

## Planning Committee

- Date and Time - **Thursday 13 August 2020**  
**9:30am – 1:00pm and 2:00pm until close of business**  
(At the discretion of the Chairman, the timing of lunch may be varied)
- Venue - **Remote Meeting**

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### Councillors appointed to the Committee:

J. Vine-Hall (Chairman), S.M. Prochak (Vice-Chairman), Mrs M.L. Barnes, S.J. Coleman, G.C. Curtis, B.J. Drayson (ex-officio), S.J. Errington, A.E. Ganly, K.M. Harmer, J.M. Johnson, L.M. Langlands, C.A. Madeley, A.S. Mier, G.F. Stevens and R.B. Thomas.

**Substitute Members:** J. Barnes, P.C. Courtel, H.J. Norton and H.L. Timpe.

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## AGENDA

### 1. MINUTES

To authorise the Chairman to sign the minutes of the meeting of the Planning Committee held on the 16 July 2020 as a correct record of the proceedings.

### 2. APOLOGIES FOR ABSENCE AND SUBSTITUTES

### 3. ADDITIONAL AGENDA ITEMS

To consider such other items as the Chairman decides are urgent and due notice of which has been given to the Head of Paid Service by 12 noon on the day preceding the meeting.

### 4. WITHDRAWN APPLICATIONS

The Head of Service Strategy and Planning to advise Members of those planning applications on the agenda which have been withdrawn.

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**NOTE: Representations on any items on the Agenda must be received in writing by 9:00am on the Monday preceding the meeting.**

**All Planning Committee meetings are audio recorded.**

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**This agenda can be made available in large print, Braille, audiotape/CD or in another language upon request. For all enquiries please contact [julie.hollands@rother.gov.uk](mailto:julie.hollands@rother.gov.uk)**

**Tel: 01424 787811**

**Rother District Council aspiring to deliver...  
an Efficient, Flexible and Effective Council, Sustainable Economic Prosperity,  
Stronger, Safer Communities and a Quality Physical Environment**

**5. DISCLOSURE OF INTEREST**

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

**6. PLANNING APPLICATIONS - INDEX (Pages 1 - 2)**

**7. RR/2020/599/P - BATTLE - FIRTREE COTTAGE - LAND TO THE REAR OF (Pages 3 - 34)**

**8. RR/2019/1659/P - SEDLESCOMBE - PGL PESTALOZZI (Pages 35 - 80)**

**9. RR/2019/2289/P - BEXHILL - 92 LONDON ROAD (Pages 81 - 98)**

**10. REVISION TO THE PLANNING SCHEME OF DELEGATION AND OTHER RELATED CHANGES (Pages 99 - 104)**

**11. APPEALS (Pages 105 - 108)**

**12. TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

Tuesday 8 September 2020 at 8:30am departing from the Town Hall, Bexhill.

Malcolm Johnston  
Executive Director

Agenda Despatch Date: 5 August 2020

**NOTE:**

Due to the Government restrictions imposed as a result of COVID-19 pandemic in the United Kingdom, certain changes have been made to the arrangements for the Planning Committee meetings.

As a temporary measure, the Planning Committee will be meeting remotely and may meet more frequently than the usual four weekly cycle. However, prior notice of any additional meetings will be shown on the Council's website and in the calendar of meeting dates. The meetings will be live streamed via YouTube and viewable by the public on the website at the following link

<https://rother.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=534&Ver=4>

It is possible to still register to speak on planning applications that come to the Planning Committee, however our speaking rules have been slightly amended during this pandemic, please check the website for further details  
<https://www.rother.gov.uk/planning-and-building-control/planning-committee/public-speaking-at-planning-committee/>

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NOTE: Representations on any items on the Agenda must be received in writing by 9:00am on the Monday preceding the meeting.

Enquiries – please ask for Julie Hollands (Tel: 01424 787811)  
For details of the Council, its elected representatives and meetings, visit the Rother District Council website [www.rother.gov.uk](http://www.rother.gov.uk)

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## Rother District Council

Report to	-	Planning Committee
Date	-	13 August 2020
Report of the	-	Executive Director
Subject	-	Planning Applications – Index

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**Head of Service: Tim Hickling**

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## 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

Unless representations relate to an item which is still subject to further consultation (and appears on the agenda as a matter to be delegated subject to the expiry of the consultation period) any further 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.

Subject to the previous reference to delegated items 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.

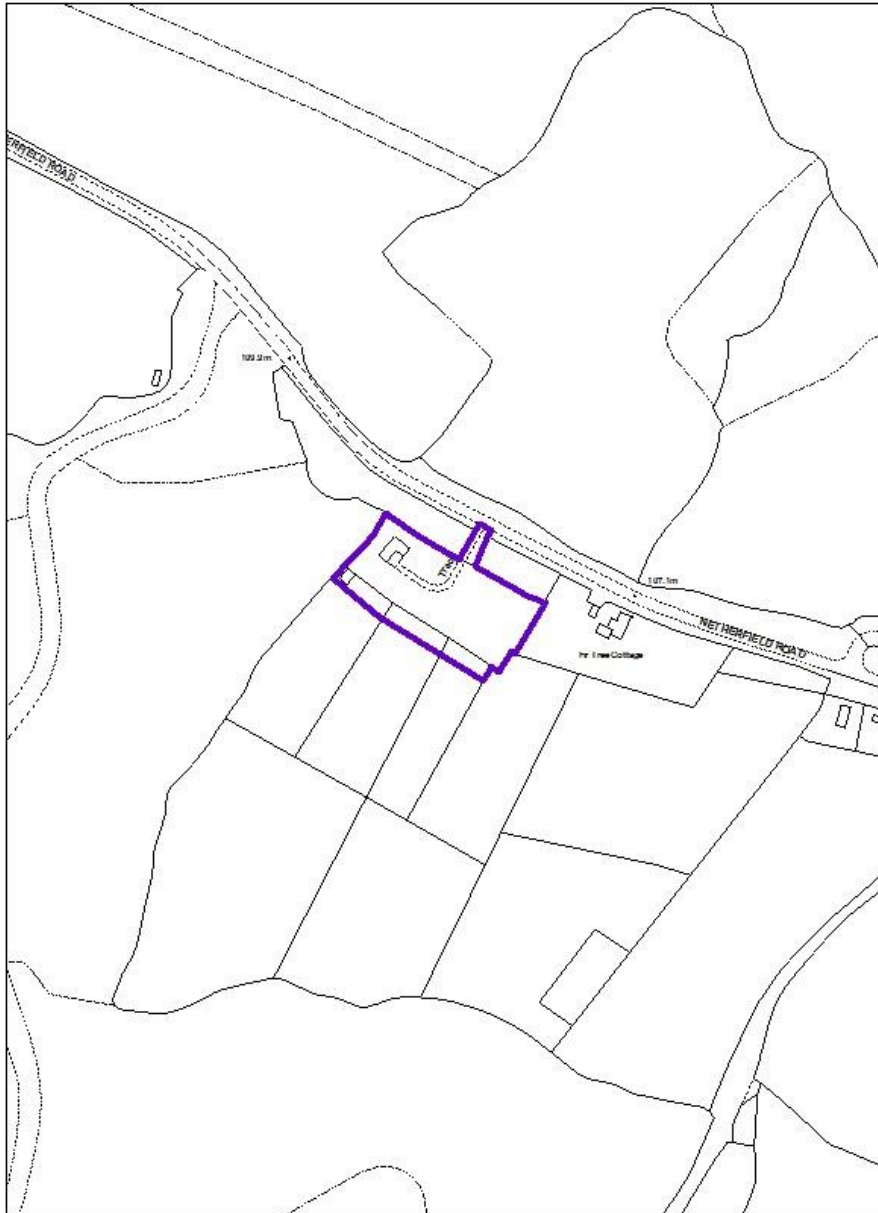
Applications requiring the applicant entering into an obligation under section 106 of the Town & Country Planning Act 1990 (as amended) are also delegated.

### **Order of Presentation**

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

Agenda Item	Reference	Parish	Site Address	Page No.
7	<a href="#">RR/2020/599/P</a>	BATTLE	Firtree Cottage – Land to the rear of Netherfield Hill Netherfield Battle TN33 9PP	3
8	<a href="#">RR/2019/1659/P</a>	SEDLESCOMBE	PGL Pestalozzi Ladybird Lane Sedlescombe TN33 0UF	35
9	<a href="#">RR/2019/2289/P</a>	BEXHILL	92 London Road The Sussex Hotel Bexhill TN39 3LE	81

SITE PLAN	BATTLE
RR/2020/599/P	Fir Tree Cottage - Land to the rear of,



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Not To Scale

## Rother District Council

Report to - Planning Committee  
Date - 13 August 2020  
Report of the - Executive Director  
Subject - RR/2020/599/P  
Address - Firtree Cottage – land to rear of  
Netherfield Hill  
BATTLE  
Proposal - Change of Use of land for the stationing of 2 No. mobiles and 2 No. tourers and associated operational development including widening of access, for residential use by Gypsy & Traveller family (Retrospective)

[View application/correspondence](#)

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### RECOMMENDATIONS:

**PLANNING APPLICATION:** It be **RESOLVED** to **REFUSE (FULL PLANNING)**

**ENFORCEMENT NOTICE:** In the event that it is resolved to refuse planning permission then it be **RESOLVED** that, subject to being satisfied evidentially, the Solicitor to the Council be authorised to **ISSUE THE APPROPRIATE ENFORCEMENT NOTICE** and take any other steps necessary including legal action under Sections 179 and 181 of the Town & Country Planning Act 1990.

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**Head of Service:** Tim Hickling

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**Applicant:** Mr B. Smith  
**Agent:** Ms L. Jennings  
**Case Officer:** Mr M. Worsley  
(Email: [matthew.worsley@rother.gov.uk](mailto:matthew.worsley@rother.gov.uk))  
**Parish:** BATTLE  
**Ward Members:** Councillors Mrs V. Cook and K.M. Field

**Reason for Committee consideration:** Member referral: Councillor K.M. Field: Overdevelopment of the site, outside the development boundary and too far away for the services etc. which traveller sites need

**Statutory 8-week date:** 4 June 2020  
**Extension of time agreed to:** 21 August 2020

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This application is included in the Committee site inspection list.

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## **1.0 SUMMARY**

- 1.1 On balance, it is considered that based on the information submitted, and that the two-family units are related and appear to have a form of co-dependency, the occupants of the site fall within the definition of Gypsy and Travellers (G&T) contained within the Planning Policy for Traveller Sites (PPTS). Hence their personal circumstances are material considerations. However, the site is within the countryside, outside any development boundary, as defined in saved Policy DS3 of the Rother District Local Plan (2006). The application has been assessed against the Council's policies for G&T; together with the Government's PPTS. The Council's requirement (under Policy LHN5 of the Core Strategy) to identify a further six permanent pitches to be provided between 2016 and 2028 to meet the identified need has been satisfied by the sites allocated under Policies GYP1 and BEX3 of the Development and Site Allocations (DaSA) Local Plan. The application site is not an allocated site and being outside areas allocated in the development plan, does not accord with paragraph 25 of the PPTS. Determining the application on its planning merits, the use of the site as a G&T site would cause harm to the character and appearance of the rural area.
- 1.2 The two mobile caravans, two touring caravans, parked vehicles and the presence of other external domestic paraphernalia at the site considerably harm the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB). The caravans appear incongruous and foreign in this countryside setting and have changed the character of the site from rural to residential.
- 1.3 The site is occupied by four adults and five dependent children. In this case the best interests of the children living on the site do fall to be considered. They are a primary consideration. However, there is considered to be no reason why very similar benefits for the children occupying the application site could not be achieved on another settled site, such as the Bexhill allocation within the DaSA. For the same reason, the medical issues of two of the adults occupying the site could be catered for in a similar way on another settled site, such as the Bexhill allocation within the DaSA.
- 1.4 The site lies within an unsustainable countryside location where occupiers of the development are highly reliant on private motor vehicles and are not able to make the fullest possible use of public transport, walking and cycling to access local services and facilities.
- 1.5 In addition, the development would result in the deterioration of an irreplaceable habitat, an ancient woodland, by way of increased disturbance, lighting from the caravans, compaction of the ground where the touring caravans would be stored and the uncertainty surrounding how foul and surface water drainage would be dealt with. The impact of the development on protected species has not been assessed and therefore it has not been satisfactorily demonstrated that the development would not be harmful in this respect.
- 1.6 The overall conclusion is that the considerable harm to the AONB, harm to ancient woodland and protected species, together with the unsustainable location, outweighs the other considerations, including in particular the best

interests of the children, as very special circumstances have not been demonstrated in this case to justify granting planning permission.

- 1.7 The development does not comply with policies contained within the Core Strategy and the DaSA, or with the various provisions set out within the National Planning Policy Framework (NPPF), and therefore the application cannot be supported.
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## **2.0 SITE**

- 2.1 The application site lies to the southern side of Netherfield Hill. It is positioned between Firtree Cottage to the east and Ashes Wood to the west, which is designated as ancient woodland and is also covered by a 'Right to Roam'. There is a Public Right of Way around 200m east of the site linking Netherfield Hill to Ashes Wood to the south.
- 2.2 The site is served by a vehicular access onto Netherfield Hill measuring around 17m in length and 6m in width. There is a screen of trees and vegetation across the frontage, either side of the access. The remainder of the site measures around 80m in width and 37m in depth. The field to the south is owned by the Applicant and is being used to keep chickens.
- 2.3 The site is located within the countryside outside of a recognised development boundary. It is within the High Weald AONB and is within the Brede Valley Landscape Character Area.
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## **3.0 PROPOSAL**

- 3.1 As set out in the application, permission is sought for the retention of two mobile homes, two touring caravans, a parking area for two cars, the widening of the vehicular access from single vehicle width to around 6m, which included the removal of some roadside vegetation, a shingle track and the installation of a sewage treatment plant, for residential use by G&T families. The development is concentrated on the west side of the site. To the east of the track, an orchard is proposed to be planted.
- 3.2 One of the mobile caravans has been placed on the concrete base of a stable block that has been removed and the other is positioned to the south of this. The development has already been carried out earlier this year, save for a shingle track requiring completion. It is also the case that whilst the package treatment plant has been placed in the ground, it is not connected to an electricity supply and is therefore not operational. The Applicant has advised that the treatment plant is being used to collect waste and is being emptied manually. A licence from the Environment Agency will be sought prior to connection and any waste being discharged.
- 3.3 The site is occupied by two families. One plot (to be referred to as 'Plot 1') is occupied by a female adult with five dependent children and the second plot (to be referred to as 'Plot 2') is occupied by a female adult (married to the Applicant whom does not live on the site permanently) and two adult sons.

- 3.4 The application was originally accompanied by a planning statement and a confidential letter explaining the occupiers' personal circumstances. Additional information has subsequently been submitted including further confidential personal information, two separate traffic surveys, a tree report and technical details relating to the package treatment plant.
- 3.5 In relation to sensitive personal data, the Council is required to comply with the Data Protection Legislation and must not publish any personal information which would breach this legislation. To ensure compliance, information considered to be pertinent to the application has been explained in general terms only.
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#### **4.0 HISTORY**

- 4.1 RR/2006/3158/P Erection of detached two storey dwelling house including dormer windows and rooflights – Refused.
- 4.2 RR/2005/1001/P Erection of private stable block of three stables and a hay store – Approved Conditional.
- 4.3 A/56/304 Outline: permission to erect an agricultural dwelling – Refused.
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#### **5.0 POLICIES**

- 5.1 The following 'saved' policy of the adopted [Rother District Local Plan 2006](#) is relevant to the proposal:
- DS3: Development boundaries
- 5.2 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
  - BA1: Policy framework for Battle
  - RA2: General strategy for the countryside
  - RA3: Development in the countryside
  - SRM1: Towards a low carbon future (Note that part (i) was superseded by the Rother District Council Development and Site Allocations (DaSA) Local Plan)
  - SRM2: Water supply and wastewater management
  - CO6: Community safety
  - LHN5: Sites for the needs of Gypsies and Travellers
  - LHN6: Gypsies, Travellers and Travelling Showpeople criteria
  - EN1: Landscape stewardship
  - EN3: Design quality
  - EN5: Biodiversity and green space
  - TR3: Access and new development
  - TR4: Car parking

- 5.3 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DEN1: Maintaining landscape character
  - DEN2: AONB
  - DEN4: Biodiversity and green space
  - DEN5: Sustainable drainage
  - DEN7: Environmental pollution
  - DIM2: Development boundaries
  - BEX3: Land at North Bexhill – infrastructure
  - BEX3c: Land east of Watermill Lane
  - GYP1: Land adjacent to High Views, Loose Farm Lane, Battle
- 5.4 In relation to the Battle Neighbourhood Plan, a pre-submission consultation (Regulation 14) was carried out between 20 January 2020 and 1 March 2020. Given the relatively early stage of the plan, it is of very limited weight in relation to this application.
- 5.5 The NPPF, Planning Practice Guidance (PPG), PPTS and High Weald AONB Management Plan 2019 - 2024 are also material considerations.
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## **6.0 CONSULTATIONS**

### **6.1 Highway Authority – NO OBJECTION**

- 6.1.1 Comment that Netherfield Hill (C96) is subject to the national speed limit as such visibility splays of 2.4m x 215m would usually be required. Following the results of a seven-day speed survey it has been demonstrated that visibility splays in accordance with actual speeds are achievable. Conditions relating to the reconstruction of the access, visibility splays and the provision of an on-site turning space are recommended.
- 6.1.2 By way of background, prior to the submission of the seven-day speed survey, the Highway Authority advised that there was insufficient information to determine if the proposal would lead to the intensification of a substandard access. The previous speed survey had been submitted to demonstrate that visibility splays in accordance with actual speeds are achievable; however, the data was based on a single survey which given the timing may not be an accurate representation. They requested that an additional speed survey was commissioned.

### **6.2 Environment Agency – GENERAL COMMENTS**

- 6.2.1 More information requested regarding the sewage treatment plant that has been installed. Advise that they have no record of any application for an environmental permit, which is required for this type of foul drainage.

### **6.3 Forestry Commission – GENERAL COMMENTS**

- 6.3.1 Letter dated 22 May 2020 - comments summarised:
- Dispute the information provided on the application forms, and specifically the claim that no trees, hedges or important/priority habitats would be affected as the woodland directly adjacent to the site is a Plantation on Ancient Woodland Site (PAWS).

- Concerned how higher numbers of residents will affect the adjacent woodland, especially with no clear indication of how sewerage is to be treated. Request more information on this and how surface water drainage will be managed.
- Would not agree to any discharge into the adjacent woodland as this would affect the hydrology and nutrient composition which could cause damage.
- Reports that a section of trees and shrubs have been cleared which they are investigating as to whether a breach of the Forestry Act 1967 has occurred.
- Request that any new fencing is only FSC and Grown in Britain certified timber and preferably locally sourced.

6.3.2 Letter dated 9 July 2020 relating to the tree survey and arboricultural impact assessment. Comments summarised:

- Encourage the Council to take account of the identified category A trees when assessing the damage that may have already occurred by the development of the site.
- Report states that the current proposals do not impact on any of the trees on-site. As the works have already been carried out, they cannot be regarded as 'proposals'.
- Additional management and protective measures are superfluous as the development has already taken place.
- The report states that the root protection area should be 8.2m from the tree line. Their joint standing advice with Natural England recommends a minimum distance of 15m from the edge of the canopy of ancient woodland and PAWS.
- In Appendix C, plate 1 it notes that the corner of one of the mobile caravans is on an existing concrete base in excess of 8m from the tree line. At least 15m should be provided. The ground between the woodland edge and the caravan appears to have been disturbed. Clarity on this point is requested.
- In summary, other than the statements testifying the true value of the trees, the report does not support the application. Most of the report references methods and protection that should be considered before work commences. As work has been completed the recommendations cannot be complied with.

6.4 Forestry England – **OBJECTION**

6.4.1 Comments summarised:

- The site falls within 500m of a PAWS/ancient woodland which forms part of the Public Forest Estate.
- The development has already been carried out.
- The site is not in an allocated area for G&T sites within the district.
- It is an inappropriate residential development within the AONB.
- The effects of increased hard standing and subsequent surface water run-off have not been dealt with adequately.
- This coupled with unregularised effluent discharge into the adjoining woodland will have a detrimental effect on the buffer zone and the ancient woodland beyond.
- Concerns that this will impact on both the ecology and the tree species selection due to nutrient imbalance.

- Concerns about waste management together with inappropriate access.

## 6.5 High Weald AONB Unit – **OBJECTION**

### 6.5.1 Comments summarised:

- Insufficient information has been provided about the potential impact on Ancient Woodland which is an irreplaceable habitat protected by objective W1 of the AONB Management Plan and paragraph 175(c) of the NPPF.

## 6.6 Planning Notice

### 6.6.1 138 objections have been received, including a letter from the Campaign to Protect Rural England (CPRE) and a letter from a solicitor on behalf of 125 residents from 70 households. The concerns raised are summarised as follows:

#### *G&T status and current local provision*

- No evidence submitted demonstrating the G&T status of the occupiers, therefore the planning policies for G&Ts should not apply.
- The occupiers of the site need to demonstrate a nomadic way of life.
- The Council cannot accept the planning agent's assessment without more evidence or simply say it has no evidence to the contrary.
- If Gypsy status is satisfactorily demonstrated, that is not itself a material consideration of sufficient weight to overrule local and national policies which are also material.
- A permanent permission should not be considered as future occupiers would need to be assessed as to whether they are within the definition of a G&T.
- A condition stating the site can only be occupied by G&Ts may not be enforceable.
- Applicant has been registered at an address in Burgess Hill since 2014.
- There is no shortfall in pitches against the objective need – allocations have been made in the Core Strategy and DaSA.
- There must be more suitable sites outside of the AONB.

#### *Location*

- Site is within the countryside, outside of a development boundary.
- The site is not allocated for G&Ts.
- The site occupies an unsustainable location and its occupiers would be reliant on private vehicles.
- Within the Battle Civil Parish proposed Battle-Netherfield Strategic Gap.

#### *AONB*

- NPPF and development plan policies require great weight to be given to protecting the AONB.
- More intensive and alien development out of character with the intrinsic landscape features of the area.
- Domestic activity and paraphernalia would be out of character with the countryside.
- Caravans are detrimental to the visual amenities of the locality.

- The unique and beautiful medieval landscape is important in attracting tourism and business to the area.
- Vegetation has been removed at the entrance with the access widened.
- Tall gates and a close boarded fence have been erected.
- Overdevelopment.
- Permission for chalets/mobile homes has previously been refused at Battle Golf Club.
- The site is visible from the road, public footpaths and the surrounding woodland.
- Potential for further development in the future given the size of the site.

#### *Biodiversity and Ancient Woodland*

- Development already carried out and therefore wildlife/ecology will have been harmed.
- No ecological survey has taken place.
- Ancient woodland is present adjacent to the site.
- Development is harmful to the ancient woodland.
- Adjacent to farmland (downstream) with risk of nitrate pollution.
- Pollution from foul and surface water.
- Risk of noise pollution to woodland.
- A deer crossing is present on the site.
- The submitted Tree Survey and Arboricultural Impact Assessment does not explain that the site is within the AONB, within a PAWS buffer zone, is adjacent to a Public Forest Estate, PAWS and Priority Habitats site.
- The submitted Tree Survey and Arboricultural Impact Assessment does not assess the impact that the development already carried out has had on the woodland.

#### *Highway safety*

- Vehicular movements to and from the site will increase and due to substandard visibility, there would be increased traffic hazards.
- There are no pavements in the vicinity of the site.
- First traffic survey was undertaken during lockdown conditions due to COVID-19 when road usage was much less.
- First speed survey was carried out in the middle of the day. In non-lockdown conditions this would have omitted the rush hours and school drop off and pick-ups.
- First speed survey did not record all the vehicles passing the site – data collection method is unreliable.
- Description of roadside vegetation within the first speed survey is unreliable.
- Conclusions within the first speed survey are unreliable.
- Site cannot be adequately accessed by vehicles towing caravans, nor does it provide adequate provision for parking, turning and access for emergency vehicles.

#### *Other*

- A precedent would be set if this development is allowed.
- The site has a lawful use for agriculture.
- Site has little by way of established infrastructure.
- Enforcement action must be taken immediately to stop any further work.
- Lack of detail on drainage and waste disposal.

- Foul drainage discharge and surface water would be harmful to the surrounding environment.
- No noise assessment, refuse disposal strategy, assessment of significance or G&T statement has been submitted.
- Inaccurate statements and information provided within the application.
- Permission has previously been refused on the site for a single dwelling – same reasons for refusal should apply for this development.
- Directly borders an Archaeological Notification Area of Medieval Quarry Pits.
- Risk of noise pollution to settled community.
- Substantial developments have planning permission at Lillybank Farm and Darvel Down – any other residential development in the area should be refused.
- No design details of the mobile homes have been provided. This is not unusual, and it is customary for applicants to accept a condition that the mobile homes must meet the legal definition of a caravan.
- Council should require details of size and appearance of the caravans and impose a condition requiring prior consent to the design of any future replacement.
- Within the planning statement it says the footprint of the site would be enlarged.
- The development would unreasonably harm the amenities of neighbouring properties.
- Little if any weight can be given to personal circumstances. There are substantial planning objections founded in local and national policy.
- Human rights are a consideration. However, nobody has a right to be granted planning permission as this would disable entirely the UK's planning control system.
- Human rights of local residents should also be considered.
- The Council should give material consideration to government planning policy on intentional unauthorised development.

6.6.2 One general online comment has been received which is summarised as follows:

- Inadequate provision of sites for Travellers.
- The site does not interfere with anyone.

