a new dwelling and garage on the site with vehicular access from Deadmans Lane has been established by planning permission RR/2015/1051/P. The building works have not proceeded in accordance with the approved plans. The main issues now are the effect of the existing and proposed amendments to the approved scheme on the character and appearance of the area and the living conditions of adjoining occupiers in relation to outlook and privacy. Both issues can be assessed on site in relation to the house. The proposed garage is yet to be built.

### 6.2 Character and appearance

6.2.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality.

6.2.2 The principle of a chalet style dwelling and detached garage has been established on this site. The unauthorised works that have taken place have resulted in a dwelling larger than was originally approved by the dimensions set out in section 4.4 above. However, the increase in size is not considered to be substantial and the dwelling follows a similar design and would have the same palette of external materials as originally approved. It is also the case that the other properties in the vicinity of the site are large two-storey houses.

6.2.3 With regard to its impact on the area in general, the proposal needs to be considered in the context of the overall streetscene. In this respect, the dwelling is not as visible from Deadmans Lane as the dwellings at Lancaster Court to the east of the site, as it is set back from the road frontage and is partially screened by existing trees and vegetation. In contrast, the dwellings at Lancaster Court are fully visible from both Rye Hill and proceeding down Deadmans Lane itself. It should also be noted that the contemporary style house that has been granted planning permission on the adjoining building plot to the east would be fully visible from the lane. The construction of that dwelling would result in the removal of mature trees and vegetation on the Deadmans Lane frontage and the formation of a parking area and erection of retaining walls immediately adjacent to the lane.

6.2.4 For the above reasons it is not considered that the completed dwelling would adversely affect the character and appearance of the area.

6.2.5 The detached garage would be smaller than originally approved and so there is no objection to this element of the proposal.

### 6.3 Living conditions of adjoining properties

6.3.1 Policy OSS4 (ii) seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.

6.3.2 The critical relationships are with Greenwood House to the north and the adjoining building plot to the east, in relation to light, outlook and privacy. Members will be able to see the 'as-built' situation at their site visit.

### *Light and outlook*

- 6.3.3 The dwelling is being constructed in the position shown on the approved scheme and so the issue is whether the increase in size, as set out in section 4.4 above, has resulted in material harm to the living conditions of the neighbouring occupiers in relation to these matters. With regard to Greenwood House to the north, that property is now faced with a larger gable wall. However, the application dwelling is some 5m beyond the end of the adjoining rear garden at its closest point and is set at a lower ground level. It is also well separated from the neighbouring dwelling itself, which is at a higher ground level and looks down on the site. In the circumstances, it is not considered that the completed dwelling would bring about a significant erosion of residential amenity through loss of light or outlook.
- 6.3.4 The detached garage would be smaller than originally approved and so there is no objection to this element of the proposal.
- 6.3.5 Turning to the impact of the dwelling on the adjoining building plot to the east, it is not considered that the increase in eaves height and ridge height has significantly altered the dwelling's relationship with the neighbouring plot. As such, the completed dwelling would not cause material harm to residential amenity through loss of light and outlook.
- 6.3.6 To ensure that the dwelling would continue to have a satisfactory relationship with the adjoining properties, 'permitted development' rights for its enlargement can be removed by condition.

### *Privacy*

- 6.3.7 A bathroom window has been inserted at ground floor level in the side elevation of the dwelling facing Greenwood House to the north. This is a small obscure glazed window, which does not result in harmful overlooking of the neighbouring property. The neighbours are concerned that this window would release noxious gases from the bathroom toilet into the air but this is not a legitimate ground for objecting to its addition.
- 6.3.8 The neighbours at Greenwood House are also concerned about overlooking from the six rooflights in the front (west) roofslope of the dwelling. However, these rooflights were allowed under the approved scheme. Whilst they sit low in the roofslope, some 1.1m above floor level, they face west towards the public footpath and so do not directly overlook the neighbouring property. Views of the neighbouring garden are oblique and as such, these rooflights do not have an unacceptable impact on the privacy of the neighbours.
- 6.3.9 Two additional rooflights (serving a bedroom and a bathroom) have been inserted in the rear roofslope facing the adjoining building plot to the east. These overlook the neighbouring plot and so would need to be covered with glass obscuring window film and fixed shut to avoid harmful overlooking, which can be secured by condition.
- 6.3.10 There is also a set of three rooflights in the middle of the rear roofslope above the landing/staircase. Three smaller rooflights were allowed in a similar position under the approved scheme, subject to them being obscure glazed to prevent harmful overlooking. The larger rooflights that have been installed have not been obscure glazed and so would need to be covered with glass obscuring window film, secured by condition.

- 6.3.11 As an additional safeguard against the potential for overlooking, 'permitted development' rights for the insertion of new windows and rooflights can be removed by condition.
- 6.3.12 Local residents have also commented about overlooking of the grounds at Mountsfield to the south. However, the completed dwelling would be well separated from this property and it is also the case that mature trees along both sides of Deadmans Lane provide effective screening. As such, harmful overlooking of Mountsfield would not occur.
- 6.4 Other matters
- 6.4.1 Local residents are concerned that the dimensions of the dwelling shown on the amended drawings do not accurately reflect the 'as-built' situation. This is to be checked again on site before the Planning Committee.
- 6.4.2 Local residents are concerned about loss of view and disturbance that has been caused during the construction works. However, these are not material planning considerations.
- 6.4.3 A number of representations have been made objecting to matters that were dealt with under the original planning permission (e.g. the impact of the vehicular access on pedestrian and highway safety). However, the principle of a new dwelling and garage on the site with vehicular access from Deadmans Lane has already been established and so it is not necessary to re-consider these matters as part of the current proposal.
- 6.4.4 A local resident is concerned that the western side of the site will be subject to further building development at a later date (e.g. an extension to the north of the dwelling). Any future proposal to develop the western part of the site would be considered on its individual merits having regard to relevant local and national policies.
- 6.4.5 Local residents have questioned why there is no front elevation plan on to Deadmans Lane showing the difference between what was approved and what has now been built. Members will be able to see the 'as-built' situation at their site visit and so the provision of a streetscene plan is not considered to be essential. No such plan was provided in relation to the original application.
- 

## **7.0 CONCLUSION AND PLANNING BALANCE**

- 7.1 The existing and proposed changes to the approved scheme will ultimately result in development that will have a greater visual impact in the surrounding area than the approved scheme and therefore will result some additional impact on the neighbouring occupiers in relation to light and outlook in particular. However, overall it is not considered that the changes to the building from the original and the resulting impacts would adversely affect the character and appearance of the area or bring about a significant erosion of amenity to adjoining residents such as to warrant refusal. Subject to the imposition of further conditions in relation to the current situation, planning permission should be granted for the development.
-

## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The proposed development is liable for CIL as there is a net increase in internal floorspace.

---

### **RECOMMENDATION: GRANT (PLANNING PERMISSION)**

---

#### **CONDITIONS:**

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:  
Drawing No. 0140/00 (LOCATION PLAN), dated 24 April 2014  
Drawing No. 0140/1 Rev: E (SITE PLAN), dated 10/5/18  
Drawing No. 0140/2 Rev: E (FLOOR PLANS), dated 10/5/18  
Drawing No. 0140/3 Rev: E (ELEVATIONS), dated 10/5/18  
Drawing No. 0140/4 Rev: D (GARAGE ELEVATIONS), dated 10/5/18  
Drawing No. 0140/5, Rev: E (SECTIONS), dated 10/5/18  
Drawing No. 0140/6 Rev: D (BOUNDARY VIEWS), dated 10/5/18  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

2. The dwelling hereby permitted shall not be occupied until the hard and soft landscaping details for the site, including details of any new gate, fence or wall, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of the dwelling or in accordance with the programme agreed with the Local Planning Authority and if within a period of five years from the date of the planting any tree or plant is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a high quality public realm taking account of the characteristics of the area, in accordance with policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

3. The dwelling hereby permitted shall not be occupied until the vehicular access serving the development has been constructed in accordance with approved drawing no. 0140/1 Rev: E (SITE PLAN), dated 10/5/18, and construction details, form HT407, attached to this permission.  
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.

4. The dwelling hereby permitted shall not be occupied until the visibility splay shown hatched red on approved drawing no. 0140/1 Rev: E (SITE PLAN), dated 10/5/18, has been cleared of all obstructions exceeding 600mm in height. The said splay shall be maintained at all times thereafter such that no obstruction within it exceeds 600mm in height.  
Reason: To ensure that the development and associated works provides for sufficient visibility and does not prejudice the free flow of traffic or conditions

of general safety along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy.

5. The dwelling hereby permitted shall not be occupied until parking and turning areas have been provided in accordance with approved Drawing No. 0140/1 Rev: E (SITE PLAN), dated 10/5/18, and the parking and turning areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.  
Reason: To provide on-site parking and turning areas to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the highway, in accordance with Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.
6. At the time of construction and prior to occupation of the dwelling hereby permitted, the three rooflights in the rear, east roofslope above the landing/staircase, as shown on approved Drawing Nos. 0140/2 Rev: E (FLOOR PLANS) and 0140/3 Rev: E (ELEVATIONS), dated 10/5/18, shall be wholly covered with glass obscuring window film of obscurity level equivalent to scale 5 on the Pilkington Glass Scale and the rooflights shall thereafter be retained in that condition.  
Reason: To prevent harmful overlooking of the adjoining building plot to the east, in accordance with policy OSS4 (ii) of the Rother Local Plan Core Strategy.
7. At the time of construction and prior to occupation of the dwelling hereby permitted, the rooflights in the rear, east roofslope above bedroom 1 and bathroom 2, as shown on approved drawing nos. 0140/2 Rev: E (FLOOR PLANS) and 0140/3 Rev: E (ELEVATIONS), dated 10/5/18, shall be wholly covered with glass obscuring window film of obscurity level equivalent to scale 5 on the Pilkington Glass Scale, and shall be fixed shut, and the rooflights shall thereafter be retained in that condition.  
Reason: To prevent harmful overlooking of the adjoining building plot to the east, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no enlargement, improvement or other alteration of the dwelling hereby permitted, as defined within Classes A, B and C of Part 1 of the Schedule 2 of the Order, shall be carried out otherwise than in accordance with a planning permission granted by the Local Planning Authority.  
Reason: To safeguard the amenities of the neighbouring properties, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows or other openings shall be inserted in the rear, north roofslope of the garage hereby permitted.  
Reason: To preclude overlooking of the adjoining property Greenwood House to the north, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

