



[RR/2019/241/P](#)**BATTLE Marbat, Marley Lane****Proposed dwelling and garage**

Applicant: Mr & Mrs R. McAdie
Agent: Pump House Designs
Case Officer: Mr M. Worsley
(Email: matthew.worsley@rother.gov.uk)
Parish: BATTLE
Ward Members: Councillors K.P. Dixon and K.M. Field

Reason for Committee consideration: Member referral: Councillor K.M. Field – development is in keeping with the ribbon of development in the area and contributes to the 5 year supply

Statutory 8 week date: 1 April 2019

Extension of time agreed to: 25 April 2019

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:

- 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
- CO6: community safety
- EN1: landscape stewardship
- EN3: design quality
- EN5: biodiversity and green space
- TR3: access and new development
- TR4: car parking

1.2 The Development and Site Allocations Local Plan (DaSA) has now been submitted (as of January 2019) for examination. Varying degrees of weight are now afforded to the policies contained within this emerging development plan document. Policies DEN1 (maintaining landscape character) and DEN2 (the Area of Outstanding Natural Beauty [AONB]) are of relevance and carry significant weight given that they follow the general principles set out in Policy EN1 of the Rother Local Plan Core Strategy.

- 1.3 The High Weald AONB – Management Plan 2019-2024, together with the various provisions contained within the National Planning Policy Framework relating to protecting the intrinsic qualities of the countryside and the landscape and scenic beauty of the AONB, together with design, are material considerations.
-

2.0 SITE

- 2.1 The site fronts the east side of Marley Lane, is located within the countryside and is within the High Weald AONB. A public footpath runs across the eastern boundary. It is a largely undeveloped site containing a small storage building and field gate at the western end with mature hedges and trees to the boundaries. A large area of ancient woodland adjoins the site to the east. There are dwellings on the plots either side of the site.
-

3.0 HISTORY

- 3.1 RR/2018/1897/P Proposed dwelling and garage. Refused.
- 3.2 RR/77/0522 Outline: to erect a detached dwellinghouse with garage. Refused.
- 3.3 A/61/332 Outline application: dwelling. Refused.
- 3.4 A/61/118 Outline application: bungalow and garage. Refused.
-

4.0 PROPOSAL

- 4.1 Permission is sought to erect a two storey detached dwelling and a detached double garage with office or gym above to the property frontage. Within the application it is explained that a large property is proposed to accommodate multi-generational living.
- 4.2 The site slopes away towards the east and therefore some levelling would be required to provide a level base for where the house and garage are proposed. This is shown on the submitted plans.
-

5.0 CONSULTATIONS

- 5.1 Town Council – **SUPPORT, NO OBJECTION**

- 5.2 Highway Authority – **NO OBJECTION**

- 5.3 Planning Notice

- 5.3.1 12 supportive sets of comments received (summarised):
- Significant reduction in size.
 - Development along Marley Lane should be supported.
 - Little/no visual impact.

- In scale with neighbouring properties.
- No adverse impact on AONB.
- Plot is very private and well screened.
- Plenty of space to park and turn.
- Highway safety concerns addressed.
- Minimal traffic generation.
- Social and economic benefits.
- Very few housing schemes coming forward in Battle.
- The proposal would be delivered.
- Good transport links.
- Lots of potential development sites nearby suitable for housing.

5.3.2 One letter of support received from Cllr Hart:

“The Applicant, Mrs Suzanne McAdie approached me in a somewhat emotional state, for various reasons, exacerbated by her ongoing planning application above. Cllr. Kathryn Field is Mrs McAdie’s district councillor and has been very supportive of Mrs McAdie. I have conferred the matter with Cllr. Field and she is happy for me to write a representation for Mrs McAdie in support of her planning.

This is a plot of infill land, which was the subject of an unsuccessful planning application last year. Since then, the plans have been modified to take on board the concerns of the planning department. The site is not within Battle’s development boundary and within an area of AONB. However, it has been recognised that the current boundary is not fully up to date as it does not allow for the provision of the housing growth required by the District. Looking at the site plan and other documents, the proposed application does not look out of place and is exactly the sort of spacious infill development we should be encouraging to satisfy some of our housing gap. There are properties all along that stretch of Marley Lane of similar size and character. Marley Lane itself is a mixed residential and commercial community on the outskirts of Battle; it has many properties situated along it, both commercial and residential and this property would not detract but rather add to the improvement of Marley Lane. It is natural in times where we are short of housing that infill (particularly where there is already growth in development) will be utilised - even in areas of AONB, which is not in itself a bar to development.