## 6.7 Town Council – **OBJECTION**

6.7.1 *'Council note the flagrant disregard for the planning process and lack of accurate and complete documentation. It is highlighted that this is outside the development boundary in an AONB and is strongly opposed.'*

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## 7.0 **LOCAL FINANCE CONSIDERATIONS**

7.1 The type of development for which permission is sought is not Community Infrastructure Levy liable.

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## 8.0 APPRAISAL

8.1 Before the main issues are discussed, the planning history of the site and the necessary policy considerations are set out below.

### 8.2 Planning history of the site

8.2.1 Under planning application reference RR/2005/1001/P a stable block building was granted planning permission. No change of use of the land to equestrian was involved. The land and stable block had an agricultural use.

8.2.2 In 2007, under planning application reference RR/2006/3158/P, planning permission was refused for a two-storey dwelling on the site. There were three reasons for refusal which are summarised as follows:

1. The site is within the AONB where policies at the time indicated that development would be carefully controlled to protect the character of the area. The proposal was considered to have a harmful effect on the rural character of the area.
2. The site lies outside of a recognised development boundary where policies at the time restricted the creation of new dwellings.
3. *'By reason of the introduction of a new dwelling utilising the existing access point the additional development would give rise to an increase in vehicular traffic hazards and would be detrimental to the free flow and safety of persons and vehicles by reason of the slowing, stopping, turning and reversing traffic. The access point does not have adequate visibility in either direction for the classification of road...'*

8.2.3 In February 2020, the Applicant purchased the site. In March/April 2020 the stable block building granted under reference RR/2005/1001/P was demolished and replaced with the development subject to this application, which is unauthorised. The retrospective planning application was submitted on the 9 April 2020.

### 8.3 Policy Considerations

8.3.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

*"In dealing with such an application the authority shall have regard to:*

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application,*  
*and*
- c) Any other material considerations."*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides:

*"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".*

Using this as the starting point, the development plan consists of the Core Strategy, the DaSA, the saved policies in the Local Plan 2006 and the 'made' Neighbourhood Plans.

8.3.2 Policy LHN6 of the Core Strategy, against which all planning applications for G&T sites will be assessed, states:

*Site allocations will be made and/or planning permission granted for G&T and Travelling Showpeople sites, when all of the following criteria are met:*

- (i) The site is not located in a nature conservation designated area, in an area at risk of flooding (flood zones 3a & 3b or a functional floodplain), in close proximity to a Source Protection Zone or significantly contaminated land;*
- (ii) The site should not result in an unacceptable visual or landscape impact, especially within the High Weald AONB taking account of proposed landscaping or screening;*
- (iii) The site is located within or close to an existing settlement and is accessible to local services by foot, by cycle or by public transport;*
- (iv) The site can be adequately accessed by vehicles towing caravans and provides adequate provision for parking, turning, and access for emergency vehicles;*
- (v) The site is not disproportionate in scale to the existing settlement;*
- (vi) Mixed use sites should not unreasonably harm the amenity of adjoining properties;*
- (vii) In the case of sites for Travelling Showpeople, the site must also be suitable for the storage of large items of mobile equipment;*

*Where planning permission is granted, appropriate conditions or planning obligations will be imposed to ensure occupation of the site is restricted to those persons genuinely falling into the definitions of G&Ts and Travelling Showpeople.*

8.3.3 Turning to national policy, which is a material planning consideration, Paragraph 23 of the PPTS (2015) sets out that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and the PPTS.

8.3.4 When considering planning applications for Traveller sites, paragraph 24 of the PPTS explains the following issues amongst other relevant matters should be considered:

- a) The existing level of local provision and need for sites.
- b) The availability (or lack) of alternative accommodation for the applicants.
- c) Other personal circumstances of the Applicant.
- d) That the locally specific criteria used to guide the allocations of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
- e) That they should determine applications for sites from any travellers and not just those with local connections.

8.3.5 At the end of paragraph 24 of the PPTS it is explained that "*as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances*" (*emphasis added*). Clearly Green Belt is not relevant in this

case, but “*any other harm*” could include, for example, harm to the AONB, highway safety, ancient woodland, sustainability of location, etc.

- 8.3.6 Paragraph 25 of the PPTS explains that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 8.3.7 When considering applications, paragraph 26 of the PPTS states that local planning authorities should attach weight to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land.
  - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 8.3.8 In the event that the occupiers of the site are not considered to meet the PPTS definition of G&Ts, the application would need to be determined against Policy RA3 (iii) of the Core Strategy, which relates to the creation of new dwellings in the countryside. This policy allows the creation of new dwellings in the countryside in extremely limited circumstances including a) dwellings to support farming; b) the conversion of traditional historic farm buildings; c) the one-to-one replacement of an existing dwelling of similar landscape impact; and d) as a rural exception site to meet an identified local affordable housing need.

#### 8.4 Main Issues

- 8.4.1 The main issues to consider in the determination of this application include:
- i) Whether the families occupying the site meet the PPTS definition of a “G&T” and consequently, whether the policies of the PPTS and those relevant policies in the Development Plan apply to them.
  - ii) The need for sites for Gypsies and Travellers, the provision of sites and the availability of alternative sites.
  - iii) The impact of the development on the character and appearance of the area, including the landscape and scenic beauty of the AONB.
  - iv) Accessibility to services and facilities.
  - v) Highway safety.
  - vi) The effect on the adjacent ancient woodland and protected species.
  - vii) The impact on the living conditions of occupants of nearby residential properties.
  - viii) Personal circumstances, human rights and best interests of the children.
  - ix) Intentional unauthorised development.
  - x) The overall balance and whether any harm identified would be clearly outweighed by other considerations. If so, whether this would amount to very special circumstances which would justify the proposal.

## 8.5 G&T Status

- 8.5.1 It is important to establish the G&T status of the occupiers of the site to determine whether the policies of the PPTS and those relevant policies in the Development Plan apply to them.
- 8.5.2 Within the glossary of the PPTS, paragraph 1 states that for the purposes of the PPTS “G&Ts” means:  
*‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.’*
- 8.5.3 Paragraph 2 of the glossary in the PPTS explains that in determining whether persons are “gypsies and travellers” for the purposes of the PPTS, consideration should be given to the following issues amongst other relevant matters:
- a) whether they previously led a nomadic habit of life;
  - b) the reasons for ceasing their nomadic habit of life; and
  - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.
- 8.5.4 The definition provided in the 2015 PPTS is a departure from the previous definition as it now no longer includes those who have ceased travelling permanently for any reason.
- 8.5.5 By way of background, the Equality and Human Rights Commission recently (September 2019) published a research report on the impact that the revised planning definition of G&Ts has had in terms of assessing accommodation need. It sets out a useful summary of the history behind how G&Ts have been defined in planning policy. It explains that for the past 50 years aspects of law and policy in England have sought to address a shortage of G&T sites to compensate for the closure of traditional stopping places on common land since 1960 (Caravan Sites and Control of Development Act, section 23). To restrict the use of such sites to those who have a genuine need for them, a definition of G&Ts as ‘persons of a nomadic habit of life, whatever their race or origin’ was introduced (Caravan Sites Act 1968, section 6).
- 8.5.6 The research report explains that ‘nomadic habit of life’ has been subject to significant interpretation in the higher courts. For instance, there needs to be a recognisable connection between travelling and how someone makes their living and that nomadism can be held in abeyance for a considerable amount of time. It also explains that the definition has been through several iterations since it was introduced but it has consistently focussed on individuals’ nomadic habit of life, rather than race.
- 8.5.7 From the information submitted, it is indicated that the current female adult occupants of the plots are married, and their partners still travel for work and therefore have a nomadic lifestyle. Confirmation that this remains the position has been requested from the agent and is awaited. It has further

been submitted that the two-family units that occupy the site are related and are often referred to as a singular family.

- 8.5.8 The occupant of Plot 1 has 5 dependent children (all understood to be of school age). Information accompanying the application explains that the female adult on Plot 2 grew up on a Gypsy site with her parents and has a cultural bias to live on a Gypsy site. It is stated that the different family members often travel together as a unit with extended family members and close friends. In terms of work, it is explained that the family are principally involved with building, landscaping and horse trading and that they have worked in various locations across the United Kingdom. It is explained that a settled base is sought temporarily for both healthcare and educational reasons. However, the family would still travel during school holidays. It is explained that the female adult occupant on Plot 2 and her two elder sons are unable to travel unless the family travel all together due to health issues.
- 8.5.9 Information submitted explains that during the COVID-19 pandemic, horse fayres were cancelled and work became very sparse. It is stated that living by the roadside would have a severe detrimental effect on the health and wellbeing of the family, so they had no choice but to move on to the site. They were finding it impossible to self-isolate living by the roadside. It is further explained that their nomadic lifestyle would cease during lockdown but would recommence once restrictions were lifted. This is taken to mean that the occupiers would only travel in school holidays but would otherwise reside at the site whilst the children require education.
- 8.5.10 Whilst the application has been under consideration the Local Planning Authority has written to the planning agent to request additional information and evidence on how each of the occupiers meets the PPTS definition of Gypsies and Travellers.
- 8.5.11 A G&T Liaison Officer from another County within the United Kingdom has confirmed that they have known the current adult occupier of Plot 1 and her husband for five years and that her parents lived a nomadic way of life up until they were offered a plot on one of that Council's Traveller sites. The officer also confirms that the adult occupier of Plot 1 has been brought up and has followed a nomadic way of life. This form of independent verification, from a Gypsy and Liaison Officer, is usually accepted as adequate to confirm an individuals G&T status.
- 8.5.12 In respect of the current occupants of Plot 2, the Local Planning Authority has been unable to verify their G&T status with any Traveller Liaison Team. However, two separate letters have been submitted by a recognised Travellers rights activist who resides outside of the district together with one from someone who works in Robertsbridge who know the adult female occupant and her parents as Travellers. The recognised Travellers rights activist explains they have known the family for many years and has stopped with them at the roadside on many occasions. They explain they are aware of them being constantly moved from car parks and school playing fields and have nowhere to live due to a national shortage of sites. In respect of the person who works in Robertsbridge, they explain that they have known the adult female occupant for over 30 years and has always known her and her parents to be Travellers.

- 8.5.13 Whilst this additional supporting evidence backs up the information submitted with the application, the Local Planning Authority still has reservations over whether the occupants of Plot 2 meet the PPTS definition and have lived a nomadic way of life, with the information being somewhat vague. The family are not known to either East or West Sussex Traveller Liaison Teams, and despite requesting that the planning agent provides details of a G&T Liaison Team within the United Kingdom that could independently verify their status, no such evidence has been forthcoming. In addition, having carried out a Land Registry search on the application site, the Applicant's address was listed as a bricks and mortar dwelling in another County. This was queried with the planning agent who explained this was a 'care of' address only.
- 8.5.14 The information provided on the status of the site occupants is considered limited. Information submitted describes how the family have lived a nomadic way of life however the Local Planning Authority has not been able to independently verify this in relation to Plot 2. On balance, it is considered that based on the information submitted, and that the two-family units are related and appear to have a form of co-dependency, the occupants of the site fall within the definition of G&Ts contained within the PPTS. Hence their personal circumstances are material considerations.
- 8.6 The need for sites for G&T, the provision of sites and the availability of alternative sites
- 8.6.1 In terms of development plan policies, Policy LHN5 of the Rother Local Plan Core Strategy (2014) requires provision to be made for five permanent pitches within Rother for G&T over the period 2011-2016, and a further six pitches between 2016 and 2028. These requirements have been met either through implemented planning permissions or through the allocation of two sites (totalling six pitches) within the DaSA (Policies BEX3, BEX3c & GYP1). The DaSA sites are currently unoccupied and do not have extant planning permission.
- 8.6.2 For the reasons set out above, it is considered that sufficient land for G&Ts has been provided through allocations. The Applicant has not provided any evidence to demonstrate that these sites will not come forward and thus there is currently no unmet need for sites for G&Ts in the area.
- 8.7 Character and Appearance
- 8.7.1 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 2019-2024. The plan also sets objectives for the management of the AONB relating to geology, landform and water systems; settlement; routeways; woodland; field and heath; land-based economy and related rural life; and other qualities.
- 8.7.2 Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing

valued landscapes and b) recognising the intrinsic character and beauty of the countryside.

- 8.7.3 Paragraph 172 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. It explains that the conservation and enhancement of wildlife and cultural heritage are also important considerations.
- 8.7.4 Policy OSS4 (iii) of the Core Strategy requires that all development respects and does not detract from the character and appearance of the locality.
- 8.7.5 Policy BA1 of the Core Strategy states that proposals for development and change in Battle will (i) maintain the essential physical form, local distinctiveness, character and setting of the town, particularly in and adjacent to the Conservation Area.
- 8.7.6 Policy RA2 of the Core Strategy sets out the overarching strategy for the countryside outside the main confines of settlements, including: (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 8.7.7 Policy RA3 (v) of the Core Strategy requires that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.
- 8.7.8 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.
- 8.7.9 Turning to the DaSA, Policy DEN1 provides that the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics, in accordance with Core Strategy Policy EN1. Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining 'dark skies' in accordance with Policy DEN7.
- 8.7.10 In respect of the distinctive local landscape characteristics, the site is located within the Brede Valley Landscape Character Area, which the East Sussex Landscape Character Assessment describes in detail. Within the assessment the landscape evaluation of the current condition explains that Brede Valley is a largely unspoilt and tranquil rural landscape with few intrusive features. The landscape is in generally good condition and well managed as farmland with a strong historic structure. Orchards have declined and many disappeared so that associated Oast houses have been converted to residential uses. Agricultural change has led to some gentrification of the rural landscape and villages. As with most of the High

Weald landscape the historic field patterns of small fields and significant hedgerows remain intact.

- 8.7.11 Policy DEN2 of the DaSA states that all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan. Development within the High Weald AONB should be small scale, in keeping with the landscape and settlement pattern; major development will be inappropriate except in exceptional circumstances.
- 8.7.12 The High Weald AONB is characterised by green rolling countryside, of a pastoral nature, punctuated by small areas of woodland, small towns, villages and hamlets. The application site lies in an open countryside setting, away from any established settlement. Much of the application site is open agricultural land mainly laid to grass, surrounded by ancient woodland. In terms of AONB features, the boundaries of the site and field to the south, together with the adjoining field to the east (in separate ownership), are identified as historic field boundaries. The development for which permission is sought is concentrated towards the northwest corner of the field, behind a screen of vegetation which separates it from the road.
- 8.7.13 Caravans are not characteristic of the immediate landscape. The mobile homes and the touring caravans can be seen from the road and the surrounding ancient woodland which is covered by a Right to Roam. Views would change with the seasons as the trees and hedgerows come in and out of leaf and for this reason the development is likely to be more visible in the winter months. Whilst a stable block has been demolished, this, together with the previous use of the site, was rural in character. The caravans, on the other hand, appear incongruous and foreign in this countryside setting and change the character of the site to one of residential use. On top of this is the inevitable presence of external domestic paraphernalia such as vehicles, play equipment, washing and lighting at night from inside the caravans which will add to the harmful impact that the development has.
- 8.7.14 For the reasons set out, the development is viewed as representing a visual intrusion of caravans in a rural, countryside setting which considerably harms the character and appearance of the AONB, contrary to Rother Local Plan Core Strategy Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) and Rother District Council Development and Site Allocations (DaSA) Local Plan Policies DEN1 and DEN2.

## 8.8 Accessibility to services and facilities

- 8.8.1 The site is within the countryside around 1.5km from the development boundary of Battle and around 2.5km from the centre of the market town, where most of the services are found. The village of Netherfield is also in excess of 2km from the site. The occupants of the development are dependent on the use of private vehicles for day-to-day requirements, with limited alternatives being available to access any shops, transport or other facilities due to the nature of the lane and its length together with a lack of pavements. These issues have also been identified by the Highway Authority in relation to the site's inaccessibility.

- 8.8.2 The development undermines the aims of local and national planning Policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3 of the Core Strategy and paragraph 8 of the NPPF which seek to minimise the need to travel and to support the transition to a low carbon future.
- 8.9 Highway safety
- 8.9.1 Policy CO6 (ii) of the Core Strategy requires all development avoids prejudice to road and/or pedestrian safety. Policy LHN6 (iv) of the Core Strategy requires the site to have adequate access by vehicles towing caravans and provides adequate provision for parking, turning and access for emergency vehicles.
- 8.9.2 The site access is on the southern side of Netherfield Hill (C96) along a section of the road that is subject to the national speed limit (60mph). The stable block granted in 2005 was served by an access only capable of accommodating one vehicle in one direction at any given time. That access has been widened to around 6m by the current owner and forms part of the development for which permission is sought to retain.
- 8.9.3 The Highway Authority has advised that visibility splays of 2.4m x 215m should be provided in each direction. The subsequently submitted speed surveys and observations made by officers on site show that to the northwest of the site only 2.4m x 95m is achievable and to the southeast 2.4m x 155m.
- 8.9.4 Two separate speed surveys have been carried out by the Applicant. The first was very limited in scope. It was carried out on Tuesday 26 May 2020 between the hours of 12.15 and 15.25 using a radar. To put this into context, the survey was carried out for just over three hours, covering part of an off-peak period for one weekday during a time when there were severe restrictions on movement due to the COVID-19 pandemic.
- 8.9.5 Due to the limitations of the speed survey, the Highway Authority raised an objection and advised that insufficient information had been provided to determine whether the proposal would lead to the intensification of a substandard access. The Highway Authority advised that they generally require a seven-day speed survey, taken in a typical month, where the variation across a day and week is evident. This feedback was passed to the Applicant and a seven-day speed survey was subsequently carried out week commencing 13 July 2020.
- 8.9.6 The Highway Authority has commented that the seven-day speed survey has been carried out to determine visibility in accordance with actual speeds. They note that traffic volumes may have been reduced on a few of the days surveyed but considering the survey covers seven days, overall, the speed data is likely to give an accurate representation of normal conditions on Netherfield Hill. They advise that the results of the speed survey indicate 85%tile speeds of 40mph westbound and 37.1mph eastbound. They state that the submitted report indicates that visibility splays of 2.4m x 54.1m to the northwest and 93.3m to the southeast should

therefore be provided; however, this is based on wet weather speeds. The Highway Authority advise that CA185 updated the guidance on the use of wet and dry weather speeds when determining visibility splays and advise it is now considered more appropriate to add on 4kph (2.5mph) should the survey be carried out during wet weather periods. On this basis they state that the original 85%tile speeds should be used to determine visibility splays as these speeds were observed during dry conditions. Using dry weather speeds the Highway Authority advise the visibility requirement is 2.4m x 92m to the northwest and 2.4 x 103m to the southeast. They state that the available visibility splays of 2.4m x 95m to the northwest and 2.4m x 155m to the southeast exceed the visibility requirements set out in Design Manual for Roads and Bridges and on this basis are accepted.

8.9.7 In respect of the widened access, the Highway Authority advise that it is suitable to accommodate two-way traffic. However, they explain that it requires reconstruction to accommodate the additional trips generated by the change of use. The access gates are positioned 16m from the carriageway and as such there is sufficient distance for a touring caravan to wait clear of the highway whilst the gates are operated.

8.9.8 In respect of turning, the Highway Authority advise that a vehicle tracking plan has not been provided to demonstrate that the touring caravans can turn within the site. However, given the size of the site it is expected that turning within the site is achievable.

8.9.9 Based on the seven-day speed survey and the advice provided by the Highway Authority, it has been satisfactorily demonstrated that adequate visibility splays in accordance with actual vehicle speeds can be provided. The access is also considered satisfactory for vehicles towing caravans to enter and egress and there is sufficient space to park and turn vehicles on site. There would be no increased risk to highway safety and therefore the development complies with Policies CO6 (ii) and LHN6 (iv) of the Core Strategy.

#### 8.10 Ancient woodland and protected species

8.10.1 Paragraph 175 (c) of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Objective W1 of the High Weald AONB Management Plan requires the existing extent of woodland and particularly ancient woodland to be maintained.

8.10.2 Policy EN5 of the Core Strategy states that biodiversity, geodiversity and green space will be protected and enhanced, by multi-agency working where appropriate, to (viii) ensure that development retains, protects and enhances habitats of ecological interest, including ancient woodland, water features and hedgerows, and provides for appropriate management of these features.

8.10.3 Policy DEN4 of the DaSA sets out:

*Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with Core Strategy Policy EN5 and the following criteria, as applicable:*

- (ii) development proposals should seek to conserve and enhance:*
  - (a) The biodiversity value of international, national, regional and local designated sites of biodiversity and geological value, and irreplaceable habitats (including ancient woodland and ancient or veteran trees).*
  - (b) Priority Habitats and Species; and Protected Species, both within and outside designated sites.*

*Depending on the status of habitats and species concerned, this may require locating development on alternative sites that would cause less or no harm, incorporating measures for prevention, mitigation and (in the last resort) compensation.*

8.10.4 Standing advice produced by the Forestry Commission and Natural England states that the direct impacts of development on ancient woodland or ancient and veteran trees include:

- Damaging or destroying all or part of them (including their soils, ground flora or fungi).
- Damaging roots and understorey (all the vegetation under the taller trees).
- Damaging or compacting soil around the tree roots.
- Polluting the ground around them.
- Changing the water table or drainage of woodland or individual trees.
- Damaging archaeological features or heritage assets.

8.10.5 The standing advice explains that nearby development can also have an indirect impact on ancient woodland or ancient and veteran trees and the species they support. These can include:

- Breaking up or destroying connections between woodlands and ancient or veteran trees.
- Reducing the amount of semi-natural habitats next to ancient woodland.
- Increasing the amount of pollution, including dust.
- Increasing disturbance to wildlife from additional traffic and visitors.
- Increasing light or air pollution.
- Increasing damaging activities like fly-tipping and the impact of domestic pets.
- Changing the landscape character of the area.

8.10.6 The standing advice states that local planning authorities and developers should identify ways to avoid negative effects on ancient woodland or ancient and veteran trees. This could include selecting an alternative site for development or redesigning the scheme.

8.10.7 In terms of the recommended separation of development from ancient woodland, the standing advice states that a buffer zone of at least 15m should be provided to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, a larger buffer zone is likely to be required. For example, the effect of air pollution from development that results in a significant increase in traffic.

- 8.10.8 Ashes Wood adjoins the west boundary of the application site. It is designated as ancient woodland, a PAWS. A tree survey and arboricultural impact assessment dated June 2020 has been submitted during the application. It explains that a desktop study and field survey were undertaken. The general condition of the woodland is described as fair to good. The structural condition of the trees is assessed as good and no major signs of disease, pathogen, fungal bodies or insect infestations were observed. In terms of specimen value, the trees in the woodland are categorised as Category A trees/woodland and are considered of high cultural, historical, ecological and environmental value.
- 8.10.9 The assessment states that the development does not impact on the woodland as there are no construction or excavation works planned. It explains that the mobile caravans already present on site have been positioned on an already existing concrete base or away from the woodland edge and outside of any root protection areas. Within the recommendations it states that no vehicular activity, construction or excavation activities take place within 8.2m of the tree line.
- 8.10.10 Whilst a tree survey and arboricultural impact assessment has been submitted, it does not fully assess the impact of the development on the ancient woodland, especially in relation to increased activity and lighting. Before the tree survey and arboricultural impact assessment were commissioned, the Local Planning Authority advised the planning agent that any development should be at least 15m from the edge of the ancient woodland and therefore any caravans and parking areas within the 15m buffer zone should be moved. In this respect, no amendments have been proposed.
- 8.10.11 One of the mobile caravans has been placed on the concrete base of the former stable block which is around 8.2m from the edge of the woodland. Whilst this may not have resulted in any additional damage to tree roots, the impact of increased activity and lighting has not been assessed. It is appreciated that a stable block once occupied the same position as one of the mobile caravans but this would not have had lights shining into the woodland at night and in the darkness of winter, with the potential to disturb wildlife, including protected species, which are a key component of ancient woodlands.
- 8.10.12 The tree survey and arboricultural impact assessment recommends that no vehicles are parked within 8.2m of the woodland. In line with the standing advice, the buffer zone should be at least 15m. Nevertheless, the area to park the touring caravans remains in very close proximity to the woodland and would result in compaction of the root protection area of trees which would be harmful to the ancient woodland.
- 8.10.13 Turning to foul drainage, a package treatment plant has been placed in the ground, but it is not connected to an electricity supply and is therefore not operational. The Applicant has advised that the treatment plant is being used to collect waste and is being emptied manually. The planning agent has advised that a licence from the Environment Agency will be sought prior to connection and any waste being discharged.

8.10.14 In terms of surface water drainage, the application form states that surface water would be discharged to an existing watercourse. However, this is not detailed on the submitted plans and it is not clear where this existing watercourse is located. The gutters from the mobile caravans are currently discharging straight onto the ground.

8.10.15 The development has been carried out and therefore it is not known whether the ancient woodland was adequately protected when the caravans were delivered to the site. Nevertheless, the mobile home positioned on the base of the former stable block and the storage area for the touring caravans are within the 15m buffer zone of the ancient woodland, contrary to standing advice from the Forestry Commission. The development would result in the deterioration of an irreplaceable habitat, an ancient woodland, by way of increased disturbance, lighting from the caravans, compaction of the ground where the touring caravans would be stored and the uncertainty surrounding how foul and surface water drainage would be dealt with. Additionally, the impact of the development on protected species has not been assessed and therefore it has not been satisfactorily demonstrated that the development would not be harmful to them. In line with paragraph 175 of the NPPF, permission should be refused, given that no wholly exceptional reasons or a suitable compensation strategy has been provided.

#### 8.11 Living conditions of occupants of nearby residential properties

8.11.1 The immediate neighbouring property to the east, 'Firtree Cottage', is the only nearby residential property that is likely to be directly impacted by the development. Whilst other local residents may see glimpses of the development as they drive past or walk by the site, they should not be impacted in any other way.