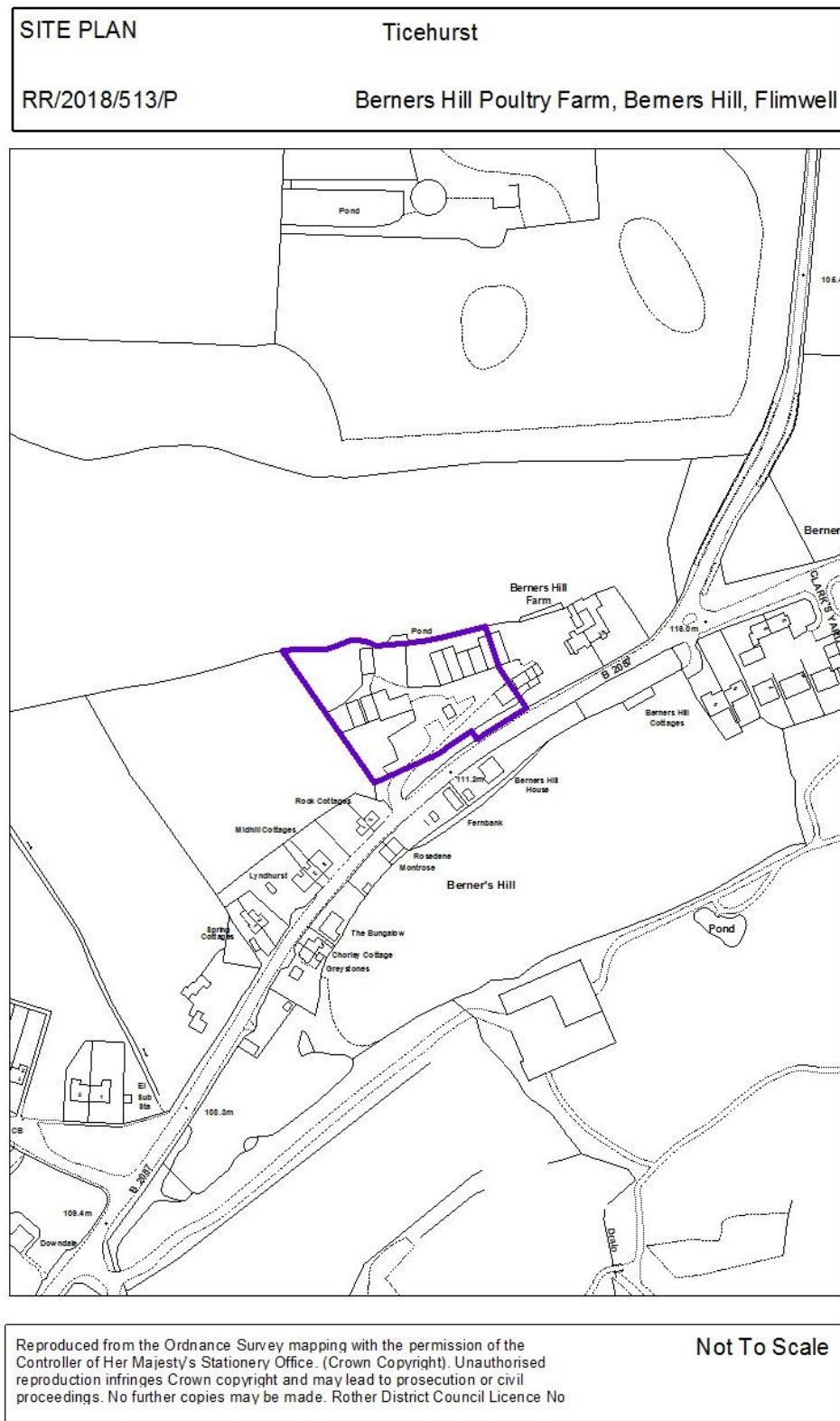
## NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. Any proposed works on or abutting the existing highway will require a Section 184 Licence with the County Council, prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with East Sussex County Council through the Section 184 Licence process. Any temporary access would also be subject to the Section 184 Licence process prior to any commencement of work.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)





---

RR/2018/513/P

**TICEHURST Berners Hill Poultry Farm, Berners Hill,  
Flimwell  
Outline: Erection of nine detached dwellings.**

---

**Applicant:** Mr Orpin  
**Agent:** Pepa  
**Case Officer:** Mr S. Batchelor  
(Email: [samuel.batchelor@rother.gov.uk](mailto:samuel.batchelor@rother.gov.uk))  
**Parish:** TICEHURST  
**Ward Member(s):** Councillors Mrs M.L. Barnes and R.V. Elliston

**Reason for Committee consideration: Member referral: Councillor Mrs M.L. Barnes**

**Statutory 8 week date: 31 May 2018**

**Extension of time agreed to: 28 June 2018**

---

This application is included in the Committee site inspection list.

---

## **1.0 POLICIES**

- 1.1 The following 'saved' policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:
- DS3 – Proposals within Development Boundaries
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- PC1 – Presumption in Favour of Sustainable Development
  - OSS1 – Overall Spatial Development Strategy
  - OSS2 – Use of Development Boundaries
  - OSS3 – Location of development
  - OSS4 – General Development Considerations
  - RA2 – General Strategy for the Countryside
  - RA3 – Development in the Countryside
  - SRM1 – Towards a low carbon future
  - SRM2 – Water Supply and Wastewater Management
  - CO6 – Community Safety
  - LHN1 – Achieving Mixed and Balanced Communities
  - LHN2 – Affordable Housing
  - EN1 – Landscape Stewardship
  - EN2 – Stewardship of the Historic Built Environment
  - EN3 – Design Quality
  - EN5 – Biodiversity and Green Space
  - EN7 – Flood Risk and Development
  - TR3 – Access and New Development
  - TR4 – Car Parking

- 1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
- 1.4 The emerging Ticehurst Neighbourhood Plan (TNP) is a material consideration but little weight is afforded to it given that it has not yet been submitted for examination.
- 

## **2.0 SITE**

- 2.1 The application site relates to a 0.45ha area of Berners Hill Poultry Farm adjacent to and on the north side of Berners Hill (the B2087). Generally trapezoid in shape (being wider on its western side than its eastern side) the site more specifically relates to an area of land bounded by a historic tree and hedgerow field boundary to the north and an existing post and rail fence on its western boundary. The red line plan shows the eastern extent of the site running through existing sheds and the southern boundary hugs the edge of an archaeological notification area before adjoining the roadside.
- 2.2 The site consists of a number of barns, sheds and outbuildings. The buildings have a low profile but some are situated close to the edge of the site with Berners Hill making them relatively prominent. The buildings are in varying states and all appear to be of a post-war construction utilising timber, concrete and corrugated metal. The site includes part of the existing access track to the farm.
- 2.3 There is a significant change in levels between the road and the site with the site elevated above the road level, on average, between 3-4m. The change in levels is marked by a steep bank along the roadside which was awash with spring bulbs in bloom at the time of a recent springtime site visit. There are also two sets of hedgerow (possibly leylandii) planted along the bank – one on the road side and one at the top of the bank. Both have been significantly worked, with the top hedgerow being cut back to stumps; although the stumps were showing signs of recovery.
- 2.4 To the northeast of the site are sited Berners Hill farmhouse and 39 Berners Hill; most likely a former terrace of farmers cottages, circa 18<sup>th</sup> or 19<sup>th</sup> century. To the south and south west is a small string of linear road fronting development ranging from 18<sup>th</sup> to 19<sup>th</sup> century. Some of the properties along this stretch are Grade II listed, including Fernbank opposite the site and Rosedene and Montrose close to the existing farm access. West and north of the site are fields and small areas of woodland.
- 2.5 The site is west of Flimwell and northeast of Ticehurst. It lies outside of the development boundaries for both of these villages as defined in the Rother Local Plan 2006. The site sits within the countryside and is in the High Weald Area of Outstanding Natural Beauty (AONB).
- 

## **3.0 HISTORY**

- 3.1 RR/88/1576 Outline: Demolish poultry buildings and erect six semi-detached dwellings with garages and access alteration – Refused.

- 3.2 A/72/119 Outline: Residential development – Refused.
  - 3.3 A/57/163 Outline: Permission to erect 23 dwellings and service road – Refused and Appeal Dismissed.
  - 3.4 Generally, each of these applications was refused as they were outside the defined boundaries of Flimwell and Ticehurst and would have resulted in harm to the countryside and AONB.
- 

## 4.0 PROPOSAL

- 4.1 The applicant proposes the erection of nine detached houses.
  - 4.2 The application is submitted in outline form with all matters reserved. Indicative drawings have been submitted showing how access to the site could be achieved and a possible layout of the development. The supporting information also indicates the scale of the properties explaining the intention to provide 3-5 bedroom, two-storey dwellings.
- 

## 5.0 CONSULTATIONS

### 5.1 Ticehurst Parish Council

#### 5.1.1 Objection stating:

- 5.1.2 *“11 members of the public were present – two to support and nine to object. It was felt to be a poor design and an over development of the site, dominating the surrounding cottages – the scale and mass not in keeping with the area. Access point was felt to be poor and has received adverse comment from East Sussex County Council (ESCC). Flimwell is a ribbon like village and the intrusion to the rear of the established house lines could set a precedent. The area lies in a strategic green gap separating Ticehurst and Flimwell, identified in the emerging Neighbourhood Plan. The privacy of adjacent and opposite neighbours would be severely compromised.”*

### 5.2 Highway Authority (HA)

#### 5.2.1 Raises an objection as the application site is unsustainable.

#### 5.2.2 Originally stated:

- 5.2.3 *“Unsustainable site – The proposal would not achieve safe and convenient access by a choice of means of travel nor encourage and enable and increase in environmentally sustainable means of travel such as walking, cycling and public transport and thereby minimise the impact of car journeys, resulting in severe highway impacts, and is contrary to paragraph 32 of the National Planning Policy Framework.*

*The village of Flimwell is located approximately 1km to the east of the site and has relatively few local services and facilities. Ticehurst, located approximately 1.5km to the south-west of the site, does have a wider range of services and facilities. Notwithstanding this, the site is located approximately 400m to the west of the footpaths and street lightening along*

*the B2087 in Flimwell and 800m to the north-east of the commencement of the continuous footpath at the edge of Ticehurst. The closest bus stop are located approximately 300m to the south-west of the proposed new access; however, there are no footpaths along the highway in the vicinity of the site and the walk in both directions to the closest footpath and bus stops is highly undesirable as pedestrians have to walk along the busy road where cars travel at relatively high speed. For these same reasons cycling is also not considered to be an attractive option.*

*Due to the lack of footways residents of the site would be isolated from local services and facilities and public transport and would be entirely reliant upon a private motor vehicle for their day to day needs.*

*The proposed development is therefore considered to be poorly placed in terms of sustainable transport modes due to the lack of non-car travel choices for residents and would therefore be contrary to guidance in the National Planning Policy Framework. I therefore recommend that the planning application is refused.*

Note

*It is acknowledged that the site has an established used for farming and for the sale of eggs. I also note that the Design and Access Statement indicates that the proposed development for nine dwellings is likely to represent a reduction in overall vehicle trips. However, an agricultural/ commercial use is very different to a residential use for the reason that an agricultural/commercial use is reliant on vehicles to operate and for customers to transport their purchases. On the other hand residents should be provided with travel choices for regular trips such as school and work journeys, rather than be limited to travel by private car.”*

- 5.2.4 Following these initial comments the applicant responded stating that they were keen to work proactively with the HA to provide the best access point; that new bus stops could be provided; and contributions could be provided to upgrade infrastructure and facilitate a 30mph area with road signs.
- 5.2.5 The HA responded further, stating:
- 5.2.6 “Following my recommendation for refusal further information has been submitted to address my concerns regarding the accessibility of the site.

