

## Planning Committee

- Date and Time - **Thursday 23 June 2022**  
**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 - **Council Chamber, Town Hall, Bexhill-on-Sea**

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### Councillors appointed to the Committee:

J. Vine-Hall (Chair), S.M. Prochak, MBE (Vice-Chair), Mrs M.L. Barnes, T.J.C. Byrne, G.C. Curtis, S.J. Errington, A.E. Ganly, P.J. Gray, K.M. Harmer (ex-officio), L.M. Langlands, C.A. Madeley, A.S. Mier, Rev H.J. Norton and G.F. Stevens (+1 vacancy).

**Substitute Members:** J. Barnes, Mrs V. Cook and B.J. Drayson.

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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 26 May 2022 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 WITHDRAWN APPLICATIONS

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.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 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/2020/2132/P - 29 SEABOURNE ROAD, BEXHILL** (Pages 3 - 26)

8. **RR/2022/240/P - BATTLE GREAT BARN, LAND ADJACENT TO MARLEY LANE** (Pages 27 - 40)

9. **RR/2021/1573/P - NEW HOUSE FARM, SHEEPSTREET LANE, ETCHINGHAM** (Pages 41 - 58)

10. **RR/2021/1574/L - NEW HOUSE FARM, SHEEPSTREET LANE, ETCHINGHAM** (Pages 59 - 64)

11. **RR/2022/289/L - SHELTER NUMBER 1, EAST PARADE, BEXHILL** (Pages 65 - 70)

12. **RR/2022/602/P - 22 CRANSTON AVENUE, BEXHILL** (Pages 71 - 76)

13. **RR/2022/497/P - 2 WOODSIDE, PETT ROAD, PETT** (Pages 77 - 82)

14. **APPEALS** (Pages 83 - 94)

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

Tuesday 19 July 2022 at 9:00am departing from the Town Hall, Bexhill.

Malcolm Johnston  
Chief Executive

Agenda Despatch Date: 15 June 2022

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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	-	23 June 2022
Report of the	-	Director - Place and Climate Change
Subject	-	Planning Applications – Index

**Director: Ben Hook**

## 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 Director - Place and Climate Change in writing by 9am on the Monday before the meeting at the latest. Any representation received after this time cannot be considered.

### 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 Director - Place and Climate Change can be delegated the authority to issue the decision of the Planning Committee once the requirements of the Committee have 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. This delegation also allows the Director - Place and Climate Change 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/2020/2132/P</a>	BEXHILL	29 Seabourne Road The Warren – Plot 3 Bexhill TN40 2SN	3
8	<a href="#">RR/2022/240/P</a>	BATTLE	Battle Great Barn – Land adj, Marley Lane, Battle TN33 0RB	27
9	<a href="#">RR/2021/1573/P</a>	ETCHINGHAM	New House Farm Sheepstreet Lane Etchingam TN19 7AY	41
10	<a href="#">RR/2021/1574/L</a>	ETCHINGHAM	New House Farm Sheepstreet Lane Etchingam TN19 7AY	59
11	<a href="#">RR/2022/289/L</a>	BEXHILL	Shelter Number 1 Marina/De La Warr Parade Bexhill	65
12	<a href="#">RR/2022/602/P</a>	BEXHILL	22 Cranston Avenue Bexhill TN39 3QD	71
13	<a href="#">RR/2022/497/P</a>	PETT	2 Woodside Pett Road Pett T35 4HB	77

<div>SITE PLAN</div> <div>RR/2020/2132/P</div>	<div>BEXHILL</div> <div>20 Seabourne Road The Warren – Plot 3</div>
	

## Rother District Council

Report to - Planning Committee  
Date - 23 June 2022  
Report of the - Director - Place and Climate Change  
Subject - Application RR/2020/2132/P  
Address - 29 Seabourne Road  
The Warren - Plot 3  
BEXHILL  
Proposal - Demolition of existing bungalow and detached garage and construction of 3 No. new houses (previously approved under planning permission RR/2017/2588/P).

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT (FULL PLANNING) DELEGATED (SUBJECT TO A SECTION 106 LEGAL AGREEMENT TO SECURE AN OFF-SITE RECEPTOR SITE FOR THE EXISTING REPTILE POPULATION)**

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**Director: Ben Hook**

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**Applicant:** Mr Andrew Stewart Christie  
**Agent:** Mr Andrew Stewart Christie  
**Case Officer:** Mr Edwin Corke  
(Email: [edwin.corke@rother.gov.uk](mailto:edwin.corke@rother.gov.uk))

**Parish:** Bexhill Pebsham/St Michaels  
**Ward Members:** Councillors J.H.F. Brewerton and C.A. Clark

**Reason for Committee consideration:** Director – Place and Climate Change referral: Significant public interest received in relation to the impact of the proposed development on wildlife, particularly badgers.

**Statutory 8-week date:** 29/10/21  
**Extension of time agreed to:** 23/02/2022

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Members visited the application site prior to the Planning Committee meeting on 26 May 2022.

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### 1.0 UPDATE

1.1 The application was reported to the May Planning Committee with an officer recommendation to grant planning permission subject to a legal agreement to secure an off-site receptor site for the existing reptile population, and

subject to planning conditions, some of which secure mitigation and compensation measures for badgers.

- 1.2 Members raised concern about the impact of the proposal on badgers despite being able to secure appropriate mitigation and compensation measures using planning conditions. Having regard to legal advice, Members resolved to defer a decision to consider/review the Government guidance *'Protected species and development: advice for local planning authorities (How to assess a planning application when there are protected species on or near a proposed development site)'*.
- 1.3 Section 4 of the guidance requires local planning authorities to consider if a licence is likely to be granted before planning permission is granted. The main points are as follows:
- Protected species licensing requirements are in addition to the requirements for planning permission. Licences are subject to separate processes and specific policy and legal tests.
  - You must be satisfied that if a licence is needed it is likely to be granted by Natural England (NE) or DEFRA before you give planning permission.
  - For European Protected Species (EPS) you need to check that:
    - the activity is for a certain purpose, for example it's in the public interest to build a new residential development;
    - there is no satisfactory alternative that will cause less harm to the species; and
    - the development does not harm the long-term conservation status of the species.
  - If the developer does not meet the three for EPS, NE or DEFRA cannot issue them with a licence for their activity. The developer may not be able to implement their planning permission. NE cannot provide advice on this. You should seek legal advice if you are not sure about the tests.
  - Licensing policies for EPS allow flexibility from industry standards and aim to reduce unnecessary costs, delays and uncertainty, and achieve better conservation outcomes. Where a developer relies on these policies you need to take into account whether NE or DEFRA are likely to grant a licence for the proposed development.
- 1.4 Section 5 of the guidance specifically relates to making a decision about a planning application. It says that if the proposal is likely to affect a protected species you can grant planning permission where:
- A qualified ecologist has carried out an appropriate survey (where needed) at the correct time of year.
  - There's enough information to assess the impact on protected species.
  - All appropriate avoidance and mitigation measures have been incorporated into the development and appropriately secured.
  - A protected species licence is needed it is likely to be granted by NE or DEFRA.
  - Any compensation measures are acceptable and can be put in place.
  - Monitoring and review plans are in place, where appropriate.
  - All wider planning considerations are met.
- 1.5 In this case, the crux of the matter is whether a protected species licence is likely to be granted by NE. If it is, then planning permission should be

granted for the proposal, as all of the criteria set out under section 5 of the guidance will have been met.

- 1.6 Legal advice has been sought and the two responses received from NE has been assessed. The responses set out matters that NE will consider when a licence application is ultimately made and the fact that the developer will ultimately have to satisfy NE on matters of mitigation in order to obtain the licence. Neither email gives an indication of the actual outcome of such an application.
- 1.7 The Government guidance does not require the that Local Planning Authority correctly foretell the outcome of a licence application but only to consider its likelihood. It is advised that in the current case, NE has indicated that there would be adverse impact from the development proposed (so that a licence will be required) but has not provided any indication, let alone a negative one, of the outcome of a future application. On that basis, it would seem a reasonable inference to draw that NE is reasonably likely to grant a future licence application upon the developer satisfying NE that appropriate mitigation is to be provided. This assessment is strengthened having regard to the judgment in *R(oao Prideaux) v Buckinghamshire CC* [2013] EWHC 1054 (Admin). While the facts of that case are not exactly the same, the Court made a clear finding that it was not up to the Local Planning Authority to step into the shoes of NE nor to 'supervise' NE's function as being responsible for the protection of species and habitats. This view is also echoed in the comments of the County ecologist where she raises no objection particularly in light of NE's role in assessing any ultimate application for a licence.
- 1.8 The Applicant has committed to pursue mitigation and that mitigation could change during consideration of a licence application to NE. The required mitigation is for NE to agree with the Applicant. There is no contradiction from NE or the County Ecologist on this point and hence there is considered to be a likelihood that mitigation could be achieved. A pre-commencement condition requires a licence to be obtained prior to any works on site. Accordingly, if a licence is not granted then no development can take place. If such licence subsequently required amendment of the development scheme, then any amendment is likely to require formal approval from the Local Planning Authority.

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## 2.0 SUMMARY

- 2.1 The proposal is a resubmission of a previously approved scheme for replacement of a bungalow and detached garage with a terrace of three houses. This current application was submitted prior to the previous planning permission expiring.
- 2.2 A key issue is the effect of the proposal on wildlife. In this regard, the Alternative Badger and Reptile Mitigation Strategy proposes the creation of an artificial sett on the site – located to the east of the existing main sett – followed by the permanent closure of the main and annex setts, and the establishment of underground barriers to prevent badgers tunnelling into neighbouring properties. The alternative strategy also proposes the creation of a 5m wide badger/reptile/biodiversity habitat area across the northern part



of the site, with the existing reptile (slow worm) population relocated to this area – this is as per the original mitigation strategy.

- 2.3 The County Council ecologist accepts that the alternative mitigation strategy would be the best option to retain badgers on site, and to address the concerns raised about them being displaced into, and excavating under, neighbouring properties. A Badger Mitigation Licence would be required from NE to execute the works, but it should be noted that NE will not consider a mitigation licence application until planning permission has been granted for the proposal. It should also be noted that planning permission gives no guarantee that NE will grant a licence. Without a licence, the proposed development will not be able to proceed. As a safeguard, a condition can be attached to the planning permission requiring proof that a licence has been obtained prior to works commencing.
- 2.4 With regard to the proposed reptile mitigation, the County ecologist has advised that the construction of an artificial sett would impact all remaining reptile habitat on site, and as such, an off-site receptor site for the existing reptile population would need to be secured. A Section 106 Legal Agreement would be required to secure this off-site receptor site.
- 2.5 Overall the proposal is for a sustainable residential development, which will have an acceptable impact on the environment, including wildlife, and will make a positive contribution to the District's housing supply. Planning permission should be granted, subject to a legal agreement to secure an off-site receptor site for the existing reptile population, and subject to appropriate conditions.

2.6 PROPOSAL DETAILS

PROVISION	
No of houses	3
CIL (approx.)	£16,781
New Homes Bonus (approx.)	£20,052

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**3.0 SITE**

- 3.1 The application relates to a vacant residential plot located on the northern side of Seabourne Road, close to the junction with Bishops Walk. It lies within a large residential area within the Development Boundary for Bexhill.
- 3.2 The site slopes down from south to north and previously contained a detached bungalow and single garage. Ecological surveys have confirmed the presence of two badger setts and slow worms.
- 3.3 There are three adjoining properties – No. 4 Bishops Walk, which is a detached bungalow to the north, No. 33 Seabourne Road, which is a detached bungalow to the east, and No. 2 Bishops Walk, which is a detached bungalow to the west.
- 3.4 The surrounding area contains a mixture of bungalows, chalet-bungalows and two-storey houses on varying plot sizes. There is a variety of facing materials including brick, tile hanging and render.

## **4.0 PROPOSAL**

- 4.1 In January 2015 planning permission (Application Ref: RR/2014/1455/P) was granted for demolition of existing bungalow and detached garage and construction of three new houses on the site, arranged as a terrace. This was subsequently renewed in January 2018 under Application Ref: RR/2017/2588/P. The planning permission was never implemented and expired in January 2021.
- 4.2 The current application was submitted prior to the previous planning permission expiring and is a resubmission of that scheme. It is once again proposed to erect a terrace of three 2/3-bedroom dwellings on the site, in-between the neighbouring properties on either side.
- 4.3 The building follows a chalet-style design with first floor accommodation provided within the roof space. The main pitched roof faces Seabourne Road and has two pitched roof dormers in both the front and rear slopes. The main roof is flanked on either side by slightly lower gable-ended pitched roofs. These run at right angles to the main roof with the gable ends facing the front and rear of the site respectively. The external materials palette consists of brickwork and tile hanging to the walls and plain tiles to the roof.
- 4.4 Due to the sloping nature of the site, the building height increases to the rear as the ground level falls away.
- 4.5 The proposal includes the formation of a shared vehicular access onto Seabourne Road and the creation of a shared car parking and turning area in front of and to the side of the dwellings.
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## **5.0 HISTORY**

- |     |                |  |
|-----|----------------|--|
| 5.1 | RR/2014/459/P  | Demolition of existing bungalow and detached garage and construction of 3 No. new houses – Refused.  |
| 5.2 | RR/2014/1455/P | Demolition of existing bungalow and detached garage and construction of 3 new houses – Granted.  |
| 5.3 | RR/2017/2588/P | Demolition of existing bungalow and detached garage and construction of 3 No. new houses – Granted.  |
| 5.4 | RR/2021/1234/P | Demolition of existing dwelling and construction of 3no detached family dwellings including gardens, parking and access to Seabourne Road (alternative proposal to RR/2020/2132/P) – Not yet determined. |
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## **6.0 LEGISLATION AND POLICIES**

- 6.1 The following wildlife legislation is relevant to the proposal:
- Wildlife and Countryside Act 1981
  - Protection of Badgers Act 1992
  - Natural Environment and Rural Communities Act 2006
  - Environment Act 2021

- 6.2 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)
  - BX1 (Overall Strategy for Bexhill)
  - BX3 (Development Strategy)
  - SRM1 (Towards a Low Carbon Future)
  - SRM2 (Water Supply and Wastewater Management)
  - CO6 (Community Safety)
  - EN3 (Design Quality)
  - EN5 (Biodiversity and Green Space)
  - EN7 (Flood Risk and Development)
  - TR3 (Access and New Development)
  - TR4 (Car Parking)
- 6.3 The following policies of the [Development and Site Allocations Local Plan 2019](#) are relevant to the proposal:
- DRM1 (Water Efficiency)
  - DRM3 (Energy Requirements)
  - DHG3 (Residential Internal Space Standards)
  - DHG4 (Accessible and Adaptable Homes)
  - DHG7 (External Residential Areas)
  - DHG11 (Boundary Treatments)
  - DHG12 (Accesses and Drives)
  - DEN1 (Maintaining Landscape Character)
  - DEN4 (Biodiversity and Green Space)
  - DEN5 (Sustainable Drainage)
  - DEN7 (Environmental Pollution)
  - DIM2 (Development Boundaries)
- 6.4 The National Planning Policy Framework, Planning Policy Guidance, Government guidance entitled *Protected species and development: advice for local planning authorities (How to assess a planning application when there are protected species on or near a proposed development site)* and previous planning permissions are also material considerations.
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## 7.0 CONSULTATIONS

- 7.1 [Lead Local Flood Authority \(East Sussex County Council\)](#) – **UNABLE TO RESPOND**
- 7.2 [East Sussex County Council Ecologist](#) – **NO OBJECTION**
- 7.2.1 Subject to securing an off-site receptor site for the existing population of reptiles and the imposition of conditions.
- 7.3 [Natural England](#) – **GENERAL COMMENT**

- 7.3.1 A Badger Mitigation Licence is required. Natural England will not consider a mitigation licence application until planning permission has been granted.
- 7.3.2 Notwithstanding the above, Natural England is concerned that there appears to be insufficient space at the site, advising that the development plans will need to be altered in order to practically accommodate the badgers in an artificial sett on site.
- 7.4 Waste & Recycling (Rother District Council) – NO OBJECTION
- 7.4.1 The three sets of bins would need to be presented where the entrance to the drive meets the main road.
- 7.5 Planning Notice
- 7.5.1 Over 600 letters of **OBJECTION** have been received. The main concern raised is summarised as follows:
- Badgers should not be harmed.
- 7.5.2 Additional concerns raised are summarised as follows:
- Overdevelopment of the site.
  - Design not in keeping with the character and appearance of the area.
  - Overlooking and loss of privacy.
  - Loss of light to neighbours.
  - Overshadowing of neighbouring properties.
  - Inadequate parking provision.
  - Proposed gardens would be restricted in size and out of keeping with large gardens of surrounding properties.
  - The location of at least one of the proposed soakaways appears to be directly on a badger sett.
  - Inadequate surface water drainage provision resulting in increased flood risk to surrounding properties.
  - Poor architectural design.
  - Overbearing.
  - Noise, fumes and extra traffic.
  - Harmful to wildlife.
  - No tree survey included – potential impact on bats using trees as roosts.
  - Works have already been carried out on the site (e.g. buildings partly demolished), which have been harmful to wildlife.
  - County Ecologist recommends the buildings are moved 3m south, which would take them out of the building line, so against the character of the area.
  - County Ecologist recommends construction near the badger sett should be conducted by hand tools as far as possible. Is it a serious expectation that the developers will construct portions of the houses with hand tools?
  - Details of the badger setts not shown on the Council's website.
  - Why not simply leave what there already is and reduce the footprint of the building to a similar style - a single storey single dwelling.
  - Development has and will continue to affect health unless refused.
  - The developer is relying on the previously granted application as having given 'principle of development'.

- Previous application did not meet the criteria yet was granted - suggests this is already decided and will go ahead.
- Physical changes to the application site and changes to legislation etc. since the 2014 grant of planning permission have not been mentioned.
- The bus stop was also moved.
- A site visit was conducted on 15/2/22 but the committee members did not look around the site. Another site visit should be conducted to fully appreciate the existing situation and the implications of the proposed development on the badgers and neighbouring properties.
- Developer should submit scaled drawings showing the relationship of the build to each of the 3 properties surrounding the site, as the topography of the land is not clear from existing drawings.
- It would be useful if the full plans and all correspondence relating to the proposal are shown under this planning application reference, as a lot of the paperwork is missing. It is very difficult to understand what is proposed.
- The Committee should have unredacted paperwork so that they are able to make an informed decision.
- Natural England have quite clearly stated there is insufficient space for an artificial badger sett to be built where proposed by the Ecology Co-op.
- Planning department needs to know whether a licence is likely to be issued by Natural England in order to be able to approve planning permission under the Standing Advice.
- Proposal cannot comply with the 'net biodiversity gain' required under new legislation.
- Impossible to risk assess potential damage to neighbouring properties as the advanced ground radar technology did not provide sufficient evidence for a mitigation plan. Advice from the previous ecologist stated a more extensive search was carried out, this did not happen.
- A new tunnel has been built by the badgers.
- The previous application in February 22 was deferred to explore the effects on the neighbours properties and on the wildlife on this development. How has this been evidenced?
- How will the development affect the neighbours if the badgers remain?
- The ecologist states that cameras are needed to be set up to gain knowledge of where badger tunnels extended to on neighbouring properties and monitor badger activity.
- Applicant has not provided details of how neighbouring boundaries and properties are to be protected.
- Developers and the police do not appear to be concerned for established wildlife on site. What guarantee is there that the developers will adhere to any promises if not given in writing?
- Who will be responsible for structural damage once machinery starts digging 2 metre trenches?
- The 5m exclusion zone for the badgers how long does anyone think they will survive locked in this area, it is all very unclear on the ecology report and nothing is drawn to scale so impossible for anyone to know proposed size of artificial sett.

7.5.3 Four letters of **SUPPORT** have been received. The reasons are summarised as follows:

- Will provide affordable local homes.

- Construction period will provide lots of local businesses with work.
- Derelict site will be a brilliant place for beautiful homes to develop.

7.5.4 Three letters with **GENERAL COMMENTS** have been received. The comments are summarised as follows:

- Badgers should not be harmed.

7.6 Bexhill Town Council – **NO COMMENTS RECEIVED**

7.6.1 The planning application was submitted before the Town Council was created.

## 8.0 LOCAL FINANCE CONSIDERATIONS

8.1 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 £16,781.

8.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £20,052 over four years.

## 9.0 APPRAISAL

9.1 The main issues are determined to be:

- The effect of the proposal on the character and appearance of the area.
- The effect of the proposal on wildlife.
- The effect of the proposal on the amenities of neighbouring properties.
- Whether the proposal would be capable of accommodating the reasonable expectations of likely occupiers, including in terms of indoor and outdoor space and the provision of appropriate means of access for disabled users.
- Highway matters, including parking provision.
- Foul and surface water drainage provision.