8.11.2 The mobile caravan positioned closest to Firtree Cottage is around 50m from the shared boundary. An orchard is proposed to be planted next to shared boundary. Given the substantial separation, no unacceptable overlooking, loss of outlook or loss of light occurs. The development comprises two residential units and are unlikely to generate significant or harmful levels of activity or noise. There are no adverse impacts on the living conditions of the occupants of the neighbouring property 'Firtree Cottage'.

#### 8.12 Personal circumstances, human rights and the best interests of children

8.12.1 Local planning authorities must consider all the circumstances including the personal circumstances of those living on the site. Consideration must be given to Convention rights protected under the Human Rights Act 1998 (in particular Article 8 in the case of development that is someone's home), the best interests of any children affected in accordance with the Children Act 2004, and regard must be had to the Public Sector Equality Duty (set out in Section 149 of the Equality Act 2010). Section 149 provides as follows:

*A public authority must, in the exercise of its functions, have due regard to the need to—*

*(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

*(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

*(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

8.12.2 The PPG contains the following guidance:

*Should children's best interests be taken into account when determining planning applications?*

*Local authorities need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, they will want to ensure their approach is proportionate. They need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. This will include considering the scope to mitigate any potential harm through non-planning measures, for example through intervention or extra support for the family through social, health and education services.*

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Revision date: 01 09 2015

- 8.12.3 The Local Planning Authority is advised that two of the adults and two of the children living on the site have significant medical conditions and learning difficulties. In respect of one of the adults, evidence has been provided to substantiate their health issues. It demonstrates that they have significant medical needs and they are not able to live independently. In respect of the other adult and two children, no evidence has been provided by way of letters from medical or educational practitioners to support the claims made in the submitted statements, although the planning agent has been asked to provide this.
- 8.12.4 If planning permission is refused, and any subsequent appeal is dismissed, it is likely that the families would have to leave the site. This would result in the interference with their human rights regarding Article 8 of the European Convention on Human Rights. It encompasses respect for family life and the home. It is consistent with relevant caselaw that the best interests of children should be a primary consideration in any decision on the application, although is not necessarily the determining factor.
- 8.12.5 The best interests of the children living on the site are to remain on the site and for the development to be retained as provided. An ordered and settled site would afford them the best opportunity of a stable, secure and happy family life, opportunities for education, ready access to health and other services (albeit the site is not considered to be sustainably located) and opportunities for play and personal development.
- 8.12.6 However, there is considered no reason why very similar benefits could not be achieved on another settled site, such as those allocated in the DaSA. Whilst the single pitch site allocated under Policy GYP1 of the DaSA would not be sufficient in size to accommodate the two-family units, the one allocated under BEX3c would be. On this basis there is an alternative site available which reduces the weight which can be given to the families' personal circumstances.

- 8.12.7 The Local Planning Authority has asked the planning agent to explain how the allocated DaSA sites have been considered and if they are not suitable and/or available, why this is the case. In response the agent has explained that it is traditionally accepted that Romany Gypsies will only settle with people who marry into the family or are related by a direct bloodline. The intended occupants also must take into consideration the health issues of the children. The agent explains that it would not be appropriate for them to share a site with an unknown family and the children would be extremely unsettled.
- 8.12.8 The comments from the agent are noted but they have not been supported by any evidence, such as correspondence from a medical practitioner, to explain that the health of the occupiers would prevent them living with other families. The five pitches at land east of Watermill Lane, Bexhill allocated within the DaSA are not occupied and therefore sharing with other families would not currently be an issue. It is not considered that these allocated pitches have been adequately considered. It is not considered reasonable for such alternative provision to be dismissed solely due to the potential for other families to occupy them in the future. Further, there is the possibility that family or friends of the current occupants of the site could occupy them.
- 8.13 Intentional Unauthorised Development  
It is Government policy that intentional unauthorised development is a material consideration that should be weighed in the determination of planning applications and appeals. The written ministerial statement announcing this policy expressed concern that where the development of land has been undertaken in advance of obtaining planning permission there is no opportunity to appropriately limit or mitigate the harm that may have been caused. However, it is considered relevant to note that planning legislation allows for retrospective planning applications and that guidance on how much weight the aforementioned policy should be given is not clear. Furthermore the planning system is not intended to be punitive but to secure compliance with legitimate planning objectives. It is also considered relevant to have regard to the specific circumstances of this matter and the challenges posed by COVID-19.
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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.
- 9.2 On balance, it is considered that based on the information submitted, and that the two-family units are related and appear to have a form of co-dependency, the occupants of the site fall within the definition of G&Ts contained within the PPTS. Hence their personal circumstances are material considerations. However, the site is within the countryside outside any defined development boundary, as defined in saved Policy DS3 of the Rother District Local Plan (2006). The application has been assessed against the Council's policies for G&Ts; together with the Government's

Planning Policy for Traveller Sites (PPTS). The Council's requirement (under Policy LHN5 of the Core Strategy) to identify a further 6 permanent pitches to be provided between 2016 and 2028 to meet the identified need has been satisfied by the sites allocated under Policies GYP1 and BEX3 of the DaSA Plan. The application site is not an allocated site and being outside areas allocated in the development plan, does not accord with paragraph 25 of the PPTS. Determining the application on its planning merits, the use of the site as a G&T site causes harm to the character and appearance of the rural area, and the proposal conflicts with Policies OSS4 (iii), RA2 (iii) (viii), RA3 (v), LHN6 (ii), and EN1 (i) of the Core Strategy, Policies DEN1 and DEN2 of the DaSA, saved Policy DS3 of the Local Plan (2006) and paragraph 172 of the National Planning Policy Framework.

- 9.3 The development represents a visual intrusion of caravans in a rural, countryside setting which considerably harms the character and appearance of the AONB. On top of this is the presence of external domestic paraphernalia such as vehicles, play equipment, washing and lighting at night from inside the caravans which add to the harmful impact that the development has. For these reasons the development conflicts with Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Core Strategy, Policies DEN1 and DEN2 of the DaSA, paragraphs 170 and 172 of the NPPF and Policy H, paragraph 25 of the PPTS. In accordance with paragraph 172 of the NPPF, great weight must be given to the harm that the development has on the landscape and scenic beauty of the AONB.
- 9.4 At the end of paragraph 24 of the PPTS it is explained that *“as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh.....any other harm so as to establish very special circumstances”*. In this case the best interests of the children living on the site do fall to be considered. They are a primary consideration. However, as explained earlier in the report, there is no reason why very similar benefits for the children staying on the application site could not be achieved on another settled site, such as the Bexhill allocation within the DaSA. Given the availability of another site, only moderate weight in the occupiers' favour can be given to this matter. For the same reason, only moderate weight can be given to the medical issues of the two adults on the site as they too could be catered for in a similar way on another settled site, such as the Bexhill allocation within the DaSA.
- 9.5 The location of the site is unsustainable. The development undermines the aims of local and national planning policies, which seek to direct development, and that of residential accommodation in particular, to settlements where there is ready access to facilities; as well as being contrary to local and national policies on moving to a low carbon future. The development conflicts with Core Strategy Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3, which are broadly consistent with the NPPF's aim to promote and encourage sustainable transport. Given that the development consists of just two residential units, the harm is somewhat limited, but should still be afforded moderate weight.
- 9.6 Turning to the impact of the development on the ancient woodland, it would result in the deterioration of an irreplaceable habitat, by way of increased disturbance, lighting from the caravans, compaction of the ground where the touring caravans would be stored and the uncertainty surrounding how foul

and surface water drainage would be dealt with. Additionally, the impact of the development on protected species has not been assessed and therefore it has not been satisfactorily demonstrated that the development would not be harmful to them. The development conflicts with Policies EN1 (vi) and EN5 (viii) (ix) of the Core Strategy, Policy DEN4 (ii) of the DaSA together with standing advice produced by the Forestry Commission and Natural England relating to ancient woodlands. In line with paragraph 175 of the NPPF, permission should be refused, given that no wholly exceptional reasons or a suitable compensation strategy has been provided. Harm to ancient woodland, an irreplaceable habitat, should be afforded significant weight.

- 9.7 Taking all matters into consideration, the overall conclusion is that the considerable harm to the AONB, harm to the ancient woodland and protected species, together with the unsustainable location, outweighs the other considerations as set out in this report, including in particular the best interests of the children. As very special circumstances have not been demonstrated there is no justification granting planning permission.

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

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### **REASONS FOR REFUSAL:**

1. The site is within the countryside outside any defined development boundary, as defined in saved Policy DS3 of the Rother District Local Plan (2006). The application has been assessed against the Council's policies for G&Ts; together with the Government's Planning Policy for Traveller Sites (PPTS). The Council's requirement (under Policy LHN5 of the Core Strategy) to identify a further six permanent pitches to be provided between 2016 and 2028 to meet the identified need has been satisfied by the sites allocated under Policies GYP1 and BEX3 of the DaSA Plan. The application site is not an allocated site and being outside areas allocated in the development plan, does not accord with paragraph 25 of the PPTS. Determining the application on its planning merits, the use of the site as a G&T site causes harm to the character and appearance of the rural area, and the proposal conflicts with Policies OSS4 (iii), RA2 (iii) (viii), RA3 (v), LHN6 (ii), and EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Rother Development and Site Allocations (DaSA) Local Plan, saved Policy DS3 of the Rother District Local Plan (2006) and paragraph 172 of the NPPF.
2. The development represents a visual intrusion of caravans, vehicles and other external domestic paraphernalia in a rural, countryside setting which considerably harms the character and appearance of the High Weald AONB, contrary to Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Rother District Council DaSA Local Plan, paragraphs 170 and 172 of the NPPF and Policy H, paragraph 25 of the Planning Policy for Traveller Sites.
3. The site lies within an unsustainable countryside location where occupiers of the development are highly reliant on private motor vehicles and are not able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies

PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the NPPF which seek to minimise the need to travel and to support the transition to a low carbon future.

4. The development is located within 15m of an ancient woodland, contrary to standing advice produced by the Forestry Commission and Natural England. The development would result in the deterioration of an irreplaceable habitat, an ancient woodland, by way of increased disturbance, lighting from the caravans, compaction of the ground where the touring caravans would be stored and the uncertainty surrounding how foul and surface water drainage would be dealt with. Additionally, the impact of the development on protected species has not been assessed and therefore it has not been satisfactorily demonstrated that the development would not be harmful to them. Paragraph 175 of the NPPF directs that permission should be refused, given that no wholly exceptional reasons or a suitable compensation strategy has been provided. The development also conflicts with Policies EN1 (vi) and EN5 (viii) (ix) of the Rother Local Plan Core Strategy, Policy DEN4 (ii) of the Rother District Council DaSA Local Plan together with standing advice produced by the Forestry Commission and Natural England relating to ancient woodlands.

**NOTE:**

1. This decision notice relates to the following set of plans:  
1:1250 Site Location Plan dated 7 April 2020  
1:500 Block Plan dated 7 April 2020 (includes a sewage treatment plant)

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) 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 Agent. 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.

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## **10.0 ENFORCEMENT**

### **10.1 Introduction**

- 10.1.1 As set out within paragraph 58 of the NPPF, effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. If it is resolved to refused planning permission in line with the recommended reasons for refusal, it is considered proportionate to take enforcement action in order to remedy the breach of planning control.

### **10.2 Breach of Planning Control**

- 10.2.1 Without planning permission, the material change of use of the land from agricultural to residential and the stationing of two mobile caravans, parking areas for two touring caravans and two cars, storage of two touring

caravans, parking of two cars, installation of a package treatment plant with connections to the mobile caravans and laying of hard surfacing. The change of use and associated operational development was carried out in March/April 2020.

### 10.3 The steps to be taken

- 10.3.1 Cease the residential use of land. Remove from the land the mobile caravans and any related operational development, including foul drainage connections and any hard surfacing (excluding the base to the stable block granted planning permission under RR/2005/1001/P). Remove from the land the touring caravans. Remove from the land the cars. Remove from the land the package treatment plant and the connections to the mobile caravans. Remove from the land the parking areas for the touring caravans and cars. Return the land to its former condition prior to the material change of use and carrying out of operational development.

### 10.4 Reasons for Taking Enforcement Action

- 10.4.1 The reasons for taking enforcement action would be in line with the recommended reasons to refuse planning permission which are as follows:

1. The site is within the countryside outside any defined development boundary, as defined in saved Policy DS3 of the Rother District Local Plan (2006). The application has been assessed against the Council's policies for G&Ts; together with the Government's Planning Policy for Traveller Sites (PPTS). The Council's requirement (under Policy LHN5 of the Core Strategy) to identify a further six permanent pitches to be provided between 2016 and 2028 to meet the identified need has been satisfied by the sites allocated under Policies GYP1 and BEX3 of the DaSA Plan. The application site is not an allocated site and being outside areas allocated in the development plan, does not accord with paragraph 25 of the PPTS. Determining the application on its planning merits, the use of the site as a G&T site causes harm to the character and appearance of the rural area, and the proposal conflicts with Policies OSS4 (iii), RA2 (iii) (viii), RA3 (v), LHN6 (ii), and EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Rother DaSA Local Plan, saved Policy DS3 of the Rother District Local Plan (2006) and paragraph 172 of the NPPF.
2. The development represents a visual intrusion of caravans, vehicles and other external domestic paraphernalia in a rural, countryside setting which considerably harms the character and appearance of the High Weald AONB, contrary to Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Rother District Council DaSA Local Plan, paragraphs 170 and 172 of the NPPF and Policy H, paragraph 25 of the Planning Policy for Traveller Sites.
3. The site lies within an unsustainable countryside location where occupiers of the development are highly reliant on private motor vehicles and are not able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii),

LHN6 (iii) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the NPPF which seek to minimise the need to travel and to support the transition to a low carbon future.

4. The development is located within 15m of an ancient woodland, contrary to standing advice produced by the Forestry Commission and Natural England. The development would result in the deterioration of an irreplaceable habitat, an ancient woodland, by way of increased disturbance, lighting from the caravans, compaction of the ground where the touring caravans would be stored and the uncertainty surrounding how foul and surface water drainage would be dealt with. Additionally, the impact of the development on protected species has not been assessed and therefore it has not been satisfactorily demonstrated that the development would not be harmful to them. Paragraph 175 of the NPPF directs that permission should be refused, given that no wholly exceptional reasons or a suitable compensation strategy has been provided. The development also conflicts with Policies EN1 (vi) and EN5 (viii) (ix) of the Rother Local Plan Core Strategy, Policy DEN4 (ii) of the Rother District Council DaSA Local Plan together with standing advice produced by the Forestry Commission and Natural England relating to ancient woodlands.

## 10.5 Period for Compliance

- 10.5.1 Local planning authorities must consider all the circumstances including the personal circumstances of those living on the site. Consideration must be given to Convention rights protected under the Human Rights Act 1998 (in particular Article 8 in the case of development that is someone's home), the best interests of any children affected in accordance with the Children Act 2004, and regard must be had to the Public Sector Equality Duty (set out in Section 149 of the Equality Act 2010). Section 149 provides as follows:  
*A public authority must, in the exercise of its functions, have due regard to the need to—*  
*(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*  
*(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*  
*(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
- 10.5.2 The Local Planning Authority is advised that two of the adults and two of the children living on the site have significant medical conditions and learning difficulties. In respect of one of the adults, evidence has been provided to substantiate their health issues. It demonstrates that they have significant medical needs and they are not able to live independently. In respect of the other adult and two children, no evidence has been provided by way of letters from medical or educational practitioners to support the claims made in the submitted statements, although the planning agent has been asked to provide this.
- 10.5.3 If planning permission is refused, enforcement action is taken and any subsequent appeals are dismissed/upheld, it is likely that the families would have to leave the site. This would result in the interference with their human rights regarding Article 8 of the European Convention on Human Rights. It

encompasses respect for family life and the home. It is consistent with relevant caselaw that the best interests of children should be a primary consideration in any decision.

- 10.5.4 The best interests of the children living on the site are to remain on the site and for the development to be retained as provided. An ordered and settled site would afford them the best opportunity of a stable, secure and happy family life, opportunities for education, ready access to health and other services (albeit the site is not considered to be sustainably located) and opportunities for play and personal development.
- 10.5.5 However, there is considered no reason why very similar benefits could not be achieved on another settled site, such as those allocated in the DaSA. Whilst the single pitch site allocated under Policy GYP1 of the DaSA would not be sufficient in size to accommodate the two-family units, the one allocated under BEX3c would be. On this basis there is an alternative site available which reduces the weight which can be given to the families' personal circumstances.
- 10.5.6 The Local Planning Authority has asked the planning agent to explain how the allocated DaSA sites have been considered and if they are not suitable and/or available, why this is the case. In response the agent has explained that it is traditionally accepted that Romany Gypsies will only settle with people who marry into the family or are related by a direct bloodline. The intended occupants also must take into consideration the health issues of the children. The agent explains that it would not be appropriate for them to share a site with an unknown family and the children would be extremely unsettled.
- 10.5.7 The comments from the agent are noted but they have not been supported by any evidence, such as correspondence from a medical practitioner, to explain that the health of the occupiers would prevent them living with other families. The five pitches at land east of Watermill Lane, Bexhill allocated within the DaSA are not occupied and therefore sharing with other families would not currently be an issue. It is not considered that these allocated pitches have been adequately considered. It is not considered reasonable for such alternative provision to be dismissed solely due to the potential for other families to occupy them in the future. Further, there is the possibility that family or friends of the current occupants of the site could occupy them.
- 10.5.8 For the occupiers of the site to find a suitable alternative site to suit the family's needs, which may involve selling the current site, a compliance period of 12 months is recommended.

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**RECOMMENDATION:** In the event that it is resolved to refuse planning permission then it be **RESOLVED** that, subject to being satisfied evidentially, the Solicitor to the Council be authorised to **ISSUE THE APPROPRIATE ENFORCEMENT NOTICE** in line with the above requirements and take any other steps necessary including legal action under Sections 179 and 181 of the Town & Country Planning Act 1990.

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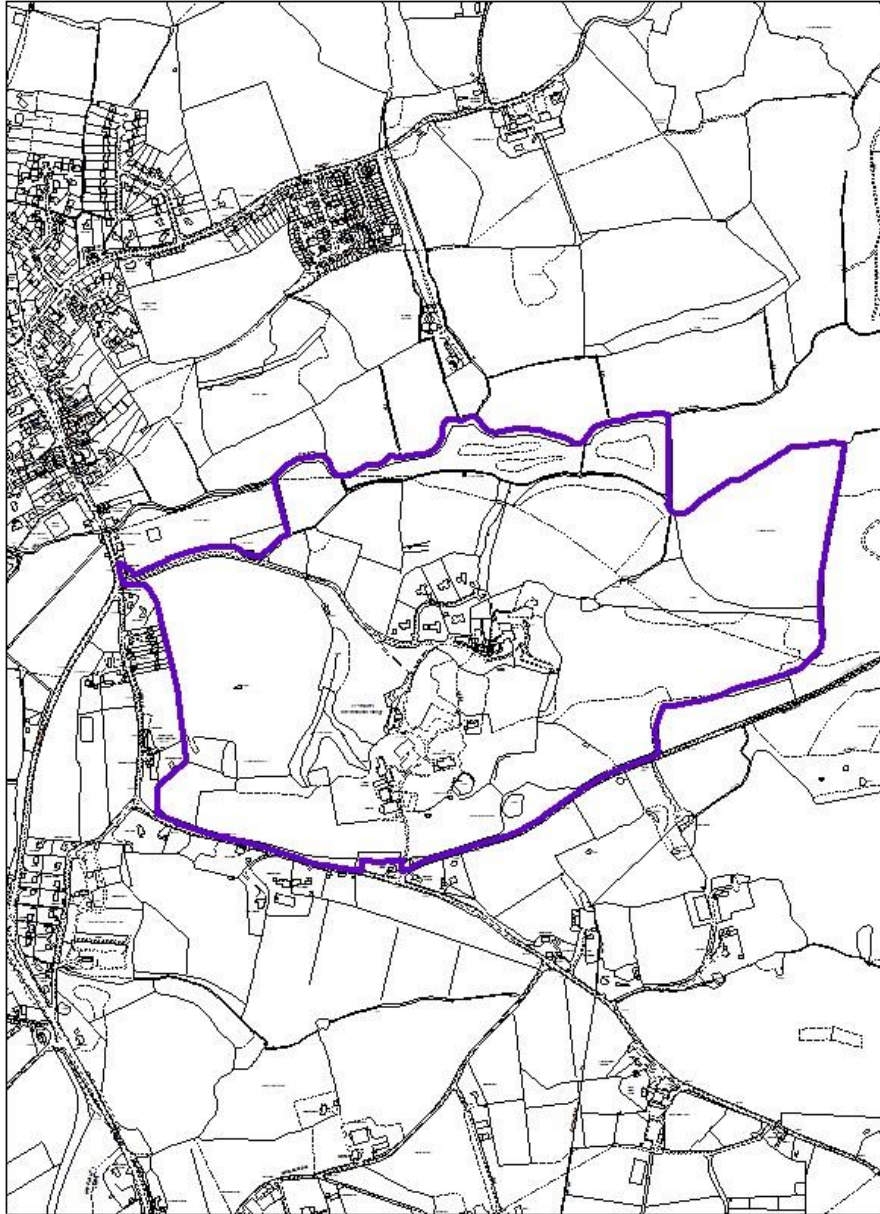
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SITE PLAN

SEDLSCOMBE

RR/2019/1659/P

PGL Pestalozzi, Ladybird Lane.



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Not To Scale

## Rother District Council

Report to	-	Planning Committee
Date	-	13 August 2020
Report of the	-	Executive Director
Subject	-	Application RR/2019/1659/P
Address	-	PGL, former Pestalozzi, Ladybird Lane SEDLSCOMBE
Proposal	-	Change of use of site from a use comprising conference, dining, administration and education facilities with associated accommodation, to a use comprising a residential training and educational activity centre; together with operational development including kitchen extension to existing building, extension to existing accommodation block, new accommodation blocks, tenting area, car and coach park, site access improvements and new coach passing places, outdoor activities structures, new activity pond, living acoustic fencing and parkland tree planting.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT (FULL PLANNING) DELEGATED SUBJECT TO CONDITIONS AND COMPLETION OF A SECTION 106 AGREEMENT**

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**Head of Service: Tim Hickling**

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<b>Applicant:</b>	<b>PGL Travel Ltd</b>
<b>Agent:</b>	<b>Avison Young (Mr Oliver Collins)</b>
<b>Case Officer:</b>	<b>Mr M. Cathcart</b> (Email: <a href="mailto:mark.cathcart@rother.gov.uk">mark.cathcart@rother.gov.uk</a> )
<b>Parish:</b>	<b>SEDLSCOMBE</b>
<b>Ward Members:</b>	<b>Councillors C.R. Maynard and J. Vine-Hall</b>

**Reason for Committee consideration:** Major application for development in the Area of Outstanding Natural Beauty with significant public interest. Referred to Planning Committee by Councillor J Vine-Hall

**Statutory 13-week date: 25 October 2020**  
**Extension of time agreed to 19 June 2020**

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This application is included in the Committee site inspection list.

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## 1.0 UPDATE AND SUMMARY

1.1 The application as originally submitted has been amended and the description of the development being applied for has been changed to that referenced above. The key amendments relate principally to:

- Reduction in the number of activity structures and repositioning.
- Reduction in the size of the activity pond.
- Reduction in the number of tents.
- Erecting natural green willow acoustic fencing.
- Deleting the proposed toilet and shower block.
- Re-design to the proposed accommodation blocks.
- Green (living) roofs to the accommodation blocks.
- Widening of the entrance.
- Reducing the size of the proposed car park.
- Parkland tree planting.

The revised scheme is reported here for determination.

1.2 The application relates to a large site at the edge of the village of Sedlescombe that was formerly occupied as the Pestalozzi International Children's Village but was recently acquired by the Applicants, PGL Travel Ltd. PGL operate several sites throughout the UK (and France) and specialise in educational activity courses, school trips, French Language courses, children's activity holidays, summer camps and ski trips.

1.3 PGL are seeking to use the site and the application seeks planning permission for the proposed developments set out in the application description.

1.4 In summary, the application site lies within the countryside at the edge of the village. Parts of the site are previously developed land having been used since the 1950s by the Pestalozzi to provide residential accommodation and training to young people from overseas. The scope of this use was expanded by the granting of a 2007 planning permission to the Pestalozzi, which introduced conference and other facilities on the site, including further accommodation blocks, so that external individuals and groups could experience residential training courses on the site to run along-side the Pestalozzi business model. This permission was only partly implemented. Also, at that time, the Council granted planning permission for 6 dwellings within the Pestalozzi estate as enabling development to help fund the improvements to the Pestalozzi. This residential development has been fully implemented and is now known as Oaklands Park. However, the Pestalozzi's occupation was not able to continue, and it has now vacated the site, having sold it to the current applicants. The site still contains some of the original Pestalozzi buildings – though others have been demolished. The 2007 planning permission, being partly implemented, remains a live (extant) planning permission. Additional buildings approved under that planning permission that have not been built, can still be built. The 2007 planning permission is a material consideration in the determination of the current planning application. There are some similarities between the proposed PGL use of the site and the format Pestalozzi use – as expanded by the 2007 planning permission – in that they aim to provide residential training courses for young people; however, in the case of PGL the use

would be seasonal and the nature of the training experience based rather more on outside activity, including the use of specially constructed activity bases. The current application proposal has merit in that it utilises a vacant and partly previously developed site. Moreover, the application has been amended from that originally submitted to reduce the scale of the development and to introduce mitigation measures in respect of the main areas of concern. The main issues for consideration are the impact of the development on the character and appearance of the landscape, including the High Weald Area of Outstanding Natural Beauty (AONB); the impact of the development on the amenities of local residents; the highway implications; and any impacts on bio-diversity. The application has generated a large volume of objections in response to the planning notice; however, the application has to be judged on its individual planning merits and with due regard to planning policies and taking into account all material planning considerations (not the volume of objection). Consultations have been carried out with statutory and advisory bodies and having assessed the responses received it is considered that subject to a Section 106 Agreement and conditions planning permission can be granted.