*The information put forward suggests that the development proposal could include the provision of two new bus stops on the B2087 in close proximity to the site access. It is also suggested that the 30mph speed limit would be extended beyond the site access and new 30mph signs would be provided to support this.*

*My concerns could be allayed if the development proposal includes measures to ensure that residents are not reliant on private car for travel; however, the provision of new bus stops in the vicinity of the site access would require the agreement of both the ESCC Passenger Transport Team and the local bus service provider. This would therefore require further investigation before it could be considered to be a feasible option. The provision of the new bus stops would also be dependent on there being sufficient space available within the highway verge to accommodate the bus stop post, timetable, hardstanding etc. on this stretch of road.*

*Given the rural character of the road the extension of the 30mph speed limit is unlikely to be feasible without the introduction of traffic calming measures to encourage lower vehicle speeds and I am doubtful that this would be supported by the ESCC Road Safety team. Also, I am not satisfied that reducing the speed limit alone would improve the accessibility of the site and that this would only be effective as a supporting measure in addition to the provision of new footpaths or new bus stops.*

*To conclude, due to the lack of information provided I am unable to withdraw my objection at this stage; however, if it can be shown that the mitigation measures put forward are deliverable then I would be happy to reconsider the proposal.”*

### 5.3 County Archaeologist

5.3.1 No objection raised.

5.3.2 The site is on the edge of an Archaeological Notification Area, but, based on the information supplied it is not considered that any significant below ground archaeological remains are likely to be affected.

### 5.4 Southern Water

5.4.1 No objection raised.

5.4.2 Notes that the applicant has not stated the means of foul water disposal, that there is no surface water sewer in the area to serve the development and that the applicant has stated that the development will use Sustainable Urban Drainage System (SuDS) drainage. Conditions and informatives are recommended to address these matters.

### 5.5 Planning Notice

5.5.1 As a result of the public notice there have been objections received from five different households. Concerns include:

- Accuracy of information within the application.
- Impact on neighbouring residential amenities – overlooking, light pollution, noise and disturbance.
- Impact on highway safety due to: poor access visibility, increased traffic, speeding, parking pressures, lack of pedestrian footways and potentially poorly located bus stops.
- Change in character from agricultural to residential and urban.
- Unclear how access to remaining fields will be maintained.
- Harm to AONB as a result of change in character.
- Conflict with policies and objectives of emerging Ticehurst Neighbourhood Plan – specifically policy R2 which seeks to maintain the green gap between Ticehurst and Flimwell and to avoid further ribbon development.
- Similarities with proposed development at Rosemary Lane/Broom Hill (reference RR/2015/704/P) which was dismissed at appeal.
- Impact on drainage.
- Increased risk of flooding.
- Impact on healthcare provision.

- Poor access to local services and facilities and pressure on those existing services.
- No need for additional housing in this location.
- Harm to protected species and local biodiversity.
- Impact on the setting of listed buildings – Fernbank.
- Impact of construction.
- Removal of existing asbestos on site.
- Lack of affordable housing.
- Provision of new bus stops will impact on residential amenities and cause highway safety problems.

5.5.2 Support for the proposal has been received from two different households. They consider the development justified because:

- Outline application could be granted and concerns raised could be overcome through planning and cooperation with the developer to ensure successful full planning application.
- Overlooking can be mitigated – by providing fencing, tree screening, building development below existing ground levels.
- Asbestos removal can be controlled via condition.
- TNP is not yet adopted, has not met its housing requirements yet and the application site is preferable to sites identified for development within the TNP.
- Access to remaining agricultural fields could be controlled by condition.
- Hawkhurst and Wadhurst, not just Ticehurst, are also accessible in terms of shops by car or bus.
- Proposed development would enhance the site by removing deteriorating chicken sheds.
- Traffic movements would not be significantly different to existing use so concerns about air pollution are unsubstantiated.
- HA concerns about travel choices when compared with travel choices of the existing village, which is reliant on private motor vehicles, is groundless.
- Additional bus stops could be provided to resolve HA concerns.
- Requirement for housing outweighs sustainable transport concerns.
- Increasing ownership of electric cars reduces air pollution concerns.

5.5.3 One household has made general comments, which include:

- Proposed housing design and density unsuitable for site, but, low level 'barn type' buildings would be less overwhelming.
- Development of site inevitable given chicken farm is no longer viable so agreeable and environmentally acceptable solution should be found.

---

## 6.0 APPRAISAL

6.1 The application is in outline form with all matters reserved. Therefore, only the principle of development is being considered at this stage. However, to aid in this assessment the applicant has provided indicative details, including a layout plan and has referenced the scale of the dwellings by providing details of their possible floorspace.

- 6.2 In determining the principle of the development the main considerations are the Council's housing supply position, the impact of the proposed development on the character and appearance of the area having particular regard to the landscape and natural beauty of this part of the AONB and whether the site is sustainably located in terms of accessibility to local services, facilities and public transport.
- 6.3 Other issues for consideration include the housing types proposed, the impact on historic assets, the potential impact on neighbouring residential amenities, transport and highway safety matters, drainage and flood risk, affordable housing and the impact on trees and biodiversity.
- 6.3 Policy position and housing land supply
- 6.3.1 The Government requires that all local planning authorities identify annually a supply of specific deliverable sites sufficient to provide a five year supply of housing against their housing requirements with an additional appropriate buffer to ensure choice and competition in the market for land. Policy OSS1 of the Rother Local Plan Core Strategy (CS) sets out the overall spatial development strategy includes a requirement to plan for at least 5,700 additional dwellings (net) in the district over the Plan period. Figure 8 sets out approximate development levels for different parts of the district, including a total of 1670 dwellings within villages. Policy RA1 (v) sets a target of 44 new dwellings (net) in Flimwell over the Core Strategy period 2011-2028. Taking into account commitments, completions and extant permissions for Flimwell (totalling 35 units) the residual allocation for the area is now nine dwellings.
- 6.3.2 Policy DS3 of the Rother Local Plan 2006 (LP) sets out the development boundaries where the majority of new development will take place. Core Strategy Policy OSS2 states that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. This proposal, as stated above, would be outside of the defined development boundary for Flimwell and in planning policy terms is considered in the countryside.
- 6.3.3 As the proposal is within the countryside Policy RA2 is relevant and states that (iii) new development should be strictly limited to that which supports local agricultural, economic or tourism needs and maintains local character. Furthermore Policy RA3 states that (iii) new dwellings will be allowed in the countryside in extremely limited circumstances, which this proposal does not comply with.
- 6.3.4 Notwithstanding the above, based on the housing position as of April 2018 it is acknowledged that the Council does not have a five-year supply of deliverable sites at the present time. In such circumstances, paragraph 49 of the National Planning Policy Framework states that relevant policies for the supply of housing cannot be considered up-to-date. This position means only limited weight can be given to the fact that the proposal conflicts with the Local Plan and Core Strategy policies relating to development boundaries and the location of new housing (Policies DS3, OSS2, RA2 and RA3) and the application is to be considered in the context of paragraph 14 of the National Planning Policy Framework. This situation alone does not mean that housing schemes which are unacceptable on sound planning



grounds must now be allowed; however, it does add weight to the benefits that a potential additional source of housing supply would bring when determining the 'planning balance'.

- 6.3.5 Footnote 9 of paragraph 14 of the National Planning Policy Framework exempts AONBs, amongst other designations, from what has been described as the 'tilted balance' where in paragraph 14 it requires approval unless, *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"*. The key paragraph of the National Planning Policy Framework in this respect is 115 which states:

*"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONB, which have the highest status of protection in relation to landscape and scenic beauty."*

#### 6.4 Impact on local character, including the AONB

- 6.4.1 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2014-2019. The plan also set objectives for the management of the AONB that include: S2 – to protect the historic pattern of development, S3 – to enhance architectural quality and FH2 – to maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands.
- 6.4.2 Policy OSS2 of the Core Strategy states that development boundaries around settlements will be reviewed taking account of (i) the existing pattern, form and function of settlements, including of closely 'linked' settlements and important 'gaps' of countryside between them, (ii) the character and setting of individual towns and villages.
- 6.4.3 Policy OSS3 of the Core Strategy states that development proposals will be assessed in the context of (i) the spatial strategy for the particular settlement; (vi) the character and qualities of the landscape; and (vii) making effective use of land within the main built up confines of towns and villages.
- 6.4.4 OSS4 (iii) of the Core Strategy requires that all development respects and does not detract from the character and appearance of the locality.
- 6.4.5 Policy RA2 sets out the overarching strategy for the countryside outside the main confines of villages, including: (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 6.4.6 Policy RA3 states that (v) all development in the countryside should be of an appropriate scale and not adversely impact on the landscape character or natural resources of the countryside.
- 6.4.7 Policy EN1 provides for the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and

landscape features including (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB and (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.

- 6.4.8 In addition to paragraph 115 of the National Planning Policy Framework, paragraph 109 requires that the planning system should contribute to and enhance valued landscapes that would include the AONB.
- 6.4.9 The application site relates to part of the farmstead area of Berners Hill Farm, west of the village of Flimwell. There are number of barns and sheds on this portion of land, all proposed to be demolished, and although they exist, it is made clear in Annex 2 of the National Planning Policy Framework that land occupied by agricultural buildings is excluded from the definition of previously developed land. The site is therefore not considered brownfield.
- 6.4.10 The site sits in an elevated position along this section of Berners Hill where the narrow lane and landscaped bank of the site contribute to the rural character of the area. The agricultural buildings, which have a low profile, clearly identify the site's character as an agricultural part of the rural landscape and the nearest dwellings are a narrow, linear form of 18<sup>th</sup> and 19<sup>th</sup> century houses (some of which are listed buildings).
- 6.4.11 Although the development boundary of Flimwell, at its closest point, is approximately 100m to the east, the built form of Flimwell only extends westwards on the southern side of Berners Hill (terminating just before Berners Hill Cottages). Open countryside exists on the land on the northern side (between Rosemary Lane and Bewl Bridge Close) and the site is otherwise surrounded by more open countryside with some scattered development located along the B2087 towards Ticehurst.
- 6.4.12 The site clearly relates to the open countryside given its use and its connection to the adjoining fields to the north. These fields form part of a series of historic field boundaries in this part of the AONB that serve to define the medieval pattern of small irregular fields that are interspersed with woodland, which is typical of the High Weald.
- 6.4.13 The site is otherwise part of an area between Flimwell and Ticehurst which has limited existing development, but, there is a clear danger of compromising the gap between the two settlements with new development. Overall the site forms an important part of the rural setting of Flimwell when approaching from the west before the built nature of the village is encountered. This is an aspect echoed in the emerging Ticehurst Neighbourhood Plan and intended to be protected under draft policy R3.
- 6.4.14 The proposed development would result in nine detached houses being constructed on site. This would radically urbanise the site from an agricultural farmstead that forms part of the local rural character, to a relatively large residential cul-de-sac.
- 6.4.15 Although the layout and the scale of the development are not being approved the applicant has shown that development would extend to the rear of the site by up to five dwellings and each is likely to be two-storey. Whilst the scale of the dwellings could be reduced, the layout of the development is unlikely to change significantly. Hard surfacing on site would

be increased as a result of the development as would more urbanising features such as fencing and the wider vehicular access likely to be necessary to ensure safe egress. Developing the site in this way would have the appearance of extending significantly into the countryside and would not be in keeping with the scattered linear built form of development in the area, which is limited in depth.