9.2 Character and appearance of the area

9.2.1 Policies OSS4 (iii) and EN3 of the Core Strategy and Policy DEN1 of the DaSA Local Plan seek to ensure that new development is of high design quality that respects, contributes positively towards, and does not detract from the character and appearance of the locality.

9.2.2 The surrounding area contains a mixture of bungalows, chalet-bungalows and two-storey houses on varying plot sizes. There is a variety of facing materials including brick, tile hanging and render.

9.2.3 As per the previously approved schemes, the proposal would introduce a terrace of 3 houses on the site. The new building would be larger than the previous bungalow and would therefore be more prominent in the street

scene. However, it would be set well back from the road – in line with the established building line – with good separation to the side and rear boundaries. The building also follows a chalet-style design which seeks to avoid excessive height or bulk. The main pitched roof of the proposed terrace would only be some 400mm higher than the roof of the previous bungalow. In addition, the proposed external materials palette of brickwork and tile hanging to the walls and plain tiles to the roof would be in keeping with the mix of facing materials in the surrounding area.

- 9.2.4 The above combination of factors would allow the proposal to integrate appropriately with the surrounding development. Conditions relating to external materials, hard and soft landscaping, and boundary treatment are necessary in order to preserve the visual amenities of the area.

### 9.3 Wildlife

- 9.3.1 A significant number of objections have been received about the impact of the proposed development on wildlife, particularly badgers.

- 9.3.2 Section 40(1) of the Natural Environment and Rural Communities Act 2006 says that:

*“The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”*

- 9.3.3 Policy EN5 (ix) of the Core Strategy and Policy DEN4 (ii) of the DaSA Local Plan require developers to integrate biodiversity into development schemes by avoiding adverse impacts from development on biodiversity or habitat, or where wholly unavoidable, provide appropriate mitigation against or compensation for any losses.

- 9.3.4 The Applicant has submitted ecological reports produced in October and November 2021. There are three ecological constraints associated with this site: badgers, reptiles and breeding birds. However, none of these preclude the proposed development.

- 9.3.5 With regard to badgers, these are protected under the Protection of Badgers Act 1992. Under the Act, it is an offence *inter alia* to: wilfully kill, injure or take a badger, or attempt to do so; cruelly ill-treat a badger; or intentionally or recklessly interfere with a badger sett, by a) damaging a sett or any part of one, b) destroying a sett, c) obstructing access to or any entrance to a sett, d) causing a dog to enter a sett, or e) disturbing a badger when it is occupying its sett. Activities that can affect badgers include noise, additional lighting or vibration.

- 9.3.6 Surveys have confirmed the presence of two setts on site: a main sett with eight active entrances in the north-west part of the site (with an additional two entrances in the garden of the neighbouring property, no. 2 Bishops Walk); and an annex/subsidiary sett with one active entrance by the western site boundary.

- 9.3.7 The original mitigation strategy recommended retention of the main sett, with safeguards to protect badgers during development, and closure of the

annex sett under licence. It also proposed the creation of a 5m wide badger/reptile/biodiversity habitat area across the northern part of the site. The Applicant's new ecological consultant says:

*"The problem with this strategy is that once excluded from the main sett, the displaced badgers would have no alternative place of shelter and are likely to establish new setts elsewhere. This could lead to significant management problems within the active construction site, and a high risk of damage to neighbouring properties by displaced badgers. In the long term, the risk of structural damage to the new properties and neighbours remains the same once the development has been completed."*

9.3.8 The proposed alternative mitigation strategy is as follows:

*"The proposed solution put forward by the Ecology Co-op involves the creation of an artificial sett on the north-east corner of the site and then permanently excluding badgers from both the main and annex setts under licence. This approach will enable permanent underground badger proofing to be installed around the site boundary and development site to prevent badgers from excavating tunnels under neighbouring properties. The proofing works would be completed in two stages, with that in the northeast corner installed before the artificial sett, and then around the area of the main sett once the badgers have been excluded and have established into the artificial sett."*

*This is a standard approach to badger mitigation that Natural England routinely licence, provided that the methods adhere to best practice guidance carried out successfully by The Ecology Co-op on other projects. The proposed 5m buffer zone along the northern section of the site would be retained as set out in the original proposal, together with a corridor for badgers along the western boundary so that badgers can disperse for foraging over their home territory as before the scheme."*

*This strategy does rely on the full co-operation of the neighbouring homeowners to permit ecologists to install one-way badger gates on the main sett entrances and subsequently carry out excavation works to the main sett once badger have been excluded. However, ultimately this approach will be beneficial to them in the long term by preventing badgers from extending the sett under their property, whilst still ensuring that the badgers are able to continue to exhibit their natural behaviour and remain safe at the site."*

9.3.9 The proposed badger proofing measure is galvanised chain-link fencing buried to a depth of 2m. This underground barrier would prevent badgers digging beneath the adjacent properties. The County ecologist has recommended that the barrier is installed along the western and northern boundaries of the site, and potentially the eastern boundary. The exact position can be secured by condition. In addition to this, the Applicant has now agreed to fund and install above-ground badger proofing to the eastern and western boundaries in order to prevent direct access by badgers from the active main sett from entering the gardens of the adjacent properties.

9.3.10 The County ecologist accepts that the alternative mitigation strategy would be the best option to retain badgers on site, and to address the concerns



raised about them being displaced into, and excavating under, neighbouring properties. A Badger Mitigation Licence would be required from NE to execute the works, but it should be noted that NE will not consider a mitigation licence application until planning permission has been granted for the proposal. It should also be noted that planning permission gives no guarantee that NE will grant a licence. Without a licence, the proposed development will not be able to proceed.

- 9.3.11 At this stage NE has advised that there appears to be insufficient space at the site, advising that the development plans will need to be altered in order to practically accommodate the badgers in an artificial sett on site. The Applicant's ecological consultant has also pointed out that the proposed badger mitigation strategy relies on the full co-operation of the neighbouring homeowners to permit ecologists to install one-way badger gates on the main sett entrances and subsequently carry out excavation works to the main sett once badger have been excluded. These matters are however, subject to consideration under the Badger Mitigation Licence application, which cannot be made to NE until planning permission has been granted for the proposal. It should also be noted that any badger mitigation could change during consideration of a licence application to NE. Any changes to the design and layout etc. of the development which may arise from the licencing regime, would need to be subject to formal consideration. As a safeguard, a condition can be attached to the planning permission requiring proof that a Badger Mitigation Licence has been obtained prior to works commencing.
- 9.3.12 The Applicant has committed to pursue mitigation and that mitigation could change during consideration of a licence application to NE. The required mitigation is for NE to agree with the Applicant. There is no contradiction from NE or the County Ecologist on this point and hence there is considered to be a likelihood that mitigation could be achieved. Given that likelihood, having regard to the Government guidance it is considered reasonable to grant permission subject to the recommended conditions.
- 9.3.13 Turning to reptiles, slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981.
- 9.3.14 A reptile survey has confirmed a good population of slow worms distributed across the site, with the presence of juveniles indicating that it is a breeding population.
- 9.3.15 The proposed development would result in the loss of the majority of suitable reptile habitat. The alternative mitigation strategy proposes the creation of a 5m wide badger/reptile/biodiversity habitat area across the northern part of the site, with the existing reptile (slow worm) population relocated to this area. This is as per the original mitigation strategy. However, the County ecologist has advised that the construction of an artificial sett would impact all remaining reptile habitat on site, and as such, an off-site receptor site for the existing reptile population will need to be secured. The Applicant's ecological consultant has accepted this and is currently exploring options for receptor sites in the local area. Ultimately, the provision of an off-site receptor site will need to be secured through a Section 106 Legal Agreement. A detailed ecological design strategy

addressing the rescue and translocation of reptiles has been recommended by the County ecologist and this can be secured by condition.

- 9.3.16 With regard to breeding birds, no bird nests were observed on the date of survey. Notwithstanding this, the site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981, wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In order to avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
- 9.3.17 The above information regarding breeding birds can be brought to the Applicant's attention by way of a note on the decision notice.
- 9.3.18 Neighbours are concerned that the proposal will not secure the minimum 10% Biodiversity Net Gain, as required by the Environment Act 2021. For the avoidance of doubt, this does not become a mandatory requirement until November 2023. Nevertheless, measures to enhance the site for biodiversity can be secured by condition.

#### 9.4 Amenities of neighbouring properties

- 9.4.1 Policy OSS4 (ii) of the Core Strategy requires development to not unreasonably harm the amenities of adjoining properties.
- 9.4.2 The application site is enclosed by residential properties on three sides. Use of the site would intensify as a result of the proposal, but there is nothing intrinsically harmful about domestic activities taking place in a residential area within a defined settlement. It is not considered that the intensification in use and resulting noise and disturbance (including from additional vehicle movements) arising from two additional dwellings would be unduly intrusive to neighbouring occupiers. Therefore, the amenities of adjoining properties would not be unreasonably harmed in relation to this matter.
- 9.4.3 In relation to light and outlook, the main bulk of the proposed terrace would be positioned between the flank walls of the neighbouring bungalows on either side (no. 33 Seabourne Road and no. 2 Bishops Walk), with a minimum separation of some 4m to the common boundaries with both those properties. This combination of factors would ensure that the building would not result in loss of light or outlook to the detriment of residential amenity. With regard to the neighbouring property to the north (no. 4 Bishops Walk), the rear elevation of the proposed terrace would be some 17.5m away from the common boundary with that property. This measure of separation would ensure that loss of light and outlook would not occur.
- 9.4.4 Turning to privacy, the main outlook from the windows serving the principal rooms of the proposed dwellings would be over the front and rear gardens of the respective dwellings. Where windows/rooflights are proposed in the side elevations, these are either high level or small hallway windows. For these

reasons, harmful overlooking of the neighbouring properties on either side would not occur. With regard to the neighbouring property to the north (no. 4 Bishops Walk), the separation distance of some 17.5m to that property is considered to be sufficient to prevent harmful overlooking from the rear facing windows of the proposed dwellings.

- 9.4.5 Overall it is not considered that the proposal would unreasonably harm the amenities of neighbouring properties.

## 9.5 Needs of occupiers

- 9.5.1 Policy OSS4 (i) of the Core Strategy requires all development to meet the needs of future occupiers, including providing appropriate amenities.

- 9.5.2 Policy DHG3 of the DaSA Local Plan requires all new dwellings to meet the minimum internal space in line with the Nationally Described Space Standards (NDSS).

- 9.5.3 The proposal is for three 2/3-bedroom houses. The end dwellings would each have a gross internal floorspace of 98sqm. The floorspace of the middle dwelling would be 82qm. According to the NDSS, a minimum gross internal floorspace of 84sqm should be provided for a 3-bedroom two-storey dwelling. This would be achieved for the two end dwellings but not the middle dwelling, which requires an additional 2sqm of floorspace. In this case however, the 'third' bedroom on the ground floor of the middle dwelling does not qualify as a bedroom, as it does not meet the minimum floor area requirement of 7.5sqm for a single bedroom. As the room is also shown as a study on the floor plans, it is treated as such for the purpose of determining this application. In this regard, the middle dwelling would achieve the minimum gross internal floorspace requirement of 70sqm for a 2-bedroom two-storey dwelling.

- 9.5.4 Turning to external space, Policy DHG7 (i) of the DaSA Local Plan normally requires private rear garden spaces of at least 10m in length. Excluding the 5m wide badger/biodiversity habitat area which is to be created across the northern part of the site, each of the dwellings would be provided with a rear garden of some 12.5m in length, which meets this requirement.

- 9.5.5 The provision of appropriately located cycle stores and refuse & recycling storage and collection point facilities can be secured by condition. The cycles sheds shown on the submitted drawings are not approved as they would be located within the badger/biodiversity habitat area.

- 9.5.6 Policy DHG4 of the DaSA Local Plan requires all new dwellings to be built in accordance with Part M4(2) – Accessible and Adaptable Dwellings – of the Building Regulations. Policy DRM1 requires all new dwellings to achieve water consumption of no more than 110 litres per person per day. Both these requirements can be secured by condition.

## 9.6 Highway matters

- 9.6.1 Policies TR3 and CO6 (ii) of the Core Strategy seek to ensure adequate and safe access arrangements and avoid prejudice to road and/or pedestrian safety.

- 9.6.2 Access to the site would be as previously approved (i.e. via a new shared vehicular access from Seabourne Road). It would be some 6m wide, which well exceeds the minimum shared access width of 4.5m specified in the Highway Authority's *Minor Planning Application Guidance*.
- 9.6.3 With regard to car parking provision, Policy TR4 (i) of the Core Strategy requires the residual needs of the development for off-street car parking to be met having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
- 9.6.4 Having regard to the *Minor Planning Application Guidance*, 1 or 2-bedroom dwellings should generally be provided with one car parking space and 3 or 4-bedroom dwellings should generally be provided with two spaces. In this case three 2/3-bedroom dwellings are proposed and a total of 6 spaces (two per dwelling) would be provided. This is as per the previously approved scheme and would satisfy the car parking requirements for the development.
- 9.6.5 For the above reasons there is no objection to the proposal on highway grounds.
- 9.7 Drainage
- 9.7.1 This is a publicly sewered area with both foul and surface water sewers present. With regard to the disposal of foul sewage there is a presumption in favour of connection to the public sewer. This means of foul sewage disposal is proposed for the development, which is acceptable.
- 9.7.2 The application form and Site Plan indicate that surface water would be disposed of by soakaways. These are not approved, as no information/evidence has been provided to demonstrate that soakaways would provide effective disposal of surface water, including from both the dwellings and large area of hardstanding. As such, a pre-commencement condition is necessary in order to resolve this issue before the development commences.
- 9.8 Other matters
- 9.8.1 Restrictions on 'permitted development' rights (e.g. relating to enlargement of the dwellings, erection of outbuildings etc.) are considered to be necessary to safeguard the amenities of neighbouring properties, preserve the visual amenities of the area, retain appropriate outdoor amenity space for occupiers of the dwellings, and to protect habitats and species identified in the ecological surveys from adverse impacts post-development. These can be secured by condition.
- 9.8.2 Concern has been raised about damage being caused to neighbouring properties during the construction period. Ultimately, the developer and/or landowner would be responsible for any damage caused to neighbouring properties.
-

## 10.0 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal is a resubmission of a previously approved scheme, which was extant at the time of submission.
- 10.2 Having regard to the issues of ecology and in particular the impacts upon protected species, the Council has carefully considered the Government guidance *Protected species and development: advice for local planning authorities (How to assess a planning application when there are protected species on or near a proposed development site)*. It is concluded that there is a likelihood for a licence to be granted. Any changes to the design and layout etc. of the development which may arise from the licencing regime, would need to be subject to consideration under a new planning application.
- 10.3 It is a sustainable residential development, which will have an acceptable impact on the environment, including wildlife, and will make a positive contribution to the District's housing supply. Planning permission should be granted, subject to a legal agreement to secure an off-site receptor site for the existing reptile population, and subject to appropriate conditions.

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**RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED (SUBJECT TO A SECTION 106 LEGAL AGREEMENT TO SECURE AN OFF-SITE RECEPTOR SITE FOR THE EXISTING REPTILE POPULATION)**

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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 plan, drawings and document:  
Site Location Plan, dated 08 Dec 2020.  
Drawing no. 5901/100/B (PROPOSED DWELLINGS – SITE PLAN), dated DEC 20 (NB the new soakaways, proposed cycle sheds, proposed boundary treatment and proposed soft landscape works are not approved).  
Drawing no. 1420-P-02C (PROPOSED PLAN AND ELEVATIONS), dated 14-02-14 (NB the sheds are not approved).  
Drawing no. 1420-P-03C (PROPOSED FIRST FLOOR PLAN, SITE PLAN AND SECTION), dated 14-02-14 (NB the sheds are not approved).  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence, including any ground works or works of demolition, until the Local Planning Authority has been provided with either:
  - a) a Badger Mitigation Licence, which relates to the development granted by this planning permission, issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017; or

- b) a statement in writing from Natural England to the effect that it does not consider a Badger Mitigation Licence is required for the development granted by this planning permission.

Reason: A pre-commencement condition is required to ensure the existing badger population is conserved through appropriate mitigation/compensation measures, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014, and Policy DEN4 (ii) of the Development and Site Allocations Local Plan 2019.

- 4. No development shall commence, including any ground works or works of demolition, until an ecological design strategy (EDS) addressing the rescue and translocation of reptiles 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;
  - 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: A pre-commencement condition is required to ensure the existing reptile population is conserved through appropriate mitigation/compensation measures, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014, and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan 2019.

- 5. No development shall commence, including any ground works or works of demolition, until a 5m wide badger/biodiversity habitat area has been created across the northern part of the site, in accordance with details (including a scale plan identifying the area) which have first been submitted to and approved in writing by the Local Planning Authority. The approved badger/biodiversity habitat area shall thereafter be retained and maintained in perpetuity as an undeveloped area.

Reason: A pre-commencement condition is required to ensure the existing badger population is conserved through appropriate mitigation/compensation measures, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014, and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan 2019.

- 6. A landscape and ecological management plan (LEMP) for the 5m wide badger/biodiversity habitat area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall 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;
- 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: A pre-commencement condition is required as 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, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014, and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan 2019.

7. No development shall commence, including any ground works or works of demolition, until a badger corridor has been created along the western boundary of the site, in accordance with details (including a scale plan identifying the corridor) which have first been submitted to and approved in writing by the Local Planning Authority. The approved badger corridor shall thereafter be retained and maintained in perpetuity as an undeveloped area.  
Reason: A pre-commencement condition is required to ensure the existing badger population is conserved through appropriate mitigation/compensation measures, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014, and Policy DEN4 (ii & iii) of the Development and Site Allocations Local Plan 2019.
8. No development shall commence, including any ground works or works of demolition, until details of the following have been submitted to and approved in writing by the Local Planning Authority (LPA), and the development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the LPA:
  - a) badger proofing barriers (including a plan indicating the positions of the badger proofing barriers).
  - b) timetable for installing the badger proofing barriers.
 Reason: To prevent badgers being displaced into, and excavating under, neighbouring properties, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.
9. No development shall commence until a scheme for the provision of surface water drainage works to serve the development has been submitted to and

approved in writing by the Local Planning Authority, and the dwellings shall not be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: A pre-commencement condition is required to ensure the satisfactory drainage of the site and to prevent water pollution, in accordance with Policies SRM2 and EN7 of the Rother Local Plan Core Strategy 2014, and Policy DEN5 of the Development and Site Allocations Local Plan 2019.

10. No development above ground level shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details:

- a) manufacturer's/supplier's specifications of external facing materials.
- b) manufacturer's/supplier's specifications of hard-surfacing materials.
- c) boundary treatment (including a plan indicating the positions, design, height, materials and type of boundary treatment to be erected).
- d) measures to enhance the site for biodiversity.

Reason: To preserve the visual amenities of the area and to enhance the site for biodiversity, in accordance with Policies OSS4 (iii) and EN5 (ix) of the Rother Local Plan Core Strategy 2014, and Policy DEN4 (iii) of the Development and Site Allocations Local Plan 2019.

11. No development above ground level shall take place until a scheme of soft landscape works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Details shall include: Planting plans. Written specifications (including cultivation and other operations associated with plant and grass establishment). Schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To preserve the visual amenities of the area and to enhance the site for biodiversity, in accordance with Policies OSS4 (iii) and EN5 (ix) of the Rother Local Plan Core Strategy 2014, and Policy DEN4 (iii) of the Development and Site Allocations Local Plan 2019.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To preserve the visual amenities of the area and to enhance the site for biodiversity, in accordance with Policies OSS4 (iii) and EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (iii) of the Development and Site Allocations Local Plan 2019.

13. The dwellings shall be constructed in accordance with Part M4(2) (Accessible and Adaptable Dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

Reason: To ensure an acceptable standard of access to the dwellings is provided, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014, and Policy DHG4 of the Development and Site Allocations Local Plan 2019.