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## **2.0 SITE**

- 2.1 The application site (some 55 hectares) lies to the south of Sedlescombe village. For several years it was occupied by the Pestalozzi International Village Trust (PIVT), which was established in the 1950s; however, this occupation has now ceased and the site has been acquired by the Applicants, PGL, a private company specialising in residential and day activity holidays for children.
- 2.2 The site comprises an undulating rural landscape, containing pastureland and woodland areas, but also a number of buildings and infrastructure remaining from the former occupation of the site by the Pestalozzi. The built development is within the central part of the estate scattered around the access road. The main complex of buildings comprises an assortment of individual blocks for accommodation, education and administration purposes. In addition to this there are a number of separate private residential properties within the estate (Oaklands Manor, a converted stable block – four dwellings, and a cluster of 6 No. detached dwellings (Oaklands Park).
- 2.3 Vehicular access into the site is via a single-track road ‘Ladybird Lane’. This has a northern entrance (adjacent to West Lodge) to the B2244 close to its junction with Chapel Hill, and a southern entrance (adjacent to South Lodge) to Cottage Lane. Oaklands Manor, the adjacent stable block properties, – and those within the more recent Oaklands Park development share the Ladybird Lane access road.
- 2.4 To the north of the site, between the northern access and the village are the Sedlescombe Sports Fields, the River Rother, and open fields. Chapel Hill follows the western boundary of the site; this continues to form Cottage Lane, which form the southern boundaries of the site. To the east of the site lies woodland and semi-open countryside. Both Chapel Hill and Cottage Lane contain a loose scattering of properties, mainly in residential use.

- 2.5 The site is outside the Development Boundary for Sedlescombe as identified in the Sedlescombe Neighbourhood Plan (SNP). It is also within the designated High Weald AONB. There are three areas of ancient woodland with the site, with other areas being identified as a BAP (Biodiversity Action Plan) sites.
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### 3.0 PROPOSAL

- 3.1 The application principally proposes the following operational development:

- Kitchen extension – a new building (395sqm) forming a commercial kitchen and dining area attached to an existing building – the former ‘conference centre’, which would be utilised as a dining hall.
- Single storey extension to existing accommodation block (former Trisong Ngonga) to provide 4 No. staff bedrooms (80sqm).
- Two new accommodation blocks (two storey): Block 1 (1,125sqm) and Block 2 (480sqm).
- Tenting area: permanent development would comprise 30 No. hard standings within the field south of the dining area to accommodate seasonal tented village (30 No. tents).
- Car and coach park (85 car spaces overlapping 7 No. coach spaces – (i.e. to be used by either) located in south part of village – next to Swiss Hall building.
- Access improvements – widening of the northern entrance (adjacent to West Lodge) to the B2244 close to its junction with Chapel Hill, and the associated roadway ‘Ladybird Lane’ for about 35m into the site to allow two coaches (leaving and entering, to pass). Also, the creation of coach passing bays on Ladybird Lane.
- Outdoor activity structures: a four-line ‘zip wire’ (250m length); climbing wall (13m tall); abseil tower (13.5m tall); linear courses x two (Jacob’s ladder) (about 12.8m tall); swings x two (14m tall); activity shelters (4m x 2.4m).
- The excavation of a pond (about 2,300sqm) within the grassland pasture to the west of the proposed car park, to be used for activities such as canoeing and raft building.
- Acoustic ‘green willow’ fencing to act as mitigation in respect of noise emanating from activity at pond, tenting area, and activity structures, as well as providing visual screening.
- New planting and landscaping.

[NB Figures given for the size of buildings relate to the ground floor external footprint and are approximate].

- 3.2 In addition to the proposed new built development listed above PGL would utilise existing former Pestalozzi buildings (Sainsbury House, Swiss Hall, Education Centre, former Trisong Ngonga, former Songtsen Khang, former Chief Executives House, former VW (staff) Houses.

- 3.3 In terms of capacity (numbers of people), overall, the application would provide a maximum summer capacity for about 749 people sleeping on site:

(609 guests (made up of 541 children and 68 teachers) and (between 115 and 140 PGL staff) = up to 749).

In terms of the number of guests, however, it is said that no more than 90% of this accommodation capacity would ever be reached, as the need to keep schools and genders separate means that there would always be unfilled beds. Moreover, it is said that, this peak period of occupancy would only occur in mid-week during May and June which is the main time for school bookings.

- 3.4 The staff and guests would be accommodated in the proposed two new accommodation blocks (480); the proposed tented area (129), and the residual (between 115 and 140), principally staff, would be accommodated in existing buildings.
- 3.5 PGL provides organised activity holidays, mostly to school groups, for the full age range of 7-17 years, although PGL does also offer independent holidays for children who are not part of a larger group.
- 3.6 Residential courses are aimed at enabling engagement in a variety of organised sporting and outdoor adventure activities which test both physical and mental abilities while helping to improve a young person's social skills by engendering teamwork.
- 3.7 The timetabled use of activity bases would run from 9am until 5/5:30 pm with evening entertainment running no later than 9:00am.
- 3.8 Courses offered are typically three, five or seven days in length with the shorter stays more popular from March-June and September-October and the longer weekly stays generally more popular over July and August.
- 3.9 PGL sites are effectively closed during the winter months from the end of October into late February.

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#### **4.0 HISTORY**

##### **4.1 Current outstanding application:**

RR/2020/48/T Works to various trees – outstanding.

##### **4.2 History:**

Historically the site was part of the Oaklands Estate, which sat within a parkland setting with lodges to the north and south entrance gates. Oaklands was separated from the estate a number of years ago when Pestalozzi acquired the land and was established in the 1950s.

The site has an extensive planning history. The following applications are particularly relevant to the application.

##### **4.3 Housing development:**

RR/2007/378/P Outline: Erection of six dwellings with alteration to an existing access – Approved (with Section 106 planning obligation) as 'enabling development' in respect of improved facilities at Pestalozzi (as set out in application RR/2007/397/P) - implemented.

RR/2010/1671/P Proposed residential development comprising of 6 No. detached dwellings with detached garages; proposed access road and soft/hard landscaping proposals; full approval sought following granting of outline approval for six dwelling development. RR/2007/378/P.

#### 4.4 *Pestalozzi:*

RR/2007/397/P Part demolition of existing and construction of replacement buildings including improved conference, dining, administration & education facilities, accommodation; associated works including parking and alteration to existing access – approved (with Section 106 planning obligation) – part implemented.

RR/2007/397/MA Non-material amendment to RR/2007/397/P re. part demolition of existing and construction of replacement buildings including improved conference, dining, administration and education facilities, accommodation including roof lights and associated works including parking and alterations to an existing access – approved.

RR/2010/1264/P Amendments involving proposed relocation of approved conference block to site of approved administration block necessitating relocation of administration block following planning permission RR/2007/397/P – approved.

RR/2015/1557/MA Non-material amendments to approved applications RR/2007/397/P & RR/2010/1264/P. Make use of the void below part of the new building for storage and boiler plant to permit access without disturbing primary function of building. Change shape of the ventilation chimneys to function. To omit roof windows on the south roof slope. Incorporate opening lights in south facing windows for low level ventilation. Show timber cladding to its correct size. Include fire escape path linking doors to south side. Adjust ground levels in north east corner. Bat roost areas shown – approved.

#### 4.5 Associated temporary permissions for children's activity structures (with expiry date):

RR/2008/893/P Temporary climbing and abseiling tower (to 31/10/2008)

RR/2008/3338/P Erection of a temporary climbing and abseiling tower (to 31/10/2009)

RR/2009/370/P Construction of zip wire (to 31/10/2014)

RR/2009/3089/P Climbing & abseiling tower (to 31/10/2010)

RR/2010/2979/P Temporary abseiling tower (to 31/10/2011)

(The above where granted to 'Travel Class Ltd').

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## 5.0 **POLICIES**

- 5.1 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
- RA2: General strategy for the countryside
- RA3: Development in the countryside
- EC6: Tourism activities and facilities
- EN1: Landscape stewardship
- EN3: Design quality
- EN5: Biodiversity and green space
- TR3: Access and new development
- TR4: Car parking

5.2 The SNP has now been made and is in force.  
The following policies are relevant to the proposal:

- Policy 1: Sedlescombe development boundary
- Policy 3: Land at Pestalozzi

5.3 The following policies of the Development and Site Allocations Local Plan (DaSA) are relevant to the proposal:

- DEC2: Holiday sites
- DEN1: Maintaining landscape character
- DEN2: The High Weald AONB
- DEN4: Biodiversity and green space
- DEN5 Sustainable drainage

5.4 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance are also material considerations. The following parts of the NPPF are particularly relevant to the development proposal:

- Paragraph 11: the presumption in favour of sustainable development
- Paragraph 38: decision-making
- Paragraph 83-84: supporting a prosperous rural economy
- Paragraphs 47- 48: determining applications
- Paragraph 172: development in the AONB

5.5 The High Weald AONB Unit Management Plan (2019-2024) is also relevant to the consideration of the application. The following are particularly relevant:

- Objective S2: to protect the historic pattern and character of settlement
- Objective S3: to enhance the architectural quality of the High weald and ensure development reflects the character of the High Weald in its scale, layout and design
- Objective G2: to protect sandstone outcrops, soils and other important landform and geological features
- Objective W1: to enhance the ecological quality and functioning of woodland at a landscape scale
- Objective W2: to enhance the ecological quality and functioning of woodland at a landscape scale.

## 6.0 CONSULTATIONS

6.1 Highway Authority: **NO OBJECTION** subject to the imposition of conditions.

6.1.1 Summary: *'Following my objection to the development proposal additional information has been submitted to address my concerns regarding the site access layout, clarify the level of traffic which would be generated by the proposed use and the capacity of the proposed site access junction to accommodate said traffic. The submitted information has allayed my concerns and my objection is withdrawn; however, I recommend that any grant of consent includes appropriate highway conditions.'*

6.2 Highways England: **NO OBJECTION**:

6.2.1 Summary: *'On the basis that we are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity'*

6.3 Environment Agency: **GENERAL COMMENTS** (summarised):

6.3.1 *Biodiversity: We note the ecological information has been updated and trust the recommendations within the Protected Species Survey report will be adhered to.*

*Groundwater protection: For this type and scale of development we would make no detailed comments.*

*Flood risk: We have no concerns relating to the risk of flooding from rivers or the sea.*

6.4 Southern Water Services: **NO OBJECTION**

6.5 Lead Local Flood Authority (East Sussex County Council (ESCC) - SuDS): **NO OBJECTION**:

6.5.1 Summary: *'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'.*

6.6 Natural England: **GENERAL COMMENT**: (summarised):

6.6.1 *'The consultation document indicates that this development includes Deciduous Woodland and Wood Pasture and Parkland priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The NPPF states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.*

6.6.2 Separate comment comments received state that although the minimum size of a buffer zone with ancient woodland should be at least 15 metres, Natural England's standing advice would expect this to be significantly larger for a development of this nature and size.

6.7 County Ecologist: **NO OBJECTION**

6.7.1 Summary: *'The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions which are outlined in this response.'*

6.8 County Landscape Architect: **NO OBJECTION** subject to conditions outlined below.

6.8.1 Further to a site visit being undertaken and with regard to the revised drawings provided, revised comments have been received (summarised):

1. The proposed green roofs to the accommodation blocks will help to integrate the buildings into the local landscape. Public views towards the site of these buildings are distant and the buildings would be partially screened by the intervening trees, some of which are evergreen. The buildings need to be considered in the context of the existing built development on the site and the extant planning permission.
2. The proposed willow wall around the activity pond would be preferable to a timber fence. This would be an artificial feature and would need to be screened/softened by appropriate native tree and shrub planting.
3. The proposed planting around the pond would help to integrate it into the surrounding landscape.
4. The development would need to demonstrate and overall enhancement to the AONB landscape and it is recommended that the Applicant is required to provide a detailed landscape management plan for the entire site area, and this would need to include:
  - (a) Confirmation of proposed circulation routes around the site and in particular between activities. This would need to ensure that valuable areas of parkland habitat of wood pasture and woodland are not subjected to excessive trampling. If surfaced paths are to be introduced the location and materials used would need to be agreed.
  - (b) A landscape and ecological management plan for all areas of the Pestalozzi estate and in particular parkland pasture, woodland and ponds. This would need to enhance and protect the historic character of the parkland.
  - (c) Full implementation of the tree planting strategy submitted to support the application.

6.9 AONB Unit: **OBJECTION** (summary):

6.9.1. The scale and bulk of the proposed guest accommodation conflicts with objective S3 of the High Weald AONB Management Plan (HWAONBMP).

The proposed creation of a new lake would result in significant change to the landform of this part of the AONB, which would conflict with objective G2 of the HWAONBMP.

The development would be detrimental to the sense of naturalness, remoteness, tranquillity and dark skies contrary to objective OQ4 of the Management Plan.

It would result in a substantially greater pressure on the Ancient Woodland habitats within the site than the previous use resulting in damage from soil compression and disturbance to habitats and species, contrary to objectives W1 and W2 of the Management Plan.

Given the impacts of the proposed change of use and operational development on the purposes for which the AONB was designated (i.e. conserving and enhancing natural beauty) it is advised that this development should be considered 'major' in the terms of NPPF paragraph 172. Planning permission should therefore be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest having regard to the tests set out in that paragraph.

6.10 County Archaeologist: **NO OBJECTION** subject to conditions:

6.10.1 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 (outlined in the response).

6.11 Head of Environmental Services, Licensing & Community Safety - Environmental Health (EH): **NO OBJECTION** (summary):

6.11.1 *'In summary: The lack of guidance for this proposed use makes this application difficult to assess. However, even though residents will likely hear some children noise at times, EH has no justification to recommend refusal for this Planning application. It is in the interests of PGL to proactively manage noise from this site. This is because any future noise complaints made to EH will be investigated under Statutory Nuisance legislation and if a Statutory Nuisance is identified, formal action would be undertaken.*

*However, the noise assessment indicates that this plan will not result in a Significant Adverse Impact and any potential adverse impacts have been mitigated by good design of the site and introduction of measures to minimise noise. As such, EH recommends approval with conditions.'*

6.13 Sussex Police: **NO OBJECTION**

6.14 Parish Council: **OBJECTION** (summarised):

- A major development in the AOBN needs to demonstrate that it satisfies the criteria of 'exceptional circumstances' and being 'in the public interest'.

- It directly contravenes the Countryside and Rights of Way Act 2000 (CRoW) Part IV section 82 which specifically reaffirms the primary purpose of the AONB designation is to conserve the landscape and enhance scenic beauty.
- PGL should not be able to rely on the extant permission in making this application which should be treated as a new application.
- the proposed lake creates a permanent damaging change to this historic field and the AONB,
- Noise from activity on the lake will be loud and will directly affect South Lodge and the adjacent dwellings in Chapel Lane and Chapel Hill (private dwellings).
- The zip wires in their proposed locations will generate significant noise 7 days a week directly adjacent to both residential properties and more distantly to but still materially affecting residences in Sedlescombe village itself.
- The proposed accommodation blocks are significant in size and are presented as large singular structures with no subtlety in design. The buildings will be highly visible from across the Brede Valley and will generate significant light pollution in a rural area where dark skies are supported in the High Weald AONB. In addition, they incorporate materials which out of keeping.
- This development would attract some 706 guests each week in addition to the 170 staff. The proposal is for 22,500 visitors over an 8-month period. The accommodation has a capacity for 706 guest and 170 staff, a total of 876 people. On the basis of an average dwelling having an average of 2.5 occupants, the proposal equates to the construction of dwellings for the equivalent of 350 dwellings which would increase the number of dwellings and permanent and semi-permanent population of Sedlescombe village by some 60%. This equates to the creation of a village comparable in size to Catsfield or Staplecross This can only ever be viewed as a large development and should be refused on that basis alone given the local plan
- Highways issues. Widening the access at Chapel Hill to allow two coaches to pass creates an increased risk of accident for other road users; these changes would fundamentally and negatively change the look of the entrance to both the historic parkland and Sedlescombe village. The site entrance is directly outside a private residence and would cause a significant loss of amenity for that property.
- PGL states that they will ensure coaches are routed via the A21 and not through the village; however, this cannot be effectively conditioned or enforced.
- The submitted Noise Impact Assessment does not satisfactorily address the impacts of noise and disturbance from activities on the site and the harm these will have on the amenities of local residents.
- It should be noted that the High Weald AONB is celebrated for its tranquillity; the application is in conflict with this feature.
- Contrary to the Applicant's assertion that outdoor activity equipment has been "a regular feature in connection with the existing use of the site", approval in the past was for the temporary use of a single climbing/abseil tower and a single zip wire, for use in the summer months by far fewer children than currently proposed (250 per month vs. 706 per day), and that this significantly lower level of outdoor activity ceased more than 8 years ago.

- Of concern noise from the tented area particular concern during the sensitive evening and night-time periods. There is no guarantee that an adult will always be present to supervise.
- The proposed green willow acoustic barriers to reduce noise would take many years to reach a height and density to be effective. Additionally, this type of planting is inconsistent with the parkland environment.
- 30 large tents located on concrete bases in the High Weald AONB are contrary to local plan policy and neither enhance nor conserve the AONB landscape and scenic beauty. It should be noted that they are being sited on undeveloped land. The proposed camping is in direct conflict with Policy RA2 para 12.63. The proposal neither improves an existing camping site nor is it of small scale and the permanent nature of the concrete bases is unacceptable in the AONB.
- PGL's legal advice seeks to support a view that each field can be treated as a planning unit and used as a camp site under the 28-day permitted development rights. This is simply not correct. It is well established that the 28-day permitted development rights apply to the whole of a single area of parkland use in one ownership.
- The proposed development is in conflict with policy 1 of the SNP which defines the development boundary and Policy 3 which outlines the expected level of new development at Pestalozzi.
- Regarding the three objectives of sustainable development set out in the NPPF; when considering the environmental objectives the development would cause significant and permanent damage to the landscape, scenic beauty and tranquillity of the High Weald AONB; It would provide positive social benefits for children; however, it cannot be said to provide local social benefits for Sedlescombe residents (as evidenced by the high number of objections). It would deliver short term economic benefits in terms of the construction required, although this is unlikely to be locally sourced. Ongoing it would appear that the PGL centre would employ some local staff, but generally at the lowest pay levels. They confirm that the majority of their supplies would not be locally sourced, with local sourcing only being used for 'last-minute items'. They do say that staff may use local taxis, which has some but a very modest local economic uplift. The economic benefit of this development is at best neutral.
- Whilst Sedlescombe Parish Council and residents of Sedlescombe are clear that they support the type of fun-based activity centres that PGL supplies as a business, the fundamental issue is that whilst it is a good activity for children the proposed development is simply in the wrong location for this business. The issue for this application is about the location of the activity centre in the AONB, and the effect of those activities on both the amenity of neighbours and the impact on the landscape, scenic beauty and tranquillity of the AONB.

#### 6.15 Planning Notice:

- 6.15.1 A petition containing 90 names has been received **OBJECTING** on the grounds of (i) significant change in the nature of activities from educational to leisure; (ii) impact on the AONB; (loss of residential amenity);(iii) impact on ancient woodland and biodiversity; and (iv) impact on parkland setting.
- 6.15.2 202 signed copies of a letter (standardised) have been received **OBJECTING** to the development on the grounds of (i) overdevelopment and intensification of the site within the AONB; (ii) Impact on neighbouring

residential amenity arising from noise, air and light pollution; (iii) significant increase in traffic, and (iv) the development will have no benefits to the local community but will impact on wildlife, ancient woodland, historic parkland, and dark skies.

6.15.3 Individual letters of **OBJECTION** from 103 addresses have also been received. In addition to local residents this includes an objection on behalf of the Campaign to Protect Rural England (CPRE); (summarised):

*General:*

- My comments to the original application remain unaltered. The revised application continues to be unacceptable.
- The amended application comprises minor cosmetic changes to the previously deposited plans, together with post hoc justifications to the already submitted objections.
- Out of all proportion to the size of Sedlescombe.
- PGL already have another 12 sites in the UK, including one only ten miles away at Windmill Hill, so there is no need for another site in this unique location, especially one that will provide little or no environmental, social or economic benefit.

*Use of the site:*

- The existing permission from RDC does not allow for activity equipment or a lake or a permanent campsite.
- RDC provided the existing planning permission with the intended use of the site primarily based on indoor education and conference facilities.
- The PGL application is based on providing outdoor activity equipment for its guests. This is clearly a substantial change of use.
- The scale of the proposal is excessive in terms of guest numbers. Pestalozzi had a planning application approved for two accommodation blocks for 180 guests plus a refurbishment for 60 students plus 40 staff - a total of 280. In contrast the PGL application is for 480 guests in two accommodation blocks plus 226 (in 53 tents) plus 170 staff - a total of 876.
- This is a change of use from C2 to D2; Pestalozzi had at most 60 children, who walked down Ladybird Lane to catch the bus to attend Sussex College.
- Concerned that PGL seem to be suggesting that any planning approval should not include any restriction on the number of people on the site; this would be intolerable for a village of 1400 inhabitants which is already being subjected to an increase of up to 900 additional persons.

*Impact on countryside landscape including AONB:*

- Unacceptable use of a tranquil site located in an AONB area which must be protected.
- The impact this development will have on the land, the watercourses and nearby ancient woodland could be devastating.
- Sedlescombe is an area with exceptional night skies due to low light pollution which will be significantly affected by the proposal.
- Development will result in loss of trees on Ladybird Lane.

### *Biodiversity:*

- I have seen grass snakes, owls and badgers on the site.
- Very negative impact on nature conservation, ancient woodland and fields and parkland of historical and archaeological importance.

### *Amenity:*

- A number of objectors have criticised the technical noise assessment by the Council's EH Service of the Applicant's acoustics report.
- The proposed use is incompatible with the surrounding area.
- Noise activity and disturbance would have an unacceptable impact on the residential amenity of those living in the locality.
- The noise generated by 600 children on a daily basis including weekends from February until November would be relentless and intolerable.
- The planned outdoor activities including a five wire Zip Line will create a noise pollution.
- Exhaust fumes from coaches and extra staff/deliveries will adversely affect the well-being of local residents.
- Noise from the campsite will impact on nearby houses.
- Under the Human Rights Act, a person has the right to peaceful enjoyment of all their possessions, which includes the home and surrounding land, and protection of the countryside, unless it is in the public interest.
- The times are apparently going to be from 7am until 9.30pm seven days a week.
- South Lodge purchased additional land from Pestalozzi some years ago after the original planning had been agreed; this means that the car/coach park (in the previously approved position) would now be closer to our boundary.
- Concerned about noise from activities not requiring planning consent, disco's, campfire activities, plant noise.

### *Highways:*

- There would be substantially increased levels of traffic with additional coaches, cars and delivery vehicles on roads and junctions which are not able to accommodate this level of traffic.
- The traffic movements both daily and weekly will have an adverse impact on the village which is already suffering from a high volume of non-local traffic with HGV's and coaches using it as a 'rat-run' to avoid the A21.
- Of concern is the volume of traffic that will use Ladybird Lane, consisting of coaches and staff cars. The Lane is currently a safe place for families and children to safely walk and access the village.
- Traffic problems will be compounded with predicted 60 coaches that could arrive and depart in one day, plus deliveries and staff travel.
- Increase in traffic on what is already a dangerous junction; the Chapel Hill/B2244 junction already has notoriously bad sight lines and the increased number of vehicles turning into Ladybird Lane will only increase the likelihood of accidents.

*Policy:*

- The application conflicts with Policies EN1, EN5, RA2, RA3, OSS3, OSS4, HG8, EM10 of Rother Local Plan Core Strategy.
- The application conflicts with the NPFF clauses 170-177.
- Conflicts with the High Weald AONB management plan Objectives W1, W2.
- Conflicts with SNP Objectives 7-10 and 12. Policy 3 of the SNP.
- Development guidance states that major developments should not take place in AONBs apart from in exceptional circumstances; this is clearly a major development, and clearly not an exceptional circumstance.

*Infrastructure and Services:*

- No assessment has been made of the likely impact on local GP and NHS services nor the opinions of these services sought as to how they might be affected.
- Sedlescombe and Westfield Surgery: No discussion or consultation has been held with this surgery over the ability of our small village surgery to cope with this unfunded additional workload or the local hospital which is already overstretched. The GPs at this Surgery therefore opposes the application from PGL in the strongest possible terms. Dr's Mirchandani, Pashley, Meilak, Di-Stefano and Davis.

- 6.15.4 In addition to the above, **OBJECTIONS** have been submitted on behalf of a group of local residents by: GRF Planning; Acoustic Associates Sussex Ltd (rebuttal to applicant's acoustics reports); Dr John Feltwell - Wildlife Matters Consultancy (rebuttal to applicant's biodiversity reports and comments by County Ecologist); and Kingsley Smith Solicitors LLP (legal opinion).

The above reports and the individual letters of representation can be viewed in full on the website.

- 6.15.5 Seven Letters of **SUPPORT** (summarised):

- A well thought out scheme which will bring many benefits to the village and community. Well planned and screened development. I do over-look the site from my house and do not consider it to be a problem.
- It will bring employment into the village and an area providing wholesome activities for children is surely much better than what could end up there!
- PGL offers many activities for young people growing up in today's challenging world. I would envisage this site as a perfect location for such a project. Surely this is a better option than it becomes a derelict ruin and the target for local vandalism.
- Local residents did not have a problem buying property that was built from Pestalozzi in the past, when they required funding; this counteracts the AONB argument.
- This facility will not only inject some life into the village, it will provide much needed local employment; engender further investment, which should result in a greater range of local facilities. In the event the application is refused, what will we get as a substitute - more housing?

- I look forward to hearing children's laughter. As long as it doesn't go on into the night.