- 6.4.16 It is considered that the proposal would unacceptably urbanise this rural location and would not reflect the grain of development in the immediate area. The proposal would further compromise the existing gap between the settlements of Ticehurst and Flimwell. For those reasons, the scheme would cause significant harm to the character of the area and the special qualities of the AONB. The proposal is, therefore, contrary to paragraph 115 of the National Planning Policy Framework and this consideration is to be given 'great weight' in the planning balance to be made. The proposal would also be contrary to paragraph 109 of the National Planning Policy Framework and to Policies OSS2 (i) and (ii); OSS3 (i), (vi), and (vii); OSS4 (iii); RA2 (viii), RA3 (v) and EN1 of the CS.

## 6.5 Accessibility, traffic and highway safety

- 6.5.1 Policy TR3 requires new development to minimise the need to travel and support good access to employment, services and community facilities as well to ensure adequate, safe access arrangements. This would be done by (i) ensuring new development prioritise the needs of pedestrians, cyclists and minimise the distance to local public transport nodes.
- 6.5.2 Policy CO6 requires new development to provide a safe physical environment by (i) safe streets and pedestrian routes and safe levels of lighting.
- 6.5.3 Although the application is made in outline form the type of development proposed is clear – nine detached houses. The HA have advised (see full comments above) that a development of this scale, in this location, is unsustainable for a number of reasons, including: the significant distance from local services and facilities, reliance on private motor vehicles (the least sustainable form of transport) to access those services, poor connectivity with existing public transport, poor location in terms of providing safe walking and cycling options and a lack of sufficient details about how such concerns could be overcome. The main concern from a highway perspective, therefore, is accessibility and sustainability.
- 6.5.4 In addition to the concerns about sustainability some of the objections refer to highway safety. Clearly, the HA share some of these concerns, especially with regard to pedestrians and cyclists who would be forced to use a narrow lane with no footpaths and concerns about speeding. It is unlikely, given the size of the development, that traffic movements would cause a safety issue, especially if a technically proficient access could be provided, but, this is an outline application where all matters are reserved so the access point (and its suitability from a highway safety perspective) is not being considered at this stage. Nonetheless the concerns raised by the HA in terms of the developments accessibility and their concerns about how improvements to that accessibility can safely be provided mean the development is contrary to Policies TR3 and CO6 and paragraph 32 of the National Planning Policy Framework.

## 6.6 Local housing needs and affordable housing

- 6.6.1 Policy LHN1 requires new development (ii) in rural areas to provide a mix of housing sizes and types with at least 30% being one and two bedroom dwellings (being mostly two bed) and (iv) in larger development (6+ units) provide a range of differing household types.
- 6.6.2 Policy LHN2 requires new development (iv) (a) in rural areas to provide 40% on site affordable housing on schemes of five dwellings or more.
- 6.6.3 The application is submitted in outline form only with all matters reserved. Although the size and types of dwellings are not being approved, the applicant has specifically applied for detached dwellings and has shown clear intent with the indicative details identifying three to five bedroom properties with specific footprints and overall floorspaces tabled on the drawings and in the design and access statement. With no one or two bed properties the indicative development clearly would not comply with Policy LHN1.
- 6.6.4 The applicant has not indicated that the development would provide any affordable housing. During the assessment of the application the requirement for affordable housing was flagged with the applicant but no further discussions have taken place given the intention to recommend the application for refusal (see planning balance below).
- 6.6.5 The requirement for affordable housing is stated in Policy LHN2, however, following a written ministerial statement of 28 November 2014 (which after legal challenge was given legal effect by order of the Court of Appeal dated 13 May 2016) it is acknowledged that contributions cannot be sought for schemes of 10 units and less than 1000sqm. However, in accordance with the written statement contributions in the form of cash payment can be sought on schemes of between 6-10 units in rural areas.
- 6.6.6 The indicative development shown in the outline application is only nine units but its total floorspace is shown to exceed 1000sqm. Whilst a financial contribution would be required, given that the scheme is a rural development of between six and 10 units, it would appear that a scheme based on the indicative development would require an onsite contribution as the scheme exceeds 1000sqm of floorspace. The requirement for affordable housing would need to be finalised as part of any reserved matters application.

## 6.7 Impact on heritage assets

- 6.7.1 Policy EN2 requires development affecting statutorily and non-statutorily protected assets to (iii) preserve locally distinctive vernacular building forms and their settings and (vi) ensure appropriate archaeological research and investigation of both above and below-ground archaeology.
- 6.7.2 Paragraph 128 of the National Planning Policy Framework requires applicants to describe the significance of heritage assets and paragraph 131 requires the desirability of sustaining and enhancing the significance of heritage assets to be considered in determining planning applications.
- 6.7.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also confers a statutory duty to local planning authorities when

considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.7.4 The key heritage asset in this instance is Fernbank, a Grade II listed building, which sits on the opposite side of Berners Hill to the southeast of the site. Other nearby listed buildings, all Grade II, includes Rosedene, Montrose, Midhill Cottages, Lyndhurst, Chorley Cottage and Greystones.
- 6.7.5 Historic mapping for the area shows that all of the properties in this small stretch of the B2087 date back to the 18<sup>th</sup> or 19<sup>th</sup> centuries if not earlier. Collectively they are considered non-designated heritage assets given their age, style and the contribution they make to the attractive rural character of the area. Berners Hill Farm and 37 Berners Hill are particularly interesting, forming what was likely to historically have been a small row of farm cottages that sit prominently in the elevated position along the country lane.
- 6.7.6 All of these designated and non-designated assets share a common feature; that being their setting. The linear form of development along this section of Berners Hill means that the backdrop to the properties along the road is the open and rural countryside. Even if viewing the application site from the south east, the background to Fernbank and Berners Hill House would be the farm and its low profile buildings that is clearly an agricultural and rural setting. Developing the site for housing would significantly change the setting of these buildings, disrupting the rural backdrop with a more urban form of development. Such a change in setting, when the significance of that setting is drawn from the relationship of the properties to the surrounding countryside, is considered to result in less than substantial harm. This impact has not been acknowledged by the applicant.
- 6.7.7 Harm to the setting of these identified assets would be contrary to Policy EN2 and the 1990 Act. In accordance with paragraph 134, where less than substantial harm has been identified, the harm should be weighed against the public benefits of the proposal. This is considered in further detail below (see planning balance below in Section 7).
- 6.7.8 The applicant has shown the proposed development outside of the adjacent Archaeological Notification Area (ANA). The County Archaeologist has also raised no objections stating that archaeological remains are unlikely to be impacted by the development based on the submitted details.
- 6.7.9 Whilst not necessarily resulting in harm it should be noted that the existing access to the site runs through the ANA and the indicative layout plan shows the access removed and the roadside bank reinstated. This would result in works within the ANA which have not been sufficiently explained. This would conflict with Policy EN2 (vi).
- 6.8 Impact on neighbouring residential units
- 6.8.1 Policy OSS4 requires new developments to (ii) not unreasonably harm the amenities of adjoining residents.
- 6.8.2 The indicative development shows that a decent separation can be achieved between existing and proposed dwellings. Therefore despite the change in levels, the proposed development would not result in any loss of daylight or

sunlight or be considered overbearing to existing residents. Overlooking would also not be a significant concern with the orientation of the properties, although not being considered at this stage, likely to avoid windows facing towards existing properties. Improvements could also be made with appropriate planting.

- 6.8.3 Whilst most of the existing properties are unlikely to experience any negative impact to their amenities, Berners Hill House could be impacted. This property sits opposite the site and the indicative position of the access would be opposite their garden space. Whilst the garden is directly adjacent to and runs parallel with an existing road with passing traffic, the new access would result in cars and pedestrians, in an elevated position, facing towards the property. The sense of constantly being overlooked by those entering and leaving the new housing development would result in a level of harm to the amenities of this property that would be unexpected in this rural location. Whilst the access position is not being approved as part of this application, the applicants desire to avoid the Archaeological Notification Area means that access is more than likely to be opposite this house. It can therefore be concluded that the proposal would cause harm to the amenities of Berners Hill House.

## 6.9 Trees and biodiversity

- 6.9.1 Policies OSS4, RA2, RA3 and EN1 all require development to not adversely affect local character, including landscape character. This is considered to relate to trees and hedgerows which provide a high amenity value and contribute to local character.
- 6.9.2 Policy EN5 also requires biodiversity, geodiversity and green spaces to be protected.
- 6.9.3 Whilst the applicant has indicated that most trees and hedgerows would remain, some hedgerow removal at the front of the site to provide the access could take place, the estate road would be built very close to two significant oak trees and plot 5 is close to two significant chestnut trees. Whilst any potential impact on the identified trees could likely be addressed by amending the layout or providing mitigation measures (i.e. no dig hard surfacing) as part of a reserved matters application, the hedgerow along the bank and the bank itself (which includes many daffodil bulbs) will likely be impacted given that there are limited options for accessing the site. Any intrusion into the bank, resulting in the loss of the hedgerow will substantially change the character of the lane to the detriment of the local rural character. This would contribute to the harm identified in section 6.4 above.
- 6.9.4 The application has not been accompanied by any ecological reports. Given the rural location and the condition of the farm buildings there is a likelihood of bats, breeding birds and barn owls being present on site. No information in this respect has been provided. Whilst enhancement measures could be controlled by condition, Natural England's standing advice is clear that the impact on protected species should be understood prior to a decision being made. As the impact on bats, or other potential protected species, remains unknown, the proposed development is considered to conflict with Policy EN5.

## 6.10 Drainage and flood risk

- 6.10.1 Policies SRM2 and EN7 requires new development to have appropriate foul and surface water drainage.
- 6.10.2 The objection comments from local residents regarding recent local flooding issues are noted, but, the development is not in an identified Flood Zone, or in an area at risk of surface water flooding. Southern Water has not raised any objections to the proposed development. The application is also in outline form so no drainage details have been provided. That said, drainage solutions on greenfield sites are generally achievable and full details can be required by condition. Any development would not commence until an appropriate drainage solution is approved. Such an approach is recommended by Southern Water.