14. The dwellings shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that they have been constructed to achieve water consumption of no more than 110 litres/person/day water efficiency as set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage.  
Reason: To ensure the dwelling is water efficient, in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy 2014, and Policy DRM1 of the Development and Site Allocations Local Plan 2019.
15. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the approved drawings.  
Reason: To ensure adequate safe access arrangements, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.
16. No dwelling shall be occupied until car parking and turning areas have been provided in accordance with the approved drawings. The car parking and turning areas shall thereafter be kept available for the parking and turning of motor vehicles and for no other purpose.  
Reason: To ensure there is adequate off-street car parking provision and in the interests of highway safety, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy 2014, and Policy DHG7 (ii) of the Development and Site Allocations Local Plan 2019.
17. No dwelling shall be occupied until secure cycle stores have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The cycle stores shall thereafter be kept available for the parking of bicycles and for no other purpose.  
Reason: To ensure there is adequate cycle parking provision, and to preserve the visual amenities of the area, in accordance with Policy OSS4 (i & iii) of the Rother Local Plan Core Strategy 2014, and Policy DHG7 (ii) of the Development and Site Allocations Local Plan 2019.
18. No dwelling shall be occupied until refuse and recycling storage and collection point facilities have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage and collection point facilities shall thereafter be kept available for the storage and collection of refuse and recycling and for no other purpose.  
Reason: To ensure there is adequate refuse and recycling storage and collection point facilities, and to preserve the visual amenities of the area, in accordance with Policy OSS4 (i & iii) of the Rother Local Plan Core Strategy 2014, and Policy DHG7 (iii) of the Development and Site Allocations Local Plan 2019.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no enlargement of any part of a dwelling shall be carried out without a planning permission granted by the Local Planning Authority.  
Reason: To safeguard the amenities of neighbouring properties, preserve the visual amenities of the area, retain appropriate outdoor amenity space for occupiers of the dwellings, and to protect habitats and species identified in the ecological surveys from adverse impacts post-development, in accordance with Policies OSS4 (i, ii & iii) and EN5 (ix) of the Rother Local Plan Core

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no garages, building, structure or erection of any kind (including wall, fences or other means of enclosure not permitted as part of this development) shall be erected, and no caravan or mobile home shall be kept or stationed on the land, without a planning permission granted by the Local Planning Authority.  
Reason: To safeguard the amenities of neighbouring properties, retain appropriate outdoor amenity space for occupiers of the dwellings, and to protect habitats and species identified in the ecological surveys from adverse impacts post-development, in accordance with Policies OSS4 (i & ii) and EN5 (ix) of the Rother Local Plan Core Strategy 2014, and Policy DEN4 (ii) of the Development and Site Allocations Local Plan 2019.

**NOTES:**

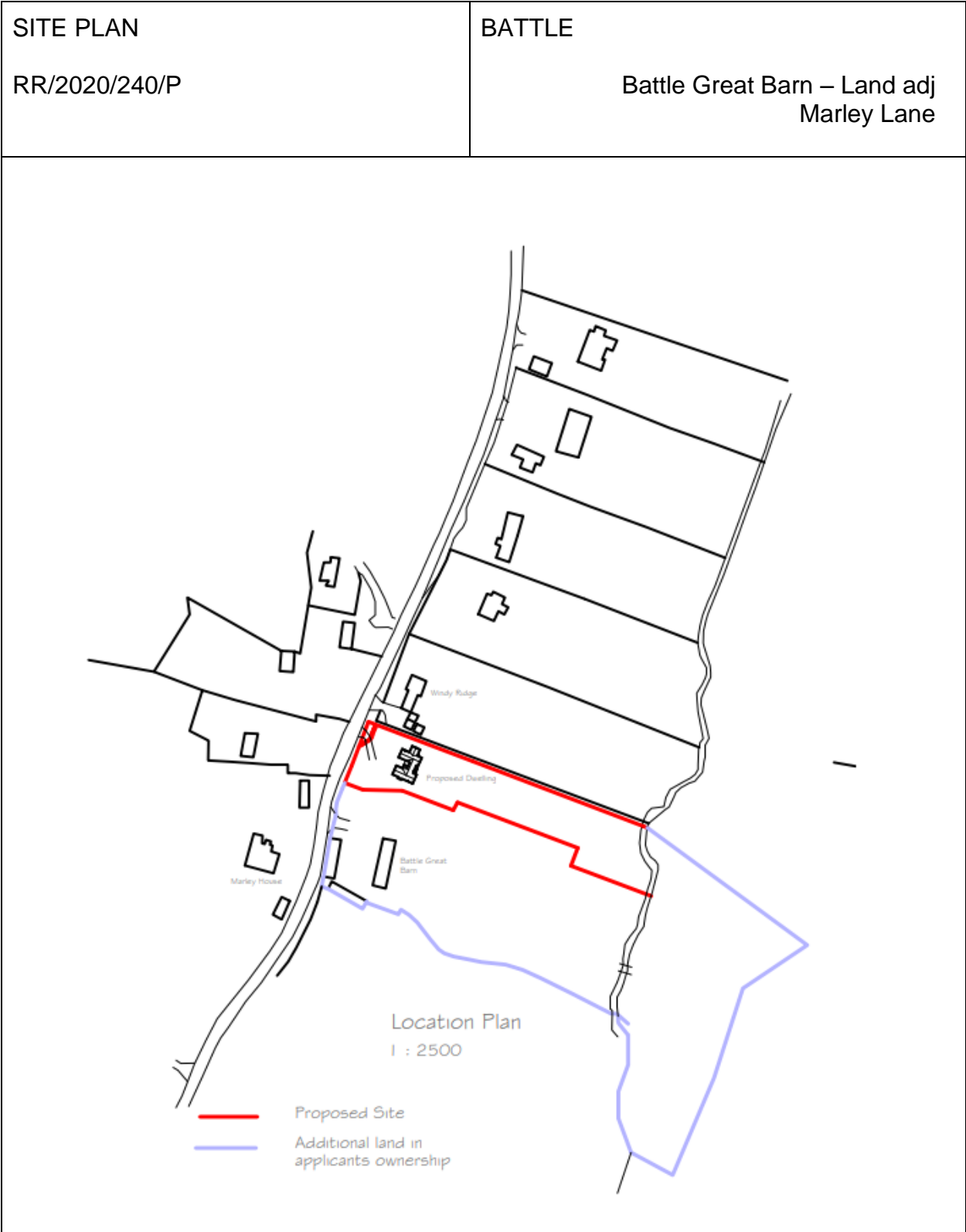
1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. The developer and/or landowner is advised that the site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In order to avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.
3. The developer and/or landowner is reminded that it is an offence to damage or destroy protected species under separate legislation. The granting of planning permission for a development does not provide a defence against prosecution under wildlife protection legislation.
4. The developer and/or landowner is advised that any proposed works on or abutting the existing highway will require a Section 184 Licence with the County Council, prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with East Sussex County Council through the Section 184 Licence process. Any temporary access would also be subject to the Section 184 Licence process prior to any commencement of work.
5. The developer and/or landowner is advised that a formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services

Charging Arrangements document, which is available at <https://beta.southernwater.co.uk/developing-building/connection-charging-arrangements>.

6. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building Control Partnership. No work should be carried out until any necessary permission has been obtained.
7. The developer and/or landowner should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Public Holidays.

**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 assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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## Rother District Council

Report to - Planning Committee  
Date - 23 June 2022  
Report of the - Director - Place and Climate Change  
Subject - Application RR/2022/240/P  
Address - Battle Great Barn - Land adj, Marley Lane  
Battle  
Proposal - Erection of new dwelling.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mr Neil Mortimer  
**Agent:** Mr Neil Mortimer  
**Case Officer:** Miss Katie Edwards  
(Email: [katie.edwards@rother.gov.uk](mailto:katie.edwards@rother.gov.uk))

**Parish:** Battle  
**Ward Members:** Councillor K.P. Dixon

**Reason for Committee consideration:** Referred by Director – Place and Climate based on a request from the Ward Members

**Statutory 8-week date:** 30 March 2022  
**Extension of time agreed to:** 30 June 2022

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This application is included in the Committee site inspection list.

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### **1.0 SUMMARY**

- 1.1 The proposed development would cause harm to the Area of Outstanding Natural Beauty (AONB), the openness of the green gap designated within the Battle Civic Parish Neighbourhood Plan (BCPNP) and the setting of the Grade II listed Battle Great Barn. The development would also represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Battle and the district as a whole, the location of the site is unsustainable, and the development would harm the privacy of the neighbouring dwelling to the north.
- 1.2 The proposed development does not comply with Rother Local Plan Core Strategy, Development and Site Allocations Local Plan or Neighbourhood

Plan policies or the various provisions contained within the National Planning Policy Framework. For the reasons explained the application cannot be supported.

### 1.3 PROPOSAL DETAILS

PROVISION	
No of houses	1
No of affordable houses	0
CIL (approx.)	£62,777
New Homes Bonus (approx.)	£6,684

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## 2.0 SITE

- 2.1 This application relates to land to the north of the Grade II listed Battle Great Barn. The site sits outside of any development boundary and is within the High Weald AONB. A public right of way footpath crosses the field to the east of the site.
- 2.2 The listing for Battle Great Barn is as follows:  
*'Dated 1729/30. Timber-framed building faced with weatherboarding. Hipped thatched roof'.*
- 2.3 The site is around 2km from the centre of Battle and 0.8km from the edge of the town's development boundary as defined in the BCPNP.

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## 3.0 PROPOSAL

- 3.1 Permission is sought to erect a detached 4-bedroom dwelling in land to the north of Battle Great Barn. The proposal would have a maximum width of 18.5m and a maximum depth of 12.7m. It would have a hipped roof with gable ends over each first-floor window, with a ridge height of 8m. The first floor would serve four bedrooms with four bathrooms and would have four side facing windows, three of which would be serving bathrooms. The dwelling would feature a mixture of materials including facing brickwork and natural lime render to the walls, with plain clay tiles to the roof and oak framed fenestration. The internal area of the development would be 260sqm.
- 3.2 Permeable paved car parking is proposed to the front of the site with an entrance on Marley Lane, there would be two electric car charging points and secure cycle parking.
- 3.3 The accompanying planning statement states that the Applicants would like to live in the new dwelling to act as potential consultants to the vineyard to the south east of the proposed site. They believe the proposal has been developed and designed to some of the most up-to-date criteria for meeting sustainability, ecology, appearance and quality in the UK.
- 3.4 Accompanying the application there are the following statements: Heritage Statement, Design and Access Statement, Planning Statement, Landscaping Details, Assessment of Significance and a Drainage Plan.

## 4.0 HISTORY

- 4.1 RR/2017/2539/P Erection of two detached holiday cabins and one tent – Refused. Appeal allowed.
- 

## 5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) (Core Strategy) are relevant to the proposal:
- PC1 (presumption in favour of sustainable development)
  - OSS1 (overall spatial development strategy)
  - OSS2 (use of development boundaries)
  - OSS3 (location of development)
  - OSS4 (general development considerations)
  - BA1 (policy framework for Battle)
  - RA2 (general strategy for the countryside)
  - RA3 (development in the countryside)
  - SRM1 (towards a low carbon future) (part (i) was superseded by the Rother District Council Development and Site Allocations Local Plan)
  - SRM2 (water supply and wastewater management)
  - CO6 (community safety)
  - EN1 (landscape stewardship)
  - EN2 (stewardship of the historic built environment)
  - EN3 (design quality)
  - EN5 (biodiversity and green space)
  - TR3 (access and new development)
  - TR4 (car parking)
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) (DaSA) are relevant to the proposal:
- DRM1 (water efficiency)
  - DHG3 (residential internal space standards)
  - DHG4 (accessible and adaptable homes)
  - DHG7 (external residential areas)
  - DHG11 (boundary treatments)
  - DHG12 (accesses and drives)
  - DEN1 (maintaining landscape character)
  - DEN2 (AONB)
  - DEN4 (biodiversity and green space)
  - DEN5 (sustainable drainage)
  - DEN7 (environmental pollution)
  - DIM2 (development boundaries)
- 5.3 The following policies of the Battle Civic Parish Neighbourhood Plan (BCPNP) are relevant to the proposal:
- HD1 (development boundaries)
  - HD2 (site allocations)
  - HD4 (quality of design)
  - HD5 (protection of landscape character)
  - HD7 (integration of new housing)
  - HD8 (protection of green gap)



- IN3 (parking and new development)
  - IN4 (pedestrian provision and safety)
  - EN2 (conservation of the natural; environment, ecosystems and biodiversity)
  - EN3 (the High Weald AONB and countryside protection)
  - EN4 (historic environment)
- 5.4 The National Planning Policy Framework, Planning Practice Guidance, High Weald AONB Management Plan 2019 – 2024 and High Weald Housing Design Guide are also material considerations.
- 5.5 In respect of the setting of nearby listed buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities, when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
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## 6.0 CONSULTATIONS

### 6.1 Sussex Newt Officer – **FURTHER INFORMATION REQUIRED**

- 6.1.1 Further information required, holding objection. The development falls within the red impact risk zone for great crested newts where there is a high likelihood of great crested newt presence. They are not satisfied that the Applicant has adequately demonstrated that there will be no impact to the great crested newts or their habitat.

### 6.2 East Sussex County Council Highways – **OBJECTION**

- 6.2.1 Whilst visibility splays of 2.4 x 120m have been provided, the splay to the south is measured to the far side of the road not the nearside, which is a general requirement. Resulting in a large envelope of road to the south which would remain obscured where approaching northbound vehicles, especially motorcycle or vehicles overtaking, may not be visible to drivers leaving the new access. This would be a concern and as result the access arrangement as submitted is considered to be unacceptable.

### 6.3 Planning Notice

- 6.3.1 **Two GENERAL COMMENTS** and one **OBJECTION** received, both summarised as follows: Would set a precedent in Marley Lane for more than one house per plot, where the plots are large, some several acres, resulting in the urbanisation of Marley Lane dramatically changing the street scene. Would prefer property to be built further from boundary.

### 6.4 Battle Town Council – **NO OBJECTION IN PRINCIPLE**

- 6.4.1 Battle Town Council have no objection in principle however would suggest additional native hedge and tree species to enhance the road scene.
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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, and the Applicant has stated they wish to claim self-build exemption from the fee, however, the self-build exemption form has not been completed so would need to be done if approval is granted.
- 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 D property, be approximately £6,684 over four years.
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## **8.0 APPRAISAL**

- 8.1 The main issues to consider in the determination of the application include:
- Principle/policy position.
  - Character and appearance, including the landscape and scenic beauty of the AONB.
  - Setting of nearby listed buildings.
- 8.2 Principle/policy position
- 8.2.1 The site is located within an existing loose knit section of ribbon development. However, it is still within the countryside, remote from any town or village or other built up area. It is around 2km from the centre of Battle and its associated, shops, schools and other services, and 0.8km from the edge of the town's development boundary as defined in the BCPNP. The site is within the High Weald AONB which has the highest status of protection in relation to landscape and scenic beauty.
- 8.2.2 Being outside the development boundary, the proposal is contrary to Policy OSS2 of the Rother Local Plan Core Strategy, which advocates that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. This is supported by Policies HD1 (development boundaries) and HD2 (site allocations) of the BCPNP which indicate new housing development is not acceptable in this location. It is also the case that the site is some distance (0.8km) from the edge of the settlement of Battle and therefore is not in line with the spatial strategy of the Rother Local Plan Core Strategy.
- 8.2.3 The meaning of the word 'isolated' has been subject to scrutiny in the Bramshill judgement. This clarified that 'isolated' should be given its ordinary objective meaning of 'far away from other places, buildings or people; remote', as per paragraph 42 of the Braintree case. It also confirmed that the decision maker is required to consider whether a proposed development would be physically isolated, in the sense of being isolated from a settlement. Whether a proposed dwelling is, or is not, 'isolated' in this sense, is a matter of fact and planning judgement for the decision maker in the circumstances of the case. The small ribbon of development to the north of the site does not constitute a settlement and therefore the location is considered 'isolated' in terms of paragraph 80 of the National Planning Policy Framework.

- 8.2.4 There are no footpaths along the road and the development would not be well located in terms of access to public transport and services. Therefore, future occupiers are likely to be reliant on private vehicles and as such would be contrary to the relevant planning policy aims that seek to minimise the need to travel and to support the transition to a low carbon future. For the reasons explained the site is considered to occupy an unsustainable location.
- 8.2.5 The accompanying Planning Statement states that the Applicants want to be close to the vineyard and that they potentially may act as consultants to the new owners, however, this is not considered an agricultural use. The proposal is not for agriculture, economic or tourism needs and as such it would be contrary to Policy RA2 of the Rother Local Plan Core Strategy, which provides an overarching strategy for new development in the countryside. Furthermore, as the new dwelling would not be to support farming and other land-based industries, re-use existing agricultural buildings, or provide affordable housing (an exception site) the planning application proposal would not meet the criteria for development in the countryside set out by either Policy RA2 or RA3 of the Rother Local Plan Core Strategy.
- 8.2.6 Policy SRM1 of the Rother Local Plan Core Strategy and Policy DRM2 of the DaSA seek to support low carbon and renewable energy development. The accompanying Planning Statement details how the oak frame would be sustainably produced and that the building would have highly insulated panels and triple glazing. There would be a solar panel powered electric charge point and ground source heat pump for underfloor heating in the dwelling as well as using a rainwater harvesting tank. Whilst these are positive attributes, they do not outweigh the other planning issues and the unsustainable location of the development.
- 8.2.7 The site is not intrinsically linked to the existing dwelling, Battle Great Barn and therefore would amount to a new dwelling in the AONB countryside outside of the development boundary, contrary to policy.
- 8.3 Character and appearance
- 8.3.1 The site falls within the countryside and AONB where both local and national planning policies seek to ensure that development respects the open countryside, including the following policies.
- 8.3.2 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires all development to respect and not detract from the character and appearance of the locality.
- 8.3.3 Policy EN1 (i) of the Rother Local Plan Core Strategy requires development to protect and enhance the landscape and scenic beauty of the AONB which is supported by paragraph 176 of the National Planning Policy Framework.
- 8.3.4 Policy HD7 of the BCPNP requires that proposals for new housing must ensure that the new homes are visually integrated with their surroundings and well connected to the community and its shops and facilities.

- 8.3.5 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, although it is acknowledged there is a small ribbon of residential development to the north. There is also a large area of ancient woodland to the east of the site. There are no footways or street lighting in the rural lane.
- 8.3.6 The site of Battle Great Barn is substantial in size measuring almost 90m in width and 170m in length. There are residential properties to the north and on the opposite side of the road. The spacious size of the plot contributes to the loose knit character of the locality.
- 8.3.7 It is important to note that within the BCPNP, the application site is part of the green gap designated within the parish. Policy HD8 of the BCPNP states that within the green gap, development will only be supported if it is unobtrusive and maintains the openness of the area.
- 8.3.8 The dwelling would be substantial in scale. It would measure 18.5m in width, 12.7m in depth and 8m in height. It would have four bedrooms and four bathrooms with two living areas and two dining areas, it is considered to be well in excess of what would be necessary for an agricultural dwelling for overseeing the vineyard.
- 8.3.9 Paragraph 80 (e) of the National Planning Policy Framework states that isolated homes in the countryside may be acceptable if they are of exceptional design quality, which would enhance the immediate setting and be sensitive to the defining characteristics of the local area. The proposed dwelling would introduce a large-scale domestic style development urbanising the site and detract from the loose knit character of the existing ribbon of development and would be out of character with the defining rural characteristics of the local area, thus causing harm to the rural character of the area and the landscape and scenic beauty of the AONB.
- 8.3.10 The development would represent an intrusion of residential development in a rural, countryside setting which would considerably harm the landscape and scenic beauty of the AONB and openness of the green gap, contrary to Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v) and EN1 (i) (v) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA, Policies HD5, HD7, HD8 and EN3 of the BCPNP and paragraph 176 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.
- 8.4 Setting of listed building
- 8.4.1 Policy EN2 of the Rother Local Plan Core Strategy states that development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to (iii) preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.

- 8.4.2 Policy EN4 of the BCPNP states that heritage assets in the Parish and their settings, including designated heritages such as listed buildings, will be preserved and enhanced for their historic significance, including the contribution made by their settings and their importance to local distinctiveness, character and sense of place.
- 8.4.3 Paragraph 197 of the National Planning Policy Framework states:  
*In determining applications, local planning authorities should take account of:*
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 8.4.4 Paragraph 199 of the National Planning Policy Framework states:  
*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 8.4.5 Battle Great Barn is a Grade II listed building, a designated heritage asset, which has been converted to a dwelling. It is timber framed, has weatherboard elevations and a hipped thatched roof. The barn fronts the southeast side of Marley Lane. To the north of the barn sits the application site consisting of maintained lawns with post and rail fencing with some screening to the front of the site however can be clearly viewed from the roadside and from the listed building. Beyond the vineyard to the rear is ancient woodland. The barn is visible from the public footpath to the rear and from the roadside.
- 8.4.6 The listed building with its traditional barn appearance is characterised by the open lawns and fields to either side, which separate the dwellings giving them a spacious and isolated feel. The proposed development would incorporate a new man-made feature into the landscape with associated driveway and parking area, together with inevitable external domestic paraphernalia. These changes to the landscape would erode and cause harm to the rural setting of the listed barn.
- 8.5 Other issues
- Biodiversity*
- 8.5.1 The field has mature, native hedgerows and trees on its boundaries which are designated as historic field boundaries in terms of AONB features. There is also an area of ancient woodland to the east of the field. The ecology strategy outlines the main wildlife species to consider as bats, birds, badgers, harvest mice, reptiles and invertebrates which are stated as not being present on the site. The site is regularly mown so there is little biodiversity on the lawn.
- 8.5.2 To the front of the property are bushes and trees, where it is stated that dead or poor-quality bushes are to be removed and replaced with new

native hedge and tree species. There would be no issue with this providing that care is taken to ensure that no harm to any wildlife occurs, such as nesting birds. A condition could be added to ensure this.