#### 6.15.6 Six Letters of **GENERAL COMMENT** (summarised):

- PGL should investigate whether improvements to the local bus routes (e.g. the Community Transport) could be affected, such that site users and local residents alike could benefit.
- We are in general in support of this scheme but have our concerns as PGL wish to put a bay for coaches to pull into adjacent to our property (Old Orchard, Chapel Hill), which would allow people on said coaches to look directly into our home/bedrooms. The bay is also opposite the Lodge and would affect them severely too.

## 7.0 APPRAISAL:

### 7.1 Main issues:

- 7.1.1 The main issues for consideration are (i) the use of the site; (ii) the impact of the development on the character and appearance of the landscape, including High Weald Area of Outstanding Natural Beauty (AONB); the impact of the development on the amenities of local residents; (iii) the highway implications; and (iv) any impacts on bio-diversity. In assessing these issues, it is necessary to give consideration to the scale of the use and the operational development involved.

### 7.2 Background:

- 7.2.1 Planning permission for the redevelopment of the site was granted principally under application reference RR/2007/397/P (the 2007 application). The nature of the Pestalozzi use of the site appears to have changed over time and by the time the 2007 application was submitted there were about 33 overseas students residing on site although they received their education elsewhere (including Hastings College). The 2007 application was commenced and implemented in part and as such the authorised use of the site would be as granted under that application. Although the application does not refer to a specific use class, the operational development granted was for education and conference facilities with accommodation provided for the users of the facilities, together with ancillary facilities including dining area, administration, and staff accommodation. There was no condition in place restricting the use of the new buildings and facilities to Pestalozzi students and staff.

### 7.3 The use of the site:

- 7.3.1 The description of development contained in the planning application has been changed at the request of the Council. The original description of development provided by the Applicant was only for the operational development proposed (i.e. the new buildings and structures etc.), it did not include the change of use of the land. Supporting information with the application stated that the Pestalozzi use of the site and the proposed PGL use both fall within class C2 of the Town and Country Planning (Use Classes) Order 1987. Any assessment in terms of material change of use is

a matter of planning judgement; however it is considered that the Council's amended description firstly, aligns the description of the former use as closely as possible to the 2007 description and secondly, introduces reference to the proposed use being (inter alia) an 'educational activity centre' (the term 'activity' being referenced frequently in the supporting planning statement. The extent of outdoor learning/experiences is a key factor which differentiates the proposal from the former use.

7.3.2 The Applicant's position remains that it is not agreed that there is any change of use that requires planning permission; however, on a 'without prejudice basis' the Applicant has confirmed that they are prepared to accept the amended description.

7.3.3 The Applicant's case is supported by a legal opinion provided by the Applicant's solicitors 'Tozers'. This states that it is not necessary to apply for the change of use of the site because no change of use is involved. Their legal advice states: that the use of the site by Pestalozzi was a use falling within C2 of the Town and Country Planning (Use Classes) Order 1987; that the extant 2007 planning permission was for operational development in connection with the established C2 use; and that the nature of the use proposed by PGL would also be a C2 use (i.e. Pestalozzi, the 2007 planning permission, and PGL are C2 uses).

7.3.4 The relevant provisions from the Town and Country Planning (Use Classes) Order 1987 are as follows:

*C2 – Residential Institutions:*

*Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).*

*Use as a hospital or nursing home.*

*Use as a residential school, college or training centre.*

The Interpretation within the Order states that "care" also includes, 'the personal care of children'.

7.3.5 Whether a particular use of land will fall within a particular Use Class is a matter of fact and degree in each case. The supporting information with the application argues that the intended use is in accordance with the latter use - as a residential training centre.

7.3.6 The supporting information with the application refers to appeal decisions elsewhere (relating to non-PGL sites) for use of land as a training centre that were considered by the respective appeal inspectors to fall into use class C2:

- Badby Lodge Farm, Badby, Northamptonshire (appeal APP/Y2810/W15/3141251) for a proposed residential 'Boot Camp', where an Inspector considered a residential fitness training centre, most of which is undertaken out of doors, to be C2 use; and another:
- Sir Ranulph Bacon House, Croydon (appeal APP/L5240/X/01/1079928) which involved a hostel where young adults were provided with on-site

training to improve their prospects; where in the absence of Government guidance the Inspector turned to the ordinary dictionary definition of 'training' which included, *'to instruct and discipline in or for some particular art, profession, occupation or practice; to exercise, practice drill'* and found the use to be within C2.

7.3.7 Also provided with the application as supporting information are recent planning decisions for PGL sites elsewhere, in which the relevant Local Planning Authority expressed a view on the nature of the PGL use:

- Bawdsey Manor, Bawdsey, (Suffolk Coast & Waveney DC, ref: DC/17/4043/FUL) – The planning officer report stated, *'the use of the site by PGL does not require planning permission because the site has planning permission [...] to be used for educational use including the boarding of students, teacher training courses and field study centre (residential and non-residential).'*
- The Liddington, Swindon (Swindon BC, ref S/09/2029/ROBI) - The planning officer report stated, *'this proposal will finally bring the whole site under one planning C2 use'*.
- Newby Wiske, Newby (Hambleton DC, ref: 17/01285/FUL) – The decision notice issued to PGL was for, *'Change of use to a residential training centre (Class C2) ...'*.

7.3.8 However, letters of objection received in respect of the current application take the opposing view – that a change of use is involved – including the Kingsley Smith solicitor's letter on behalf of residents, which states the 2007 permission granted to the Pestalozzi did not state that it approved a use within C2 and, moreover, the development now proposed is of a different type, scale and kind to that previously approved. Other objectors bring the following to the Council's attention:

- Marchants Hill, where the local authority (Waverley BC ref: WA/2017/1621) considered the lawful use of the site as currently used by PGL to fall within Class D2 of the Use Classes Order (Assembly and Leisure).
- Windmill Place, where the local authority (Wealden DC ref: WD/2008/2116/MAJ) considered the use of the site by PGL to fall within a mixed use with elements of C1, C2, D2, and sui generis uses.

The Applicant's response to the above is that their analysis of the lawful use of those sites was incorrect in that the Waverley decision refers to D2 use only, and fails to have regard to the residential use whatsoever; and the Wealden decision is also flawed because the site is treated as comprising several different uses, without considering whether the uses considered together would constitute an alternative use class, i.e. C2.

7.3.9 As stated in paragraph 7.3.1, what constitutes a material change of use is a matter of planning judgement. The 'existing use' of the site has to be viewed in the context of the historic use by the Pestalozzi and also the 2007 planning permission, which broadened that use somewhat to include rather more 'external' uses including as a conference centre. There are similarities

in the existing authorised use of the site and the proposed use by PGL; however, there are also differences, including the extent of outdoor learning/experiences set out in the current application. Ultimately, it is considered the application can reasonably be determined on the basis of the amended description.

#### 7.4 Whether major development in the AONB:

- 7.4.1 The site lies within the designated High Weald AONB. The primary purpose for which the area has been designated or defined is to conserve and enhance natural beauty. Paragraph 172 of the NPPF says:

*‘The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest’.*

The footnote 55 says:

*‘For the purposes of paragraphs 172 and 173, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined’.*

- 7.4.2 In considering whether the proposal is ‘major development’ in the context of paragraph 172 it is necessary to assess this with regard to the historic use of the site by the Pestalozzi and also the extant 2007 planning application. In this regard the main core of the application site is not ‘greenfield’ but previously developed land containing buildings, infrastructure and associated facilities that have been in use by the Pestalozzi for a number of years. Some of these buildings have been demolished and removed (including Inspiration House, International House and Trogen House) to the extent that there is presently somewhat less built development than there once was. The proposed development is a ‘replacement’ of the former use of the site by Pestalozzi – it is not ‘in addition to’ and the replacement buildings concentrate on the main core of the application site (the previously developed land). There would be some expansion of operational development and activity away from the central part of the site within the surrounding parkland, however, this could not be described as ‘major development’. In considering the 2007 extant planning permission it is relevant that at the time that application was being determined by the Council it was not identified as constituting ‘major development’ in the AONB (under the provisions within PPG 7, which preceded the NPPF). Supporting information with the application points out that 2,922sqm of new buildings could be built under the 2007 extant planning permission; whilst the current PGL application proposes replacing this with buildings having a floor area of 3411 – thereby concluding that there would be a net increase of 489sqm of buildings on the site, which is not considered to be significant and, furthermore, not ‘major development’ within the AONB. This does not take into account the fact that under the present scheme one building previously planned for demolition (Education Centre) would remain – adding some 320sqm to the net increase; nevertheless, even factoring in this, for the reasons outlined, the quantum of proposed new built development in this case is not considered to constitute ‘major development’ in the AONB. Also,

while the proposed development includes a car park, this would be of a similar size and location to a car park approved under the 2007 extant application that has not been implemented.

- 7.4.3 The increase in the number of people it is proposed to be accommodated on the site is also a material consideration, which is higher than that envisaged for the Pestalozzi students and conference/education guests under the extant 2007 permission. The Applicant points out, however, that there is no condition on that planning permission limiting the number of people accommodated within the buildings on the site, and using the PGL floor-space occupancy standard for children/adults, the occupancy level could be increased for the existing and approved buildings without the need for planning permission. Not all of the people would be accommodated in buildings, however, and a significant number would be accommodated within the proposed new tented area. Taken overall, however, and being mindful of the historic use of the site by the Pestalozzi and particularly the extant planning permission, it is not considered that the scale and extent of the proposed development would constitute 'major development' in the context of paragraph 172 of the NPPF.

7.5 Policy considerations:

- 7.5.1 Paragraph 7-10 of the NPPF sets out the presumption in favour of sustainable development and sets out the three objectives of sustainable development (an economic objective, a social objective, and an environmental objective).
- 7.5.2 Paragraph 83 of the NPPF ('supporting a prosperous rural economy') states that planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; and c) sustainable rural tourism and leisure developments which respect the character of the countryside.
- 7.5.3 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing the landscape of the AONB. This is reflected in development plan policies, specifically Policy EN1 of the Core Strategy and DEN2 of the emerging DaSA Local Plan. Additionally Policy OSS4 (iii) of the Core Strategy and DEN1 of the DaSA requires that development respects and does not detract from the character and appearance of the locality; Policy RA2 of the Core Strategy states that the overriding strategy for the countryside is to (iii) strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains or improves the rural character; (v) supports rural employment opportunities in keeping with rural character and is compatible with maintaining farming capacity; (vii) supports tourism facilities, including touring caravan and camp sites, which respond to identified local needs and are of a scale and location in keeping with the rural character of the countryside; and (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside. Policy RA3 provides that proposals for development in the countryside will be determined on the basis of (ii) supporting suitable employment and tourism opportunities in the countryside, including by the

sensitive, normally small-scale growth of existing business sites and premises; and (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.

7.5.4 Policy EC6: sets out that proposals relating to tourism activities and facilities will be encouraged where they accord with the considerations listed, as appropriate: this includes where it provides for the enhancement of existing attractions or accommodation; increases the supply of quality serviced and self-catering accommodation; and is compatible with other Core Strategy policies (including those relating to the AONB).

7.5.5 Policy DEC2 (holiday sites) of the DaSA reflects this and includes the requirements that proposals for purpose-built holiday accommodation must safeguard landscape character and amenities, paying particular regard to the conservation of the AONB.

Holiday accommodation is also included in the NPPF paragraph 83 ("Supporting a prosperous rural economy"), which states that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

7.5.6 The High Weald AONB Management Plan 2019-2024 (AONB Management Plan) is also a material consideration, particularly the policy objectives described in 5.5 above.

7.5.7 The SNP has now been made and is in force. This is discussed further in the section immediately below.

## 7.6 Departure from the development plan:

7.6.1 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this regard, the SNP is part of the development plan for the area. The application in this case has been advertised as a departure from the development in so far as it departs from Policy 3 of the SNP.

7.6.2 SNP Policy 3: '*Land at Pestalozzi and Proposals Map: Inset B*' allocates land for residential development (anticipated to be in the order of 6-8 units). This land allocation is within the central part of the application site and is the location of the proposed accommodation Block 1. The Policy links the occupation of some of the proposed new dwellings - as well as cross-subsidy received from the market dwellings - to the continued use of the site by Pestalozzi. The Policy was written with the Pestalozzi Trust in mind and Paragraph 71 of the SNP states that, '*The re-development is intended to facilitate the refurbishment/replacement of existing staff and volunteer accommodation as well as financially helping to secure Pestalozzi's future operations. It will also help Pestalozzi to retain and recruit staff and volunteers.*' This clearly could not now happen as the Pestalozzi no longer occupy the site and have sold the land. As a further point, it is also the case that the current application proposal would not prejudice the SNP's ability to deliver Sedlescombe's housing target as set out in the Core Strategy, as

Policy 3 was to form additional provision for new homes, intended to secure long-term economic and social objectives. Being mindful of the material considerations outlined above it is considered that the planning application can be determined as a departure from Policy 3 of the SNP.

7.7 *The impact on the character and appearance of the landscape including the AONB:*

- 7.7.1 The site is within the AONB where national and development plan policies as set out above state that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The application site is not completely undeveloped land; it is a large site, the central part of which is previously developed land with historic uses associated with the Pestalozzi, as well as containing 'island' areas of separate residential uses (that fall outside the application site). The wider application site is undeveloped, and all the land is identified as woodland pasture and parkland habitat. The development proposals are largely concentrated within the previously developed land but some elements – such as the proposed car park, activity pond and the activity structures – encroach into the undeveloped parkland. The impact of the proposed development has to be assessed in relation to (i) the Pestalozzi developments that became established over the years since its establishment in the 1950's and also, (ii) the 2007 extant planning permission relating to the redevelopment of parts of the site; this included extending development into the undeveloped parkland (e.g. the approved car park, the two accommodation blocks, the sports-field).
- 7.7.2 In relation to (i): a number of the Pestalozzi buildings have been demolished; however, a collection of existing buildings and infrastructure remain. These comprise buildings of various styles arranged informally within the central part of the site and set within an undulating parkland landscape, comprising irregular fields of grassland pasture with individual standard trees interspersed by irregular pockets of mainly deciduous woodland. There are long views to Sedlescombe village from the higher ground and equally, some buildings within the site - particularly the existing 3-storey Sainsbury House – can be viewed from the village. In addition to the separate residential occupation of Oaklands Manor and the converted stable block, the original Pestalozzi Farm area, which including a workshop building, Southover Centre, and Louise Centre, were demolished to accommodate the housing that was granted planning permission about ten years ago as 'enabling development' for the Pestalozzi, now known as 'Oaklands Park'. This introduced new residential development within the parkland setting.
- 7.7.3 The new accommodation blocks (1 and 2) would be built on the site of two buildings (Inspiration House and International House) which have been demolished. While these were single storey buildings and the proposed new accommodation blocks would be two storey, sectional drawings having been provided which illustrate that they would accord with the ridge height of the existing 'conference' building – approved under the extant 2007 permission and the last building to be constructed on the site. Moreover, design amendments to the original scheme have gone some way towards 'breaking-up' the roofline of the proposed buildings and the roof covering

would now comprise a living green roof (grass). The proposed green roofs to the accommodation blocks would help to integrate the buildings into the local landscape. The external walls of the buildings would be clad in natural larch horizontal and vertical boarding to match the Pestalozzi (conference centre) building. Public views towards the site of these buildings are distant and the buildings would be partially screened by the intervening trees, some of which are evergreen. While it is accepted as a principle that the fact that a development is not visible by the general public does not mean that there is no harm to the intrinsic character of the AONB, in this case the impact has to be assessed in the context of the previously approved accommodation blocks within the parkland that would not now be built, and also the consideration that the proposed development would be on the site of buildings that have since been demolished. In this regard, while the objection of the AONB Unit has been noted, it is not considered that these buildings would result in further harm.

- 7.7.4 The proposed tenting area has been amended to give a reduction in the number of tents and this would now comprise the lower northern field nearest the buildings, which was formerly occupied by a building (Trogden House), which has been demolished. This is also previously developed land.
- 7.7.5 In relation to (ii): the proposed kitchen extension building would be located close to the site of the 'education' building permitted under the extant 2007 planning permission, which would not now be built. The proposed building would be clad in timber over a lower floor brick wall to also match the Pestalozzi (conference centre) building. The proposed car and coach park would be located close to the site of the car park that was approved under the extant 2007 permission; this is a revised parking arrangement which would replace the previously approved development. The extant 2007 permission includes planning permission for buildings that would not now be built: principally, two (part two storey) accommodation block buildings within the south-western field, a dining hall, and an administration building. In AONB terms the impact of the proposed development has to be viewed relative to the development that has been approved and now would no longer be carried out.
- 7.7.6 The application includes other aspects of new development that would extend beyond the main complex of buildings within the parkland; this includes the formation of an activity pond and some of the activity structures, as well as the proposed works to the access road. The proposed willow-wall around the activity pond, whilst preferable to the timber fence originally proposed, would be an artificial feature and would need to be screened/softened by appropriate native tree and shrub planting. Whilst the development and activity associated with the use of the site would have some impacts of the character and appearance of the AONB, the scope and extent of this could be mitigated by conditions. These would include the need for a detailed landscape management plan for the entire site area as set out in the comments from the ESCC landscape architect. Moreover, this would include a requirement for controlling the circulation of children throughout the site, including between the various activity bases; avoiding sensitive ecological areas to ensure they are not subject to excessive trampling or disturbance - such as the deciduous ancient woodland - and the provision of a buffer around the ancient woodland, which included appropriate stock-type fencing to protect the buffer area.

7.7.7 Consideration has also been given to activity associated with the use in the context of AONB designation. In this regard areas within the parkland site are relatively tranquil; however, it is not remote undeveloped countryside and sources of human activity are evident from the highways, residential properties and the Pestalozzi itself – although this has been dormant in recent years. The impact of the development on neighbouring residential amenity is covered below.

7.8 *The impact of the development on the amenities of local residents:*

7.8.1 Policy OSS4 (ii) of the Core Strategy requires that development should not unreasonably harm the amenities of neighbouring occupiers. Additionally, the NPPF at paragraph 180 says that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects on living conditions. The supporting information with the application includes a Noise Impact Assessment undertaken by PGL's acoustic consultants, 'Surface'. The Noise Impact Assessment undertaken by 'Surface' relates to the revised layout of the site. Consultations on this have been carried out with the Council's EH Service. EH has been in direct consultation with 'Surface' on matters pertaining to the technical assessment and have produced a detailed appraisal of the 'Surface' report. The conclusion of the consultation response is that there is no objection to the application from EH subject to specified conditions. The EH response notes that even though residents will likely hear some children noise at times, this planning application complies with the relevant planning noise guidance and EH has no justification to recommend refusal for this planning application.

7.8.2 The noise considerations in relation to residential amenity include the potential impacts of noise arising from proposed activities associated with the use of the site and in particular, any potential noise disturbance resulting from the use of the proposed activity structures by children (the zip wires, swing, climbing/abseiling towers, canoeing and raft building pond) as well as general noise and activity associated with the land and buildings – including the camping area.

7.8.3 In relation to the activity structures (including the activity pond) and deciding the locations of the Activity Bases, EH has acknowledged that the design approach to the layout of the site has been undertaken in order to minimise noise impact at residential properties, and this design approach is in line with ProPG (guidance for practitioners on a recommended approach to the management of noise within the planning system). The Applicant's acoustic report models noise associated with the new activity bases proposed for the site. EH notes that the Applicants have attempted to break line of sight between activity bases and residents where possible, and where this has not been possible, then additional attenuation has been outlined. In this regard some activities would have additional natural green willow acoustic fencing, in addition to shelters.

7.8.4 Regarding the background noise assessment and assessment criteria EH has confirmed that monitoring the lowest recorded background noise level was not appropriate and under planning, it is the 'typical' background values that would routinely be used in a noise assessment, rather than the absolute lowest identified. Therefore, the value used by the Applicant was acceptable. EH has stated that, whilst there is no specific guidance for an

application such as this, the criteria that, 'Surface', the Applicant's acoustic consultant has worked to are not unreasonable. EH points out that the results of the 'Surface' assessment show that 'Surface' set criteria that in each centre frequency octave band, cumulative (total sound levels due to the activities on site, at the receptors) would be no more than 5dB greater than existing background levels (without activities); EH notes that 'Surface' achieved that aim in each centre frequency octave band, indicating predicted sound levels were actually lower than they were aiming for. This means that the results of the assessment show that the cumulative noise levels from the full use of the activity bases, would match, or are very close to matching, background sound levels at residents' properties.

- 7.8.5 While the use of the site and associated activity has diminished in recent years, particularly in the latter years of the Pestalozzi's occupation, the noise assessment has been carried out in relation to the existing authorised uses of the site, including the level of activity and use associated with the extant 2007 planning permission. In this regard the Pestalozzi use of the site included two separate hard-surfaced games courts (currently permitted) and football pitch (permitted in the approved 2007 plan). There can be little doubt that the use of these facilities is permitted for this site and while they may not currently be used, if they were regularly used, they would form part of the current sound scape during the day and evenings. It is against this context that the assessment of noise from the proposed facility needs to be judged and whether there is a significant change in the acoustic character of the area. Using the correct context, EH cannot state that there is going to be a dramatic change in the acoustic character of the area.
- 7.8.6 Regarding evening uses, it is understood that an evening disco, possibly once a week, forms part of PGL operations. These are held within a building. Moreover, proposed evening activities are included, which are not based on the day-time activity equipment (swings etc.) but would be rather more ad hoc (in this regard, activities such as 'campfire' and children's games such as 'wacky races' and 'capture the flag' have been mentioned). All evening activities (as well as day-time activities) would be supervised by adults. Again, having regard to the extant planning permission, it is not considered that such evening activities would be prohibited if carried out on a basis that was ancillary to the existing use of the site. In the circumstances is it the case that evening activities such as the ones mentioned could be controlled by the noise management plan that EH are recommending under the planning condition. Applying a condition for a noise management plan would mean that the Applicants would need to think about how they would manage noise from these activities prior to use of the site. It would also require them to review their management of noise should complaints be made.
- 7.8.7 Regarding potential noise from the camp site: the camp site is a proposed new use. This has been amended (reduced) from that put forward in the original application submission. The camping area has been moved away from receptors and its capacity reduced by 45%. It would be for thirty tents located within a field that was formerly occupied by buildings. If ever occupied at full capacity the tents would contain up to 115 children (and 14 teachers). In this regard there would be adult supervision. Prior to the EH consultation response on the application, noise contours relating to camp site use were requested from the consultants. EH has confirmed that the

assessment of the camp site noise is reasonable and complies with the NPSE ('Noise Policy Statement for England') and PPG (Planning Practice Guidance: Noise). The consultants have outlined measures to mitigate adverse impacts. In this regard, in addition to being reduced in size and moved away from receptors, the proposed tent area is now shown to be screened by a slope on site, and where it is not screened, it is proposed to install an acoustic fence to break line of site to the nearest residents. EH recognises that use of a camp site could potentially give rise to some noise and this could possibly be sporadic in nature; and therefore, at times, some conversation could possibly be heard at the nearest receptor if the receptor was in their garden area, the weather conditions were suitable and there was a lull in other environmental noise sources. This should not be sustained noise as it should be controlled by staff enforcing their noise management policies. EH considers however, that in context, it cannot be stated that this would represent an adverse impact.

- 7.8.8 A particular matter raised by objectors is that the acoustic information does not cover noise from traffic i.e. cars and coaches visiting the site. EH has confirmed that it would not expect 'Surface' to include this as part of its noise assessment. Traffic accessing the site would use the northern access to 'Ladybird Lane' (the private access road into the site that is shared by Oaklands and Oaklands Park properties). West Lodge is the closest residential property being adjacent to the access (Orchard Cottage garden is adjacent the opposite side of the access). The development proposals include the widening of the existing access to assist the free-flow of larger vehicles – such as coaches in and out of the site. Vehicles using Ladybird Lane would fork-off into the main site before passing Oaklands and the Oaklands Park properties. During future traffic movements on the busiest days, some residents may well hear coaches / cars as they pass by but for each resident, the increase in noise level will be fleeting and such movements will occur during the daytime. New development will often result in additional traffic movements and this was the case with the 2007 extant planning permission which included a proposed car park of similar size to that now being proposed and in the same location. That planning permission did not impose any restriction on the number, frequency and character of vehicle movement to and from the site. While there may be times when such traffic is heard, and the frequency at which traffic is heard is much greater than currently experienced, it is not considered that a refusal of planning permission could be reasonable sustained in terms of the potential impacts of traffic on the amenity of neighbouring residential properties.
- 7.8.9 EH has stated that any noise from plant associated with the development (such as kitchen extractors) could be controlled by planning condition, indicating that the rating level for plant would need to match current background sound levels as per BS4142:2014 + A1:2019.
- 7.8.10 Representations have been received from objectors (including the 'Sedlescombe Protection Group') raising a number of concerns in relation to the EH response to the application indicating that there are a large number of material irregularities and facts which appear to have been ignored/overlooked throughout the noise assessment. In response to this, it is relevant that EH has consulted directly with 'Surface' through the application process, which has resulted in 'Surface' providing a level of information that exceeds that required under noise guidance; and relevant

detail sufficient to allow EH to properly determine whether it can or cannot recommend that there would be no objection to the application in respect of the potential noise issues. EH refers to published planning guidance and British Standards for noise. This guidance will vary depending on the application. EH has confirmed that this planning application complies with the relevant planning noise guidance which means that EH has no justification to recommend refusal. It is added that the consultation response was carried out by a senior officer with recognised professional qualifications as an established EH practitioner, who is member of the Chartered Institute of EH and also a Member of the Institute of Acoustics (MCIEH, CEnvH, AMIOA). The officer is clearly qualified to provide a noise assessment.