The applicant, Suzanne McAdie, has altered the original plans to comply with suggestions made by the planning officers. From the comments posted online, there is clear support for the planning application. There are, however, a few objections which appear to be made on personal grounds rather than planning reasons.

I would urge support of this planning application.”

5.3.3 Four objections received (summarised):

- Proposed development will cause parking difficulties for local residents and boarding kennel business.
- Adverse impact on highway safety.
- Overlooking.
- Countryside and AONB should be protected – proposal would cause harm.
- If the proposal is allowed a precedent would be set.
- Outside of development boundary.

- No mains drainage.
- Excessive in size.
- Loss of wildlife. Excessive vehicle movements would be created with the proposed multi-generational living.

5.3.4 Applicant's response to the objections (summarised):

- Development would not impact on parking to the detriment of local businesses.
- Development would not overlook neighbouring properties.
- Wildlife would not be affected.
- Dwelling would be of a similar size to others nearby.
- No flooding issues.
- Site is not a field.
- The land to the site frontage is not a lay-by.
- Proposal will support multi-generational living. However, this will not increase vehicle movements as their parents and child does not drive.
- Dwelling would not be turned into a business premises.
- Over 3,000 cars a day travel down Marley Lane and this will increase more once the Blackfriars development commences.
- Proposed development would only result in a 0.2% increase in vehicle movements along Marley Lane.

6.0 APPRAISAL

6.1 The main issues to consider in the determination of this application include:

- Whether the proposed development is an appropriate location for a new dwelling.
- The character and appearance of the locality, including the landscape and scenic beauty of the AONB.
- Highway safety.
- Ecology.
- The living conditions of neighbouring properties.

6.2 Location

- 6.2.1 The site is located within an existing loose knit section of ribbon development. However, it is still within the countryside, remote from any town or village or other built up area. It is around 2km from the centre of Battle and its associated, shops, schools and other services, and around 1km from the edge of the town's development boundary. There are no footpaths along the road.
- 6.2.2 Whilst there is a bus service along the road, together with a school bus service, these are understood to be relatively limited. Occupiers of any new dwelling on the site would therefore be heavily reliant on private vehicles, the least sustainable form of transport.
- 6.2.3 The development would not be well located in terms of access to public transport and services and would be contrary to the relevant policy aims to minimise the need to travel and to support the transition to a low carbon

future. For the reasons explained the site is considered to occupy an unsustainable location.

6.2.4 It is also worth noting that there have been a number of recent appeals determined on the outskirts of Battle, including, land adjacent to Kingsland, North Trade Road, Battle; appeal reference APP/U1430/W/17/3175857 and Voewood, London Road, Battle; appeal reference APP/U1430/W/17/3177087 which are considered to be comparable to the current application in terms of the site location. The site 'land adj. to Kingsland' is around 2km from the centre of Battle and 0.6km from the edge of the development boundary. 'Voewood' is 1.4km from the centre of Battle and is also 0.6km from the development boundary. The appeal at land adj. to Kingsland was dismissed due to the relative inaccessibility of the site to local services, together with the impact on the AONB. The appeal at Voewood was dismissed for very similar reasons. The site currently under consideration is even further from the edge of the development boundary than the two appeals that have been dismissed and should therefore be viewed as being in an inaccessible and unsustainable location to local services.

6.2.5 However more critically relevant, and material to the consideration of this application, is a further even more recent appeal (reference APP/U1430/W/17/3190460) on a site very close to the application site at Marley Farm. On that site, which is only 165m to the south, the Inspector dismissed an appeal for two dwellings and concluded that the scheme would be harmful to the rural character of the site, the landscape and scenic beauty of the AONB and, due to inadequate visibility, highway safety.

6.2.6 Within the Planning Statement accompanying the current application reference is made to an appeal in Fairlight (APP/U1430/W/18/3212344). However, this site appears to be located along a quiet section of road where vehicle speeds are low. A bus stop was also within walking distance. The site was located within a cul-de-sac surrounded by other residential properties, was less than 1km from a village with a development boundary and was also not within the AONB. There are a number of differences between that proposal and the current scheme and are not directly comparable.

6.3 Character and Appearance

6.3.1 Policy OSS4 (iii) requires all development to respect and not detract from the character and appearance of the locality.

6.3.2 Policy RA3 (iii) lists the exceptional cases of when dwellings are allowed in the countryside including farm workers dwellings, the conversion of traditional farm buildings, one to one replacements and rural exception sites to meet an identified local affordable housing need.

6.3.3 Policy EN1 (i) requires development to protect and enhance the landscape and scenic beauty of the AONB which is supported by paragraph 172 of the Framework.