- 8.5.3 In terms of the adjacent ancient woodland, there should be no negative impacts provided light spillage from the development is avoided.

*Highway safety*

- 8.5.4 Policy CO6 (ii) of the Rother Local Plan Core Strategy requires all development avoids prejudice to road and/or pedestrian safety. Policy DHG12 of the DaSA provides that proposals for new drives and accesses will be supported where (i) they are considered acceptable in terms of highway safety, including for pedestrians and cyclists.

- 8.5.5 Marley Lane is subject to the national speed limit (60mph) where visibility splays of 2.4m x 215m are required. The Applicant has provided splays of 2.4m x 120m as they state that three recent speed surveys have the average speed of 42.1mph. East Sussex County Council Highways were consulted on this application and have concerns with the visibility splays. The splay to the south of the access is measured to the far side of the carriageway rather than the nearside, which is the general requirement. Therefore, as a tangent splay has not been provided to the nearside of the carriageway and so there is a large envelope of the road to the south of the Battle Great Barn access, which would remain obscured where approaching northbound vehicles, especially motorcycle or vehicles overtaking, may not be visible to drivers leaving the new access. This would be a concern and as result the access arrangement as submitted is considered to be unacceptable.

*Living conditions of neighbouring properties*

- 8.5.6 Policy OSS4 of the Rother Local Plan Core Strategy states that 'all development should meet the following criteria: (ii) It does not unreasonably harm the amenities of adjoining properties'.

- 8.5.7 The proposal would be situated just over 30m from Battle Great Barn so would not affect the property in terms of loss of light or overlooking.

- 8.5.8 The nearest neighbouring property likely to be impacted by the proposed development is 'Windy Ridge' to the north. The proposed dwelling would be sited around 4.9m from the neighbouring boundary. There is some vegetation screening on the boundary and more planting is proposed within the application site. There would be a first-floor window serving a bedroom facing this neighbours rear garden, which would create a new level of overlooking which doesn't currently exist. This would be unacceptable as despite some boundary screening as this hedge could be removed and the privacy of the neighbour lost.

*Living conditions of occupiers*

- 8.5.9 In terms of housing standards, the proposed dwelling would exceed the nationally described space standards, providing around 229m<sup>2</sup> of floor space. A condition would need to be added to any permission to ensure the dwelling is built to Building Regulations M4(2) accessible and adaptable dwellings standards in line with DaSA DHG4. DaSA DHG7 requires rear

gardens to normally measure at least 10m in length. The rear garden would be in excess of 10m in length.

*Affordable housing*

- 8.5.10 In Battle, 25% on site affordable housing is required on schemes of 10 or more dwellings or 0.3 hectares or more. The site measures 0.45 hectares in area and therefore is liable for affordable housing. However, none is proposed and only one unit would be provided.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The Council has currently only 2.89 years of a required 5-year housing supply which means that the presumption in favour of sustainable development outlined in paragraph 11 d) of the National Planning Policy Framework is applicable to Rother unless, i) the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 9.2 In line with paragraph 11 d) i) of the National Planning Policy Framework, the identified harm to the AONB provides a clear reason for refusing the development proposed.
- 9.3 In terms the harm to the setting of the Grade II listed Battle Great Barn, given that this is less than substantial, paragraph 202 of the National Planning Policy Framework directs that this harm should be weighed against the public benefits of the proposal. The proposal would provide one dwelling, which would do little to improve the housing land supply position within the district. It is acknowledged that there would also be some short-term economic benefits from construction. However, these benefits are not considered to outweigh the harm to the setting of the listed barn.
- 9.4 On top of the harm to the AONB and setting of the listed barn, the development has been found to represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Battle and the district as a whole, in a location which is unsustainable.
- 9.5 Insufficient visibility is proposed in respect of the new access. The development would add a new level of overlooking to the northern neighbour with the addition of a first-floor window situated just under 5m from the neighbouring curtilage.
- 9.6 The proposed development does not comply with the Rother Local Plan Core Strategy, DaSA or BCPNP policies or the various provisions contained within the National Planning Policy Framework. For the reasons explained the application cannot be supported.

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

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## REASONS FOR REFUSAL:

1. The site lies outside of the defined development boundary for Battle as set out in the Battle Civil Parish Neighbourhood Plan (BCPNP). The proposal would conflict with the overall spatial strategy set out in Policies OSS2, OSS3 and BA1 of the Rother Local Plan Core Strategy and Policies HD1 (development boundaries) and HD2 (site allocations) of the BCPNP, which seek opportunities within the development boundary of the town. The site is 0.8km from the edge of Battle and fails to meet the spatial strategy policy requirements of the district. In addition, the proposed development does not meet any of the exceptions for providing new dwellings in the countryside under Policy RA3 (iii) of the Rother Local Plan Core Strategy or those for isolated new homes listed in paragraph 80 of the National Planning Policy Framework.
2. The application site is part of a lawned field which contributes positively to the rural character of its surroundings. The proposed dwelling would have an urbanising impact, with associated driveway and parking area, together with inevitable external domestic paraphernalia. The development would encroach on the openness of the green gap designation of the Battle Civil Parish Neighbourhood Plan (BCPNP). The development would represent an unjustified intrusion of residential development in a rural, countryside setting which would fail to conserve or enhance the landscape and scenic beauty of the High Weald AONB, contrary to Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v) and EN1 (i) (v) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Sites Allocation Local Plan (2019), Policies HD5, HD7 and EN3 of the BCPNP and paragraph 176 of the National Planning Policy Framework.
3. The site lies within an unsustainable countryside location where occupiers of the development would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy (2014), Policy IN4 of the Battle Civil Parish Neighbourhood Plan and paragraphs 8 and 110 (a) of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.
4. Having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed works, by virtue of the incorporation of a new man-made feature into the landscape within the setting of the Grade II listed Battle Great Barn. The change to the landscape would erode and cause harm to the rural setting of the listed barn currently characterised by open lawns and fields to either side, which gives it a spacious and isolated feel, adversely affecting the setting and special architectural and historic character and interest of the listed building as a designated heritage asset, and as such would be contrary to Policy EN2 of the Rother Local Plan Core Strategy, Policy EN4 of the Battle Civil Parish Neighbourhood Plan and paragraphs 197 and 199 of the National Planning Policy Framework.
5. The first-floor window on the northern side elevation would directly overlook the rear garden of the neighbouring property 'Windy Ridge' to an



unacceptable extent and would adversely impact on the living conditions of the occupiers' contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

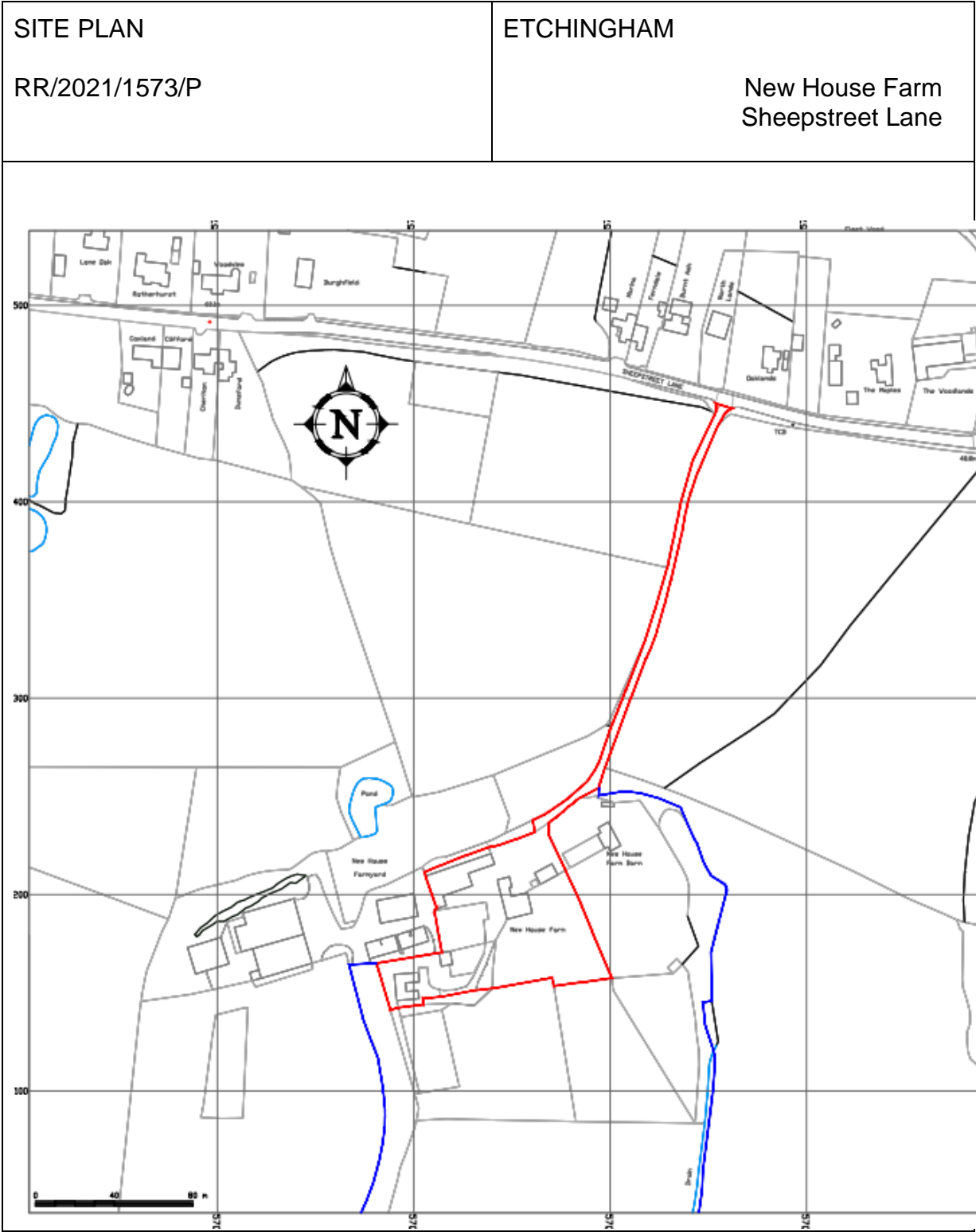
6. The development would be served by vehicular access with substandard visibility splays in the south direction due to the alignment of the road. The proposed development would result in additional vehicle movements to and from the site which would prejudice highway safety, contrary to Policy CO6 (ii) of the Rother Local Plan Core Strategy.

**NOTE:**

1. This decision notice relates to the following set of plans:  
Site Block Plan, Drawing No. NH001/03, dated Jan 2022  
Proposed Site Plan and Sections, Drawing No. NH001/02, dated Jan 2022  
Proposed Elevations and Floor Plans, Drawing No. NH001/02, dated Jan 2022  
Proposed Landscaping Plan, Drawing No. NH001/05, dated Jan 2022  
Proposed Drainage Strategy, Drawing No. NH001/06, dated Jan 2022  
Proposed Visibility Splays, Drawing No. NH001/07, dated Jan 2022  
Heritage Statement  
Design and Access Statement  
Planning Statement  
Landscaping Details  
Assessment of Significance

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

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## Rother District Council

Report to - Planning Committee  
Date - 23 June 2022  
Report of the - Director - Place and Climate Change  
Subject - Application RR/2021/1573/P  
Address - New House Farm, Sheepstreet Lane, Etchingham  
ETCHINGHAM  
Proposal - Change of use of dwelling and land at New House Farm to mixed use of dwelling and holiday accommodation with inclusion of separate site managers' accommodation within the dwelling. Use of curtilage listed barn by resident guests of the holiday lets and by occupants and guests of the house at New House Farm. (Retrospective)

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT (FULL PLANNING)** subject to conditions

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**Director: Ben Hook**

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**Applicant:** Mr J. Carter  
**Agent:** Speer Dade Planning Consultant  
**Case Officer:** Mrs S. Shepherd  
(Email: [sarah.shepherd@rother.gov.uk](mailto:sarah.shepherd@rother.gov.uk))

**Parish:** ETCHINGHAM  
**Ward Members:** Councillors J. Barnes and Mrs E.M. Kirby-Green

**Reason for Committee consideration:** Councillor referral: There are inconsistencies between the planning and listed applications/plans. Impacts from the use on neighbours.

**Statutory 8-week date: 1 November 2021**  
**Extension of time agreed to: 30 June 2022**

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 This application seeks planning permission for a mixed use at the site to enable the house to remain in use as a dwelling or be used as holiday accommodation, with an integral managers' flat. In addition the application

details the proposed extended use of the curtilage listed barn and other external areas of the grounds, which include the gardens, swimming pool, treatment room (with extension), manège area, yoga deck, hot tub and parking areas.

- 1.2 The site currently has planning permission for seven holiday lets, (only six have been completed), within various outbuildings and parking. The use of the curtilage listed barn is currently restricted to use by the occupiers of the holiday lets. There are no other conditions with regard to use of any external areas or management of the site.
- 1.3 The house could be let separately as holiday accommodation without needing planning permission. Anyone can advertise their home as short term holiday let. However, in this instance the house has been advertised as part of a complex, with bookings for individual lodges or collective units enabling group stays. The site is also advertised as a 'rural retreat' offering yoga, pilates and fitness camps, meditation and wellbeing escapes and as a venue for business groups. The use of external caterers is also offered. It is thus considered that the use of the site has evolved and materially changed and hence an application has been requested, which enables assessment and consideration of its impacts.

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## **2.0 SITE**

- 2.1 New House Farm is a grade II listed building, a designated heritage asset, which lies around 270m south of Sheepstreet Lane (C213). It is accessed by a narrow unmade track, which is crossed by a public footpath. The site is outside any defined development boundary within the countryside of the High Weald Area of Outstanding Natural Beauty (AONB).
- 2.2 The site comprises the main dwelling, former farmhouse, a curtilage listed barn and a number of other outbuildings that have been converted into holiday lets. The main barn has previously been granted permission for use as a holiday let in part with the rest providing a communal area in association with the holiday lets at the site. The main dwelling has been used as both a family residence and let as short term holiday accommodation.
- 2.3 The adjacent barn to the east side, old Granary, was sold separately from the rest of the farmstead and has been rebuilt and converted to a dwelling. To the west are a number of barns used for agricultural and commercial uses. To the north lies an area of woodland and a field separating the site from Sheepstreet Lane. Some seven dwellings lie to the north side of Sheepstreet Lane and the site access, around 270m from the site. There are open views to the south over the rolling countryside of the AONB.

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## **3.0 PROPOSAL**

- 3.1 The application is a full application detailing the use of the site. A separate plan has been submitted that identifies the various areas and buildings on the site, Drawing No. DGC-22062-09, as well as a written schedule of activities and a copy of the 'rental contract terms and conditions'. There are

six specific holiday lets at the site in the various outbuildings as approved in 2016, a 7<sup>th</sup> unit within the curtilage listed barn has not been provided. The listed dwelling house is sought for continued use as an unfettered dwelling or for short term let for holidays as a single unit or in association with the rest of the site and permission is sought for an integral managers' flat within a modern extension of the house.

- 3.2 The curtilage listed barn is currently conditioned for use only by the occupiers of the holiday lets, excluding occupiers of the dwelling (whether the owners or holiday guests), wedding events (including ceremonies and receptions), stag or hen parties, application RR/2015/3143/P refers. Conditions also exist that restrict occupation of the holiday lets for holiday use only. There are no other restrictive conditions on the property.
- 3.3 Use of the swimming pool and immediate gardens by guests is now detailed, as well as proposal to utilise the former manège within the field to the south west of the house for some daytime activities, including yoga/fitness sessions, childrens' play and training/bonding activities by business groups. The plan also identifies 19 parking spaces and leaves space for turning within the site.
- 3.4 The treatment room (for massage/therapy) was converted from a garden outbuilding but has been extended. This is detailed along with the minor works to the listed buildings.

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#### **4.0 HISTORY**

- 4.1 Recent history comprises the following:
- 4.2 RR/96/1548/L & 1547/P Demolition of existing outshot and erection of single storey extension. Approved conditional.
- 4.3 RR/2000/1177/P Demolition of existing buildings to be replaced with 1. Outbuilding for garaging and 2. Outbuilding for garden equipment store and swimming pool changing room with games room/loft over. Approved conditional.
- 4.4 RR/2000/1222/L Demolition of existing outbuilding. Consent granted.
- 4.5 RR/2015/1757/P Change of use and rebuild of disused agricultural barn to form a single dwelling house. Approved conditional. (now separate ownership).
- 4.6 RR/2015/3143/P Conversion of existing buildings to seven holiday let units and use of barn as a communal area for resident guests only. Approved conditional.
- 4.7 RR/2016/660/L Works relating to conversion of outbuilding to holiday let and use as a communal space for resident guests only. Approved conditional. (Barn).

- 4.8 RR/2018/695/P Variation of Conditions 2 and 5 imposed on RR/2015/1757/P to change the proposed layout including minor changes to the external door and window configuration and extension of the residential curtilage. Approved conditional.
- 4.9 RR/2018/698/P Garden/tractor store. Approved conditional.
- 4.10 RR/2021/1573/P Change of use of dwelling and land at New House Farm to mixed use of dwelling and holiday accommodation with inclusion of separate site managers' accommodation within the dwelling. Use of curtilage listed barn by resident guests of the holiday lets and by occupants and guests of the house at New House Farm. (Retrospective) – to be determined.
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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:
- PC1 (presumption in favour of sustainable development)
  - OSS3 (location of development)
  - OSS4 (general development considerations)
  - RA2 (general strategy for the countryside)
  - RA3 (development in the countryside)
  - RA4 (traditional historic farm buildings)
  - SRM2 (water supply and wastewater management)
  - CO6 (community safety)
  - EC4 (business activities elsewhere within the district)
  - EC6 (tourism activities and facilities)
  - EN1 (landscape stewardship)
  - EN2 (stewardship of the historic built environment)
  - EN5 (biodiversity and green space)
  - TR3 (access and new development)
  - TR4 (car parking)
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DEC2: Holiday sites
  - DEC3: Existing employment sites and premises
  - DEN1: Maintaining landscape character
  - DEN2: High Weald AONB
  - DEN7: Environmental pollution
- 5.3 The following objectives from the High Weald Management Plan are relevant to the proposal:
- S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside
  - S2: To protect the historic pattern and character of settlement
  - OQ1: To increase opportunities for learning about and celebrating the character of the High Weald

- OQ2: To increase the contribution of individuals and communities to the conservation and enhancement of the AONB
  - OQ3: To develop and manage access to maximise opportunities for everyone to enjoy, appreciate and understand the character of the AONB while conserving its natural beauty
  - OQ4: To protect and promote the perceptual qualities that people value
- 5.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The various provisions contained within the Framework relating to supporting a prosperous rural economy, good design and protecting or enhancing the countryside, AONB, biodiversity and historic environment are also necessary considerations.
- 5.5 Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990, sets out the statutory duty of local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
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## **6.0 CONSULTATIONS**

### **6.1 Environmental Health: NO OBJECTION**

- 6.1.1 Note that:
- Planning permission for holiday lets accommodation is already in place.
  - This application is to formalise the use of the house as part of the planning permission (it has already been used for holiday accommodation and can be rented via various websites).
  - The plans for the site now include quiet zones, such as next to the swimming pool. In this area guests must be quiet after 10pm.
  - Additionally, speakers in the long barn have sound limiters installed.
  - The terms and conditions also address noise management. For example, live bands and DJs are not allowed; weddings are not permitted etc.
- 6.1.2 Noise complaints about the premises have been made, as follows:
- 08/2021: noise from a wedding (loud music, traffic, shouting etc.).
  - 02/2020: noise (potentially from a large-scale event).
  - 12/2019: referral from Planning enforcement – noise from parties.
  - 12/2018: Loud music and shouting (regular basis).
  - 12/2018: Party with fireworks.
- 6.1.3 Environmental Health has responded to these complaints but no evidence has been gathered to show that there are regular noisy events being held at this venue.
- 6.1.4 However, it is accepted that sometimes, residents don't complain for various reasons.
- 6.1.5 Following further discussion, Environmental Health recommends a number of conditions to deal with noise management.