- 7.8.11 The EH consultation response includes a requirement for planning conditions to be imposed. These would include the requirement for: a Noise Management Plan to be undertaken to control noise, such as within the camping area, and relating to the evening activities, such as discos. Conditions would also cover the erection of acoustic barriers ('green willow' fencing) to act as mitigation in respect of noise emanating from activity at pond, tenting area, and activity structures; and a condition requiring a noise assessment of the mechanical plant associated with the development together with measures to ensure that these are adequately controlled.
- 7.8.12 Additionally, even if EH does not object to the development on the basis that there is no material harm in planning terms, that does not guarantee that there would never be a Statutory Nuisance caused when a development is in operation. In this regard if future complaints are made about an alleged Statutory Nuisance during the operational phase of a development, then EH has a legal duty to investigate such complaints. If it is judged that a Statutory Nuisance exists, then EH shall serve an Abatement Notice on the person responsible under S80 of the Environmental Protection Act 1990. How the noise is abated so that it is no longer a Statutory Nuisance (NB, this does not mean silence) would depend on the activity. For example, it would be possible to increase the sound proofing of a building to stop noise escape from an indoor disco or to install a noise limiter. For some activities, it may be decided that the location of the activity is changed along with the time of day it is undertaken. How a noise is abated is on a case by case basis and up to the person responsible.

## 7.9 *Highways:*

- 7.9.1 It is proposed that traffic movement in and out of the site would be via the northern access with the B2244 (this is the access adjacent to the private property known as West Lodge). There is no proposal to use the southern gated access to Cottage Lane, which under the present arrangement is kept closed to be used in times of emergency, if the circumstances should arise. Traffic entering at the northern access would follow the existing single-track (Ladybird Lane) into the site and the main complex of buildings and proposed parking area. Ladybird Lane is shared by Oaklands and a number of other separate residential properties. The application includes proposals to widen the existing northern access and proposes the creation of a number of passing points on Ladybird Lane.

- 7.9.2 A Transport Assessment Statement, Travel Plan, Site Access Design and Stage 1 Road Safety Audit Report have been submitted with the application. The Highway Authority has been consulted on the application and following an initial objection to the development proposal has now confirmed that additional information has been submitted to address previously expressed concerns regarding the site access layout, clarification of the level of traffic which would be generated by the proposed use, and the capacity of the proposed site access junction to accommodate said traffic.
- 7.9.3 *Access:* The Highway Authority has stated that the Applicants have carried out a traffic survey; the results of which confirms that the visibility available either side of the site access exceeds the minimum distance required. The main initial objection to the development proposal was due to concerns regarding the site access and its inability to accommodate turning movements by large vehicles. In response the application has been amended and alteration to the access are now proposed, which includes increased width and radii and the provision of an overrun area with the edge marker posts removed and the correct chevron signs provided. The Highway Authority has confirmed that the revised access arrangement proposed is now considered to be acceptable in principle.
- 7.9.4 *Road traffic accident records:* The Highway authority has stated that police accident records indicate the number of recorded crashes involving vehicles is considered to be relatively low considering the traffic flows on the B2244 and the A21. It is satisfied that the increase in traffic generated by the development proposal would not have a detrimental effect upon highway safety in the vicinity of the site.
- 7.9.5 *Proposed traffic generation:* In summary, A revised assessment has been submitted by the Applicant to reflect fewer tent spaces in the amended application. The predicted levels of traffic are based on a 'worst-case scenario' where the site would be operating at full capacity. This level of activity, it is said, would be limited to a 6-8 week period in the summer and the site would operate at a lower level for the majority of the year.
- 7.9.6 Traffic generated by the proposed development would comprise in the main, coaches and parents' private vehicles (dropping-off and collecting children), staff with their own private vehicles, and others such as waste collection, deliveries of food and cleaning products, retail items etc. In terms of coach trips, the Highway Authority recognises that, on most days of the year the number of trips by coaches would be zero or minimal; however, during the summer months this would rise to 20 to 30 trips on some days during the week. The busiest day in terms coach activity would be a Friday in June which would see a total vehicular traffic generation of 136 trips of which about 50 would be classed as HGV/coach (25 in and 25 out). The busiest day in terms of total traffic would be a Saturday which would generate 374 traffic movements of which 6 would be classified as HGV/coach. Of these, 284 vehicular movements would be parent car trips, which would primarily occur during July and August, so for the vast majority of the year the total would comprise significantly less car traffic.
- 7.9.7 *Junction capacity Analysis and Highway Impact:* In response to a request for further detail from the Highway Authority the proposed site access junction with the B2244 Sedlescombe Road/Tollgate Road has been assessed in

terms of junction capacity. The Highway Authority has confirmed that the assessment carried out indicates that the access currently operates well within capacity in all scenarios.

7.9.8 *Accessibility:* In terms of sustainable access to services the Highway Authority notes that a majority of the needs for visitors will be provided on-site, thereby minimising the need to travel outside of the grounds. However, where there is a need to access village services and facilities, all are reachable from the site access on foot within a distance of 800 metres equating to a walk time under 10 minutes. Accessibility is summarised as follows:

- *Pedestrian:* The pedestrian route to the site is relatively good with a continuous footway available on the east side of the B2244 between the site access and the village centre.
- *Cycle Access:* It is recognised by the Highway Authority that any cycle travel from the application site would likely be restricted to the confines of Sedlescombe.
- *Bus:* Services to the local towns and villages are available, including Hastings and Robertsbridge; although, as is the case with most villages, the services are not particularly frequent.
- *Rail:* - While the station at Battle is accessible from the site via bus, the infrequent connections and the excessive walking distance at 5.0km does not constitute a realistic option for travel by rail.

7.9.9 *Internal Layout* In order to provide a suitable route into the site for coaches, the amended details propose the widening of the access to form a 6.5m carriageway width. This would necessitate the existing entrance wall and gate piers being removed and rebuilt south of the access. Further within the site it is proposed to provide passing bays/waiting bays on Ladybird Lane at various intervals, which would also facilitate use by refuse and emergency vehicles. In order to improve pedestrian access into the site a new footway is proposed on the south side of the site access.

7.9.10 *Proposed parking provision:* The car park would accommodate 80+ spaces to be shared with coaches. The Highway Authority has stated that, as the level of parking provided has been based on the operational requirements of other PGL sites, it is satisfied that it would meet the requirements in this instance.

7.9.11 *Travel Plan:* The Highway Authority notes in this case a Travel Plan would, in the main, seek to maintain and improve the group travel initiatives and promote sustainable travel modes to commuting staff by providing travel information packs etc. Moreover, while a Travel Plan Framework has been submitted and this covers the main points required; the Highway Authority states that a full Travel Plan would be required for this development and this would need to be secured by condition in the event the Council is minded to grant planning permission.

7.9.12 The Highway Authority is aware that representations have been received from objectors raising concerns in relation to the Highway Authority's consultation response. These objections maintain that the increase in traffic would be significant, they raise on-going concerns about highway safety, inadequate levels of parking provision within the site, and concerns that

despite reassurances, the likelihood is that traffic, including coaches, will travel through the village to access the site rather than leaving the A21 directly at Blackbrooks. In response, the Highway Authority, whilst acknowledging that its stance on the application is not the response objectors were hoping for, stresses that highway safety is of upmost importance when assessing any new development and having assessed the proposal, there is no highway objection in this regard. Moreover, the Highway Authority maintains the view that a Travel Plan would be effective in the main in directing vehicles, and particularly coaches, directly from the A21 to avoid accessing the site through Sedlescombe village. The Highway Authority has confirmed that there are no major concerns regarding the internal layout, and the additional information submitted has addressed its previous concerns and as a result the proposed development is now considered to be acceptable from a highway safety and capacity perspective. However, should the Planning Authority be minded to approve the application it is recommended that conditions are attached to any consent along with a Section 106/278 agreement securing the following items:

- The proposed improvement of the site access as agreed, to include the provision of a suitable pedestrian link between the site and the existing pedestrian facilities on the B2244.
- Improvements to the existing footway on the east side of the B2244 to the north of the site access.
- Possible improvements to the bus stops to the north of the site, which they acknowledge would require further discussions with the ESCC Passenger Transport team and Sedlescombe Parish Council.

#### 7.10 Biodiversity:

7.10.1 The nature conservation and bio-diversity issues are a material planning consideration in the determination of the application. Section 40 of the NERC 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 application site includes Deciduous Woodland and Wood Pasture and Parkland Priority habitat, as listed on Section 41 of the NERC Act 2006.

7.10.2 The NPPF states that the planning system should ‘contribute to and enhance the natural and local environment by...protecting and enhancing...sites of biodiversity or geological value...’ and ‘minimising impacts on and providing net gains for biodiversity...’ (paragraph 170). The NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance bio-diversity and... ‘if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused’ (paragraph 175). This paragraph goes on to state that, ‘development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists’; and ‘opportunities to incorporate biodiversity improvements in and around developments should be encouraged,

especially where this can secure measurable net gains for biodiversity. (paragraph 175).

- 7.10.3 Paragraph 99 of ODPM Circular 06/2005 states 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'.
- 7.10.4 Ecological information has been provided to support the planning application; (by Urban Edge Environmental Consulting) these comprise; a Preliminary Ecological Appraisal (PEA; June 2019), Protected Species Surveys (July 2019), Bat Survey (October 2019), and a 'Technical Report' – 'Response to County Ecologist's objections March 2020'. In respect of the biodiversity issue, relevant consultations responses have been received from Natural England, the Environment Agency, and specific advice was sought from the County Ecologist, in accordance with Natural England's recommendation. Natural England and the Environment Agency have provided general comments on the application, and an initial objection by the County Ecologist has now been withdrawn, following the receipt of additional information. In summary, the initial objection was on the grounds that further information was required to assess the impact of the proposed development on biodiversity, most notably wood-pasture and parkland, bats, great crested newts and reptiles, and the additional information should make clear how such impacts would be mitigated and/or compensated. Additionally, clear measures for how biodiversity net gain would be achieved should be provided.
- 7.10.5 The site of the proposed development is not designated for its nature conservation interest. Brede Valley Local Wildlife Site (LWS or Site of Nature Conservation Importance) lies adjacent to the northern boundary; however, it is not considered there would be any direct impacts on the LWS. The site supports ancient woodland, deciduous broadleaved woodland, ponds and wood-pasture and parkland, all of which are listed as Habitats of Principal Importance (HPI) under Section 41 of the NERC Act (UK BAP Priority Habitats). Natural England's standing advice with respect to ancient woodlands is that there should be a minimum 15m buffer between the woodland and development and depending on the scale a nature of the development the greater buffer distance would be required. The proposed development includes a minimum 15m buffer to areas of ancient woodland, which would be planted with dense native scrub including blackthorn and hawthorn, and the demarcation of which, would be set by the erection of appropriate fencing. The planting of such species would provide a semi-natural buffer to the woodland and would prevent encroachment and any potential indirect impacts by increased disturbance.
- 7.10.6 With respect to potential impacts on semi-improved grassland and to wood-pasture and parkland Habitat of Principal Importance (HPI), PGL's ecological consultant has confirmed that the Applicant is committed to bringing the entirety of the wood-pasture and parkland within the site into positive management to compensate for the loss of grassland brought about by the proposed development. It is recognised that much of the grassland to be lost has been disturbed through the construction and demolition of former buildings approximately 10 years ago. Furthermore, they have committed to

undertake botanical surveys of the grassland to be lost, and to undertake additional mitigation should any botanically rich areas be impacted by the proposed development. The County Ecologist has confirmed that these measures are considered acceptable and should be secured through a planning condition for a Landscape and Ecological Management Plan (LEMP).

- 7.10.7 The County Ecologist has considered the additional information that was previously outstanding in relation to protected species. The received response is that: with respect to bats, it is confirmed that while further surveys will be required to inform a European Protected Species Licence application, there is agreement with the assessment that effective mitigation is possible. Regarding the additional information with respect to great crested newts, the response accepts the justification given for the centre of the metapopulation lying more than 100m to the east of the site. Regarding reptiles, it has been confirmed that reptiles would be retained on site, while the exact location of the receptor area within the site and the translocation strategy should be secured by condition.
- 7.10.8 In summary, provided that the recommended mitigation, compensation and enhancement measures are implemented, the county Ecologist would have no objection to the proposed development from an ecological perspective.
- 7.10.9 Representations have been received from objectors regarding the potential impact of the development proposal on biodiversity. This has included individual reports and a rebuttal from a consultant ecologist made on behalf of local residents to both the PGL ecology report and the advice given to the Local Planning Authority by the County Ecologist. In respect of the latter, the County Ecologist has provided a detailed response, which includes explanations as to why the advice given regarding grassland and bats is in line with best practice, including BS42020, and confirmation that great crested newt surveys were conducted in accordance with government guidance and within the recommended survey window.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The NPPF sets out that achieving sustainable development means that the planning system has overarching objectives, which are interdependent and need to be pursued in mutually supportive ways – an economic objective, an environmental objective, and a social objective. It sets out that planning decisions should play an active role in guiding development towards sustainable solutions but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. The application site lies within the countryside at the edge of the village. Parts of the site are previously developed land and the historic occupation of the site by the Pestalozzi saw the site being used to provide residential accommodation and training to young people from overseas. The nature of this use was expanded by the granting of the 2007 planning permission to the Pestalozzi, which introduced conference and other facilities on the site, including further accommodation blocks, so that external individuals and groups could experience residential training courses on the site to run alongside the Pestalozzi business model. Pestalozzi was not able to continue and has now vacated the site having sold it to the current applicants. The site

still contains some of the original Pestalozzi buildings – though others have been demolished. The 2007 planning permission, being partly implemented, remains an extant planning permission. Additional buildings approved under that planning permission that have not been built, can still be built. The 2007 planning permission is a material consideration in the determination of the current planning application. There are some similarities between the proposed PGL use of the site and the format Pestalozzi use – as expanded by the 2007 planning permission – in that they aim to provide residential training courses for young people; however, in the case of PGL the use would be seasonal and the nature of the training experience based rather more on outside activity, including the use of specially constructed activity bases. Some outside activity would not be excluded by the existing use of the site, however, this would be based on the existing and approved hard-courts for team games, the grass football pitch and activities that have been carried out on occasion within the wider site area, such as orienteering.

- 9.2 In terms of the economic objectives of sustainable development the proposal would utilise a partly previously developed site. It would bring in economic benefits for the construction industry during the phase of carrying out the proposed new building works. The PGL use would employ staff – albeit mainly seasonal - to run the operation. Moreover, it is recognised that the use would be likely to have economic benefits by supporting some local businesses and firms, including shops, pubs, restaurants, ground and building maintenance, and transport.
- 9.3 The environmental objectives of sustainable development include contributing to protecting and enhancing the natural, built and historic environment including making effective use of land, helping to improve biodiversity, and facilitating movement towards a low carbon future. The site is within the High Weald AONB where great weight should be given to conserving and enhancing the character and appearance of the area. In assessing the AONB impact, the application site in this case is not completely undeveloped land and the proposed new development would be concentrated on the core part of the site that was formally occupied by the Pestalozzi. It is also recognised that the extant 2007 planning permission allows buildings, infrastructure and ancillary uses that have not yet been built and would in part be replaced by the new development. Moreover, the associated 2007 application that was implemented resulted in some new residential development within the former Pestalozzi estate that contributed to some change in the character and appearance of the area. Notwithstanding this, it is acknowledged that some harm to the AONB has been identified, including the objections raised by the High Weald AONB Unit. These need to be afforded weight as a planning consideration but also, they need to be viewed in the context of the existing development and the approved development contained in the extant 2007 permission. While comments refer to the bulk and scale of the proposed new guest accommodation blocks these developments have to be viewed in context of their amended design, the former buildings (now demolished) that existed on the site, and the two storey blocks of residential accommodation elsewhere on the site that were previously approved and would not now be built. The comment in respect of the proposed new activity pond is also noted, however appropriate mitigation such as landscaping and planting would go some way towards softening the impacts on the character and appearance of the area. Other concerns raised such as light pollution could

be addressed by planning condition. Finally, regarding AONB biodiversity and ancient woodlands, consideration would also be given to the mitigation brought about by a Landscape and Ecological Management Plan (LEMP) for the whole of the estate, and an Ecological Design Strategy (EDS).

9.4 Regarding the social objectives of sustainable development, which include those of fostering a well-designed and safe built environment, with accessible services and open-spaces that reflect current and future needs and support communities' health, social and cultural well-being, it is recognised that the use of the site would provide social benefits by providing training, exercise, life experiences, social interaction – as well as recreation, and enjoyment for the children taking part. This would have positive outcomes regarding the social objective. However, the proposed use has to be balanced against the need not to cause unreasonable harm to the amenities of neighbouring residential occupiers. These have been previously identified but would include the separate residential properties within the Pestalozzi site itself, including the Oaklands properties and the six new houses built under a 2007 planning permission as enabling development for the Pestalozzi, as well as the individual dwellings at the entrances, and other scattered dwellings along Cottage Lane, Chapel Hill and Paygate Road surrounding the wider site. A great number of objections have been received in respect of the application. Not only from those within the immediate vicinity of the site but also from those within Sedlescombe Village and the wider area. Also, local objections have been raised by the Parish Council. Particularly, for those in the immediate vicinity of the site, a specific concern is loss of residential amenity, resulting from the proposed number of people (including large groups of children) and associated activity resulting from the proposed use of the site. This includes disturbances arising from potential noise. Other grounds of objection include matters relating the AONB, countryside landscape, and biodiversity. The objections have included petitions and also specific reports that have been commissioned by groups of residents. While the application has been amended to both reduce the scale of the proposed development and introduce mitigation measures, it is acknowledged that this has done little to diminish the overall level of objection from local residents. That said, the application has to be judged on its individual planning merits and with due regard to planning policies and taking into account all material planning considerations (not the volume of objection).

9.5 In respect of the principal issues that have been identified in the report, consultations have been carried out and the responses have been assessed. The objection set out by the High Weald Unit AONB has been referred to above. In respect of the potential landscape impacts the ESCC Landscape Architect has provided advice on the application and recommends that there is no objection subject to conditions. On the biodiversity issues the County Ecologist has provided advice and recommends that there would be no objection subject to conditions. The Highway Authority has been consulted in respect of the technical highway issues and highway safety and the received response is that there would be no objection subject to conditions. In respect of the advice received from EH, the received view is that an objection could not reasonable sustained with regards to the issue of potential noise and conditions could be imposed to control any impacts. Moreover, separate Environment Health legislation exists to investigate statutory noise nuisance. Having assessed the planning

application, while the objections from the local residents and the Parish council have been taken into account, it is considered that an objection to the application could not reasonably be sustained.

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**RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED SUBJECT TO CONDITIONS AND COMPLETION OF A SECTION 106 AGREEMENT TO SECURE:**

- **NO FURTHER IMPLEMENTATION OF PLANNING PERMISSION RR/2007/397/P AND SAFEGUARDING THAT THIS GIVES NO RISE TO COMPENSATION FROM THE LPA.**
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**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:

Location Plan 1:5000: Drawing No. 4174-MP-100 Rev D  
Site Plan as Existing 1:1250: Drawing No. 4174-MP-110 Rev P3  
Proposed Site Plan 1:1250: Drawing No. 4174-MP-200 Rev P23  
Proposed Village Centre 1:500: Drawing No. 4174-MP-201 Rev P19  
Access Road Improvements: 1:1000: Drawing No. 4174-MP-251 Rev P9  
Revised Junction Design (418.06654.00006.14.H005.2)  
Proposed Site Plan 1:250: Drawing No. 4174-GA-200 Rev P9  
Block One Ground Floor 1:100: Drawing No. 4174-GA-220 Rev P11  
Block One First Floor 1:100: Drawing No. 4174-GA-221 Rev P10  
Block One Elevations 1:100: Drawing No. 4174-GA-222 Rev P11  
Block One Site Sections 1:250: Drawing No. 4174-GA-223 Rev P7  
Block Two Floor Plans 1:100: Drawing No. 4174-GA-225 Rev P7  
Block Two Elevations 1:100: Drawing No. 4174-GA-226 Rev P8  
Block Two Site Sections 1:250: Drawing No. 4174-GA-227 Rev P5  
Proposed Staff Accommodation 1:50/100: Drawing No. 4174-SA-200 Rev P1  
Kitchen and Dining Hall Plan 1:100: Drawing No. 4174-DK-200 Rev D  
Kitchen and Dining Elevations 1:100: Drawing No. 4174-DK-201 Rev B  
Lake Sections (1 of 2) 1:250/100: Drawing No. 4174-SP-200 Rev P8  
Lake Sections (2 of 2) 1:250/100: Drawing No. 4174-SP-201 Rev P8  
Swiss Hall/Education Buildings: Proposed: 1:100: Drawing No. 4174-EB-200 Rev P2  
A - Zip Wire 1:100: Drawing No. 4174-AA-200 Rev B  
B - Climbing Wall 1:100/20: Drawing No. 4174-AA-201 Rev A  
C - Abseil Tower 1:50: Drawing No. 4174-AA-202 Rev A  
D - Linear Course 1:100: Drawing No. 4174-AA-203 Rev A  
E – Swing 1:100/20: Drawing No. 4174-AA-204 Rev A  
Activity Shelter 1:50/20: Drawing No. 4174-AA-205 Rev P1  
Landscaping Plan General Arrangement: Drawing No. 241/01B; and block landscaping Plans: Drawing Nos. 241/02A, 241/03A, 241/04A, 241/05A, 241/06A and 241/07A.

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 maximum number of guests (children) on the site shall not exceed 500 at any time. This includes those accommodated within the seasonal tenting area.

Reason: In order to protect the amenity of the area and to accord with the requirements of Policy OSS4 (ii) (iii) of the Rother Local Plan Core Strategy

4. No external lighting shall be installed except in accordance with a lighting scheme approved in writing by the Local Planning Authority. Prior to the installation of any external lighting, full details of the lighting shall first be submitted for the consideration and subsequent approval of the Local Planning Authority in writing. The lighting shall then only be installed in complete accordance with the approved details.

Reason: In order to protect the amenity of the area and to accord with the requirements of Policies OSS4 (ii)(iii) and EN1 (vii) of the Rother Local Plan Core Strategy.

5. The materials, including their colour and texture, to be used in the construction of the external surfaces of the buildings hereby permitted shall be in accordance with the details specified in the application and described on the plans, unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is in character with its surroundings in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.

6. Notwithstanding any provisions contained in the Town and Country Planning (General Permitted Development) 1995 (as amended) no pitching of tents or any other camping shall be carried out within the application site except within the tenting area shown on the approved plan and this shall not exceed the 30 tents indicated. The colour of the tents and the concrete bases shall be as set out in the application (beige and green respectively) unless otherwise agreed in writing with the Local Planning Authority, before being set in place. The tents shall be taken down and removed from the tent site no later than the end of September and shall not be put back in place again until May the following year.

Reason: In order to protect the amenity of the area in accordance with Policies OSS4 (ii)(iii) and EN1 of the Rother Local Plan Core Strategy.

7. No development shall commence until 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 have been submitted to and approved by the Local Planning Authority and such approved protection measures shall be retained in situ for the duration of construction works.

Reason: These details are required prior to commencement of works to ensure the protection of trees and hedgerows during construction and the creation of a high-quality landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy

8. All landscape works shall be carried out in accordance with the approved details. (Landscaping Plan General Arrangement: drawing no. 241/01B; and

block landscaping Plans: Drawing nos. 241/02A, 241/03A, 241/04A, 241/05A, 241/06A and 241/07A). The works shall be carried out prior to any part of the development being brought into use or in accordance with the programme agreed with the Local Planning Authority. 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 enhance the appearance of the development and ensure the creation of a high-quality landscape setting in accordance with Policies EN3 and OSS4 (iii) of the Rother Local Plan Core Strategy

9. Biodiversity Method Statement – reptiles and amphibians: No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles and amphibians has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant); and
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended.

10. Biodiversity Method Statement – non-native invasive species: No development shall take place (including any demolition, ground works, site clearance) until a method statement for the control of non-native invasive species has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant); and
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended.

11. Ecological Design Strategy: No development shall take place until an Ecological Design Strategy (EDS) addressing compensation for the loss of grassland from the wood-pasture and parkland Habitat of Principal Importance, protection of ancient woodland and other retained habitats and enhancement of the site overall for biodiversity has been submitted to and approved in writing by the Local Planning Authority. The EDS 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 disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and

Rural Communities Act 2006, and paragraphs 170 and 175 of the National Planning Policy Framework.

12. Landscape and Ecological Management Plan: A Landscape and Ecological Management Plan (LEMP) for the whole of the site shall be submitted for consideration and approval in writing by the Local Planning Authority prior to the development being brought into use. The management matters contained in the LEMP shall include details of the proposed circulation routes around the site and in particular, between activities, and incorporate measures to ensure that valuable areas of parkland habitat of wood pasture and woodland are not subjected to excessive trampling, and areas of ancient woodland and existing ponds are protected from intrusion and disturbance. If surfaced paths are to be introduced the location and materials used would need to be agreed in the LEMP. The LEMP shall provide details (including the locations) of any other activities that it is proposed to carry out on the site that are not connected to the activity bases (e.g. PGL group activities) and shall demonstrate the measures to be carried out to ensure these are only carried out in locations, and a manner, that protects the landscape and ecology of the site, The content of the LEMP shall also include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;

- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- g) details of the body or organisation responsible for implementation of the plan; and
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features. It will also contribute towards

13. Compliance with existing biodiversity strategies: All ecological measures and/or works in relation to trees and bats shall be carried out in accordance with the details contained in the Bat Survey Report (Urban Edge Environmental Consulting, December 2019) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended.

14. Protection of Badgers on Construction Sites: 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 pipes and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:

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

Reason: To ensure badgers are not trapped or harmed on site and to prevent delays to site operation.