---

## 7.0 **PLANNING BALANCE AND SUMMARY**

- 7.1 The site lies outside of the development boundaries of Flimwell and Ticehurst and is within the High Weald AONB. Whilst the development would provide nine dwelling units – which is the residual amount required in Flimwell – this development would be detached from the village and it would be at the expense of redeveloping an agricultural, rural site with a more urban form development. The elevated position of the site would mean that the development is prominent in views along the B2087 and from surrounding open land. The extent of the site and the likely layout of development would relate little to the existing linear form of development. It is considered that the proposal would unacceptably urbanise this rural location and would not reflect the grain of development in the immediate area. The proposal would further compromise the existing gap between the settlements of Ticehurst and Flimwell. For those reasons, the scheme would cause significant harm to the character of the area and the special qualities of the AONB. In this regard the development would fail to meet the environmental dimension of sustainable development and be contrary to paragraph 115 of National Planning Policy Framework.
- 7.2 The site and the proposed development on it is not considered to meet the social dimension of sustainable development, being physically and functionally separate from the existing core of the settlement. These concerns are shared by the HA who consider the site to be poorly located in relation to services and facilities with heavy reliance on private motor vehicles and no significant means of providing safe, non-car modes of transport.
- 7.3 The proposal would result in harm to the setting of a designated heritage asset, the Grade II listed Fernbank, as well as the setting of non-designated assets such as the farmhouse dwelling at Berners Hill Farm, 39 Berners Hill and Berners Hill House, because of the way the background of these houses will change from a strong rural character to a more urban one with larger built form. This would diminish the relationship of these properties with the surrounding countryside and relate poorly to the linear pattern of development along the country lane. This would be contrary to Policy EN2, Section 66 of the 1990 Act and paragraphs 131 and 134 of the National Planning Policy Framework.

- 7.4 Lastly, as discussed above there are also a number of concerns in relation to the impact on the residential amenities of Berners Hill House due to the poor positioning of the access and the elevated nature of the development, the lack of appropriate information in regard to protected species and the extent of works within the ANA.
- 7.5 To conclude, although a five year housing supply with 20% buffer cannot currently be demonstrated and that therefore as required by paragraph 49 of the National Planning Policy Framework planning decisions are to be made in accordance with the presumption in favour of sustainable development set out in paragraph 14, the principal consideration here is that great weight should be given conserving the landscape and natural beauty of the AONB, which has the highest status of protection in relation to landscape and scenic beauty. It is concluded that the proposal would cause significant harm to the local AONB landscape and the character of the countryside. Notwithstanding this harm the proposal would also be unsustainably located and result in harm to heritage assets with the public benefit of a small provision of houses not considered to outweigh the harm identified. It is therefore considered that planning permission should be refused as it would not be sustainable development in the context of paragraph 14 of the National Planning Policy Framework.
- 

## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 The proposal is development where CIL will be chargeable. CIL is, however, calculated at the Reserved Matters (rather than the outline) stage, as where CIL is chargeable the amount can only be calculated when precise floor areas of properties are known. In the event that outline planning consent is granted this would therefore need to be assessed at the detailed application stage.
- 

## **RECOMMENDATION: REFUSE (OUTLINE PLANNING)**

---

### **REASONS FOR REFUSAL:**

1. The application site lies within the High Weald Area of Outstanding Natural Beauty (AONB) where, in accordance with paragraph 115 of the National Planning Policy Framework, great weight is to be given to conserving its landscape and scenic beauty. Notwithstanding that the Council cannot currently demonstrate a five year supply of housing land with 20% buffer, and this weighs substantially in favour of permitting the development, in accordance with paragraph 14, the proposal represents an undesirable form of isolated development within the AONB countryside that would:
  - i. fail to have regard to the character and historic settlement pattern of Flimwell and Ticehurst villages and the green gap between them within the AONB;
  - ii. have an unacceptable adverse impact on the landscape character of the site and the local area within the AONB, including both nearby and long distance views towards the site; and
  - iii. be unsustainable due to its separation and distance from local services and facilities and a lack of non-car means of accessing those services and facilities.



As such it is considered that the development would represent a socially and environmentally unsustainable form of development that would fail to accord with paragraph 115 of the National Planning Policy Framework as well as paragraphs 7, 17 and 109 of the National Planning Policy Framework and Policies OSS2 (i) and (ii), OSS3 (i), (vi) and (vii), OSS4 (iii), RA2 (viii), CO6 (i) and EN1 (i) and (v) of the Rother Local Plan Core Strategy.

2. The proposed development will introduce an intensive form of urban development in a countryside location resulting in a significant change to the rural backdrop, and therefore the setting, of a number of designated and non-designated heritage assets including, Fernbank, Rosedene and Montrose (all Grade II listed buildings) and Berners Hill Farm, 39 Berners Hill, Berners Hill House and Rock Cottages (all non-designated heritage assets). The significance of these assets is drawn from the linear pattern of development against a rural countryside setting and this proposal would result in less than substantial harm to that setting. The limited public benefits of the proposal would be outweighed by the harm identified. The proposal would be contrary to policy EN2 of the Rother Local Plan Core Strategy and paragraph 134 of the National Planning Policy Framework. The proposal would also conflict with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. The proposal will result in development being elevated above the level of Berners Hill House with the access to the new development only capable of being accommodated in a position opposite the garden of this property. Such an elevated and open access orientated towards Berners Hill House will result in a sense of constantly being overlooked which will impact on the reasonable enjoyment of the private amenity space of this dwellinghouse due to the overwhelming loss of privacy. The proposed development would therefore be contrary to Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
4. The proposal lacks information with regard to the impact of the development on protected species. Given the location of the development and the condition of the buildings (all proposed to be demolished) Natural England standing advice indicates a possibility of bats, breeding birds or barn owls. Without any information to explain otherwise it is not known whether the buildings are occupied by protected species and whether their demolition will cause harm to such species. The proposed development would therefore be contrary to Policy EN5 of the Rother Local Plan Core Strategy.

#### **NOTES:**

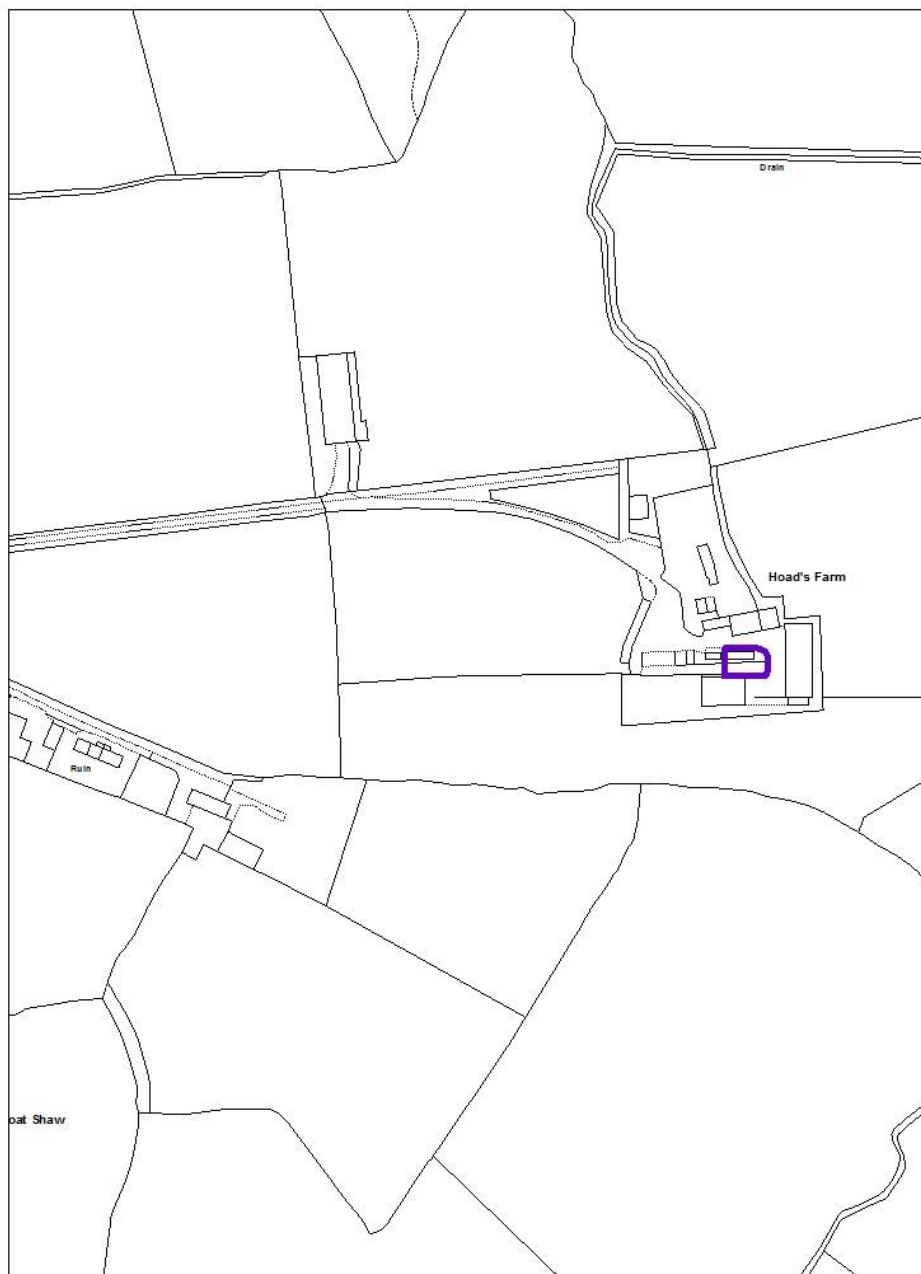
1. The drawings and documents subject of this refusal comprise:  
Design Access Statement  
Location Plan (by Backwells, dated 08 February 2018)  
Drawing Nos. 586.02.01A, 586.03.01A and 586.03.03A

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which

has been clearly identified within the reasons for the refusal, approval has not been possible.

[View application/correspondence](#)

SITE PLAN	Westfield
RR/2018/929/P	Hoads Farm - Mobile Unit 1, Moat Lane



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No

**Not To Scale**

RR/2018/929/P

**WESTFIELD Hoads Farm – Mobile Unit 1, Moat Lane****Removal of mobile home and the erection of a single residential dwelling incorporating existing summerhouse structure.**

**Applicant:** Mr P. Martin  
**Agent:** Pump House Designs  
**Case Officer:** Mr E. Corke (Email: [edwin.corke@rother.gov.uk](mailto:edwin.corke@rother.gov.uk))  
**Parish:** WESTFIELD  
**Ward Members:** Councillors J.M. Johnson and C.R. Maynard

**Reason for Committee consideration: Referred by Councillor C.R. Maynard****Statutory 8 week date: 23 May 2018****Extension of time agreed to: 26 June 2018**

This application is included in the Committee site inspection list.