## 6.2 Planning Notice

6.2.1 36 letters of objection have been received (from 18 properties – some repeated following the receipt of additional information). The comments are summarised as follows:

- Increase in traffic on narrow track
- Numbers of guests too large and some non-resident
- Should not permit hiring of whole site by one group
- Too noisy
- Guests do not abide by the 'terms and conditions' they sign up to
- Repeated complaints
- Contradictory information
- Limitations difficult to enforce
- Providing a manager/night watchman acknowledges the unpredictable and disorderly behaviour caused by large groups at the site – as does the defining of 'quiet zones'
- Advance notice of potential disturbance does not mitigate it
- Disturbances are not limited to evenings/night
- Quiet enjoyment and home working at neighbouring property impossible
- Swimming pool should be out of bounds for guests and only used by the resident owner/occupiers of the house
- Peaceful retreats may be acceptable but not other group activities/events, e.g. parties, bouncy castles, falconry displays, fire eating/fireworks
- Breach of existing conditions
- Does not use local business/employees
- Lack of detail for listed building works
- Harmful to the quiet rural character and dark skies of the AONB
- Support letters not from locals

6.2.2 15 letters of support have been received (from 14 properties). The comments are summarised as follows:

- Good for local businesses
- Sells the benefits of nature
- Provides employment
- Is not noisy with lots of traffic
- Visitors to the area are an integral part of the local economy
- Allows others to appreciate the countryside and space
- They are strict about noise and have security on duty to monitor
- Encouraging people to socialise and be active is good
- I live locally and did not know it was there – it should be encouraged

## 6.3 Etchingham Parish Council – **OBJECTION**

6.3.1 Etchingham Parish Council has the strongest possible objection to this application and asks that all original planning conditions and permissions be enforced as swiftly and completely as possible. In summary they consider that:

- application RR/2021/1574L should be considered together with the planning application;
- this change of use is actually a major shift to the business model supporting previous applications;

- this shift has proved hugely detrimental to the neighbours and with an adverse effect on the AONB;
- the 'present' situation this retrospective application seeks is not based on the previous business model or on the reality of the business currently being conducted;
- the Long Barn has seen the installation of a commercial events kitchen and is advertised openly on their website as a dining/party facility for parties of up to 50. This exceeds the accommodation available on site;
- the farmhouse itself is being advertised as eight en-suite bedrooms with a dining facility for 25, not remaining a residential home as previously approved as part of the original business model;
- neighbours' noise and nuisance diaries kept over the last couple of years and date/time stamped CCTV footage is available and much has already been presented to Enforcement during the past few years clearly evidencing the paucity of quiet retreat events claimed to be the only business conducted on site, instead showing examples of pool parties, fire dancing, fireworks, outdoor PA systems and overflow parking in contravention of the approved conditions;
- this property is in a formerly quiet and a beautiful part of the High Weald AONB where this type of business is totally inappropriate and out of place impacting on both fauna and flora; and
- this property is not isolated and its use as an events centre is seriously blighting the lives of neighbours, both immediately adjoining the property, to a further 12 to 15 residential properties along Sheepstreet Lane and as far away as the top of Burgh Hill and to Parsonage Croft off the High Street in the village centre upon occasion.

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## **7.0 LOCAL FINANCE CONSIDERATIONS**

- 7.1 The proposed holiday use of the dwelling house does not represent a provision of additional residential floorspace and therefore no Community Infrastructure Levy payment is required.
- 7.2 There are no other local financial considerations.

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## **8.0 APPRAISAL**

- 8.1 The main issues to consider include the impact of the proposal on:
- The local economy
  - The rural character and the landscape and scenic beauty of the AONB
  - The setting of the listed building and the curtilage listed building
  - Highway and pedestrian safety
  - Parking provision
  - Impacts on nearby properties
- 8.2 Economy
- 8.2.1 Policy EC4 states that business activities will be promoted by (i) continuing to give priority to the re-use and adaptation of suitable buildings in the countryside for employment, including for tourism purposes, in accordance with the Rural Areas policies; and (iii) facilitating business activities

operating from residential properties wherever there is no adverse impact on local character and amenities, including by traffic generation. Policy EC6(v) supports the increased supply of quality serviced and self-catering accommodation.

- 8.2.2 Policy RA2 (v) supports rural employment opportunities in keeping with rural character and which are compatible with maintaining farming capacity.
- 8.2.3 Policy DEC3 of the DaSA advises that effective use of existing employment sites will be secured by: (i) land and premises currently (or last) in employment, including tourism use, being retained in such use unless it is demonstrated that there is no reasonable prospect of its continued use for employment purposes or it would cause serious harm to local amenities; (ii) permitting intensification, conversion, redevelopment and/or extension of existing sites and premises where they accord with other policies of the Plan.
- 8.2.4 Paragraph 84 of the National Planning Policy Framework provides support for a) the sustainable growth and expansion of all types of business in rural areas and c) sustainable rural tourism and leisure developments which respect the character of the countryside.
- 8.2.5 The proposed tourist accommodation and use, in general principle, would create employment opportunities and would attract visitors to the local area which would be of benefit to the economy. These are positive factors which weigh in favour of the scheme but do fall to be considered along with all other policy considerations.

### 8.3 Rural character and the AONB

- 8.3.1 Policy OSS4 (iii) requires all development to respect and not detract from the character and appearance of the locality, this is restated in Policy DEN1 of the DaSA.
- 8.3.2 Policy RA2 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) support rural employment opportunities in keeping with rural character and compatible with maintaining farming capacity; (vii) support 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.
- 8.3.3 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 conversion, for employment use, of farm buildings generally in keeping with the rural character, and 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.

- 8.3.4 Policy EN1 provides for the protection, and wherever possible enhancement of (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB and (vii) tranquil and remote areas, including the dark night sky. The points are reiterated within Policies DEN2 and DEN7 of the DaSA.
- 8.3.5 Paragraph 84 of the National Planning Policy Framework provides support for a) the sustainable growth and expansion of all types of business in rural areas and c) sustainable rural tourism and leisure developments which respect the character of the countryside.
- 8.3.6 Paragraph 176 of the National Planning Policy Framework requires great weight to be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 8.3.7 The application does not propose any new buildings and the parking spaces are contained within the former farmyard area, adjacent the stables holiday let and the track/garden. The yoga deck is timber and located at the southern end of the manège. The children's play equipment in this area, an 'all in one' wendy house, climbing frame/swing, is also primarily of timber. The manège and deck are fenced and situated against the backdrop of trees on the western side boundary. There are also trees to the eastern side boundary of the adjacent field(s). As such the appearance of the site would not change. In visual terms there would be no harmful impact on the landscape of the AONB.
- 8.3.8 The concern in respect of the AONB is in relation to character, having regard to its generally quiet rural location in an area of dark skies. The council's planning department has received some complaints over the preceding four years from local residents in respect of incidences when noise and traffic issues have been reported when there have been large group gatherings at the site. As highlighted by the Environmental Health comments, these incidents have been limited and have not occurred on a regular basis. This is not to diminish their impacts particularly on the immediate neighbours or those further afield who could hear the disturbances at otherwise quiet times of the evening/night. However, contrary to the objections received, many of these incidences are in respect of the external use of the site and at present there are no restrictions in place to control such incidents.
- 8.3.9 In general principle, the use of the site for holiday accommodation, retreats and limited business group gatherings should not result in undue noise or disturbance to the area. The site already has planning permission for seven holiday lets and as previously explained above, there is no requirement for planning permission where a house is subject to short term lets on its own. Equally the council cannot control any noise or disturbance that may arise from occupiers of the farmhouse as a family dwelling. However, incidents have occurred as a result of the commercial use of the site and in order to mitigate and preclude as far as possible such impacts from the commercial use at the site, a number of conditions are now recommended, having had discussion with Environmental Health and also having regard to the six tests for conditions. Those tests set the following criteria that conditions must be:

- Necessary
- Relevant to planning
- Relevant to the development to be permitted
- Enforceable
- Precise
- Reasonable in all other respects

8.3.10 The conditions are set out in detail in the recommendation at the end of this report. In summary they relate to:

- Noise limits for the barn – where a limiter has been installed
- No amplified music shall be played in any external areas or in any guest sleeping accommodation
- Activities/events for use by resident guests only
- There shall be no activity in the pool area (zone G) before 09:00 or after 20:00
- There shall be no activity in the quiet zone (zone A) before 08:00 or after 23:00
- The hot tub (zone F) shall not be used before 09:00 or after 21:00
- Men's health activities shall only be permitted between the hours of 09:00 to 17:00 Monday to Friday and shall only be conducted in zones D and E
- The manager shall be on site 24/7 during the stay of guests. The manager's contact details shall be provided to all neighbours within 500m of New House Farm and they shall be contactable 24/7 during the period that guests are on site
- No live bands, soloists, music groups or DJs shall be permitted to perform on site
- All external caterers must use the kitchen facilities provided on site. External caterers must not bring generators onto site. Catering vans are not permitted.
- The use of Public Address systems to amplify speech are not permitted on site
- Wedding ceremonies and wedding receptions are not permitted on site
- No stereos or sound systems can be brought onto site. Only small portable stereos provided by the owner can be used by guests for background music. Background music is defined as music at a level of sound which doesn't interfere with speech or conversation and doesn't cause conversation sound levels to increase above normal speaking. Background music levels means there is no requirement to raise voices or shout above the volume of music external areas only to be used as stated in the application in respect of the commercial users
- Provision of parking within the site (but the Council cannot preclude parking outside the site as this is outside its control)
- Use of managers flat for that purpose only and not as a separate dwelling unit
- Use of the curtilage listed barn to preclude non-specified events, weddings or stag/hen parties
- No external lighting
- No additional structures or buildings without planning permission

8.3.11 Having regard to the nature of the use and the recommended conditions, the commercial use of the site should not result in harm to the character or appearance of the site or wider landscape of the AONB.

#### 8.4 Listed building and curtilage listed building

8.4.1 Policy EN2 requires development affecting the historic environment to (iii) preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.

8.4.2 The proposals do not result in any overt changes to the external elevations or existing setting of the listed farmhouse or curtilage listed barn. Additional parking spaces are identified but these are in areas previously surfaced and utilised as part of the farmyard and its surroundings, prior to the holiday/commercial use. Proposals to use day rooms as bedrooms within the dwelling house do not result in changes to the listed building. As set out in the accompanying listed building application, RR/2021/1574/L, also reported on this agenda, the proposals do not represent harm to the listed building and with regard to its setting this is maintained.

#### 8.5 Highway and pedestrian safety

8.5.1 Policy CO6 (ii) requires all development to avoid prejudice to road and/or pedestrian safety.

8.5.2 The access track is an unmade single track with no formal passing places. Field gates along the track offer informal places for traffic to pass. Objections have been received that the proposals represent an increase in traffic and that the track is unsuitable. The track is narrow and winding and slopes downwards towards the south meaning that users cannot see from one end to the other.

8.5.3 As previously there are some concerns over the suitability of the track to accommodate the increased traffic that would be created by the proposed use. However, the Highway Authority previously raised no objection to the increased use of the access track or the extra traffic that would be generated on Sheepstreet Lane. The Highway Authority advised that the access has sufficient width (4.5m+) for the initial 5.5m – 6m back from the edge of the carriageway and with this in mind two vehicles are able to pass. While they advised that an adequately sized passing bay located further into the site would be beneficial, this was not possible due to ownership of the track by others.

8.5.4 There have been no reports of problems with the access in terms of use by traveling vehicles. The proposal is unlikely to create an unacceptable increased risk to road or pedestrian safety.

#### 8.6 Parking

8.6.1 Policy TR4 (i) requires proposals to meet the residual needs of the development for off-street parking taking into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.

8.6.2 The application for conversion of the outbuildings to provide seven holiday lets proposed 10 parking spaces. Only six of the holiday lets have been

created providing a total of eight bedrooms, with 24 bed spaces identified if sofa beds in each unit are also used. In general one parking space per holiday let would normally be required, having regard to the units being one or two bedroom units for family occupation. In this instance it is noted that there could be potential for more than one vehicle where there are two bedrooms/sofa bed provided and hence more parking could be required thus potentially utilising the 10 spaces previously identified. In terms of the dwelling house, a family house with four or more bedrooms could in general be expected to provide four parking spaces. The application for use as a holiday let identifies eight bedrooms (16 bedspaces). If assumed that each bedroom is occupied by a different family, then potentially eight cars could attend. This would give rise to an overall requirement for 18 parking spaces. The plan for the site identifies 19 parking spaces, which could include one for the site manager.

8.6.3 While the parking provision should be provided as identified and guests requested to use those spaces, parking outside the application site is not a matter within the Council's control and as such it could not enforce a condition that precluded parking elsewhere. Parking on a private access road is a civil matter.

8.6.4 As such subject to use of the commercial site being restricted to resident guests only, the parking provision of 19 spaces is acceptable.

#### 8.7 Impacts on nearby properties

8.7.1 Policy OSS4 (ii) requires all development to not unreasonably harm the amenities of adjoining properties.

8.7.2 As noted within the objections, and acknowledged at paragraphs 8.3.8 and 8.3.9 above, there have been a number of incidents over the preceding four years where activity at the site has resulted in noise and disturbance to the adjacent and other local residential properties. The site is located in a tranquil rural area, as used in advertising the site as a country retreat. Where the background noise level is relatively low, especially in the evenings/night noise is noted to carry further. The use of the site for holiday accommodation and as a retreat or for business groups staying at the site has the potential to operate without detriment to neighbours, which is indeed the case for many other sites around the district and beyond.

8.7.3 In this instance it is noted that there have been activities on an irregular basis at the site which have created harm to the residential amenities of the area. However, those instances in general have related to external activities by groups that are not currently controlled and which have led to this application. It is considered that in order to control and limit activities at the site a number of new conditions should be imposed on this application. The conditions as summarised at paragraph 8.3.10 above, would set limits to the type of activities, the hours of use, no external amplified music and limit activities to resident guests only, with noise limits set for the barn. Many of these elements are already set out in the site terms and conditions of rental and other controls set out by the Applicant. The conditions are set out in full at the end of the report.

- 8.7.4 If the conditions were imposed on any grant of permission, then it is considered that use of the site could proceed without undue detriment to the amenities of local residents.
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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The use of the site per se for tourism and commercial related activities is considered to accord with policies that seek to promote the rural economy.
- 9.2 The proposals would not result in harm to the preservation of the listed buildings or their setting.
- 9.3 Subject to commercial use of the site being restricted to resident guests only, the proposals would not impact highway safety and adequate onsite parking is provided.
- 9.4 It is acknowledged that to date there have been some incidents at the site that have resulted in harm to neighbours. A number of conditions are proposed in response to the identified harm and subject to those conditions, it is considered that the proposals would not result in harm to residential amenity of the locality or to the rural character and scenic beauty of the High Weald AONB.
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## **RECOMMENDATION: GRANT (FULL PLANNING)**

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### **CONDITIONS:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
  - a) DGC-22062-09, dated 09/03/2022
  - b) Written schedule of internal and external activities submitted by the agent and uploaded 18 March 2022, in accordance with the limitations of the conditions set out below.
  - c) DGC-22062-07, dated 13/12/2021
  - d) DGC-22062-08, dated 13/12/2021
  - e) DGC-22062-02 Rev.A, dated 21.12.2021
  - f) DGC-22062-03 Rev.A, dated 21.12.2021
  - g) DGC-22062-05 Rev.B, dated 21.12.2021
  - h) DGC-22062-06, dated 27/05/2021
  - i) DGC-22062/CU/100 Rev.A, dated 21.12.2021Reason: For the avoidance of doubt and in the interests of proper planning.
2. The use of the site for holiday lets and activities as listed within the application, namely yoga/wellbeing retreats and business groups (training and team building), as hereby permitted, shall only be for the use of resident guests.  
Reason: To preclude excessive numbers of vehicles at the site, and to limit the number visitors to the site to protect the residential amenities of the locality and the tranquility of the countryside within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii), (iii), EN1



and TR4 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.

3. The external areas of the site shall be used only for those purposes detailed on approved drawing DGC-22062-09, dated 09/03/2022 and as listed within the written schedule of information provided by the agent and uploaded on 18 March 2022 and for no other purpose. Use by 'retreats' or 'business groups', shall not occur more than once in any calendar month.  
Reason: To protect the residential amenities of the locality and the tranquility of the countryside within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii), (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.
4. The curtilage listed barn as hereby permitted shall not be used for or in connection with any activity not listed within the written schedule of information provided by the agent and uploaded on 18 March 2022 and specifically not for any wedding events (including ceremonies and receptions), stag or hen parties.  
Reason: To protect the residential amenities of the locality and the tranquility of the countryside within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii), (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.
5. No amplified music shall be played in any external areas or in any guest sleeping accommodation and no live bands, soloists, music groups or DJs shall be permitted to perform on site. The use of Public Address system to amplify speech is not permitted on site.  
Reason: To protect the residential amenities of the locality and the tranquility of the countryside within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii), (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.
6. The only use of amplified music on site shall be played within the curtilage listed barn through the limiter installed in the barn. The following sound levels and details apply to use of amplified music here:
  - a) Sound levels of amplified music played through the limiter in the barn, measured 3m directly in front of the entrance to the barn and 1.5m above ground level, with all doors and windows closed, shall not exceed background sound levels ( $LA_{90,15min}$ ) measured at the same location, within the same hour, when the music is turned off and the doors and windows of the long barn are closed.
  - b) Sound levels (dB) of the Octave Band Centre Frequencies 63Hz to 500Hz, of music played through the limiter in the Long Barn, when measured 3m directly in front of the entrance to the long barn and 1.5m above ground level, with doors and windows closed, shall match or be lower than the levels measured at the same location, within the same hour, when the music is turned off and the doors and windows of the long barn are closed. Measurements of Octave Band Centre Frequencies shall be undertaken over a 15 minute period.
  - c) The door to the long barn shall be kept closed at all times except for access and egress

d) Windows to the long barn shall always be kept closed

Reason: To protect the residential amenities of the locality and the tranquility of the countryside within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii), (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.

7. No stereos or sound systems can be brought onto site. Only small portable stereos provided by the owner can be used by guests for background music. Background music is defined as music at a level of sound which doesn't interfere with speech or conversation and doesn't cause conversation sound levels to increase above normal speaking. Background music levels means there is no requirement to raise voices or shout above the volume of music.  
Reason: To protect the residential amenities of the locality and the tranquility of the countryside within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii), (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.
8. With reference to the external areas as identified on Drawing No. DGC-22062-09, dated 09/03/2022, the following time limits will be applied:
  - a) There shall be no activity in the pool area (zone G) before 09:00 or after 20:00 hours
  - b) There shall be no activity in the quiet zone (zone A) or on the farmhouse lawns (zone B) before 08:00 and after 20:00 hours
  - c) The hot tub (zone F) shall not be used before 09:00 or after 21:00 hours
  - d) Men's health activities shall only be permitted between the hours of 09:00 to 17:00 Monday to Friday and shall only be conducted in zones D and EReason: To protect the residential amenities of the locality and the tranquility of the countryside within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii), (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.
9. All external caterers must use the kitchen facilities provided on site. External caterers must not bring generators onto site. Catering vans are not permitted.  
Reason: To control external activity, noise and general disturbance to protect the residential amenities of the locality and the tranquility of the countryside within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii), (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.
10. Wedding ceremonies and wedding receptions are not permitted on site.  
Reason: To control external activity, noise and general disturbance to protect the residential amenities of the locality and the tranquility of the countryside within the High Weald Area of Outstanding Natural Beauty and having regard to the limited space for the parking and turning of vehicles, in accordance with Policies OSS4 (ii), (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.
11. The parking and turning areas within the site and as set out on approved Drawing No. DGC-22062-09, dated 09/03/2022 shall be used by the

occupiers of the site and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

12. The managers' flat hereby permitted within the main dwelling, shall only be occupied as additional accommodation (an annexe) to the main dwelling, New House Farm, and shall not be occupied by any person who is not a manager of the holiday accommodation within the site or is a member of the family (as defined by section 186 of the Housing Act 1985 or in any provision equivalent to any re-enactment of that Act) residing in the family dwelling.

Reason: To ensure that the approved managers' flat is retained for the operation and management of the site and that it is not used for unauthorised permanent separate residential occupation in accordance with Policies OSS4 (iii) and RA3 of the Rother Local Plan Core Strategy.