6.3.4 Policy EN3 requires all development to be of a high design quality.

- 6.3.5 The site is substantial in size measuring almost 50m in width and 140m in length. There are residential properties either side and on the opposite side of the road with a large area of ancient woodland to east. The open, largely undeveloped site, contributes to the spacious loose knit character of the locality.
- 6.3.6 Whilst the proposed dwelling has been reduced in size compared to the scheme refused under RR/2018/1897/P, and is no longer sited on top of raised ground, it would still be of a significant size. It would measure 21.4m in width, up to 15.4m in depth and would be 9.7m at ridge height.
- 6.3.7 The roof of the dwelling would mainly be of a hipped design but would include front and rear gabled projections at the southern end and a catslide to the north. In the centre of the front elevation would be a double height glazed entrance. The elevations would mainly consist of brick and render, with some cladding to a projection on the north side elevation. The roof would be covered in clay tiles.
- 6.3.8 The dwelling would be set back from the road by around 35m, would be 17.5m from the southern boundary and 9m from the northern boundary.
- 6.3.9 It is acknowledged that the proposed dwelling has been altered in scale and design compared to the scheme refused under RR/2018/1897/P. The length has been reduced by around 1.5m and the inclusion of a catslide on the north side elevation has resulted in a reduction in bulk. However, the dwelling would remain a similar depth and although the ground levels on the site would no longer be raised, the new roof design results in the dwelling being 1m greater in height than the previous scheme.
- 6.3.10 There are a variety of plot and dwelling sizes nearby, some of which are large. Dwellings including Great Wood Place and Battle Great Barn are 20m+ in length and occupy large plots. However, these dwellings are not as deep as the dwelling proposed. The proposed dwelling, although reduced in scale from the refused scheme, would still be substantial in size and would be larger than the vast majority of other dwellings in the near vicinity of the site.
- 6.3.11 Introducing a large scale dwelling to this currently open and largely undeveloped site would create a prominent feature in the landscape. Introducing a dwelling to the site of the scale proposed would be intrusive on its surroundings and would cause harm to the rural character of the area and the landscape and scenic beauty of the AONB.
- 6.3.12 The garage would be positioned in front of the dwelling on the southern part of the site. It would be set back from the road by 11m. The garage would measure 9.6m in width, 7.6m in depth and 6.5m at ridge height. It would have a half hipped roof with two dormers within the front roof slope.
- 6.3.13 Whilst there may be outbuildings of a similar scale and design serving existing residential properties in the near vicinity, the proposed garage would still be of a significant scale which when combined with the large scale dwelling would add to the adverse impact that the development would have on the rural character of the area and the landscape and scenic beauty of the AONB.

- 6.3.14 The proposed dwelling, surrounding garden and detached garage would introduce a large scale domestic style development and use to this largely undeveloped site which would be visible from the adjacent public footpath. The development would urbanise the site which would detract from the loose knit character of the existing ribbon of development and would be out of character with the defining rural characteristics of the local area, thus causing harm to the rural character of the area and the landscape and scenic beauty of the AONB.

6.4 Highway Safety

- 6.4.1 Marley Lane is subject to a 60mph speed limit and with this in mind the visibility splay requirements according to Design Manual for Roads and Bridges are 2.4m x 215m either side of a new access.
- 6.4.2 However, the Highway Authority has advised that a speed survey has been undertaken at the site and the results indicate 85th percentile speeds over seven days to be 41mph in each direction. The visibility splay requirements based on these speeds are 2.4m x 105m or using the 85th percentile wet weather speeds of 39mph the requirement can be reduced to 2.4m x 97m.
- 6.4.3 The Highway Authority officer has visited the site and is satisfied that appropriate visibility splays are achievable either side of the new access. However, the sightline to the north of the access was obstructed at the time of the site visit by vehicles parked within the highway verge. A number of dwellings in the vicinity of the site make use of the highway verge for parking and this on occasion obstructs the visibility to the north of the site access.
- 6.4.4 In order to address this issue the proposed access is now significantly wider and with increased radii than previously proposed. The purpose of this is to increase the distance between the centre of the access and any vehicles parked within the highway verge to the north. The Highway Authority officer has revisited the site and is satisfied that this will reduce the impact that parked vehicles will have on the visibility available to drivers when leaving the site and with this in mind they have no major concerns regarding the proposed access arrangement. In the event that permission is granted highway related conditions are recommended.