---

## **1.0 POLICIES**

- 1.1 No 'saved' policies of the adopted Rother District Local Plan 2006 are relevant to the proposal.
- 1.2 The following policies of the Rother Local Plan Core Strategy 2014 (Core Strategy) are relevant to the proposal:
- Policy PC1 – (Presumption in Favour of Sustainable Development)
  - Policy OSS2 – (Use of Development Boundaries)
  - Policy OSS3 – (Location of Development)
  - Policy OSS4 – (General Development Considerations)
  - Policy RA2 – (General Strategy for the Countryside)
  - Policy RA3 – (Development in the Countryside)
  - Policy CO6 – (Community Safety)
  - Policy EN1 – (Landscape Stewardship)
  - Policy TR4 – (Car Parking)
- 1.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.

---

## **2.0 SITE**

- 2.1 The application relates to one of two mobile homes and an adjacent unauthorised summerhouse structure located within a group of buildings of various agricultural, commercial and residential uses. Vehicular access is from Moat Lane via a long narrow track.

- 2.2 The site is located in the countryside and is within the High Weald Area of Outstanding Natural Beauty (AONB).
- 

### 3.0 HISTORY (relevant)

- 3.1 RR/2015/2169/O Use of the land for the stationing of two mobile homes for residential accommodation – Granted.
- 3.2 RR/2017/2157/P Removal of a mobile home and the erection of a single residential dwelling – Granted.
- 

### 4.0 PROPOSAL

- 4.1 In 2015 a Lawful Development Certificate (application ref: RR/2015/2169/O) was granted for use of the application site and the adjacent parcel of land for the stationing of two mobile homes for residential accommodation. There are no restrictions relating to the occupancy of the mobile homes.
- 4.2 In 2017 planning permission (application ref: RR/2017/2157/P) was granted for removal of the western mobile home and the erection of a single-storey 2-bedroom dwelling. That permission has not yet been implemented.
- 4.3 The current proposal is for removal of the eastern mobile home and the erection of a single-storey 1-bedroom dwelling incorporating the unauthorised summerhouse structure, which is currently being used as ancillary accommodation to the mobile home. The scheme includes the provision of an outside decking area.
- 4.4 The replacement structure measures 11.4m (length) x 4.4m (width) x 3.2m (maximum height to ridge). It would have a brick plinth with timber cladding to the elevations and slate to the low pitched roof. The existing summerhouse has a floor area of 39sqm and is of timber construction with a felt pitched roof.
- 4.5 Since the application was first publicised the applicant has submitted a letter in support of the proposal. He has commented as follows:

*“Mr Martin would like it known that the Mobile Unit is his home and he has lived on site in this way for over 20 years.*

*He apologises for the fact that the summerhouse was erected without the necessary planning permission and this happened because he had been incorrectly informed by the company that sold it to him that planning permission was not necessary!*

*In response to the claim made by an objector, Mr Martin wants to confirm that the summerhouse was erected as extra living accommodation for himself; it certainly has not been occupied as a separate dwelling!*

*Mr Martin wanted to improve his home and, knowing that the adjoining Mobile Home had been recently granted planning permission to be replaced with a dwelling, he thought it was a good time to apply for planning permission for a replacement dwelling, rather than apply simply to retain the*

*unauthorised summerhouse as he had been asked to do by the Council's Enforcement Officer.*

*Mr Martin's proposal is effectively for a replacement dwelling and will not result in any additional dwellings on the site. It will very much improve Mr Martin's standard of living and will tidy up the site, so he very much hopes that you will agree with the Planning Officer's recommendation and approve his application."*

---

## **5.0 CONSULTATIONS**

### **5.1 Westfield Parish Council:**

#### **5.1.1 Objects:**

*"Council made the following comments: 1. The summerhouse has been subject to an Enforcement Notice 2. The summerhouse is already being used as a separate dwelling 3. There are two separate dwellings and occupancies of this site 4. Council would recommend refusal of this application on the grounds of over development of the site."*

### **5.2 UK Power Networks:**

#### **5.2.1 No objection.**

### **5.3 Scotia Gas Networks Limited (SGN):**

#### **5.3.1 No objection.**

### **5.4 Planning Notice:**

#### **5.4.1 Two objections from local residents raising the following concerns (summarised):**

- Permission has already been granted for a dwelling to be built;
  - Overdevelopment of this site which is set in an area of outstanding natural beauty;
  - The access road which leads to this site is already very busy and dangerous for anyone walking along the side. Further development would make it impossible to use this public right of way safely; and
  - The planning notice placed at the end of the drive is dated as 13 April but this notice has only actually been up for a few days (I drive past at least four times a day) not allowing residents sufficient time to comment or consider this application.
- 

## **6.0 APPRAISAL**

### **6.1 The main issues are:**

- The principle of a new dwelling in this countryside location;
- The effect of the proposal on the landscape and scenic beauty of the High Weald AONB;

- The effect of the proposal on the living conditions of neighbouring occupiers; and
- The effect of the proposal on road and pedestrian safety.

## 6.2 Principle/landscape impact

6.2.1 The application site is located in the countryside for policy purposes. In this respect, Policy RA3 (iii) of the Core Strategy is specific to the formation of new dwellings in the countryside. This states that there are four extremely limited circumstances in which new dwellings are allowed. These are:

- Dwellings to support farming and other land-based industries;
- The conversion of traditional historic farm buildings in accordance with policy RA4;
- The one-to-one replacement of an existing dwelling of similar landscape impact; and
- As a 'rural exception site' to meet an identified local affordable housing need.

6.2.2 The Government's approach to the natural environment is set out in the National Planning Policy Framework and advises that valued landscapes should be protected and enhanced. Paragraph 115 states that great weight should be given to conserving the landscape and scenic beauty of AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Policies OSS3, OSS4, RA2, RA3 and EN1 of the Core Strategy are consistent with the advice of the National Planning Policy Framework. These policies all seek to ensure that development respects the character and qualities of the landscape and countryside, especially where they are protected by national designation for their scenic beauty.

6.2.3 The existing mobile home is effectively a dwelling, as it is lawfully used for residential accommodation with no restrictions on occupancy. The proposal is therefore considered against the third criterion of Policy RA3 (iii) – i.e. whether it is for the one-to-one replacement of an existing dwelling of similar landscape impact. In this respect, the design of the proposed dwelling, which incorporates the summerhouse structure, is considered to be acceptable having regard to the mixture of agricultural and commercial buildings to which it would relate. Whilst the new dwelling would be larger than the existing mobile home, it would sit within the existing group of buildings, where it would have a limited and acceptable impact in the landscape.

6.2.4 The site itself is small and is contained within the existing group of buildings and associated areas of vehicle hardstanding. As such, the creation of a formal garden would not be harmful to the character and appearance of this countryside and AONB location.

6.2.5 A condition restricting 'permitted development' rights would be necessary to ensure that the dwelling would not have a significantly different landscape impact. It would also be necessary to prevent the site from becoming overdeveloped with domestic buildings to ensure the character and appearance of this countryside and High Weald AONB location would not be compromised.

### 6.3 Living conditions

- 6.3.1 Policy OSS4 (ii) seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.
- 6.3.2 In terms of outlook, the current relationship with the adjoining mobile home to the west is acceptable and this would not significantly change as a result of the proposal. There is potential for overlooking of the neighbouring site from a bathroom window and the proposed decking, but these issues can be addressed by the use of obscure glazing and the erection of a privacy screen respectively.

### 6.4 Road and Pedestrian Safety

- 6.4.1 Policy CO6 (ii) of the Core Strategy seeks to avoid prejudice to road and/or pedestrian safety.
- 6.4.2 It is not considered that replacement of the existing residential mobile home with a 1-bedroom dwelling would generate an increase in traffic using the vehicular access. As such, the proposal would not prejudice road and pedestrian safety.

### 6.5 Other matters

- 6.5.1 The Parish Council states that the summerhouse has been subject to an enforcement notice, but this is not the case.
- 6.5.2 A local resident is concerned that the application has not been properly publicised. However, the Council has fulfilled its statutory duty in relation to publicising the application with two planning notices displayed (one in Moat Lane at the vehicular access and one in front of the mobile home itself). These were both displayed on 13 April 2018 and there is photographic evidence to support this.
- 6.5.3 SGN and UK Power Networks have advised that there are gas and electricity lines within the vicinity of the site, which could potentially be affected by the development. Detailed information has been provided for the applicant, which can be drawn to his attention by way of a note attached to the decision notice.

---

## 7.0 **CONCLUSION AND PLANNING BALANCE**

- 7.1 The proposal would result in the replacement of a mobile home used for residential accommodation with a larger dwelling incorporating a currently unauthorised summerhouse structure. It would also result in the creation of a formal garden. Whilst the new dwelling would be larger than the existing mobile home, the development would sit within the existing group of buildings, where it would have a limited and acceptable impact in the landscape. The proposal would also have an acceptable impact on the living conditions of neighbouring occupiers and would not prejudice road and pedestrian safety. Subject to appropriate conditions, planning permission should be granted.



## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

8.1 The proposed development is liable for CIL.

---

### **RECOMMENDATION: GRANT (PLANNING PERMISSION)**

---

#### **CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:  
No. 5766/LBP (LOCATION BLOCK PLAN), dated MARCH 2018; and  
No. 5766/1 (PROPOSED EXTENSION), dated MARCH 2018.  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. Before commencement of any above ground works, samples of the materials and finishes to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason: To ensure the satisfactory appearance of the dwelling in this countryside and High Weald Area of Outstanding Natural Beauty location, in accordance with Policies OSS4 (iii), RA2 (viii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.
4. The dwelling hereby permitted shall not be occupied until a privacy screen has been erected on the west side of the decking shown on approved Drawing No. 5766/1 (PROPOSED EXTENSION), dated MARCH 2018, in accordance with details first submitted to and approved in writing by the Local Planning Authority. The privacy screen shall thereafter be retained.  
Reason: To prevent the development from having any adverse impact upon the amenities of the neighbouring property (Caravan 2) by way of overlooking, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
5. At the time of construction and prior to the first occupation or use of the dwelling hereby permitted, the bathroom window within the rear (west) elevation, as shown on approved Drawing No. 5766/1 (PROPOSED EXTENSION), dated MARCH 2018, shall be glazed with obscure glass of obscurity level equivalent to scale 5 on the Pilkington Glass Scale, and shall be fixed shut (except for in the event of an emergency as a means of entry/escape).  
Reason: To prevent the development from having any adverse impact upon the amenities of the neighbouring property (Caravan 2) by way of overlooking, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no extensions, alterations, buildings, structures or installations, as defined within Classes A, B, C, D and E of Part 1 of the Schedule 2 of the Order, shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.