13. The manager shall be on site 24/7 during the stay of guests. The manager's contact details shall be provided to all neighbours within 500m of New House Farm and they shall be contactable 24/7 during the period that guests are on site.

Reason – To ensure on-site presence of a manager to manage the site and to control external activity, noise and general disturbance to protect the residential amenities of the locality and the tranquility of the countryside within the High Weald Area of Outstanding Natural Beauty and having regard to the limited space for the parking and turning of vehicles, in accordance with Policies OSS4 (ii), (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.

14. No floodlighting or other external means of illumination of the site shall be provided, installed or operated at the site without a further planning permission.

Reason - To prevent light pollution and obtrusive lighting to safeguard the special landscape character, including dark skies and ecology of the countryside area within the High Weald Area of Outstanding Natural Beauty and in the interests of the amenities of adjoining residents, in accordance with Policies OSS4 (ii) (iii), RA3 (v) and EN1 of the Rother Local Plan core Strategy and Policies DEN1, DEN2 and DEN7 of the Development and Site Allocations Local Plan.

#### **NOTES:**

1. Your attention is drawn to the associated listed building consent RR/2021/1574/L and the attached conditions.
2. The developer is advised that any other structures or buildings proposed to be erected anywhere within the application site would require a specific planning permission.

**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 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.

[illegible]

## Rother District Council

Report to	-	Planning Committee
Date	-	23 June 2022
Report of the	-	Director - Place and Climate Change
Subject	-	Application RR/2021/1574/L
Address	-	New House Farm Sheepstreet Lane, Etchingham ETCHINGHAM
Proposal	-	Creation of three en-suite bathrooms in New House Farmhouse and alterations to permitted stairs and internal layout within the Long Barn. (Retrospective)

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT (LISTED BUILDING CONSENT**

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**Director: Ben Hook**

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**Applicant:** Mr J. Carter  
**Agent:** Speer Dade Planning Consultant  
**Case Officer:** Mrs S. Shepherd  
(Email: [sarah.shepherd@rother.gov.uk](mailto:sarah.shepherd@rother.gov.uk))

**Parish:** Etchingham  
**Ward Members:** Councillors J. Barnes and Mrs E.M. Kirby-Green

**Reason for Committee consideration:** Councillor Referral: There are inconsistencies between the planning and listed applications/plans. Impacts from the use on neighbours.

**Statutory 8-week date:** 16 August 2021  
**Extension of time agreed to:** 30 June 2022

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

- 1.1 This application seeks listed building consent for alterations to the main house, a grade II listed building and to the curtilage listed barn. There is also a planning application for the site with regard to the use of the site, application RR/2021/1573/P refers. Listed building consent is not required in respect of any change of use, it is only required for works to the buildings.

- 1.2 Since receipt of the application and following a site visit by officers, amended plans have been received in respect of other works that were identified, particularly with regard to the barn but which were not clarified by the initial plans.
- 1.3 The plans are now considered to be correct and the works are not considered to have resulted in any harm to the listed buildings. As such the proposals are recommended for approval.
- 

## **2.0 SITE**

- 2.1 New House Farm is a grade II listed building, a designated heritage asset, which lies around 270m south of Sheepstreet Lane (C213). It is accessed by a narrow unmade track, which is crossed by a public footpath. The site is outside any defined development boundary within the countryside of the High Weald Area of Outstanding Natural Beauty (AONB).
- 2.2 The site comprises the main dwelling, former farmhouse, a curtilage listed barn and a number of other outbuildings that have been converted into holiday lets. The main barn has previously been granted permission for use as a holiday let in part with the rest providing a communal area in association with the holiday lets at the site. The main dwelling has been used as both a family residence and let as a short term holiday accommodation.
- 

## **3.0 PROPOSAL**

- 3.1 This application details works undertaken to the main dwelling and barn for which listed building consent is sought. The works comprise:

### **Main house**

- Insertion of two en-suite shower rooms at first floor
- Insertion of en-suite to attic room
- Soil and vent pipes to be replaced with cast metal
- Roof vent tile to be clay vent tile
- Creation of a small one bedroom managers flat in the ground floor extension

### **Barn**

- Ground floor kitchen area west end open to barn
- Ground floor toilet/wash area west end
- Stairs changed from approved to a spiral metal staircase to first floor open seating mezzanine
- WC created to east end behind fireplace
- Store room created east end

It is noted that approved works to create a holiday let at the western end have not been undertaken.

---

## **4.0 HISTORY**

- 4.1 Recent history comprises the following:

4.2	RR/96/1548/L & 1547/P	Demolition of existing outshot and erection of single storey extension. Approved conditional.
4.3	RR/2000/1177/P	Demolition of existing buildings to be replaced with 1. Outbuilding for garaging and 2. Outbuilding for garden equipment store and swimming pool changing room with games room/loft over. Approved conditional.
4.4	RR/2000/1222/L	Demolition of existing outbuilding. Consent granted.
4.5	RR/2015/1757/P	Change of use and rebuild of disused agricultural barn to form a single dwelling house. Approved conditional. (now separate ownership).
4.6	RR/2015/3143/P	Conversion of existing buildings to seven holiday let units and use of barn as a communal area for resident guests only. Approved conditional.
4.7	RR/2016/660/L	Works relating to conversion of outbuilding to holiday let and use as a communal space for resident guests only. Approved conditional. (Barn).
4.8	RR/2018/695/P	Variation of Conditions 2 and 5 imposed on RR/2015/1757/P to change the proposed layout including minor changes to the external door and window configuration and extension of the residential curtilage. Approved conditional.
4.9	RR/2018/698/P	Garden/tractor store. Approved conditional.
4.10	RR/2021/1573/P	Change of use of dwelling and land at New House Farm to mixed use of dwelling and holiday accommodation with inclusion of separate site managers' accommodation within the dwelling. Use of curtilage listed barn by resident guests of the holiday lets and by occupants and guests of the house at New House Farm. (Retrospective) – to be determined.

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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:
- EN2: Stewardship of the historic built environment
- 5.2 The National Planning Policy Framework and Planning Policy Guidance are also material considerations, with particular reference to section 16, conserving and enhancing the historic environment.
- 5.3 Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990, sets out the statutory duty of local planning authorities when considering whether to grant listed building consent, to have special regard to the



desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

---

## **6.0 CONSULTATIONS**

### **6.1 Planning Notice**

6.1.1 20 letters of objection have been received (from 14 properties). The comments are summarised as follows:

- Retrospective application so should not be allowed
- Changes accommodate an unacceptable use
- Other comments relate to the planning application

6.1.2 Six letters of support (from five properties). The comments are summarised as follows:

- Works have been carried out sympathetically
- Enable unused buildings to be used
- Barn has been improved to reveal more of its original features

### **6.3 Etchingham Parish Council – **OBJECTION****

6.3.1 No objections are specifically cited with regard to the listed building works. Objections relate to use, noise, previous conditions and impacts on the AONB. those comments are not pertinent to consideration of the listed building application and relate to the planning application.

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## **7.0 APPRAISAL**

7.1 The only issues for consideration in respect of the listed building application are those relative to the legislative and policy requirements to preserve the listed building or its setting or any features of special architectural or historic interest which it possesses. The application although retrospective, falls to be determined having regard to the usual policy considerations and as though they are proposed.

7.2 Policy EN2 requires development affecting the historic environment to (iii) preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.

7.3 With regard to the main house, the insertion of three en-suites to existing bedrooms on the first and second floors would not and indeed has not resulted in any significant change to the listed building. There has been no loss of historic fabric nor change to the overall layout and form of the building. The two en-suites on the first floor have been created within former cupboard spaces, while that in the attic space required a small partition to be inserted. Minor associated external works with some sections of drainage pipe and a tile vent are required to serve the en-suites. These equally have resulted in only minor changes which do not impact the significance of the house as a listed building.

- 7.4 The managers' flat is located within the 1996 extension and as such the minor changes to some partitions here has no impact on the listed building.
- 7.5 While the Council is aware that two other rooms may be used as bedrooms rather than day rooms on the ground floor, such use does not require any works to the building and does not require listed building consent.
- 7.6 In respect of works to the barn, the proposals are less than previously approved with regard to the western end where a holiday let was to have been created. The open plan form of the barn is now better retained with the kitchen units and spiral staircase open to view. A previously approved window in the west end elevation has not been inserted but an emergency fire door with retractable steps has been inserted. The Applicant has a right of way over the adjacent land. With regard to the WC and store at the eastern end, those partitions are inserted within the existing enclosed space created by the pre-existing fireplace. There are no other external changes. None of the alterations are considered to harm the fabric or significance of the barn as a curtilage listed building.
- 7.7 Objections have been voiced not in respect of the actual works to the listed buildings but in relation to the uses that have taken place. The change of use, where this has occurred, does not require listed building consent. That is a matter for consideration in the associated planning application.
- 

## **8.0 PLANNING BALANCE AND CONCLUSION**

- 8.1 The works as proposed and undertaken, are minor in nature and have preserved the significance of the listed buildings and their setting. As such the works do accord with the statutory, national and local policy requirements.
- 

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

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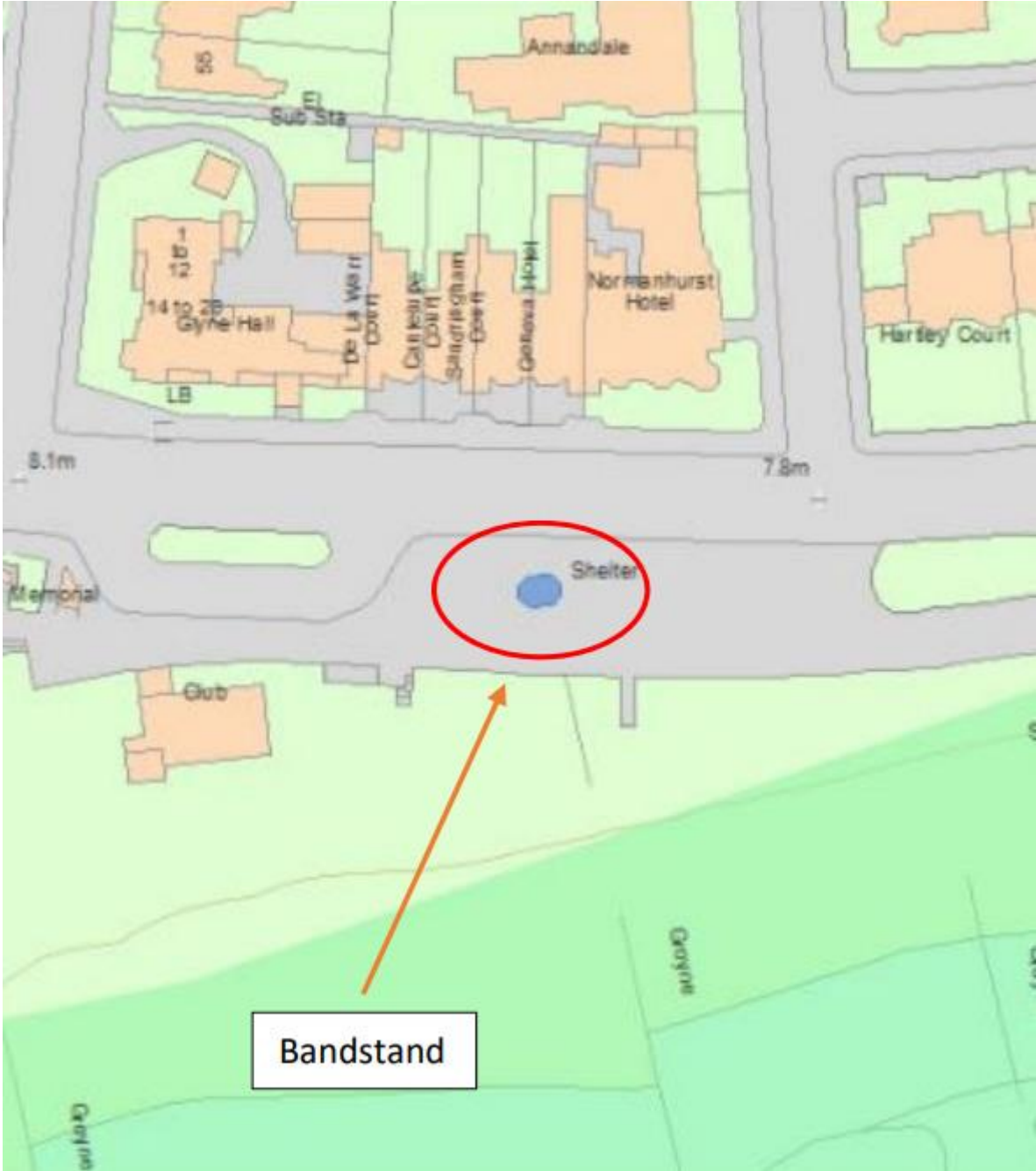
### **CONDITIONS:**

1. The works hereby permitted shall have been completed and retained in accordance with the following approved plans and details:  
DGC-22062-02 Rev.A, dated 21.12.2021  
DGC-22062-03 Rev.A, dated 21.12.2021  
DGC-22062-05 Rev.B, dated 21.12.2021  
DGC-22062-06, dated 27/05/2021  
DGC-22062/CU/100 Rev.A, dated 21.12.2021  
Reason: For the avoidance of doubt and in the interests of proper planning.

### **NOTE:**

1. Your attention is drawn to the associated planning permission RR/2021/1573/P and the attached conditions.

<p>SITE PLAN</p> <p>RR/2022/289/L</p>	<p>BEXHILL</p> <p>Shelter Number 1 Marina / De La Warr Parade</p>
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## Rother District Council

Report to	-	Planning Committee
Date	-	23 June 2022
Report of the	-	Director - Place and Climate Change
Subject	-	RR/2022/289/L
Address	-	Shelter Number 1 East Parade Bexhill
Proposal	-	Addition of replica ridge crest to the bandstand roof.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT LISTED BUILDING CONSENT**

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**Director: Ben Hook**

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**Applicant:** Bexhill Heritage  
**Case Officer:** Mr J. Laibach  
(Email: [james.laibach@rother.gov.uk](mailto:james.laibach@rother.gov.uk))

**Parish:** Bexhill Sackville  
**Ward Member(s):** Councillors T.J.C. Byrne and H.L. Timpe

**Reason for Committee consideration:** Site owned by Rother District Council

**Statutory 8-week date:** 2 April 2022  
**Extension of time agreed to:** TBC

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### 1.0 SUMMARY

- 1.1 The application seeks listed building consent for the addition of a replica ridge crest to the bandstand roof as part of the restoration of the existing Grade II listed seafront shelter; Shelter Number 1, East Parade, Bexhill.
- 1.2 Following amendments to the design, the proposed ridge crest would preserve the original features of the seaside shelter and re-create the original design features visible in photographic evidence. The inclusion of horizontal banding, which frames the panel, along with the projecting motif in the centre, suitably replicates traditional cast panelling and is consistent with cast panelling seen opposite on East Parade.
- 1.3 The view is taken that the proposal would preserve the detail of the special architectural and historic interest of the listed building in accordance with section 16 of the Planning (Listed Buildings and Conservation Areas) Act

1990, paragraph 130 of the National Planning Policy Framework, and Policy EN2 of the Rother Local Plan Core Strategy. It is, accordingly, recommended that listed building consent be granted.

---

## **2.0 SITE**

- 2.1 The application relates to a Grade II Listed seafront shelter on De La Warr Parade, between the junctions of Sea Road and Brassey Road. The shelter is located on the south side of the road, within the development boundary for Bexhill.
- 2.2 Shelter Number 1, a Grade II Listed Building, is listed for the following principal reasons:
- Architectural: a well-crafted and decorative wooden shelter with an unusual ten sided plan.
  - Degree of completeness: substantially complete except for subsequent roof re-tiling and glazing in of the side panels.
  - Historical: one of the surviving features of the 8th Earl de La Warr's development of Bexhill.
  - Group Value: one of a group of four seaside shelters along De La Warr Parade.
- 

## **3.0 PROPOSAL**

- 3.1 The application seeks listed building consent for the for the addition of a replica ridge crest to the bandstand roof as part of the restoration of the existing Grade II listed seafront shelter; Shelter Number 1, East Parade, Bexhill.
- 3.2 Following amendments to the design, the proposed ridge crest would preserve the original features of the seaside shelter and re-create the original design features visible in photographic evidence. The inclusion of horizontal banding, which frames the panel along with the projecting motif in the centre, replicates traditional cast panelling.
- 3.3 The ridge crest would be constructed of mild steel, with solid rod and solid box section used throughout. The steel would be thoroughly cleaned prior to being galvanised and then powder coated in black. The materials and manufacturing processes have been selected to give the crest a very high degree of resilience in this seafront location.
- 

## **4.0 HISTORY (relevant)**

- 4.1 RR/2021/2397/L Restoration of existing seafront shelter. Listed Building Consent Granted.
- 

## **5.0 POLICIES**

- 5.1 The following policy of the adopted [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- EN2: Stewardship of the Historic Built Environment

- 5.2 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant listed building consent, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 5.3 The National Planning Policy Framework represents up-to-date Government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. Planning Practice Guidance is available as guidance on how to interpret the National Planning Policy Framework. Especially relevant to applications relating to the historic environment is Section 16 of the National Planning Policy Framework: Conserving and Enhancing the Historic Environment.
- 

## **6.0 CONSULTATIONS**

### **6.1 Planning Notice**

- 6.1.1 No representations received.

### **6.2 Bexhill Town Council**

- 6.2.1 No representations received.
- 

## **7.0 APPRAISAL**

- 7.1 The main issue for consideration is the impact of the proposal on the special architectural and historic interest of the listed building.
- 7.2 Impacts upon the special architectural and historic interest of the listed building.
- 7.2.1 Policy EN2 of the Rother Local Plan Core Strategy, Stewardship of the Historic Built Environment, states development affecting the historic built environment, will be required to:  
“(iii) preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.”
- 7.2.2 Following amendments to the design, the proposed ridge crest would preserve the original features of the seaside shelter and re-create the original design features visible in photographic evidence. The inclusion of horizontal banding, which frames the panel, along with the projecting motif in the centre, suitably replicates traditional cast panelling and is consistent with existing cast panelling seen opposite on East Parade.
- 7.2.3 The proposed use of mild steel for the crest while a departure from traditional cast iron, is considered to be a suitable alternative in this instance. The use of solid rod and solid box section throughout, which would be galvanised and then powder coated in black, would give the crest a very high degree of

resilience in this seafront location. The proposed materials would allow for an appropriate design to be manufactured, while reducing wind resistance and weight compared to cast iron. In addition, cast iron is more brittle than mild steel, with cast iron considered unlikely to maintain a 'good' appearance over time without very frequent maintenance. The materials and finish of the ridge crest would therefore complement the shelter and be in keeping with its wider restoration.