6.5 Ecology

- 6.5.1 Existing trees and hedges would be retained. No tree or ecological surveys have been submitted. However, in the event that permission was granted tree protection measures could be secured via condition.
- 6.5.2 In respect of the ancient woodland to the east and any protected species that may be present, the dwelling would be positioned more than 90m from the woodland. This separation should be sufficient for the development to not directly impact on the ancient woodland and any protected species that may be present within it. Advisory notes could be attached to any permission about protected species.

6.6 Living Conditions

- 6.6.1 The proposed dwelling would be set in by 17.5m from the southern boundary and 9m from the northern boundary. Whilst some first floor side

elevation windows are proposed, these could potentially be obscurely glazed to prevent direct overlooking of the neighbouring properties. No external balconies are proposed and no other unacceptable direct overlooking would be created. This includes towards properties on the opposite side of the road which would be 60m+ from the proposed dwelling. Due to the separation from the boundaries, the proposed development would not appear overbearing to neighbouring properties or cause any unacceptable loss of light. For the reasons explained, the proposal would not adversely impact on the living conditions of occupants of neighbouring properties.

7.0 SUMMARY

- 7.1 The Council does not currently have a five year supply of housing land in place. The proposal, therefore, falls to be considered against paragraph 11 of the Framework which sets out the presumption in favour of sustainable development and indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As the site is within the High Weald AONB the proposal also falls to be determined against those specific policies which indicate that development should be restricted in AONBs.
- 7.2 The proposed dwelling would contribute towards the District's targets for housing delivery and five year land supply. It is also acknowledged that the dwelling would support multi-generational living. However, given that the proposal is only for a single unit of accommodation, only very moderate weight can be attached to these social benefits. There would also be some very moderate economic benefits relating to any construction work.
- 7.3 Notwithstanding these extremely moderate social and economic benefits of the proposal, the development would not meet the environmental role of sustainable development. This is because of the inaccessibility to local services and facilities together with the harm to the intrinsic qualities of the countryside and the landscape and scenic beauty of the AONB.
- 7.4 These issues bring the proposal into conflict with the environmental dimension of sustainability, as set out in paragraph 8 of the National Planning Policy Framework. Paragraph 172 of the National Planning Policy Framework directs that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB and, in this case, it has been found that the proposed development would cause harm to the character and natural beauty of the AONB. Consequently, paragraph 172 does constitute a specific policy in the National Planning Policy Framework which indicates that development should be restricted.
- 7.5 When the National Planning Policy Framework is considered as a whole, the proposal does not constitute sustainable development. Furthermore, it is concluded that the scheme conflicts with the Development Plan as a whole.
-

8.0 LOCAL FINANCE CONSIDERATIONS

- 8.1 The proposal is for a type of development that is CIL liable. Although the total amount of CIL money to be received is subject to change, as

floorspace checks are to be undertaken and the applicant could claim an exemption following any approval, the development could generate approximately £118,440.

- 8.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could be approximately £6,684 over four years.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposed development would represent an unjustified new dwelling within the countryside. The dwelling, garden and detached garage would have an urbanising impact on the site and its surroundings and would adversely impact on the rural loose knit character of the locality together with the landscape and scenic beauty of the High Weald AONB, contrary to policies OSS4 (iii), RA3 (iii) (v) and EN1 (i) of the Rother Local Plan Core Strategy and paragraphs 79 and 172 of the National Planning Policy Framework.
2. Notwithstanding the objection in principle, the proposed dwelling and detached garage would be significant in footprint and overall bulk. The development would be out of keeping with the scale of the majority of other dwellings nearby. Introducing a large scale dwelling to this currently open and largely undeveloped site would create a prominent feature in the landscape. Due to its excessive scale the dwelling and associated detached garage would be intrusive to their surroundings and would cause harm to the rural character of the area and the landscape and scenic beauty of the High Weald AONB contrary to Policies OSS4 (iii), RA3 (v), EN1 (i) and EN3 of the Rother Local Plan Core Strategy and paragraphs 127 and 172 of the National Planning Policy Framework.
3. The site lies within an unsustainable countryside location where occupiers of the proposed dwelling would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development would be contrary to Policies PC1, OSS3 (v) and TR3 of the Rother Local Plan Core Strategy and paragraph 103 of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

NOTE:

1. This decision notice relates to the following set of plans:
Drawing No. 5885/19/LBP dated December 2018
Drawing No. 5885/19/1 dated December 2018
Drawing No. 5885/19/2 dated December 2018
Drawing No. 5885/19/3 dated December 2018
Drawing No. 5885/19/4 dated December 2018

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the pl190418 – RR/2019/241/P

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 determining the application within a timely manner, clearly setting out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.