15. Prior to the development being brought into use, a full and detailed Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. This NMP shall clearly outline how all noise, including that arising from any proposed discos, the use of a camp fire (activity), and any games (activities, such as 'wacky races' and 'capture the flag' for example) shall be managed using best practicable means. The noise management plan shall outline the roles and responsibilities of staff with

respect to the control of noise and it shall include a log outlining any details of complaints made and subsequent actions taken. The NMP and complaint log shall be provided to any Authorised Officers of the Council on request.

Reason: to protect the amenities of the area in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

16. Living willow acoustic barriers to the specification as that proposed in the application (as designed by ETS, trademarked The Green Barrier™ or a similar company that may be agreed in writing) shall be installed in locations as outlined in the email sent from the Applicant's acoustics consultant, 'Surface' to EH on the 5 February 2020 prior to the car park and any activity bases being brought into use. The living willow acoustic barriers shall remain in place thereafter and shall be maintained as required in accordance with details to be contained in the NMP.

Reason: to protect the amenities of the area in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

17. No mechanical plant shall be installed on site or any other machinery or works brought into use until there has been submitted to and approved in writing by the Local Planning Authority a noise assessment of the mechanical plant (or other machinery or works) associated with the development in line with BS4142:2014 + A1:2019. This assessment shall consider the location of the future nearest noise sensitive receptors to each noise source. The report shall make recommendations to ensure that the rating levels of the noise sources do not exceed existing background sound levels at the nearest noise sensitive receptors. The plant (or other machinery or works) shall be maintained as such thereafter.

Reason: to protect the amenities of the area in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

18. Activity bases (Swings, Abseil Tower, Climbing Wall, Zip Wire, Linear Rope Course and Pond for Canoeing, Kayaking and Rafting) shall only be used between the hours of 09:00 to 12:00 and 14:00 to 17:30 and at no other times.

Reason: to protect the amenities of the area in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

19. 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 for the consideration and subsequent approval in writing of 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:

- a) Detailed design drawings of the pond, and these shall incorporate an overflow to a drainage system or watercourse to manage flows that could exceed the hydraulic capacity of the pond.
- b) Surface water discharge rates should be limited to four l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
- c) The condition of the ordinary watercourse and existing drainage system which will take surface water runoff from the development shall be

investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse and drainage system shall be carried out prior to construction of the outfall.

- d) Prior to occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

The drainage strategy for the site shall be completed and maintained in accordance with the submitted Flood Risk assessment and Drainage Strategy Report and the additional details as approved in respect of the above.

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 paragraph 163 of the NPPF.

20. The new development shall not be brought into use until the vehicular access serving the development has been constructed in accordance with the approved Drawing No. Ref: 418.06654.00006.14.H005.4.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

21. The new development shall not be brought into use until the four vehicle passing/waiting areas have been provided on Ladybird Lane as indicated on the approved plan (4174-MP-251 P9), and a foot path for pedestrians has been provided along-side Ladybird Lane, also in accordance with the approved plan.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

22. The new development shall not be brought into use until a parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

23. The new development shall not be brought into use until a cycle parking area (or areas) has been provided in accordance with details which have been submitted for the consideration of the Local Planning Authority, in consultation with the Highway Authority, and its subsequent approval in writing. The area(s) shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development as contained within the NPPF.

24. The new development shall not be brought into use until a turning space for vehicles has been provided and constructed in accordance with the approved

plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

25. The new development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with the objectives contained within the NPPF.

26. The new development shall not be brought into use until improvements to the existing footway on the east side of the B2244 to the north of the site access (towards Sedlescombe village) have been carried out in accordance with a scheme that has been submitted for the consideration of the Local Planning Authority in consultation with the Highway Authority, and subsequently approved in writing.

Reason: To ensure the safety of pedestrians entering and leaving the access and proceeding along the highway and to encourage and promote sustainable transport in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

27. No development shall take place, including any ground works or works or 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 protecting the amenities of the area in accordance with Policies OSS4 (ii) (iii) and TR3 of the Rother Local Plan Core Strategy.

28. No development shall take place until the Applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of 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 NPPF and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

29. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within three months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the NPPF and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

### **Informative**

- (i) The Highway Authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the Applicant and ESCC. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process.
  - (ii) The Applicant/developer should also contact the Transport Development Control Team to ascertain further detail of the Highway Authority's requirement for improvements to the existing footway on the east side of the B2244 as required by Condition 26.
  - (iii) The Applicant is advised that it is an offence to undertake any works within the highway prior to the Breeding Birds: The Applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
  - (iv) The Applicant is reminded of the requirement to first obtain the necessary licence from Natural England or Defra before carrying out works likely to disturb or remove wildlife, or damage habitats and it is an offence to carry out works for which a licence is required without the necessary licence first being in place.
- Drainage:
- (v) Any works that may be required to the outfall into the watercourse, and works in establishing an overflow from the activities pond to the watercourse will require Ordinary Watercourse Consent from ESCC; the Lead Local Flood Authority can be contacted on: [watercourse.consenting@eastsussex.gov.uk](mailto:watercourse.consenting@eastsussex.gov.uk)

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraph 38) 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.

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SITE PLAN	BEXHILL
RR/2019/2289/P	92 London Road, The Sussex Hotel.



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Not To Scale

## Rother District Council

Report to - Planning Committee  
Date - 13 August 2020  
Report of the - Executive Director  
Subject - Application RR/2019/2289P  
Address - 92 London Road  
The Sussex Hotel  
London Road  
BEXHILL  
Proposal - Proposed Extension & Change of Use of Hotel/Public House to form Offices at Ground Floor and 10 No. Self-Contained Flats at First and Second Floor

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **REFUSE (FULL PLANNING)**

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**Head of Service:** Tim Hickling

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**Applicant:** Mr M. Lear Fondare Developments  
**Agent:** Mr Andrew Gerken Pump House Designs  
**Case Officer:** Mr T. Hardwick  
(Email: [terry.hardwick@rother.gov.uk](mailto:terry.hardwick@rother.gov.uk))  
**Parish:** BEXHILL  
**Ward Member(s):** Councillors C.A. Bayliss and P.C. Courtel

**Reason for Committee consideration:** Member referral: Councillor C.A. Bayliss requests that the Committee consider the benefits of bringing the property into beneficial use at the earliest opportunity

**Statutory 8 week date:** 28 February 2020  
**Extension of time agreed to:** 16 August 2020

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

- 1.1 This is the site of the Sussex Hotel in London Road, Bexhill. The property was trading as a public house, with hotel rooms until June 2019. It is currently vacant.
- 1.2 The application seeks change of use of the ground-floor of the building to Class A2 Financial and Professional Services and of the second and third

floors to 10 self-contained flats. A substantial three storey extension would be added at the rear, which would extend all three floors of the building and would extend across a large part of the yard at the back of the property.

- 1.3 Rother Local Plan Core Strategy Policy EC6 and Development and Site Allocations (DaSA) Local Plan Policies DEC3 and DCO1 seek to protect existing employment, community, commercial and tourism-related sites unless it can be shown that there is no demand for such uses or for alternative commercial or community use. Policy DCO1 sets out the tests that need to be applied to assess this issue: in particular, it requires evidence of a comprehensive and sustained marketing campaign over a period of, normally, at least 18 months which demonstrates that there is no demand for the existing use (or for an alternative commercial or community facility, where appropriate); and evidence that shows that the unit is not capable of being financially viable, including for alternative commercial or community facilities.
- 1.4 In this case, the site has been advertised for an insufficient period to show there is no demand for the lawful uses of the premises, or for alternative commercial or community facilities. The site was marketed (for sale) with vacant possession for six to seven months between February and August 2018, with no enquiries from public house users (the particulars stated that the public house was trading and popular with locals). It was then bought by the Applicant. Further marketing of the ground floor only (to let) for office, retail or unspecified leisure use has been undertaken from August 2019 onwards. However, this excludes the existing public house/hotel use and does not help substantiate the case that there is no demand for those existing uses. More recently, following discussion with officers, the premises have been marketed directly to a specific audience, including certain hotel groups, again with no result. As a result, the Council has sought special consultant advice of its own on the strength of the case that has been made in support of the change of use sought. The advice received is that further information/work is necessary and, as it stands, the case in support of change of use is inadequate. This has been communicated to the Applicant but has not been robustly challenged.
- 1.5 Neither has convincing evidence been submitted that shows that the premises are incapable of being financially viable. A certain amount of confidential financial information has been provided from 2017 which indicates that the public house/hotel use was only marginally profitable then, subject to the manager not drawing a salary. However, this only covers a short period of time and cannot, therefore, be taken as evidence of a lack of financial viability more generally.
- 1.6 It is important that existing employment sites or sites in use for employment or tourism-related purposes or for community use are only released for other purposes where there is clear evidence to support this. This is to protect jobs, to support the local economy and social infrastructure and to retain facilities that support the town's role as a destination for visitors.
- 1.7 Clear justification against Policy DCO1 is required if the changes of use are to be permitted. The Applicant has been advised what is needed but there has been no substantive response. The application, therefore, falls to be considered as it stands.

- 1.8 The proposed changes of use are, therefore, considered to be unacceptable because there is inadequate evidence to justify loss of the existing uses.
- 1.9 One further point that should be mentioned is the fact that the Applicant has cited the change of use of “The Smuggler” public house in Pett Level (RR/2019/1336/P) as evidence of an inconsistency in approach in applying DaSA Local Plan Policy DCO1. The change of use sought there was from public house to doctor’s surgery and café. Planning permission was granted for change of use without marketing and financial evidence being critical to the case because the change was from one community use to another (albeit with a small part of the premises to be used as a café). The justification for that decision was discussed in the report for that application. It explained that should a proposal come forward for a non-community use, such as residential, *‘then the policy approach as set out in DCO1 would need to be met’*. The critical difference between that proposal and the proposed change of use at The Sussex Hotel is that the proposal at The Sussex Hotel would replace a community use (a public house) and a tourism use (nine bedroom hotel), both of which are defined in Policy DCO1 as uses of ‘social and economic value’ with mainly residential use, and a Class A2 use at ground level, which in the absence of insufficient evidence to support this, would be contrary to Policy EC6 and DaSA Local Plan Policies DEC3 and DOC1. The two cases are not, therefore, comparable and there is no inconsistency of approach in the circumstances that apply in the two cases.
- 1.10 The application was originally submitted with inadequate amenity-space for use by occupiers of the flats, but this has now been remedied by the submission of revised plans that enlarge the open amenity-area to be provided and provide separate covered cycle-storage. Satisfactory living conditions would now be provided for occupiers.
- 1.11 An additional factor is that the Council does not currently have a 5-year supply of land for housing. This subsequently triggers the application of the “tilted balance” under Paragraph 11 of the National Planning Policy Framework.
- 1.12 It is, nonetheless, considered that the adverse impacts of allowing the development would outweigh the benefits of securing the 10 units of market housing that the proposals would deliver when considering the National Planning Policy Framework as a whole.
- 1.13 Refusal of planning permission is, therefore, recommended on the grounds that the proposal would be contrary to Rother Local Plan Core Strategy Policy EC6 and DaSA Local Plan Policies DCO1 and DEC3.

1.14 **PROPOSAL DETAILS**

PROVISION	
No of houses	10
No of affordable houses	0
CIL (approx.)	£18,886 – based on 311sqm
New Homes Bonus (approx.)	£52,135

## **2.0 SITE**

- 2.1 The application site is that of the Sussex Hotel, which, while trading until June 2019, is currently closed and boarded-up. The property lies on the north-eastern side of London Road, close to its junction with King Offa Way (A259) and Combe Valley Way (A269).
- 2.2 The hotel use included a large bar at ground floor, with nine hotel rooms and a manager's flat in the upper two floors.
- 2.3 The building has three storeys, with the second-floor contained within the roof-space, served by front and rear-facing dormers and windows set into the front and rear-facing gables.
- 2.4 The property is served by a vehicle-access that runs down the eastern side of the building to a car-park providing space for the parking of up to nine cars for use by those staying in the hotel rooms and to a rear mews of four houses, which also have rights of use over the vehicle-access to enter and leave to and from London Road.
- 2.5 To the south of the site are residential properties and to the north is a used vehicles showroom.
- 

## **3.0 PROPOSAL**

- 3.1 The application seeks the following:
- the addition of a three storey rear extension of twin hip-roofed design (max depth 15.3m), extending over a large part of the rear yard, and the provision of an open-amenity area for flat-dwellers across the back of the premises;
  - use of the extended ground floor for Class A2 Financial & Professional Services;
  - use of the extended first and second floors of the building to provide 10 1-bed self-contained flats.
- 

## **4.0 HISTORY**

- 4.1 RR/2002/2860/P Demolish Existing Toilets, Erection of Single Storey Extension. Approved.
- 4.2 RR/2003/3459/P Demolition of Outbuilding & Erection of 4 Two Bedroom Starter Homes with Car-Parking and Nine Parking Spaces. Approved.
- 4.3 RR/2003/1627/P Outline: Demolition of Existing Garage & Erection of 4 x 2 Bed Starter Homes with 6 Car Park Spaces. Approved.
- 4.4 RR/2018/2966/P Proposed Alterations & Improvements to Hotel and Extension to form five Self-Contained Flats. Refused.
-

- 4.5 RR/2019/1693/P Proposed Extension & Change of Use of Hotel/Public House to Form Public House at Ground Floor and 10 No. Self-Contained Flats at First and Second Floors. Withdrawn.
- 

## 5.0 POLICIES

- 5.1 The following policies of the Rother Local Plan Core Strategy Plan (2014) are relevant to the proposal:

- PC1: Presumption in Favour of Sustainable Development
- OSS2: Use of Development Boundaries
- OSS3: Location of Development
- OSS4: General Development Considerations
- BX1: Overall Strategy for Bexhill
- BX3: Development Strategy
- SRM1: Towards a Low Carbon Future
- SRM2: Water Supply and Wastewater Management
- CO6: Community Safety
- LHN1: Achieving Mixed and Balanced Communities
- EC3: Existing Employment Sites
- EC6: Tourism Activities and Facilities
- EN3: Design Quality
- EN7: Flood Risk and Development
- TR3: Access and New Development
- TR4: Car Parking

- 5.2 The following policies of the DaSA Local Plan (adopted 16 December 2019) are relevant to the proposal:

- DRM1: Water Efficiency
- DCO1: Retention of Sites of Social or Economic Value
- DHG3: Residential Internal Space Standards
- DHG4: Accessible & Adaptable Homes
- DHG7: External Residential Areas
- DEC3: Existing Employment Sites and Premises
- DIM1: Comprehensive Development
- DM2: Development Boundaries
- DEN5: Sustainable Drainage
- DHG3: Residential Internal Space Standards
- DHG4: Accessible and Adaptable Homes
- BEX16: London Road – Sackville Road Enhancement Area

- 5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
- 

## 6.0 CONSULTATIONS

### Consultations

- 6.1 Highways England: **NO OBJECTION**

- 6.2 East Sussex County Council (ESCC) (Highway Authority): **NO OBJECTION**, subject to conditions being applied to any planning permission granted relating to:
- the provision of parking;
  - the provision of parking for cycles;
  - the provision of a vehicle turning-head; and
  - development being undertaken in accordance with a Construction Management Plan which shall previously have been submitted to and agreed by the Local Planning Authority.
- 6.3 ESCC (Lead Local Flood Authority): **NO OBJECTION** in principle, subject to any planning permission being granted with conditions relating to:
- the capacity of the public surface water sewer to accommodate run-off from the site, details of which are to be submitted to and agreed in writing by the Local Planning Authority;
  - the provision of a maintenance and management plan for the entire drainage system, up to the connection point to the mains sewer, which is to be submitted to and agreed in writing by the Local Planning Authority; and
  - prior to occupation of the development, the provision of written and photographic evidence (to the Local Planning Authority) that shows that the drainage system has been constructed as per the final detailed drainage design.
- 6.4 ESCC Fire Brigade: **NO RESPONSE**
- 6.5 ESCC Police: **NO RESPONSE**
- 6.6 Clinical Commissioning Group: **NO RESPONSE**
- 6.7 Southern Gas Pipelines: **NO RESPONSE**
- 6.8 Southern Water Services: **NO OBJECTIONS**. Following comments:
- Any new connection to the public foul and surface water sewer will need to the subject of a formal application to Southern Water.
  - Any planning permission to be subject to a Condition requiring details of the proposed means of foul and surface water disposal to be submitted to and agreed in writing by the Local Planning Authority, in consultation with Southern Water.
  - Any planning permission to be subject to an Informative relating to any connection that may need to be made to the public sewerage system and the means of disposal of surface water from the development.
- 6.9 Rother District Council Planning Strategy: **OBJECTS** on the following grounds:
- The current proposal seeks Class A2 (Financial and Professional Services) use at ground floor, amounting to 410sqm of employment space. The proposal would, however, also result in the *loss of about 300sqm of employment space* too, which was part of the previous public

house use, plus the *loss of the tourist accommodation* provided by the hotel rooms;

- The application property has *not been marketed for the existing employment and tourism uses over a sufficiently long period* to justify use for alternative employment purposes and loss of the tourism-related use as a hotel, which would be contrary to DaSA Policies DEC3 and DCO1.

6.10 DaSA Policy DEC3, which updates Core Strategy Policy EC3, seeks to protect land and premises currently (or last) in employment use, including tourism-related use, by retaining them in such use, unless it is demonstrated that there is no reasonable prospect of its continued use for employment purposes (or would cause serious harm to local amenities).

6.11 DaSA Policy DCO1 then goes on to set-out the tests that need to be satisfied if the case is to be made that there is no reasonable prospect of the employment and tourism uses continuing in such use, namely that:

6.12 Employment sites and tourist accommodations play an important social and economic role within the District, making a positive contribution to maintaining and developing sustainable communities.

6.13 The supporting information submitted with the application indicates that property has been advertised for sale in its current use for a period of six months before being purchased. DaSA Policy DCO1, however, requires 18 months, including for other commercial or community uses. That has not been done.

6.14 Neither has evidence been submitted that would indicate that the premises is not capable of being financially viable for its existing/last use (public house/hotel) or for alternative commercial or community use. Normally this would require the submission of financial accounts covering the last three years that the uses were operating full-time (DaSA Policy DCO1(ii)). That has not been done.

6.15 In summary, therefore, the application fails the evidential requirements of DaSA Policy DCO1 if a lack of alternative social or economic use and loss of the hotel/tourist is to be accepted.

#### 6.16 Planning Notice

6.16.1 Three letters have been received in relation to the proposal as originally submitted

- difficulties of access for people living behind the hotel whose only access is through the hotel car-park;
- difficulties of access for emergency vehicles during construction;
- disruption to residents;
- where will vans, delivery vehicles, visitor vehicles, skips and staff toilets be parked?
- increased traffic at the traffic light junction between London Road, King Offa Way and Coombe Valley Way;
- drivers frustrated by the delays at the traffic lights may divert along Chepbourne Road to avoid the lights; and

- all the building work proposed will be an accident waiting to happen.

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## **7.0 LOCAL FINANCE CONSIDERATIONS**

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £18,886 (based on 311sqm).
- 7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band B property, be approximately £52,135 over four years.

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## **8.0 APPRAISAL**

- 8.1 Issues to be considered include:

- background;
- the acceptability in principle of the proposed A2 use (Financial & Professional Services) at ground floor and of the C3 general purpose market-flats at first and second floors;
- design and impact on the character and appearance of the locality;
- provision of parking and highway impact;
- provision for the handling and collection of refuse and re-cycling;
- living conditions for potential residents and occupiers of neighbouring properties;
- residential amenity;
- five year land supply for housing; and
- planning balance and conclusion.

### **8.2 Background**

- 8.2.1 This is a revised application following the withdrawal of a previous application (RR/2019/1693/P) and the refusal of planning permission for another (RR/2018/2966/P).
- 8.2.2 Withdrawn application (RR/2019/1693/P) sought planning permission for an extension at the rear and the change of use of the hotel/public house to form a public house at ground floor and 10 self-contained flats at first and second floor.
- 8.2.3 Refused application RR/2018/2966/P was rejected on three grounds:
- there would be a reduction in the number of bedrooms from nine to seven, together with a reduction in the size of the public house use and back-of-house facilities, which would erode the size, quality and operational efficiency of the public house and hotel. Moreover, the introduction of residential use would likely curtail the public house and hotel uses reasonable commercial activities and would be harmful to the level of amenity to be enjoyed by residents and could result in the loss of the commercial use;

- an appropriate level of amenity could not be provided for potential residents of the flats; and
- no parking would be provided for the five flats proposed, which would increase the pressure for on-street parking in an area where there is insufficient space, to the detriment of highway safety and the obstruction of the free flow of traffic.

### 8.3 Principle

8.3.1 The essential first issue is the acceptability in principle of the proposed new uses of the building.

8.3.2 The three key policies that apply in this are Rother Local Plan Core Strategy Policy EC6 and DaSA Local Plan Policies DEC3 and DCO1.

8.3.3 The detail of these policies is set-out under the *Planning Strategy* consultation response above.

8.3.4 In summary:

- Core Strategy Policy EC6 (iv) supports proposals that do not result in the loss of tourism accommodation, unless there is no prospect of its continued use;
- DaSA Policy DEC3 sets-out the Council's commitment to retain premises in or last in employment use (including those in tourism-related use) in such use, unless it can be demonstrated there is no reasonable prospect of it being retained in such use (or it would cause serious harm to local amenity); whilst
- DaSA Policy DCO1 sets out the evidential requirements to justify loss of such uses (18 months comprehensive and sustained marketing at a realistic valuation or evidence to justify lack of financial viability for the existing use).

8.3.5 In this case, the property has not been marketed for the requisite 18 months.

8.3.6 The application is supported by a Marketing Report prepared by the Marketing Agent, Savills. This confirms that they marketed the property (for sale with vacant possession) with a trading 'popular with locals' public house/hotel use between February 2018 and August 2018 on their website, on other websites and it was listed in various e-campaigns and monthly property listings. They advise that a number of developers did show an interest, one of whom was the Applicant, who bought the property, bringing the marketing to a close.

8.3.7 The Agent states that the property had been circulated to a wide audience at a time when market conditions were "indifferent" as a result of political and social trends, including the competition from supermarkets retailing cheap alcohol and branded restaurants offering "eating out" deals and discounts. These factors, they say, have resulted in a large number of public houses/restaurants coming to the market due to publicans and restaurateurs failing to make a viable living from their businesses. These trends have made the viability of premises such as the Sussex Hotel marginal, compounded by the highly competitive nature of some of the managed

house pub chains and casual dining restaurants, which have made it even more difficult to profit from this type of operation.

- 8.3.8 Their conclusion is that it is not surprising that there has been only limited interest for public house/hotel use. Nor, they say, were any offers received based on another commercial use and the 14 expressions of interest that were received were from developers looking to redevelop to residential housing/flats.
- 8.3.9 Further marketing of the ground floor only (to let) for office, retail or unspecified leisure use has been undertaken from August 2019 onwards. However, this excludes the remaining public house/hotel use and does not help substantiate the case that there is no demand for the existing uses. More recently, following discussion with officers, the premises have been marketed to a specific audience, including certain hotel groups, again with no result. As a result, the Council has sought special consultant advice on the strength of the case that has been made in support of the change of use sought. The advice received is that further information/work is necessary. This has been communicated to the Applicant but there has been no substantive response.
- 8.3.10 Neither has convincing evidence been submitted that shows that the premises are incapable of being financially viable. A certain amount of confidential financial information has been provided from 2017 which indicates that the public house/hotel use was only marginally profitable then, subject to the manager not drawing a salary. However, this only covers a short period of time and cannot, therefore, be taken as evidence of a lack of financial viability more generally, especially having regard to Policy DCO1.
- 8.3.11 The starting point for reaching a decision on this issue, however, has to be Core Strategy Policy EC6 and DaSA Policies DEC3 and DCO1. The purpose of these policies is to protect the District's employment base, the local economy, social infrastructure and tourist facilities, which is important both in terms of supporting the local economy and in ensuring that the town can provide hotel rooms and related facilities for visitors to the town and wider district. The application clearly fails the policy tests that apply - that is, 18 months of a comprehensive and sustained marketing campaign that *'clearly indicates a lack of demand for the existing use or as an alternative commercial or community facility'* and evidence that clearly demonstrates that the premises is not, or is not capable of being, financially viable.
- 8.3.12 For these reasons, it is considered that the proposed change of use should be refused. In addition, Policy DEC3 explains that even in the case where it is accepted that an employment, including tourism use has no reasonable prospect of continued use and a community, tourism or employment use cannot be retained, that alternative community uses or affordable housing (in line with Policy DHG1) should be prioritised before market housing only is considered. The case to allow loss of the public house/hotel use in favour of market housing and A2 Financial and Professional Services is not substantiated in accordance with the requirements of Core Strategy Policy EC6 and DaSA Policies DEC3 and DCO1.
- 8.3.13 The Applicant has cited the case of the change of use of The Smuggler public house in Pett Level from public house to doctors surgery and café as

evidence of inconsistency in the application of the tests set-under DaSA Local Plan Policy DCO1 because no marketing and financial viability information was required in that case. There is no inconsistency in approach in the application of DaSA Local Plan Policy DCO1. The change of use sought there was from public house to doctor's surgery and café. Planning permission was granted for change of use without marketing and financial evidence being necessary because the change was from one community use to another (albeit with a small part of the premises to be used as a café). The justification for that decision was discussed in the report for that application. It explained that should a proposal come forward for a non-community use, such as residential, *'then the policy approach as set out in DCO1 would need to be met'*. The critical difference between that proposal and the proposed change of use at The Sussex Hotel is that the proposal at The Sussex would replace a community use (a public house) and a tourism use (nine bedroom hotel), both of which are defined in Policy DCO1 as uses of 'social and economic value' with mainly residential use, and a Class A2 use at ground level, which in the absence of insufficient evidence to support this, would be contrary to Core Strategy Policy EC6 and DaSA Local Plan Policies DEC3 and DOC1. The two cases are not, therefore, comparable and there is no inconsistency of approach in the circumstances that apply in the two cases.