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## **8.0 PLANNING BALANCE AND CONCLUSION**

- 8.1 In summary, the proposals are considered to preserve the detail of the special architectural and historic interest of the listed shelter in accordance with section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 130 of the National Planning Policy Framework, and Policy EN2 of the Rother Local Plan Core Strategy. It is, accordingly, recommended that listed building consent be granted.
- 

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

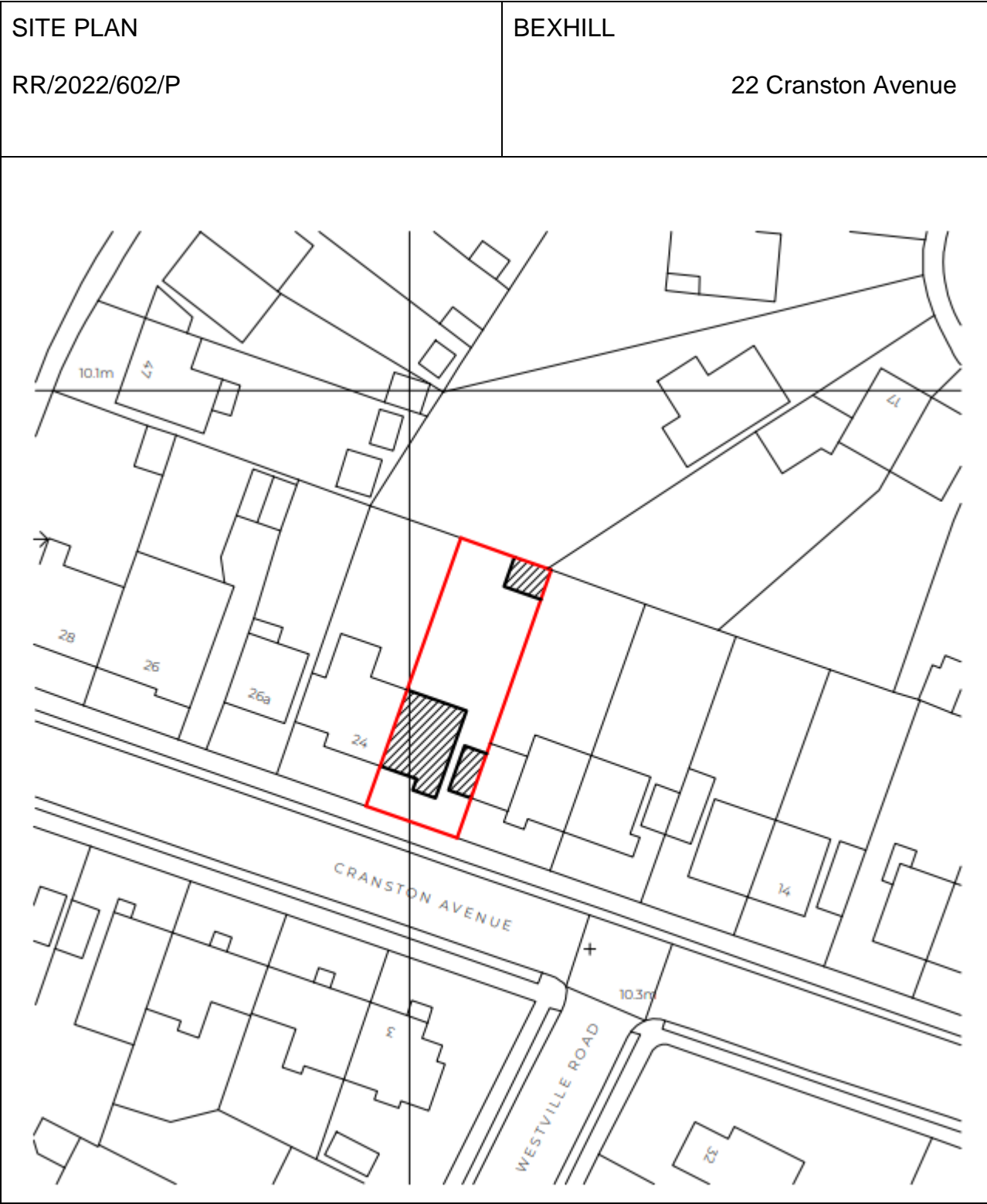
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#### **CONDITIONS:**

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.  
Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Location Plan; Submitted with the application  
Elevation and Plan View Drawing; submitted via email dated 20 May 2022  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as described within the application, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard the historic fabric and the special architectural and historic character of the Listed Building in accordance with Policy EN2 of the Rother Local Plan Core Strategy (2014).

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## Rother District Council

Report to	-	Planning Committee
Date	-	23 June 2022
Report of the	-	Director - Place and Climate Change
Subject	-	Application RR/2022/602/P
Address	-	22 Cranston Avenue BEXHILL
Proposal	-	Demolition of existing garage/store and erection of single storey side extension to form additional domestic accommodation.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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<b>Applicant:</b>	<b>Mr Hamilton</b>
<b>Agent:</b>	<b>Mr Sam Boobier - HOUSE - Design &amp; Architecture</b>
<b>Case Officer:</b>	<b>Miss Katie Edwards</b> (Email: <a href="mailto:katie.edwards@rother.gov.uk">katie.edwards@rother.gov.uk</a> )

<b>Parish:</b>	<b>Bexhill Kewhurst</b>
<b>Ward Members:</b>	<b>Councillors B.J. Drayson and L.M. Langlands</b>

**Reason for Committee consideration:** Applicant is a member of staff.

**Statutory 8-week date:** 3 May 2022

**Extension of time agreed to:** 30 June 2022 (requested)

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

- 1.1 This application seeks permission to construct a single storey side extension in the place of an existing detached garage. The proposal would appear subservient, cohesive and in character with the main house and is not considered to have a negative effect on any neighbouring dwellings as such it is being recommended for approval.
-

## **2.0 SITE**

- 2.1 This application relates to a semi-detached two-storey dwelling situated on the northern side of Cranston Avenue. The site sits within the development boundary for Bexhill as defined within the Development and Site Allocations Local Plan.
- 

## **3.0 PROPOSAL**

- 3.1 This application seeks permission to demolish an existing side garage and replace with a single storey side extension.
- 3.2 The extension would measure 3m in width and 8.6m in depth, it would have a false pitch roof with an eaves height of 2.35m and ridge height of 3.1m. The extension would be finished with render and pebbledash as seen on the existing dwelling with matching concrete roof tiles. There would be a roof lantern over the shower room with a window to the front elevation and a window and single door to the rear.
- 

## **4.0 HISTORY**

- 4.1 None-relevant.
- 

## **5.0 POLICIES**

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS4: General Development Considerations
  - EN3: Design Quality
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DHG9: Extensions, Alterations and Outbuildings
- 5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
- 

## **6.0 CONSULTATIONS**

### **6.1 Planning Notice**

- 6.1.1 No representations received.

### **6.2 Bexhill Town Council**

- 6.2.1 No representations received.
-

## **7.0 LOCAL FINANCE CONSIDERATIONS**

- 7.1 The proposal is not Community Infrastructure Levy liable due to its footprint of under 100sqm.
- 

## **8.0 APPRAISAL**

### **8.1 Impact on Neighbouring Dwellings**

- 8.1.1 The application site has neighbours to either side with the proposed development situated to the east side of the host building. It is considered that the neighbour to the west, No. 24, which is attached to the application dwelling, would not be directly affected by the proposal as it is situated on the opposite side to the development and not in clear view.
- 8.1.2 To the east side the neighbour, No. 20, has its shared curtilage situated 0.9m from the proposal and the side of the dwelling 5m from the proposal. The existing detached garage on the application site is against the curtilage so the proposal would be further away from the neighbour than what currently exists. The mock pitch roof would be sympathetic as it would not result in a full height roof. The dwellings on this row have north facing rear gardens so there would be no loss of light to the neighbour's side garden as in the late afternoon their light would already be impacted by the two-storey host dwelling.
- 8.1.3 The loss of the garage parking space is noted however there would be an existing off-road parking space in front of the proposed extension and the garage is stated as being for use as a storeroom. There are no previous conditions which required its retention, it is not considered that it is necessary to retain the garage.
- 8.1.4 Due to the existing impact of the detached garage and the distance between the application site as its neighbour, it is not considered that the proposal would have a detrimental impact on any neighbouring dwellings.

### **8.2 Impact on Character and Appearance of the Locality**

- 8.2.1 The application site is situated on Cranston Avenue where the road is defined by semi-detached dwellings, some with detached garages, some with attached garages and some with additional car parking spaces. There have been many recent examples of similar works being approved for neighbouring dwellings on Cranston Avenue, namely the following:
- Number 16 (RR/2021/562/P) – Two storey side extension
  - Number 13 (RR/2021/392/P) – Single storey side extension
  - Number 12 (RR/2020/2386/P) – Single storey side extension
- 8.2.2 The proposal would have a mock pitch roof so would appear subservient to the main house due to its low height. The materials for the walls and roof tiles would match the existing creating a cohesive addition to the host dwelling.
- 8.2.3 Due to the varied character of the street scene (including previously approved side extensions to the neighbouring dwellings) and the creation of a subservient

and cohesive addition to the host property, it is not considered that the proposal would harm the character and appearance of the locality.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The proposal is considered of an acceptable scale and design for the property. The proposal does not unreasonably harm the amenities of neighbouring properties or the character of the area. The application is therefore recommended for approval.
- 

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

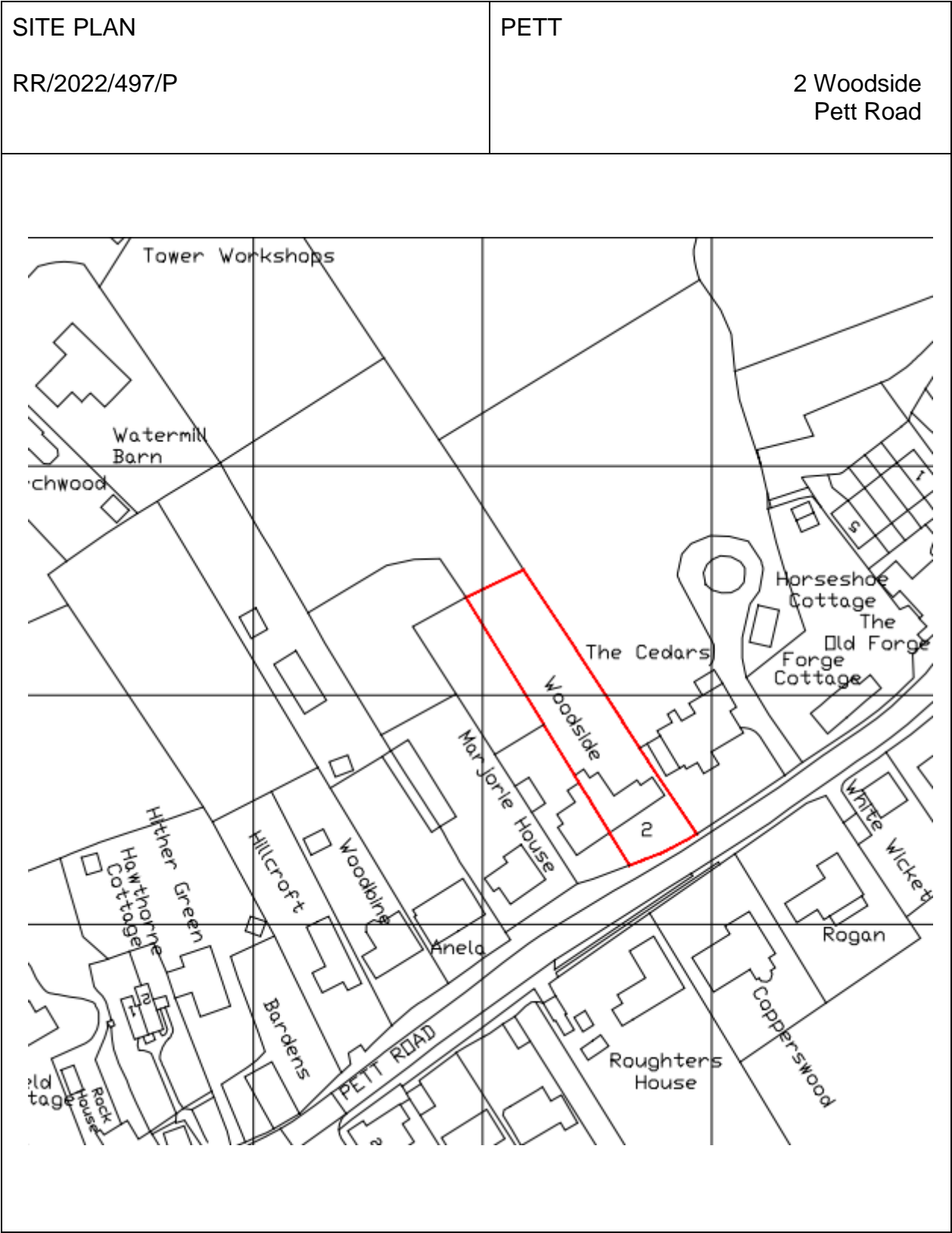
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#### **CONDITIONS:**

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:  
Site Location Plan, Drawing No. 21.391/01, dated March 2022,  
Proposed Block Plan, Elevations and Floor Plan, Drawing No. 21.391/02, dated March 2022.  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match in materials, colour and texture those used in the existing building unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.  
Reason: To maintain the characteristics of the existing building in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.

**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 assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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## Rother District Council

Report to - Planning Committee  
Date - 26 May 2022  
Report of the - Director - Place and Climate Change  
Subject - Application RR/2022/497/P  
Address - 2 Woodside, Pett Road  
PETT  
Proposal - Erection of single storey outbuilding, with the main purpose of providing a home office.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mr Dean Biffin  
**Agent:** Mr Matt Rice-Tucker  
**Case Officer:** Mrs Ita Sadighi (Email: [ita.sadighi@rother.gov.uk](mailto:ita.sadighi@rother.gov.uk))  
**Parish:** PETT  
**Ward Members:** Councillors R.K. Bird and A.S. Mier

**Reason for Committee consideration:** Director – Place and Climate Change referral: Applicant is related to a member of the Council's staff.

**Statutory 8-week date: 25 April 2022**

**Extension of time agreed to:**

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### 1.0 SUMMARY

- 1.1 Planning permission is sought for the provision of an outbuilding to accommodate a home/office/gym with shower room within the rear of the garden. The proposal would be within 20m of the house and adjoining the boundary with the neighbour at No.1 Woodside.
- 1.2 The proposal has since been amended to detail a flat roof rather than pitched roof building. Its scale, design and materials are considered acceptable for the host property and its setting in the rear garden. It would not have an undue impact on the amenities of the adjoining neighbouring properties and therefore complies with local and national plan policies.
-



## 2.0 SITE

- 2.1 2 Woodside is a semi-detached, two storey property situated on the north side of Pett Road, a short distance from the Two Sawyer Public House. The property is within the development boundary for Pett and the High Weald Area of Outstanding Natural Beauty (AONB) as defined in the Development and Site Allocations Local Plan 2019 (DaSA).

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## 3.0 PROPOSAL

- 3.1 The proposal is the erection of single storey outbuilding, with the main purpose of providing a home office.
- 3.2 The proposed outbuilding would be single storey measuring approximately 13m (including roof overhang) x 5.5m x 4.5 max height to its pitched roof. It would have an eaves height of approximately 2.2m. Externally it would be finished with roof tiles and vertical timber cladding.
- 3.3 The application form states it would have external PIR security lighting, but no details of the lights have been provided.

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## 4.0 HISTORY

- 4.1 RR/2008/1173/P Provision of new first floor accommodation above existing side extension and erection of single storey rear extension – Approved Conditional.
- 4.2 RR/2009/961/P Proposed demolition of existing single storey flat roof extension. Construction of new flat roofed single storey extension to form improved kitchen and utility room. alterations to existing external window and door openings to suit new revised internal layout. removal of existing rear chimney stack – Approved Conditional. (Revision of planning approval RR/2008/1173/P).

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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:
- Policy OSS3: Location of Development
  - Policy OSS4: General Development Considerations
  - Policy EN1: Landscape Stewardship
  - Policy EN3: Design Quality
  - Policy RA1: Villages
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- Policy DHG9: Extensions, Alterations and Outbuildings
  - Policy DEN1: Maintaining Landscape Character
  - Policy DEN2: The High Weald AONB

- 5.3 The following objectives of the adopted High Weald AONB Management Plan 2019-2024 are relevant to the proposal:
- Objective S2: To protect the historic pattern and character of settlement
- 5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
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## 6.0 CONSULTATIONS

### 6.1 Planning Notice

- General Comment from neighbour as follows:

6.1.1 *'I own the adjoining half of Woodside and I do not object to the erection of this single room apartment, but my observations are:*

- *why not build it at the bottom of the garden - across the site?*
- *On the northern end of the current revised proposed development, the roof height above ground will be considerably higher as the site slopes away much more than it appears on the drawing.*
- *A pitch roof would be less long-term maintenance - but the original one was far too imposing - an off-set pitch 45/15 (approx.) would have the benefit of a pitch roof but not so imposing'.*

### 6.2 Town/Parish Council – **Support**

- 6.2.1 Pett Parish Council voted to support this application subject to a condition that this is not used as a separate dwelling for living in.
- 

## 7.0 APPRAISAL

### 7.1 The main issues for consideration are:

- Impacts upon neighbouring and nearby properties.
- Impact on the character and appearance of the property, streetscene and High Weald AONB.

### 7.2 Impacts upon neighbouring and nearby properties

7.2.1 Policy OSS4(ii) of the Rother Local Plan Core Strategy and DHG9(i) of the DaSA seek to protect the amenities of neighbouring properties.

7.2.2 Policy DHG9 (i) of the DaSA requires development to not unreasonably harm the amenities of adjoining properties in terms of loss of light, massing or overlooking.

7.2.3 The property has an attached neighbour to the east side (1 Woodside) and a detached neighbour on the west side (The Cedars). The proposed new office building would be sited in the enclosed rear garden along the boundary with No. 1 Woodside so this neighbour would be most affected. The neighbour has not objected but commented on the proposal. The original drawing indicated that the proposal would have a pitched roof which was considered

high because of the topography of the site. The rear gardens of both the host property and No.1 Woodside drop away towards the lower end. The plan has now been amended to a flat roof which is more suitable for the site. The boundary has close board fencing with a few trees and shrubs (and greenhouse) in the neighbours' garden. The proposal would be a new addition to the boundary which will alter the visual outlook between the rear gardens. However, it should be noted that a building of a similar scale could be erected under permitted development.

7.2.4 The rear gardens are long, contained and slope away from the houses, therefore the ground would need to be raised to support the new outbuilding. This would make the building slightly higher when viewed from the neighbours' garden where the ground level changes. However, no windows are proposed on the rear elevation so there would be no significant loss of privacy.

7.2.5 Whilst the proposal would be visible from the neighbour's garden, given the distance from the main house (approximately 15m) and length of the garden, there would not be an unacceptable loss of light to neighbouring properties.

### 7.3 Character and appearance

7.3.1 Policy OSS4 (iii) states that "*development should respect and not detract from the character and appearance of the locality.*"

7.3.2 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...*"

7.3.3 Policy DHG9 (ii)(iii)(vi) of the DaSA states that outbuildings will be permitted where they do not detract from the character and appearance of the wider streetscene and that they respect and respond positively to the scale, form, proportions, materials, details and the overall design, character and appearance of the dwelling.

7.3.4 The proposal would be sited in the host's enclosed rear garden with no direct views from the street or wider AONB, which would both be protected. Its scale and design with timber finish would be sympathetic to its setting.

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## 8.0 **PLANNING BALANCE AND CONCLUSION**

8.1 The proposal would provide an office/ gym area for the property whose owners now work from home. The new building is of an acceptable scale and design set in the rear garden that would not unacceptably impact on the amenity of neighbouring occupiers. The external timber finish would be appropriate in this rear village garden.

8.2 Subject to conditions the application is supported.

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

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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:  
Proposed Site Plans & Elevations, Drawing No. 21\_63-10 Rev A dated 30.5.2022  
Proposed Outbuilding Drawings Drawing No. 21\_63-15 Rev A dated 30.5.2022  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the construction of the external surfaces of the building hereby permitted shall be as submitted on Drawing No. 21\_63-15 Rev A dated 28/4/22 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 Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policy DHG9(ii) of the Rother Development and Site Allocations Plan.
4. The outbuilding hereby permitted shall only be used for incidental uses in association with the existing dwelling and shall not be used as habitable accommodation or a separate dwelling unit.  
Reason: In the interests of protecting the character of the area and protecting the residential amenities of neighbouring properties and precluding the creation of a new dwelling, in accordance with Policies OSS4 (ii) (iii) of the Rother Local Plan Core Strategy and DGH9 of the Development and site Allocations Local Plan.