Reason: The proposal involves the replacement of a mobile home with a larger dwelling at this site within the countryside, and it is necessary to restrict permitted development rights in order to ensure that the dwelling does not have a significantly different landscape impact, in accordance with Policy RA3 (iii) (c) of the Rother Local Plan Core Strategy. It is also necessary to prevent the site from becoming overdeveloped with domestic buildings to ensure the character and appearance of this countryside and High Weald Area of Outstanding Natural Beauty location is not compromised, prevent the development from having any adverse impact upon the amenities of the neighbouring property (Caravan 2), and to retain adequate outdoor amenity space for future occupiers, in accordance with Policies OSS4 (i, ii and iii), RA2 (viii), RA3 (iv and v) and EN1 (i) of the Rother Local Plan Core Strategy.

#### NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. The applicant's attention is drawn to the detailed information provided by SGN and UK Power Networks regarding gas and electricity services within the vicinity of the site, which should be read prior to the commencement of any works. This information is available to view on the "Viewing Applications, Decisions and Appeals Online" page of Rother District Council's Planning Website (<http://www.rother.gov.uk/planning>) under planning application reference RR/2018/929/P.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)

SITE PLAN

Westfield

RR/2018/1238/P

Five Acres, Brede Road



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No

Not To Scale

---

RR/2018/1238/P

WESTFIELD Five Acres, Brede Road

Change of use of land from agriculture to land for exercising dogs (Retrospective)

---

<b>Applicant:</b>	Mrs T. Thompson
<b>Agent:</b>	CLM Planning
<b>Case Officer:</b>	Mr Scott Carey (Email: <a href="mailto:scott.carey@rother.gov.uk">scott.carey@rother.gov.uk</a> )
<b>Parish:</b>	WESTFIELD
<b>Ward Members:</b>	Councillors J.M. Johnson and C.R. Maynard

**Reason for Committee consideration:** Head of Service Strategy and Planning referral: Agent is related to a member of staff.

**Statutory 8 week date:** 25 June 2018

---

This application is included in the Committee site inspection list.

---

## **1.0 POLICIES**

- 1.1 The following policies of the Rother Local Plan Core Strategy are relevant to the proposal:
- OSS4 – (General Development Considerations)
  - RA2 – (General Strategy for the Countryside)
  - RA3 – (Development in the Countryside)
  - EN1 – (Landscape Stewardship)
  - CO6 – (Community Safety)
- 1.2 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
- 

## **2.0 SITE**

- 2.1 Five Acres is a field to the north-west of the A28. It is accessed via a shared drive from this road, which serves two other properties to the north, 'Stepping Stone Farm' and 'Westfield Springs'.
- 2.2 The field is situated some 1.4km to the north-east of Westfield Village, outside of any recognised development boundary and within the High Weald Area of Outstanding Beauty (AONB), within open countryside.
- 

## **3.0 HISTORY**

- 3.1 None.
-

## 4.0 PROPOSAL

- 4.1 This application relates to the use of the field in question for a dog exercising field. The field has been enclosed with high fencing, comprising timber posts with wire mesh fencing, to ensure dogs using the field cannot escape.
- 4.2 The access track leads to a small parking area off the track which serves the use being applied for. This parking area, including a metal gate leading to a hard surfaced area which can accommodate 3-4 cars, enables cars to enter the site, close the gate and let dogs out, and access the field via another metal gate.
- 4.3 The use commenced in September 2017, and the Planning Statement states the following:

*'Dog walkers are able to rent the field at hourly intervals during the day between 08:00 to 19:00. In the winter, the use is restricted to daylight hours.'*

*The use is by appointment only and there is a 15 minute gap between appointments to ensure only one booking can use the site at any time... bookings average between 3-5 per day during the winter months and 4-8 per day during the summer'.*

---

## 5.0 CONSULTATIONS

- 5.1 Parish Council:
- 5.1.1 To be reported.
- 5.2 East Sussex County Council – Highways:
- 5.2.1 No objection.
- 5.3 Head of Service Environmental Services, Licensing and Community Safety:
- 5.3.1 Comments will be reported.
- 5.4 Planning Notice:
- 5.4.1 45 letters of support (summarised):
- Much needed and valuable local resource to dog owners.
  - Safe space to exercise and train nervous or vulnerable dogs.
  - Away from irresponsible dog owners who cannot control their own dogs properly.
  - Great for peace of mind and mental health.
  - Well looked after area.
  - Unique to the locality.
  - Great community facility.
  - Safe for traffic as off main road.
  - Secure parking area.

5.4.2 Eight letters of objection – including two from the same property – (summarised):

- Several inaccuracies within the application form.
  - Dog faeces are a contaminant and dangerous to human health.
  - No provision for dog faeces to be disposed of on site.
  - Not possible to predict how busy summer months would be.
  - Appearance of site has been detrimentally altered by erection of wire paring cage and car parking site.
  - Noise generated by dogs barking can be clearly heard from my property.
  - When using the access drive alongside the field dogs run to the fence and bark in an intimidating way.
  - No space for two cars to pass on the lane.
  - If granting conditions should be imposed landscaping the parking area, restricting opening hours, number of dogs at one time, and number of cars at one time.
  - Applicant should install a gate to prevent customers driving further along the lane past the car parking entrance.
  - Dogs barking causes distress to horses in adjacent field.
  - Sometimes children play in the field and picnics are eaten there.
  - Private unmade road is not suitable access.
  - Traffic generation likely to significantly increase.
  - No evidence of a genuine local need.
  - No indication of how dangerous and anti-social dogs would be managed.
  - An agreement dating from 1935 between Rural District Council of Battle and owners of Crowham Manor estate prohibits the recreational use of land which incurs a charge to the public.
  - Human Rights of nearby occupiers are breached.
- 

## 6.0 APPRAISAL

6.1 The main issues to be considered are:

- Principle of the proposed use within the countryside.
- Impact on the landscape and scenic beauty of the High Weald AONB.
- Impact on nearby residential properties.
- Impact on highway safety.

6.2 Principle

6.2.1 Policy RA2 states the overarching strategy for the countryside, including:

*“(iii) Strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains or improves the rural character’.”*

6.2.2 The site lies outside any designated development boundary, and is within the countryside where new development is generally limited to that which supports agricultural, economic or tourism needs. While the proposal does not fall into any of these categories, it does provide a community benefit to dog walkers, who, while at other times walk their dogs elsewhere, can walk or train their dogs on this site off the lead in a secure location.

- 6.2.3 While dog-walking through fields and on public footpaths is commonplace within the countryside the specific enclosure of a dog-walking area is more unusual in the UK. However to have a dedicated field specifically enclosed to provide for the activity in question is not considered to be out of place, in itself, within the countryside setting.

6.3 Impact on the landscape and scenic beauty of the High Weald AONB

- 6.3.1 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2014-2019.

- 6.3.2 The Government's approach to the natural environment is set out in the National Planning Policy Framework and advises that great weight should be given to conserving the landscape and scenic beauty of AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Policies OSS3, OSS4, RA2, RA3 and EN1 of the Core Strategy are consistent with the advice of the National Planning Policy Framework. These policies all seek to ensure that development respects the character and qualities of the landscape and countryside, especially where they are protected by national designation for their scenic beauty.

- 6.3.3 While the field in question has been securely enclosed by tall post and wire fencing, such fencing could be erected up to a height of 2m under permitted development rights. The fencing is not easily seen from the roadside, and only oblique views are seen from the main entrance of the fencing and the parking area. Furthermore there are no other footpaths or public vantage points nearby.

- 6.3.4 In addition, no other structures are proposed within the field itself. While the agricultural appearance of the field is somewhat lessened by the mown grass, again this is something which can be carried out to the field without the need for specific planning permissions.

- 6.3.5 Should approval be supported, a condition can be imposed which would restrict any other structures from being erected within the field.

6.4 Impact on neighbouring properties

- 6.4.1 Policy OSS4 (ii) of the Core Strategy requires development to not unreasonably harm the amenities of adjoining properties. In this instance, the closest affected properties are situated along the shared access track, with 'Stepping Stone Farm' being some 180m away, and 'Westfield Springs' slightly closer, some 150m away.

- 6.4.2 While it is acknowledged that dog exercising can generate noise through dogs barking, there is an acceptable distance from the field to these properties. It is also the case that there are many fields and public areas near residential properties where dogs barking can occur, and be heard from residential properties, where no limit can be placed on the number of dogs at one time.

- 6.4.3 With this particular proposal, a condition could reasonably be imposed to limit the number of dogs on the field at any one time, which would in turn reduce the noise impact of the proposal to nearby residential properties.
- 6.5 Highway safety
- 6.5.1 The field is served by a parking area, which could accommodate up to 3-4 cars with adequate turning provision.
- 6.5.2 East Sussex County Council Highway officers have commented on the proposal, and note the proposal is served by an existing access which can accommodate two-way traffic, with good visibility at the junction with Brede Road. It is also noted the drive has a steep gradient.
- 6.5.3 However as the access is established, and in the Highway Authority's view traffic generated will be relatively low based on the estimated number of dog walkers using the site per day, there are no grounds to justify resisting the proposal.
- 6.6 Other matters
- 6.6.1 An objection letter refers to a 1935 Agreement relating to a Town Planning Scheme being prepared at that time, which referred to certain parcels of land as identified on an attached map (including the site in question), prohibits the recreational use of said land which incurs a charge to the public. This however is a separate issue and not a material planning consideration in this instance. It is noted that many of the provisions listed in the agreement are no longer relevant, and some of the parcels of land in question (including the land which is subject of this application) have over time been sold off separately. Therefore the development is assessed purely on the current planning merits and relevant policies.
- 6.6.2 Mention is also made about the applicant providing a gate to prevent clients from driving past the entrance to the field and up to the two residential properties to the north. However, the land on which objectors would wish to have a gate erected is outside of the ownership of the applicant, and outside of the site area as included in the application. As such it would not be possible to impose a condition which relates to land outside of this red site area, and in this respect this is an issue which would be a private matter between the owner of the field and other interested parties, should planning permission be granted.
- 6.6.3 The objection letters refer to disturbance to horses and sheep in adjacent fields, and management of 'dangerous' or 'anti-social' dogs. However, this is an enclosed field and these are situations which might easily occur outside of this proposal; for example the general public walking dogs on public footpaths and within woodlands.
- 6.6.4 With regard to the possibility of a temporary permission, this is an option which could form a condition, to assess the impacts of the proposal. It is however noted that the business has been operating since September 2017, and therefore any potential issues with the development have more than likely already been raised during the publicity process and the principle of the use can be assessed now.