#### 8.4 Design & Impact on Character & Appearance of the Locality

- 8.4.1 The proposals include the erection of a three storey rear extension, extending across most of the back of the property and covering most of the yard, save for the provision of a rectangular 50sqm amenity/cycle-store area across most of the back of the extended property.
- 8.4.2 The extension proposed would, at up to 15.3m, be very deep.
- 8.4.3 It would not, however, be excessive in the context of its surroundings because the adjoining property to the north (No. 94) has already been extended out at the rear at the same depth and with similar two storey/three storey height and bulk. It should also be noted that the existing building is large, in particular, it is very high (between about 7.2m and 7.9m to eaves and between about 12.25m and 12.6m to ridge). So, the eaves and ridge heights of the proposal simply reflect the existing building, with the ridge height being up to 0.5m lower than the main roof.
- 8.4.4 The extension would not be visible from the street either, being contained entirely at the rear of the building and screened from the north by the extension at the rear of No. 94.
- 8.4.5 The proposal would also relate satisfactorily to the design and appearance of the existing.
- 8.4.6 In conclusion, notwithstanding the height and bulk of the extension, its design would be acceptable and it would have only limited impact in its surroundings and on its character and appearance.

## 8.5 Parking & Highway Impact

- 8.5.1 The Highway Authority takes the view that there will be no significant increase in the demand for car-parking over and above what is currently associated with the site's use as a public house and hotel and there is no justification for any objections on parking grounds.
- 8.5.2 Storage space for 13 cycles is required; space for 10 would be provided, which needs to be increased. There is scope to achieve this; and this could be made a requirement of a planning condition if planning permission was to be granted.
- 8.5.3 There is scope to turn a vehicle at the rear of the building, so vehicles will be able to enter and exit in forward gear.
- 8.5.4 A disabled person car-parking space would be provided on the forecourt, for which no space for turning within the site would be available. The Highway Authority, nonetheless, takes the view that, although this would not be ideal and would result in a vehicle having to reverse into and out of the site, this would not be so significant a highway hazard as to warrant rejection of the proposal on those grounds.
- 8.5.5 The Highway Authority also takes the view that this is a sustainable and accessible location, within walking distance of local amenities and with easy access to public transport (there is a bus-stop outside the site from where there are frequent services linking to Hastings and Eastbourne); in addition, the site is within walking distance of Bexhill railway station, which gives access to local towns and to the national rail network. This is, therefore, a location where access to a car is not essential.
- 8.5.6 The Highway Authority nonetheless considers that, if planning permission is granted, this should be subject to a condition that requires the submission and agreement of a Travel Plan covering both residential and business use and provides incentives for residents to use public transport or cycling options.
- 8.5.7 It also requires the submission of a Construction Management Plan, to be secured by planning condition, if planning permission is granted.
- 8.5.8 Subject to those issues being addressed, no concerns arise in terms of the provision for parking and the highway impact of the development.

## 8.6 Refuse & Recycling

- 8.6.1 As originally submitted, the application provided no facilities for waste management.
- 8.6.2 The Council's requirements are for bin-storage to be provided on flat-ground, with dropped kerbs or ramps if there is a change of levels, and located within 20m of the vehicle access. For a development of 10 flats, a bin-storage area capable of accommodating four x 1,100 litre bins is required, two for recyclable waste, two for non-recyclable waste. Commercial waste from the A2 office use would be handled separately.

8.6.3 The application has now been amended to show two bin-storage areas for the flats at the side of the building, each capable of accommodating two x 1,100 litre bins. There would be a separate bin-storage area for the A2 use, also at the side of the building. All storage areas would be within 25m of the carriageway on London Road and 20m of the vehicle access where it enters the site. It is not anticipated that collection vehicles would enter the site.

8.6.4 If planning permission is granted, the provision of the refuse/recycling facilities before first occupation of the flats and first commencement of the A2 use would need to be secured by planning condition. There would also be a need for screening around the storage areas and the detail of this would also need to be secured by condition. Subject to this, no concerns arise in relation to refuse/recycling.

## 8.7 Living Conditions for Potential Residents & Impact on Amenity of Neighbours

### 8.7.1 *Living Conditions for Potential Residents*

8.7.2 There are three issues for potential residents:

- the availability of private useable amenity space;
- the need to provide a satisfactory noise environment for occupiers; and
- the extent of compliance with the national Technical Housing Standards, adherence to which is a requirement of DaSA Policy.

#### *Amenity Space*

8.7.3 DaSA Policy DHG7 (External Residential Areas) sets out the Council's approach to the provision of external areas to serve residential development. There is no specific requirement in respect of flats, beyond a requirement for "an appropriate level of usable communal amenity-space".

8.7.4 The application now makes provision for an amenity-space of 50sqm in the form of a rectangular area at the rear of the extended building. This would equate to an average of 5sqm per flat and, subject to satisfactory treatment of the area, which could be made the subject of a planning condition if permission was to be granted, this is considered satisfactory.

8.7.5 As to access to public open-space beyond the site, there is The Down public park on the opposite side of the traffic-light controlled junction between London Road, King Offa Way and Coombe Valley Way, which is within a short walking distance. However, this does not compensate for what is not provided within the development. Residents need to have adequate open-space on site to enjoy and an area in which to hang washing to dry, which would be provided satisfactory, now that the application has been amended.

#### *Noise Environment for Occupiers of Proposed Flats*

8.7.6 The proposal would introduce A2 Financial & Profession Services at ground floor. A2 use is not inherently noisy and would normally be a day-time use, when many of those living in the flats above could be expected to be awake and carrying out day-to-day tasks (i.e. work, care responsibilities, etc.), at least Monday to Friday.

- 8.7.7 However, the possibility of noise transmission between the ground floor A2 use and the flats at first floor cannot be discounted either. However, this would be covered by the building regulations.
- 8.7.8 The proposal would also create 10 flats, additional to the A2 use, partly within the original building which, because of its age, is not built to modern standards of sound insulation. Nonetheless, all flats to be created can be expected to be built to appropriate standards, and would be subject to the building regulations.
- 8.7.9 It is not expected that noise for people living here would be a matter for concern.

*Compliance with National Technical Standards*

- 8.7.10 DaSA Local Plan Policy DHG3 (Residential Internal Space Standards) adopts the Government's nationally described space standard - "Technical Housing standards - nationally described space standard".
- 8.7.11 All flats would comply with or exceed the standards.

*Impact on Residential Amenity*

- 8.7.12 The main impact arises from the large extensions that are proposed at the rear of the building.
- 8.7.13 The impact will be in two directions: towards the terrace of houses at the rear of the site (Sterling Mews); and towards the next-door property to the south-east of the site (No. 90 London Road), which is a three-storey property that has been divided into flats.
- 8.7.14 The Sterling Mews houses will look towards the rear elevation of the extended property. They already look onto the back of the property as existing, which is a very significant feature in the aspect from windows in their front elevation. The current separation distance is about 36m; this will reduce to about 21m once the extension has been added.
- 8.7.15 However, although this will be a noticeable reduction, the 21m gap that will remain is not considered to be so close as to render the proposals unacceptable in terms of their impact on aspect enjoyed at the front. To put this into context, DaSA Policy DHG7 requires rear gardens for new development to be at least 10m deep, which gives a back-to-back separation at least 20m. The relationship here is front-to-rear, which at least avoids the harmful effects on the sensitive rear garden environment.
- 8.7.16 Regarding impact on No. 90, to the south-east of the site, it is mainly the flat in the ground floor of the building that is affected because it has several windows in the flank of an outshoot at the rear of the property that will look towards the flank of the proposed extension. These windows have a north-easterly aspect onto the side of the property as existing.
- 8.7.17 The issue is whether the further impact of the extension proposed would be beyond acceptable tolerances.

8.7.18 The view is taken this would not be so. The access-way separating the two properties is about 6m wide and widens deeper into the site; in addition, the affected windows are about a further 2.1m in from the boundary, giving total separation of more than 8m. The rooms affected (a kitchen, a bedroom and bathroom), along with a conservatory at the rear, have poor aspect onto the side of the existing property and enjoy only limited levels of lighting at present. It is considered that such further impact as will result will be insignificant in that context.

8.7.19 Impact on residential amenity overall is, therefore, considered to fall within acceptable tolerances in the context of the heavily built-up nature of the location.

## 8.8 Housing Land Supply, Planning Balance & Conclusion

8.8.1 The Council does not currently have a 5-year supply of land for housing (3.7 years supply as of April 2019).

8.8.2 This means that the Local Plan policies most relevant to the determination of the application have to be regarded as out-of-date and triggers the “tilted balance” under Paragraph 11 of the National Planning Policy Framework in favour of granting planning permission for new housing unless, as stated at sub-paragraph d(ii)....

*“the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework as a whole.”*

8.8.3 Therefore, a judgement on where the balance of public advantage lies needs to be made.

8.8.4 On the one hand, the proposals would provide 10 flats, which in the context of the Council’s current under-supply of land for housing is welcome.

8.8.5 On the other hand, there is the issue of protecting existing employment and tourism-related sites, to maximise jobs and ensure the availability of tourist facilities in support of the town’s role as a destination for visitors.

8.8.6 It is important that such facilities are protected and, if their loss is to be accepted, that this be properly substantiated based sound evidence. The evidence provided does not do this.

8.8.7 The site is in the London Road-Sackville Road Enhancement Area, in recognition of the fact there is scope for townscape improvements in the locality (DaSA Local Plan Policy BEX16 applies). The proposals could well result in some improvement in the appearance of the property but that has to be subject to the requirements of other policies being satisfied.

8.8.8 It is, accordingly, recommended that planning permission be refused on grounds that the proposal would result in the unjustified loss of an employment/tourism facility.

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

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### **REASON FOR REFUSAL**

1. The proposal would result in the loss of an existing community and tourism site in respect of which insufficient evidence has been submitted to justify this. In particular, the premises have not been the subject of a comprehensive and sustained marketing campaign for a sufficient period or sufficiently widely to support the contention that there is no demand for the existing use (or as an alternative appropriate commercial or community facility). Neither has enough financial information been submitted to demonstrate convincingly that the use of the premises as a public house/hotel is not capable of being financially viable. It is important that existing employment, community and tourism-related premises are retained in such use to protect the District's employment and economic base, social infrastructure and facilities that serve the needs of visitors to the town, unless there is clear evidence of lack of demand. In addition, the use of the upper floors as market housing is proposed without apparent consideration of enabling development or alternative community uses or affordable housing. The proposal would, therefore, be contrary to the requirements of Policy EC6 of the Rother Local Plan Core Strategy and Policies DCO1 and DEC3 of the Rother District Council DaSA Local Plan (adopted 16 December 2019).

### **NOTE:**

1. This refusal relates to the proposals as shown on the following plans and described within the listed supporting documents:  
5912-19-1D  
5912-19-2B  
5912-19-3B  
5912-19-4B  
5912-19-5-C  
5912-LBP-B  
5912-19-RCS-B  
5912-CIL Questions  
5912-Assessment of Significance-A  
5912-Design & Access Statement-A  
Planning Statement 24 04 2020  
Marketing Report CLM Planning 05 06 2020  
Updated Fondare Planning Statement  
Savills Marketing Report & Sales Details  
Highway Statement  
Maintenance Schedule

**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.

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## Rother District Council

**Report to:** Planning

**Date:** 13 August 2020

**Title:** Revision to the Planning Scheme of Delegation and Other Related Changes

**Report of:** Tim Hickling

**Ward(s):** All

**Purpose of Report:** The purpose of this report is to seek approval to remove the 'Notified D' report and place the emphasis on the weekly list in order to reduce unnecessary work in the planning department without altering the ability for Members to call-in applications.

### Officer

**Recommendation(s):** **It be RESOLVED:** That the:

- 1) officer scheme of delegation in respect of the Planning Service be amended by the removal of the 'Notified D' report process and the insertion of an enhanced weekly list process as set out in the report; and
- 2) Council's Constitution be amended accordingly.

### Introduction

1. Dealing with planning applications has become increasingly technical and complex as a result of an ever-increasing list of additional material considerations and numerous legislative changes. Added to which there are national performance measures on time taken to determine applications (8 and 13 week dates) that need to be considered against the current levels of available resources.
2. As part of the Rother 2020 efficiency programme, the planning application process has been subject to a lean and demand review. This has identified small process improvements but has also identified improvements in the software system to automate other processes.
3. Work has also taken place to reduce the planning accommodation footprint and promote agile and remote working through the improvement in IT hardware and replacing older desk computers with either laptop or tablet computers. Much has been fast tracked due to the COVID-19 measures. From April this year all correspondence, reports and supporting documents received have been available online only, significantly reducing the amount of paper handling in the department.

4. Recruitment of Planning professionals is proving to be extremely difficult nationally, and this has been reflected locally for some time now. While Rother District Council has had a successful programme of cultivating our own Officers, this has not kept pace with the vacancy demand in the department and is unlikely to for the foreseeable. As a consequence of being under resourced, there has been a backlog of work accumulated over a period of time, exacerbated by the recent COVID-19 pandemic, that it is necessary to fundamentally review some of the Council's practices.

### **Review of the Validation Application Process**

5. When an application is submitted it goes through a rigorous validation process to ensure the applicant has submitted all the correct information, the appropriate fee, all relevant consultees are identified, and their outline comments sought in relation to the application proposal.
6. Currently 43% of applications (mostly submitted through local agents) are rendered incomplete on original submission.
8. The main reasons for invalid applications are:
  - Insufficient/incorrect plans – quality of plans – not to scale etc.
  - Insufficient/incorrect fee submitted
  - Missing supporting documents e.g. Design & Access statement, Assessment of Significance etc.
  - Quality of information provided as above
  - Forms not completed correctly e.g. certificate of ownership etc.

The applications are therefore rendered invalid, and the applicant or agent is requested to submit the correct/missing information. This creates delays and wastes resources as when the required information is received this needs to be re-checked and verified before the application can be formally accepted. In some instances, this validation process can go through more than one iteration before the application can be validated and has been calculated that this work itself generates an equivalent of .5 FTE staff time.

9. A copy of the Council's validation check list can be found by following the link below

[https://www.rother.gov.uk/wp-content/uploads/2020/01/Post\\_NPPF\\_Planning\\_Validation\\_Document\\_DaSA\\_update\\_November18.pdf](https://www.rother.gov.uk/wp-content/uploads/2020/01/Post_NPPF_Planning_Validation_Document_DaSA_update_November18.pdf)

10. Officers are in the process of contacting those local agents who regularly submit invalid applications to understand why and seek to reduce the volume of invalid applications on submission. As planning fees are set nationally there is no opportunity for charging for invalid applications. Therefore, we are reliant on agents and applicants submitting the correct information first time.

## **‘Notified D’ delegation and Member Call-ins**

11. At present any Member of the Council can call any application to Committee at any time, from validation (weekly list) to proposed decision date but typically within the publicity period. Good practice would be to consider calling in an application up to and, including, the consultation period in the application process.
12. Aside from the above, under the current Council Constitution there is a two phase delegation system to officers. The first phase is a simple delegation on non-contentious proposals; these applications are mostly processed well within the statutory eight week determination period. The second phase is a more complex and resource intensive process whereby if an application generates representations that are at odds with the officer’s recommendation the case officer produces a report through the ‘Notified D’ delegation process. The process in effect adds further time onto the determination period of at least five days plus a further two to three days to produce the report and sign off. In some instances, officers will need to request an extension of time from the applicant in order to progress the ‘Notified D’ report. Further delay is then experienced by the applicant for those applications subsequently referred to Committee.
13. The ‘Notified D’ delegation was introduced in the early 1990s after the publicity processes changed in 1992; at a time when technology was in its infancy and all planning documents were only visible in paper form at the Town Hall planning reception. This analogue technology also included the production of weekly lists of new applications sent by post to Councillors and various interested bodies up to a week after the application had been registered. The process was slow and resource intensive. It is fair to say in this analogue world communication between planning officers and Councillors was infrequent and undertaken by either telephone or occasional face to face meetings. The ‘Notified D’ reports process was therefore introduced as a bespoke and unique system for Rother to improve communication and introduce a formal delegation scheme as a way of engaging Councillors with officers and improving communication.
14. The original ‘Notified D’ reports consisted of a short summary of the issues and included an intended decision. The reports were originally sent to Councillors by post giving them five days to discuss the detail with officers and, if necessary, for them to call applications to the Planning Committee. Today that ‘Notified D’ report is sent out by email rather than post. As time has moved on ‘Notified D’ reports have become increasingly complex to the point that they are almost as detailed as committee reports and yet serve little or no purpose which is over-burdening the planning department with additional work.
15. **Table 1** sets out the number of ‘Notified D’ reports produced for the last year ending on 29 February (just before Covid-19). 31% of all planning applications (336) were subject to a ‘Notified D’ report process of which a very small number, only 11 were then referred by Councillors to the Planning Committee (3% of the ‘Notified D’ reports). This compares with 27 applications called to the Planning Committee by Councillors through the Weekly list and discussion with officers, and a further 20 referred by officers because of the planning history.

**Table 1: ‘Notified D’ reports during 2019-20 (1 Mar 19 to 29 Feb 20)**

Total number of Planning Applications eligible for ‘Notified D’	<b>1,096</b>
Number of Notified D	<b>336</b> (31% of total applications)
Called to Committee from Notified D	<b>11</b> (3% of Notified D reports)
Called to Committee from Weekly List	<b>27</b>
Total Member referrals to committee	<b>38</b> (11 + 27)
Officer referrals	<b>20</b>
Total Committee items	<b>58</b> (38 + 20)

16. The ‘Notified D’ report system is resource intensive and into today’s world adds very little in the way of benefit decision making. It is calculated that the annual time taken to produce the ‘Notified D’ reports, amounts to the equivalent of one FTE member of the planning team.
17. Whilst technology has changed significantly over the last 30 years, the desire for good communications has not, and a good working relationship between officers and Councillors remains essential. Councillors know they can discuss any application at any time with the case officer and, if need be, call any application to the Planning Committee, provided it is on sound planning grounds. There is a well-used and straight forward process currently in operation and this will not change. However, the ‘Notified D’ report process is resource intensive and is no longer fit for purpose. It is considered that the weekly list performs the same function more efficiently, while officers believe this can be enhanced by making improvements to the weekly list and signposting new applications more clearly on a ward basis, so that Councillors are fully aware of new submissions in their local area at the outset, and allow them to call applications to Committee (for planning reasons) up to seven days (no later than 5pm on the last day) after the closure of any weekly list publicity period.
18. At a time when efficiency savings and service performance are increasingly critical to the Council, customers and stakeholders the benefits to changing the delegation scheme by removing the outdated and resource intensive ‘Notified D’ report process are:
- Members will still be able to call any planning application to the Planning Committee up to seven days (no later than 5pm on the last day) after the close of any weekly list publicity period, relying on an enhanced weekly list and better communications with officers.
  - At a time when recruitment is very difficult for the reasons set out above the resource saving can be reinvested to help improve performance (speed of decision) particularly in the “other” and “minor” category of planning applications.
  - Scope to review and enhance resources in other parts of the Development Management function including Pre-app service, appeals service and

Enforcement.

## Conclusion

19. The 'Notified D' system was introduced in an analogue world which is no longer fit for purpose. It is resource intensive and has no additional benefits to Members who are able to discuss and call applications from the weekly list. Removing the 'Notified D' system and enhancing the "signposting" for local ward Members on the weekly list will enhance Councillors' awareness of applications in their area to encourage discussions with officers and if necessary, call to the Planning Committee. This will allow the resources savings to be used in improving performance.
20. In accordance with Article 15 - Review and Revision of the Constitution, 15.3 Changes to the Constitution, as this matter is in connection with officer delegations that flow from the Planning Committee, this matter does not require full Council approval.

## Implications

### Financial Implications

No additional financial implications identified

### Legal Implications

Amend the delegation scheme in the Constitution

### Environmental Implications

None

### Human Resources Implications

None

### Risk Implications

Failure to revise the Constitution to simplify the planning delegation system will mean a continuation of a not fit for purpose and resource intensive system adding continuing pressure on an already over stretched planning department.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		
Executive Director:	Dr Anthony Leonard		
Proper Officer:	Tim Hickling – Head of Strategy and Planning		
Report Contact Officer:	Tim Hickling – Head of Strategy and Planning		
e-mail address:	<a href="mailto:tim.hickling@rother.gov.uk">tim.hickling@rother.gov.uk</a>		
Appendices:	N/A		

Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

## Rother District Council

**Report to:** Planning

**Date:** 13 August 2020

**Title:** Appeals

**Report of:** Tim Hickling

**Ward(s):** All

**Purpose of Report:** To update the Planning Committee

**Officer**

**Recommendation(s):** It be **RESOLVED:** That the report be noted.

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### **APPEALS LODGED**

RR/2019/1565/P (Delegation)	BATTLE: High Views – Land Adjoining, Loose Farm Lane, Battle Change of use of existing agricultural land, for stationing of 2 mobile homes for residential purposes by gypsy family members, together with provision of communal utility/day-room. Extended family members linked to adjoining high views approved gypsy site. Ms A Searle
RR/2020/396/T (Delegation)	BEXHILL: 44 Collington Rise, Oakwood, Bexhill Horse Chestnut – Remove approximately 6ft all round to remove dead branches Mr Peter Bennett
RR/2019/2193/P (Delegation)	BURWASH: British Red Cross Society Centre, Highfields, Burwash Removal of an old timber structure and replacement with two semi-detached small dwellings. Matrix Claim Services
RR/2020/135/P (Delegation)	CROWHURST: Badgers End, Breadsell Lane, Crowhurst Variation of Condition 1 imposed on planning permission RR/2018/376/P to allow retention of mobile home for a further two years. Ms Jane Masters
ENF/203/17/HUG (Enforcement)	HURST GREEN: Cygnet Fields Farm, London Road, Hurst Green Residential use of caravan. Mr E. Smith

RR/2019/306/P (Delegation)	SEDLSCOMBE: The Oast, Battle Barn Farm, New Road, Sedlescombe Reinstatement of cast roundel including conical roof and cowl. Replacement of concrete tiled roof with clay tiles. Demolition of existing conservatory, erection of new orangery and ground floor bedroom. Cladding of first floor of main building. Mr Michael Ashenheim
RR/2019/2848/L (Non-determination)	TICEHURST: Shovers Green House, Shovers Green, Wadhurst, Ticehurst Conversion of existing outbuilding to dwelling. Mr George Pulman
RR/2019/2847/P (Non-determination)	TICEHURST: Shovers Green House, Shovers Green, Wadhurst, Ticehurst Conversion of existing outbuilding to dwelling. Mr George Pulman
RR/2020/427/P (Delegation)	UDIMORE: Newmans Oast, Udimore Road, Udimore Refurbishment and alterations to existing non listed oast house and new single storey extension. Demolition of outbuildings, erection of new garage and landscaping works. Mr and Mrs F. and I. Powles

### **APPEALS STARTED**

RR/2019/2710/P (Delegation)	BATTLE: Marley Farm, Marley Lane, Battle Redevelopment of farm complex to provide a new dwelling. Deklands Ltd
RR/2019/2380/P (Delegation)	BATTLE: 41 North Trade Road, Oast House, Lower Almonry, Farm, Battle Conversion of historic agricultural building to residential use with extension including basement and lightwells. Mr and Mrs Roger and Karen Soan
RR/2019/2192/P (Delegation)	BEXHILL: 45 Sea Road, Bexhill Drop kerb to front of property to create off road parking. Ms Alison Fowler
RR/2019/2525/P (Committee - Reversal)	MOUNTFIELD: Park Pale Meadow, Mountfield Lane, Mountfield Removal of Conditions 6 and 7 imposed on RR/2019/1370/P. Ms Sam Swift
RR/2019/2716/P (Delegation)	NORTHIAM: Rother Valley Caravan and Camping Park, Station Road, Northiam Siting of 8 No. additional static caravans. Mr M. Sulman

RR/2019/2853/P  
(Delegation)

NORTHAM: Cartref, Dixter Lane, Northiam  
Erection of a wooden motorbike garage.  
Mrs Lisa Hooper

### **APPEALS ALLOWED**

NONE

### **APPEALS DISMISSED**

RR/2019/2126/P  
(Delegation)

BATTLE: Hughs' Field, Land opposite Caldbec House,  
Caldbec Hill, Battle  
Residential development of 5 No. dwellings served by upgraded  
existing field access, together with erection of tractor shed and  
stable building.  
Mr N. Whistler

RR/2020/3/P  
(Delegation)

PEASMARSH: Lyndhurst, Main Street, Peasmarsch  
Removal of Conditions 6 and 7 and variation of Conditions 3, 4  
and 5 imposed on planning permission RR/2017/1843/P to  
allow use of holiday let cottage as separate residential dwelling.  
Mr Terry Denman

### **APPEALS WITHDRAWN**

NONE

### **FORTHCOMING HEARINGS/INQUIRIES**

RR/2019/2250/DC  
(Delegation)

BEXHILL: Buckholt Lane – Land at  
Submission of details reserved by Conditions 8, 9, 10, 15 and 29  
imposed on RR/2017/2181/P.

RR/2019/2014/T  
(Delegation)

GUESTLING: Little Broomham – Land in front, Church Lane  
Hedge clipping to all sides and tops of Holly hedges.

RR/2019/1814/T  
(Delegation)

SALEHURST/ROBERTSBRIDGE: 1 Blenheim Court, George  
Hill  
T1 – Horse Chestnut Tree – Fell.

Details of the above Hearings/Inquiries to be confirmed by  
Planning Inspectorate.

## Implications

### Financial Implications

No additional financial implications identified

### Legal Implications

None

### Environmental Implications

None

### Human Resources Implications

None

### Risk Implications

None

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Executive Director:	Dr Anthony Leonard
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e-mail address:	<a href="mailto:tim.hickling@rother.gov.uk">tim.hickling@rother.gov.uk</a>
Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A