**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 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.

## Rother District Council

**Report to:** Planning Committee

**Date:** 23 June 2022

**Title:** Appeals

**Report of:** Ben Hook, Director – Place and Climate Change

**Ward(s):** All

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

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

### APPEALS LODGED

RR/2022/62/P (Delegation)	BEXHILL: 8 Church Vale Road, Bexhill Erection of single storey dwelling with associated parking and landscaping. (Resubmission following refusal of application RR/2021/1696/P). The Goldeneye Group
RR/2022/503/P (Delegation)	BEXHILL: 63-65 Cooden Sea Road, Bexhill on Sea Construction of an upward extension using the airspace above an existing residential and commercial premises in order to provide a single dwelling (Class C3). Vulcan 63-65 Ltd
RR/2021/1893/PN3 (Delegation)	BEXHILL: 32-34 Collington Avenue, Conquest House, Bexhill Application to determine if prior approval is required for a proposed change of use from offices (Class B1(a)) to 78 No. dwellinghouses (Class C3). Paramount Land and Development Ltd
RR/2021/2658/P (Delegation)	BEXHILL: Turkey Farm, St Marys Lane, Bexhill Erection of rear dormer, erection of rear infill extension and associated internal and external alterations. Ms Emma Farrow
RR/2021/3086/P (Delegation)	BEXHILL: 142 Pebsham Lane, Bexhill Proposed replacement detached dwelling. Mr Balwinder Singh - Khaira
RR/2021/102/P (Delegation)	BEXHILL: Chestnut Meadow Camping & Caravan Park, Ninfield Road, Bexhill Change of use of land for the siting of 50 residential caravans (park homes) to form a retirement park. Osborn Leisure LLP

RR/2022/69/P (Delegation)	BEXHILL: 18 & 20 Collington Park Crescent - Land between, Bexhill Erection of 3 No. detached dwellings. B.E.M Builders and Decorators
RR/2021/1519/P (Delegation)	BEXHILL: 81 Cooden Drive, Bexhill Demolition of existing bungalow and garage, replacement with four flats and a family dwelling, parking for nine cars, stopping up of an existing driveway access on Cooden Drive and construction of a new access and highway crossover on Pages Avenue. Anomaly Consultants
RR/2021/2529/T (Delegation)	BEXHILL: 44 Collington Rise, Bexhill T1 Sycamore - Reduce western spread of lower and mid crown to 9m; height by up to 1.5m; branch lengths to draw in over- extended laterals and balance with remainder of crown; reduce southern and eastern spread of crown from 4-10m height by up to 2m branch lengths; reduce crown height by maximum 2m branch lengths to balance with reduced lateral spread; remove major deadwood. Mr Peter Bennett
RR/2021/194/P (Delegation)	BODIAM: Park Farm Oast, Park Farm Lane, Bodiam Erection of an external staircase and balcony / veranda, construction of an overhanging roof entrance feature, new entrance doors at first floor level, changes to the previously approved elevations, comprising vertical timber boarding, amendments to the elevations to involve additional windows and enclosure of a previous opening and the surfacing of a track in permeable material. (Retrospective) Oastbrook Winery
RR/2021/2644/P (Delegation)	BODIAM: Oast View - Land Opposite, Bodiam Business Park, Bodiam Construction of 2 No. two bedroom homes and 3 No. three bedroom homes with associated landscaping. Westridge Bodiam Park Limited
RR/2020/70/P (Delegation)	BREDE: Barns Site, Steeplands - Land Adjacent to, Pottery Lane, Brede Erection of 4 bedroom detached dwelling and detached garage. Mrs A. Patel
RR/2021/2509/P (Delegation)	BRIGHTLING: Little Worge Farm, Brightling Demolition of part of agricultural barn and erection of a holiday cottage. Brightling Properties

RR/2021/2562/P (Delegation)	BURWASH: Linkway, Vicarage Road, Burwash Common, Burwash Erection of potting shed, Polytunnels and shed for storing bee keeping equipment. Mrs Debbie Beckley
RR/2021/2449/P (Delegation)	BURWASH: White House, High Street, Burwash Replacement of existing shed and open bay garage with integrated workshop and open bay garage. Dr John O'Connor
RR/2021/2450/L (Delegation)	BURWASH: White House, High Street, Burwash Replacement of existing shed and open bay garage with integrated workshop and open bay garage. Dr John O'Connor
RR/2021/3030/P (Delegation)	CATSFIELD. The Warren - Land At, Stevens Crouch, Catsfield/Battle Proposed residential development of land with 3 No. detached dwellings served by existing vehicular access Mr & Mrs A. Williams
RR/2021/2992/P (Delegation)	DALLINGTON: Haselden Farm, Battle Road, Dallington Change of use of stables to residential annexe, and installation of sewage treatment plant (Retrospective). Mr and Mrs Richard and Dianne Mower
RR/2020/923/P (Delegation)	GUESTLING: The Olde Piggery, Eight Acre Lane, Three Oaks, Guestling Change of use from Agricultural to residential. Proposed erection of 1no. Eco Dwelling, conversion of Piggery building into garage and workshop, along with associated parking, landscaping and general site features that promote a high level of ecological interest. Mr Bill Coney
RR/2021/2348/P (Delegation)	GUESTLING: Wild Meadows, Chapel Lane, Guestling Green, Guestling Demolition of existing stables and sand arena and erection for four new dwellinghouses (Use Class C3). Ms Carol Adams
RR/2020/2261/P (Delegation)	NORTHIAM: Mill Corner Stables, New Road, Northiam Construction of an 'Earth House' comprising an Eco- Dwelling in conjunction with associated rural business, incorporating conversion of Stables into therapy and treatment rooms and a permaculture and smallholding business. Mr & Mrs Matthew & Anneli Hukins
RR/2021/1935/P (Delegation)	NORTHIAM: Cooks Farmhouse – Land Adj, New Road, Northiam Proposed siting of a static holiday let unit and associated change of use of the land.

Mrs Sarah Secker

RR/2021/3084/L  
(Delegation)

RYE: 18 Landgate, Larkin House, Rye  
Alterations to roof space including formation of access through low collar in roof structure, insertion of 3 No. new rooflights in inner roof slopes, enlargements and guarding of loft hatch opening.  
Ms Tara Larkin

RR/2021/2587/P  
(Delegation)

SALEHRST/RBRIDGE: Boarsney, The Stage, Silverhill, Salehurst/Robertsbridge  
External alterations to include glazing to the elevations, a replacement external staircase and balcony, a new log burner and external BBQ/Pizza Oven area.  
Mr M. Westmoreland-Smith

RR/2021/664/P  
(Delegation)

SEDLESCOMBE: Little Swailes Green Farmhouse, Little Swailes Green Farm, Cripps Corner, Sedlescombe  
Construction of a single storey extension with a glazed link connected to existing dwelling, new enclosed porch to the North, insertion of three conservation rooflights and alterations to the existing facades with new timber weatherboarding and re-instatement of an existing brick garden wall and minor landscaping works.  
Ms Tina Kennard

RR/2021/665/L  
(Delegation)

SEDLESCOMBE: Little Swailes Green Farmhouse, Little Swailes Green Farm, Cripps Corner, Sedlescombe  
Construction of a single storey extension with a glazed link connected to existing dwelling, new enclosed porch to the North, insertion of three conservation rooflights and alterations to the existing facades with new timber weatherboarding and re-instatement of an existing brick garden wall and minor landscaping works.  
Ms Tina Kennard

RR/2020/646/P  
(Delegation)

TICEHURST: Bantham Farm, London Road, Ticehurst  
Change of use of art studio to live/work unit.  
Mr N. Watts

RR/2021/2600/P  
(Delegation)

TICEHURST: Bantham Farm, London Road, Ticehurst  
Change of Use of existing redundant and disused barn to residential use.  
Mr N. Watts

RR/2021/2597/P  
(Delegation)

TICEHURST: Fine Acres, Astricus, Tolhurst Lane, Wallcrouch, Ticehurst  
Occupation of Astricus as an independent dwelling and erection of single storey conservatory. (Retrospective)  
Mr James Lee

RR/2021/1787/P  
(Delegation)

TICEHURST: Slaves Dream, Lower Hazelhurst, Ticehurst  
Demolition of existing dwelling and replacement with new dwelling including new detached car port.



RR/2021/1473/P  
(Delegation)

WESTFIELD: The Old Chicken Barn, Hoads Farm, Moat Lane, Westfield  
Replace existing chicken barn with 1 No. detached house on same footprint and raising to accommodate a second floor, however lowering the pitch of the roof to keep the new height to a minimum.  
Mr Warren Behling

RR/2022/1013/FN  
(Delegation)

WESTFIELD: The Old Chicken Barn, Hoads Farm, Moat Lane, Battle  
Application to determine if prior approval is required for modifications to a commercial/agriculture barn  
Mr Warren Behling

RR/2020/1416/P  
(Delegation)

WESTFIELD: Whitelands Kennels, Westfield Lane, Westfield  
Demolition of existing kennels. Proposed new dwelling comprising of five bedrooms. New driveway, parking area and associated landscaping.  
Mr Damon Robinson

### **APPEALS STARTED**

RR/2020/1875/P  
(Delegation)

BATTLE: Frederick Thatcher Place - Land west of, North Trade Road, Battle  
Construction of 4 No. dwellings with associated parking and landscaping.  
Mr Harry Wills

RR/2020/357/P  
(Delegation)

BATTLE: Marley House - Outbuilding (Former Squash Court), Marley Lane, Battle  
Conversion of outbuilding (Former Squash Court) into a dwellinghouse with gardens and use of existing parking area and access.  
Mr & Mrs Tine Desoutter

RR/2021/1830/P  
(Delegation)

BEXHILL: 42 Ingrams Avenue, Bexhill  
Erect 1 bed room semi-detached dwelling.  
ox1 Group

RR/2020/1304/P  
(Delegation)

CAMBER: Dorena, Wall Farm Lane, Camber  
Demolition of existing single storey chalet bungalow and erection of a two storey 3-bedroom detached dwelling with associated car parking.  
Mr Eric Moon

RR/2021/2077/P  
(Delegation)

CROWHURST: Willow Pond House, Swainham Lane, Crowhurst  
Change of use of land for the siting of a timber cabin (caravan) for retreat holidays, re-positioned vehicular access off Swainham Lane and parking for two vehicles.

Mr Richard Warden

RR/2021/1821/O  
(Delegation)

HURST GREEN: Silverhill Pump House Business Unit  
Bodiam Road Silverhill Hurst Green  
Certificate of Lawfulness for the change of use of building  
from Class B8 (storage and distribution) to Class B1a  
(office).  
FR Studio Limited

RR/2021/2699/P  
(Committee -  
Decision)

ICKLESHAM: 6 Spring Steps, Winchelsea, Icklesham  
Proposed attic conversion and installation of 3 x rooflights  
to rear elevation.  
Mr Chris Meyer

RR/2021/1657/P  
(Delegation)

PEASMARSH: Teviot, Malthouse Lane, Peasmarsh  
Proposed 4 x bedroom dwelling with associated  
landscaping and driveway for two vehicles.  
Bright Develop Ltd

RR/2021/75/P  
(Delegation)

RYE: 44 Marley Road, Rye  
Proposed wooden cabin to side of property to be used for  
sleeping accommodation (retrospective)  
Mrs Layla Twine

RR/2021/2337/P  
(Delegation)

WESTFIELD: Little Holme, Westbrook Lane, Westfield  
Conversion of existing detached annexe building to  
create a new two bedroom dwelling, with new balcony to  
the rear. Associated division of plot to provide amenity  
space and detached outbuilding to be converted into  
summerhouse.  
Mr George Allen

RR/2022/132/O  
(Delegation)

WHATLINGTON: Forest Lodge, Hooks Beach, Vinehall  
Street, Whatlington  
Certificate of Lawfulness for a proposed part 2 storey,  
timber framed "granny" annex to the existing garage, with  
dormer to front.  
Jamie Pearson

### **APPEALS PENDING**

RR/2021/1591/P  
(Delegation)

BATTLE: Telham Meadows, Hastings Road, Battle  
Removal of existing structures and replace with  
residential dwelling. Retrospective planning approval for  
the siting of emergency temporary mobile home, minor  
site clearance and drive widening. (Resubmission  
following refusal of RR/2020/2510/P).  
Ms Clare Gilchrist

RR/2021/1102/P  
(Delegation)

BATTLE: Caldbec Hill - Land at North Side of, Battle  
Proposed detached dwelling  
Mr N. Whistler

RR/2021/116/P (Delegation)	BATTLE: 85-86 High Street, Battle Change of use of ground floor from disused shops to 2 holiday lets. Crowhurst Farm Developments Ltd
RR/2021/2851/P (Delegation)	BATTLE: 3 Virgins Croft, Battle First floor rear extension and new pitched roof to side porch and new windows and doors. Mr Daniel Bryant
RR/2021/1466/ENF (Enforcement)	BATTLE: Big Wood, Land to the East of London Road, Battle Change of use from agriculture to residential and operational development. Mr Jordon Measom
RR/2020/498/O (Delegation)	BEXHILL: The Kloofs Caravan Site, The Kloofs, Sandhurst Lane, Bexhill Application for a Certificate of Lawful Existing Use or Development for the use of the site as recreation land and service area ancillary to the caravan site. Kloofs Caravan Park
RR/2021/2942/P (Delegation)	BEXHILL: 21A Leopold Road, Bexhill Proposed loft conversion including construction of dormer to rear and addition of rooflight windows to front of dwellinghouse currently being created by conversion approved under extant planning permission RR/2018/1528/P. Mr J. Davison
RR/2020/1791/P (Delegation)	BEXHILL: 38 Thorne Crescent, Bexhill Proposed rear extension at ground floor and first floor. Mr Daniel Talbot
RR/2021/1151/P (Delegation)	BEXHILL: 3 & 5 Gunters Lane, Bexhill Two storey rear extension to number 3 and single storey rear extension to number 5, existing pair of cottages. Side extension to provide an additional 3 bedroom dwelling (resubmission). Dale Saunders Holdings Ltd
RR/2020/2418/P (Delegation)	BEXHILL: Beulah Baptist Church, Clifford Road, Bexhill Demolition of existing sanctuary and Buckhurst Room hall and construction of a new church and community centre with associated external works. Retention of the Clifford Hall and new cladding and window configuration to the Beulah Centre elevation on Clifford Road. The Trustees of Beulah Baptist
RR/2021/113/P (Delegation)	BREDE: The Lions Den, Opposite entrance to Goatham Lane, Brede Change of use of land from agricultural to outside fitness facility. (Retrospective)

Mr Ricky Burgess

RR/2021/234/P  
(Delegation)

BREDE: Brede Valley Farm, Frymans Lane, Brede  
Erection of agricultural dwelling.  
Brede Valley Farm Ltd

RR/2021/1424/P  
(Non-determination)

BURWASH: St Giles, High Street, Burwash  
Proposed detached single storey annex building  
providing accommodation ancillary to existing dwelling  
house.  
Mrs Josephine O'Donnell

RR/2020/2306/P  
(Delegation)

CAMBER: Poundfield Farm, Farm Lane, Camber  
Siting of holiday lodge for seasonal tourist/holidaymakers  
accommodation.  
Mrs Michelle Bristow

RR/2021/2012/P  
(Delegation)

CATSFIELD: St Kitts - Site Adjacent, Church Road,  
Catsfield  
Erection of 1 No. Chalet Bungalow, together with parking  
and landscaping.  
Mr Jack Waller

RR/2020/151/P  
(Committee  
Decision)

FAIRLIGHT: Pett Level Road - Land South of, Fairlight  
Cove, Fairlight  
Outline: Development of up to 43 residential units  
(including 40% affordable), including new vehicular  
access from Pett level Road.  
Wellbeck Strategic Land III

RR/2021/1765/P  
(Delegation)

GUESTLING: Sunnyside - Garage and land opposite,  
Eight Acre Lane, Three Oaks, Guestling  
Change of use of land to allow proposed parking space  
associated with dwellinghouse  
Ms Christine Harmar-Brown

RR/2020/1857/P  
(Delegation)

GUESTLING: Star Stud, Ivyhouse Lane, Guestling  
Change of use of barn to holiday accommodation.  
Mr J. O'Hara

RR/2021/1174/P  
(Delegation)

HURST GREEN: 76 London Road, Ravynsden, Hurst  
Green  
Erection of double garage and domestic workshop with  
home office over.  
Mr Nicholas Meurice

RR/2021/1020/P  
(Committee -  
Decision)

ICKLESHAM: 6 Spring Steps, Winchelsea, Icklesham  
Proposed attic conversion and installation of 3no  
rooflights to rear elevation.  
Mr Chris Meyer

RR/2021/1925/P

IDEN: May House, Wittersham Road, Iden

(Delegation)	Variation of Condition 2 (approved plans) of planning approval RR/2020/2459/P - Proposed larger outbuilding to include study and WC. Mr & Mrs T. Patrick
RR/2021/1907/P (Delegation)	MOUNTFIELD: Johns Cross Cafe - Land at, Johns Cross Road, Mountfield Outline: Replacement of existing self storage containers and construction of buildings for self storage (Class B8) along with parking, landscaping and use of existing access to the A21, with access considered. Mr M. Horley
RR/2021/2164/P (Delegation)	MOUNTFIELD: 3 Church Cottages, Church Road, Mountfield Construction of replacement garage/carport Mr & Mrs C. Norman
RR/2021/2467/P (Delegation)	NORTHIAM: Torphin, Station Road, Northiam New outbuilding to provide ancillary accommodation / annexe for disabled relative (retrospective). Mr E. Hatcher and Ms K. Russell
RR/2019/2677/P (Non-determination)	NORTHIAM: Station Road - Land South of, Northiam Demolition of the existing marketing suite and erection of 2 x detached dwellings, car parking spaces, refuse and cycle stores. Persimmon Homes Ltd
RR/2021/161/P (Committee - Decision)	NORTHIAM: Newlands, Dixter Lane, Northiam Variation of Condition 2 imposed on RR/2018/2282/P to provide two rear dormers to roof slopes of plots 1-3 to serve a new bedroom and en-suite to each property. Mr A. Town
RR/2019/2641/P (Delegation)	NORTHIAM: Coombe Cottage, Ewhurst Lane, Northiam Demolition of existing bungalow and construction of four residential units. Provision of new driveway and eco-sewer system. Mr James & Gavin Pierce
RR/2021/2759/P (Delegation)	PEASMARSH: Partridge Farm, Starvecrow Lane, Peasmarsh Change of use of the building and land from holiday let accommodation to permanent dwelling Mr and Mrs A and W Thomas
RR/2021/2888/P (Delegation)	PEASMARSH: 1 Brickfield, Main Street, Peasmarsh Erection of a two storey side extension over part of existing footprint to form 1 bedroom maisonette. Mr Peter Bedborough

RR/2021/879/P (Delegation)	PEASMARSH: Lyndhurst Cottage, Main Street, Peasmarsh Change of use from granny annexe/holiday let to separate residential dwelling. Mr Terry Denman
RR/2021/1760/P (Delegation)	RYE: 12 Market Road, K-9 Divine, Rye Change window joinery on the front elevation. Richard A Copland Chartered Surveyors
RR/2021/559/P (Delegation)	SEDLESCOMBE: 6 Park Shaw, Sedlescombe Single rear dormer, replacement of a single side garage with a car port with a hipped roof, a single storey rear extension, a front Velux Dormer & front porch. Mr Terry Creasy
RR/2020/2116/P (Delegation)	SEDLESCOMBE: The Croft, 'Aurora', Hurst Lane, Sedlescombe Construction of a dwelling house and associated landscape and access works. Mr & Mrs G M & V G Slowman
RR/2019/2833/L (Non-determination)	SEDLESCOMBE: Beanford Farmhouse, New Road, Sedlescombe Alterations and conversion of existing outbuilding to form 4 No. holiday-lets. Mr & Mrs J. Ford
RR/2019/2832/P (Non-determination)	SEDLESCOMBE: Beanford Farmhouse, New Road, Sedlescombe Alterations and conversion of existing outbuilding to form 4 No. holiday-lets and change of use of private amenity space and buildings for use by occupiers of the holiday lets. Mr & Mrs J. Ford
RR/2021/1094/O (Delegation)	WESTFIELD: Holland House, Hoads Farm, Moat Lane, Westfield Certificate of Lawfulness for an existing residential mobile home. Mrs S.A. Hawkins
RR/2021/240/P (Delegation)	WESTFIELD: Summer Cottage - Land to the south west of Whitelands, Westfield Demolition of existing storage buildings and hardstanding. Construction of new dwelling with landscaping, parking and use of existing access to the A28. Creation of a new planting buffer and biodiversity enhancements Mr and Mrs W. Cornish
RR/2021/1165/P (Delegation)	WHATLINGTON: Benham Cottage - Land at, Woodmans Green Road, Whatlington

Construction of a detached dwellinghouse, gardens, parking and use of existing access to A21 (resubmission of RR/2020/836/P)  
Mr and Mrs D. Ridler

### **APPEALS ALLOWED**

RR/2020/512/P  
(Delegation)

EWHURST: Upper Morgay Wood, Junction Road, Staplecross, Ewhurst  
Demolition of existing agricultural buildings and existing dwelling and replacement dwelling including extension of residential curtilage.  
Mr Paul Greenwood

### **APPEALS DISMISSED**

NONE

### **APPEALS WITHDRAWN**

RR/2020/558/P  
(Non-determination)

CAMBER: Car Park Central, Old Lydd Road, Camber  
Demolition of the beach locks up and replace with boutique hotel including 'Dunes Bar' restaurant at first floor level (relocated from Old Lydd Road). New visitors centre and landscaping. Existing car parking spaces relocated to the over flow.  
Mr Jimmy Hyatt

### **FORTHCOMING HEARINGS/INQUIRIES**

RR/2020/151/P  
(Committee - Decision)

FAIRLIGHT: Pett Level Road - Land South of, Fairlight Cove, Fairlight Cove  
Outline: Development of up to 43 residential units (including 40% affordable), including new vehicular access from Pett level Road.  
Wellbeck Strategic Land III  
Hearing will open at 10am on 19 July 2022 at the Council Chamber, Town Hall, Bexhill

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Ben Hook, Director – Place and Climate Change
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Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference	N/A

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Documents:

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