- 6.6.5 Mention is made of picnics and of children playing football on the land, not for the benefit of dogs. While this may be a rare occurrence, it would be prudent to impose a condition restricting the use of the land to the use being applied for only.
- 

## **7.0 SUMMARY**

- 7.1 The site is within a countryside location, and while the use proposed is not related to an agricultural, economic or tourism need, it is a specific use which does not sit uncomfortably within this particular countryside location.
- 7.2 The proposal does not significantly impact upon the visual amenities of the High Weald AONB, as the field is free of any structures and buildings. The fencing erected, while high, is open wire mesh and does not greatly impact upon views to the field. In any case fencing of this height would be classed as 'permitted development'.
- 7.3 The numbers of dogs and the hours of use can be controlled via the imposition of conditions, which would reduce any potential impact on nearby neighbouring properties from noise.
- 7.4 The access point is considered satisfactory to accommodate two-way traffic, and the traffic generated is low-level and would not have a significant impact on highway safety.
- 

## **RECOMMENDATION: GRANT (FULL PLANNING)**

---

### **CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
CP/Five Acres Supporting Statement dated 30 April 2018  
Drawing No. TT1 dated April 2018  
Drawing No. TT2 dated April 2018  
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no fences, gates or walls - other than the timber post and wire mesh fencing and the parking enclosure gates already in situ - or structures of any kind shall be erected within the red site area as indicated on Drawing No. TT1 dated April 2018.

Reason: To safeguard the rural character and appearance of the development and area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

4. The field shall only be used by paying customers for the activity of dog walking, and not for any other recreational use including picnicking or sports activity.

Reason: To safeguard the rural character and appearance of the development and area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

5. The field shall not be available to rent for dog walkers outside the hours of 0800 and 1900 on any day.

Reason: To protect the residential amenities and character of the rural area in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy and paragraph 123 of the National Planning Policy Framework.

6. The number of dogs using the field at any one time shall not exceed six.

Reason: To protect the residential amenities and character of the rural area in accordance with Policy OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy and paragraph 123 of the National Planning Policy Framework.

#### **NOTES:**

1. The applicant is reminded that it is the responsibility of any dog walkers who rent the field to remove and dispose of dog faeces from the site prior to leaving.
2. The applicant is reminded that it is the responsibility of any dog walkers who rent the field to ensure they have control over the behaviour of their dogs.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

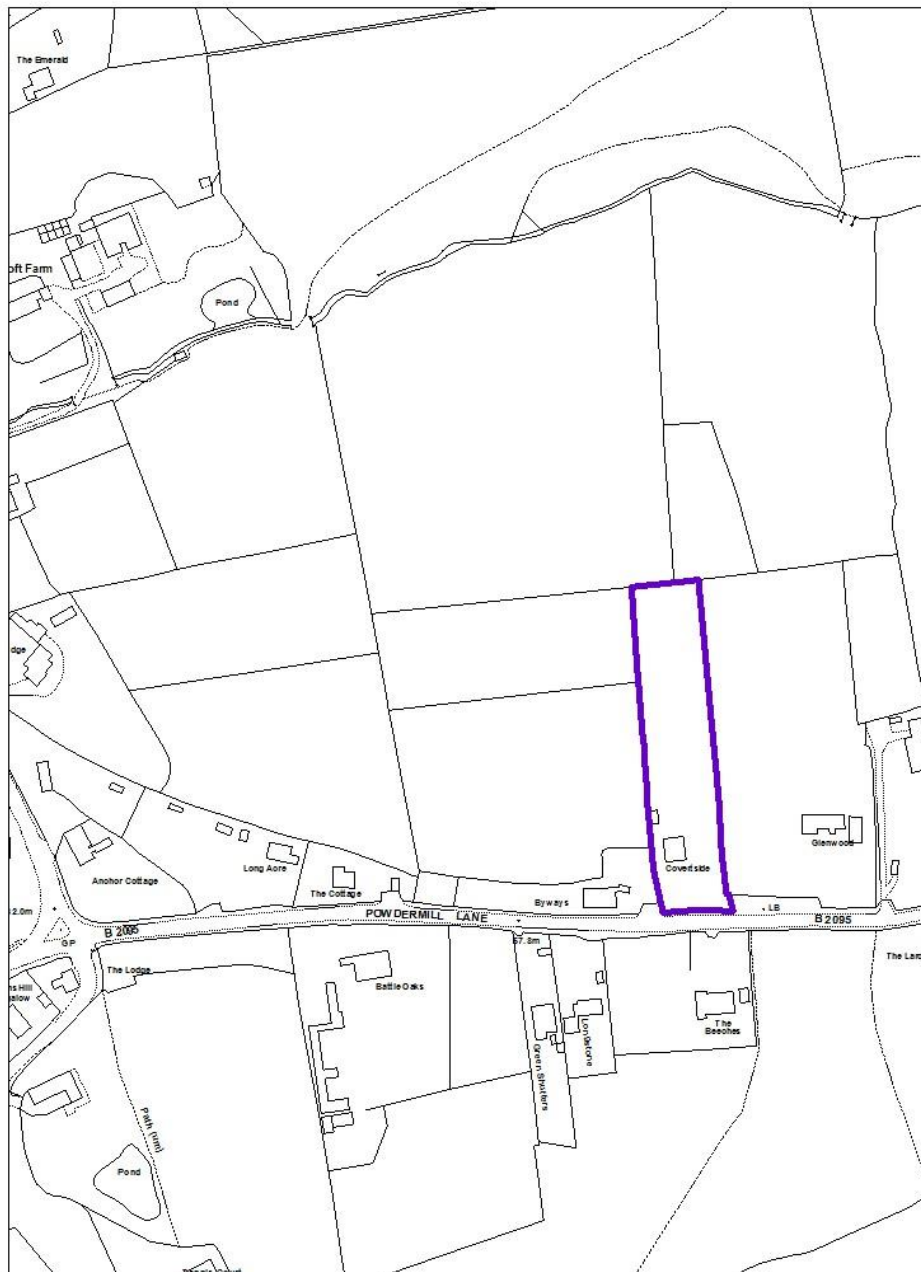
[View application/correspondence](#)

SITE PLAN

Catsfield

RR/2018/1318/P

Covertside, Powdermill Lane



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. (Crown Copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. No further copies may be made. Rother District Council Licence No

Not To Scale

RR/2018/1318/P

CATSFIELD Covertside, Powdermill Lane

Variation of condition 2 imposed on RR/2016/160/P to allow slate roof tiles.

Applicant: Mr S. Anthony and Ms J. Lavocah  
Agent: Mr J. Waterhouse  
Case Officer: Mr M. Worsley  
(Email: [matthew.worsley@rother.gov.uk](mailto:matthew.worsley@rother.gov.uk))  
Parish: CATSFIELD  
Ward Member: Councillor G.C. Curtis

Reason for Committee consideration: The applicant is related to a member of staff.

Statutory 8 week date: 5 July 2018

---

## 1.0 POLICIES

### 1.1 Rother Local Plan Core Strategy (Core Strategy)

#### 1.1.1 The following policies are relevant to the application:

- OSS4 – (general development considerations).
- RA3 – (development within the countryside).
- EN1 – (landscape stewardship).
- EN3 – (design quality).

### 1.2 National Planning Policy Framework

#### 1.2.1 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The various provisions contained within the National Planning Policy Framework relating to sustainable development, design and protecting the intrinsic qualities of the countryside and the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB) are relevant.

---

## 2.0 SITE

### 2.1 The site lies to the north of Powdermill Lane around 250m east of the junction with the B2204. It is located within the countryside and is within the AONB. There is a single dwelling present on the site with a detached garage block behind and there is a vehicular access on the road frontage.

---

## 3.0 HISTORY

### 3.1 RR/2016/160/P Demolition of existing dwelling and construction of new two storey detached four bedroom house and double

garage. Temporary caravan for the duration of the construction works – Approved Conditional.

- 3.2 RR/2018/804/P Variation of condition 2 imposed on RR/2016/160/P to re-site the proposed dwelling by 1.6m from the eastern boundary and 1.8m back into the site – Approved Conditional.
- 

#### **4.0 PROPOSAL**

- 4.1 Permission is sought to change the roof tiles on the dwelling granted under RR/2016/160/P from clay tiles to a natural slate. It is explained within the application that some of the roof on the dwelling would be too shallow to accommodate a clay tile.
- 

#### **5.0 CONSULTATIONS**

##### **5.1 Parish Council**

- 5.1.1 No objections.

##### **5.2 Planning Notice**

- 5.2.1 Any representations will be reported.
- 

#### **6.0 APPRAISAL**

- 6.1 The main issue to consider includes the impact of the proposed development on the character and appearance of the locality, including the landscape and scenic beauty of the AONB.

##### **6.2 Character and appearance**

- 6.2.1 The principle of replacing the existing property with a larger dwelling was established under RR/2016/160/P. The new dwelling is to be of the same scale and general design as that previously granted but it is now proposed that the roof is to be covered in natural slate tiles as opposed to the originally granted clay tiles.
- 6.2.2 It is appreciated that some parts of the roof have a shallow pitch and may not be able to accommodate a conventionally laid clay tile. However, the general design of the dwelling has not altered from the originally submitted application when clay tiles were specified. The original application was supported on the basis of the details submitted.
- 6.2.3 A majority of properties nearby have roofs covered with clay tiles and their use is a characteristic of the High Weald AONB generally. The exception is where buildings are found in towns or villages close to the railway line, where there are a greater proportion of properties covered in slate. The site in question is a significant distance from any railway line and there are few properties nearby with slate roofs. The overriding characteristic of properties nearby is dwellings with clay tiled roofs.

- 6.2.4 The larger replacement dwelling was permitted due to it not being overly prominent in the wider landscape and the proposed use of vernacular materials including bricks, timber weatherboarding and clay roof tiles.
- 6.2.5 Using slate tiles on the roof would result in the new dwelling having a poor impact on its surroundings. The use of slate tiles on the roof would result in a large replacement dwelling that would be uncharacteristic of properties nearby and of those generally found within the High Weald AONB away from towns and villages. The proposal would result in a development that would be harmful to the rural character of the area and the landscape and scenic beauty of the AONB.
- 

## **7.0 SUMMARY**

- 7.1 The use of a natural slate on the roof as opposed to clay tiles would result in a new dwelling being provided that would be uncharacteristic of the locality. The development would adversely impact on the character and appearance of the locality, including the landscape and scenic beauty of the AONB.
- 7.3 The development does not comply with Core Strategy policies or the various provisions contained within the National Planning Policy Framework and hence, for the reasons explained within this report, the application cannot be supported.
- 

## **RECOMMENDATION: REFUSE (FULL PLANNING)**

---

### **REASON:**

1. The use of natural slate tiles in place of clay tiles would be uncharacteristic of the locality and would adversely impact on the rural character and landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty contrary to Policies OSS4 (iii), RA3 (iii) (v), EN1 (i) and EN3 of the Rother Local Plan Core Strategy.

### **NOTE:**

1. This decision notice relates to the following plan: Drawing No. 15.708/03 revision C (undated).

### **NATIONAL PLANNING POLICY FRAMEWORK:**

In accordance with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)